

MONTHS IN REVIEW

SEPTEMBER / OCTOBER

compiled by Errin Walker

06/09

- ☀ The Federal Coalition announces plans to cut \$42 million from national Aboriginal and Torres Strait Islander Legal Services (‘ATSILS’) if elected.

10/09

- ☀ The 19th annual National Aboriginal and Torres Strait Islander Music, Sport and Entertainment and Community Awards (‘The Deadlys’) ceremony is held. Notable winners include retired New South Wales (‘NSW’) magistrate Pat O’Shane (Marcia Langton award for lifetime achievement in leadership), Adam Goodes (Ella award for lifetime achievement in sport), Archie Roach (lifetime contribution award for healing the Stolen Generations), and the inaugural Deadly Award for Scientist or Science Project of the Year went to ethnobotanist Gerry Turpin. ‘The Deadlys’ are held each year to recognise Indigenous achievement in music, sport, entertainment and the community.

11/09

- ☀ The South Australian (‘SA’) Minister for Aboriginal Affairs and Reconciliation introduces the Aboriginal Lands Trust Bill 2013 (SA) to the Parliament of South Australia. The Bill is the result of a SA Government review of the *Aboriginal Lands Trust Act 1966* (SA). The Minister stated the Bill, which repeals the 1966 Act, aims to modernise the SA Aboriginal Lands Trust by providing for a new independent skills-based Trust body and to improve its value as an asset to the SA Aboriginal population.

18/09

- ☀ The 44th Commonwealth Government Ministry is sworn in following the Coalition election win on 7 September 2013. The Indigenous Affairs portfolio moves to the Department of Prime Minister and Cabinet with Northern Territory (‘NT’) Senator Nigel Scullion named Minister for Indigenous Affairs.

19/09

- ☀ The SA Government Department of Education and Child Development announces its *Aboriginal Strategy 2013–2016*. The strategy contains measures and targets to improve SA Aboriginal children’s educational outcomes including school retention, literacy, and numeracy, and pathways for post-school education and employment.

25/09

- ☀ Prime Minister Tony Abbott announces the establishment of the Prime Minister’s Indigenous Advisory Council to be chaired by Warren Mundine. The Council will inform the implementation of the federal government’s Indigenous policies.

26/09

- ☀ The SA Premier announces the establishment of the Aboriginal and Torres Strait Islander Visual Arts Festival to be held in spring 2015. The planned major event aims to bring international attention to Indigenous Art in SA and will feature a series of exhibitions of Anangu Pitjantjatjara Yankunytjatjara and other select artists.

02/10

- ☀ The High Court of Australia hands down its judgment in *William David Bugmy v The Queen* [2013] HCA 37 (‘Bugmy’). The High Court unanimously allowed Mr Bugmy’s appeal from the decision of the Supreme Court of NSW Court of Criminal Appeal, which had increased Mr Bugmy’s sentence for grievous bodily harm. The well-publicised case asked the High Court to consider the so-called ‘Fernando Principles’ which give certain social circumstances a mitigating effect in the sentencing of Aboriginal offenders by diminishing the weight of the effect with the passing of time. The decision affirms the effects of profound disadvantage do not diminish in time and are to be given full weight by Judges in sentencing. However, the High Court said the same principles of sentencing apply to all offenders regardless of identity or membership to an ethnic or other group and the effects should be balanced with the other purposes of sentencing—punishment, rehabilitation, and deterrence—in individual cases.

- ☀ Also decided today was *Ernest Munda v The State of Western Australia* [2013] HCA 38, a case raising similar issues to *Bugmy*. The High Court dismissed Mr Munda’s appeal against the increased sentence for manslaughter given by the Supreme Court of Western Australia Court of Appeal. Mr Munda argued the Court of Appeal failed to take into consideration his social circumstances, including that he is a traditional Aboriginal man and had exposure to family violence and alcohol from a young age. The High Court held Mr Munda’s original sentence was manifestly inadequate and, as in *Bugmy*, restated the same sentencing principles apply to every offender regardless of their identity or membership of an ethnic or other group.

09/10

- ☀ The NT Indigenous Men’s Forum is held following the signing of the Memorandum of Understanding against family violence by Aboriginal community leaders on 23 September. Organised by Catholic Care NT and the Indigenous Men’s campaigner Charlie King, the forum discussed ways to reduce domestic violence and child abuse in the NT.

24/10

- ☀ The eighth annual National Indigenous Legal Conference ‘Two Laws Together’ is held in Alice Springs. The conference was hosted by the Central Australian Aboriginal Legal Aid Service (‘CAALAS’) and also marked the 40th anniversary for the Service.