# Article information:

History of contact with the criminal justice system | ALRC  
<https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/2-context/history-of-contact-with-the-criminal-justice-system/>

# Article summary:

1. Understanding the history of incarceration of Aboriginal and Torres Strait Islander people is crucial to addressing their over-representation in the criminal justice system.

2. British settlement led to the imposition of foreign law on Aboriginal people, who were often subject to violence without punishment.

3. The policy of protection in the late 1800s and early 1900s created an alternative regulatory regime for Aboriginal people, limiting their contact with the mainstream criminal justice system.

# Article rating:

Appears moderately imbalanced: The article provides some useful information, but is missing several important points or pieces of evidence that would be required to present the discussed topics in a balanced and reliable way. You are encouraged to seek a more balanced perspective on the presented issues by exploring the provided research topics and looking at different information sources.

# Article analysis:

The article provides a historical overview of the contact between Aboriginal and Torres Strait Islander peoples and the criminal justice system in Australia. It highlights the complexity of addressing the over-representation of Indigenous peoples in the contemporary criminal justice system by connecting it to other forms of regulation of the Aboriginal population.

However, there are some potential biases and missing points of consideration in the article. For example, while it acknowledges that Aboriginal people were subject to a foreign system of law, including criminal law, it does not explore how this impacted their rights and access to justice. The article also suggests that violence against Aboriginal people was not often punished due to attitudes towards them and settlement proceeding ahead of colonial authority, but does not provide evidence for this claim.

Furthermore, the article presents protection legislation as creating an alternative regulatory regime for Aboriginal people that limited their contact with the mainstream criminal justice system during this era. However, it does not acknowledge how these policies were often oppressive and aimed at assimilating Indigenous peoples into European ways of life.

Additionally, while the article notes that police played a key role in administering protection legislation, it does not explore how police practices may have contributed to the over-representation of Indigenous peoples in the criminal justice system today. This is a significant omission given ongoing concerns about police brutality and discrimination towards Indigenous peoples in Australia.

Overall, while the article provides a useful historical overview of contact between Indigenous peoples and the criminal justice system in Australia, it could benefit from more critical analysis and exploration of potential biases and missing points of consideration.

# Topics for further research:

* Impact of foreign law on Aboriginal rights and access to justice in Australia
* Evidence of attitudes towards Aboriginal people and lack of punishment for violence against them
* Oppressive nature of protection legislation and its impact on Indigenous peoples
* Police practices and their contribution to the over-representation of Indigenous peoples in the criminal justice system
* Discrimination and police brutality towards Indigenous peoples in Australia
* Critiques of the historical treatment of Indigenous peoples in Australia's criminal justice system

# Report location:

<https://www.fullpicture.app/item/3032707828a56376991c81cba9c5186a>