



Welcome to
the Indigenous Law Centre's
Bi-monthly Email



April - June 2010

ILC NEWS

Speeches/seminars/conferences

Megan Davis presented PhD research on Aboriginal women and self-determination at RegNet, ANU, Canberra, June 1, 2010.

Kyllie Cripps presents research at the [Failing to Protect: Moving Beyond Gendered Responses workshop](#) at the University of Victoria, British Columbia, Canada, 26-27 April, 2010.

Kyllie Cripps presents a paper, 'Indigenous Family Violence: Unpacking the Complexities', as an invited speaker at the [Responding to Family Violence: National Perspectives – Local Initiatives conference](#) at the National Convention Centre, Canberra, 7 May, 2010.

Upcoming events and speaking engagements

Megan Davis to present at the Annual Castan Centre for Human Rights Law Conference on 16 July 2010.

Megan Davis to speak at Nura Gili Winter School Dinner, UNSW on 7 July 2010.

Megan Davis to speak at Brisbane City Council Black History Month 12 August 2010.

Megan Davis is keynote speaker at the National Indigenous Legal Conference in Canberra 1 October 2010.

ILC Open Forum 'Racism in Sport' Wednesday 8 September 6 – 8pm, Law Faculty, University of New South Wales. The panel is currently being finalised in consultation with UNSW Law expert on Sport Law, Deborah Healey. Keep an eye on our [website](#) for updates.

Media

Megan Davis writes on her UN appointment in [The Koori Mail](#)

Zrinka Lemezina on Koori Radio's Blackchat 10 June 2010

['Aboriginal Women Need to Lead from the Front'](#) – Stephen de Tarczynski interviews Megan Davis, *Inter Press Service*, 27 May 2010

Director elected to United Nations

With great pride, we congratulate ILC Director, Megan Davis, on her election to the UN Permanent Forum on Indigenous Issues. Her term commences 1 January 2011. We also

congratulate Megan on submitting her doctoral thesis. Megan was supervised by Professor Hilary Charlesworth based at the [Centre for International Governance and Justice](#) at the Regulatory Institutions Network (RegNet), ANU.

Staffing updates

Farewell to ILC researchers

Two of our researchers, Jessica Trappel and Lucienne Cassidy, have completed the last of their exams for their degree this semester and will start to look beyond university life. Lucienne will spend time travelling before looking at future job prospects and Jessica will continue to work on the *Use of Aboriginal Law in the Courts* project until she successfully finds full-time work.

New Co-editor for the AILR

Dan Threlfall will be taking over from Keiran Hardy as the co-editor of the AILR and will be working alongside Michelle Bradley on the next edition.

Research

Use of Aboriginal Law in the Courts project

The ILC is continuing its work to create a precedent database on Aboriginality and Aboriginal law in collaboration with the Aboriginal Legal Service (NSW/ACT) and AustLII. The first phase of this exciting project has substantially progressed and after recent talks with AustLII, we aim to have the database up and running as part of AustLII's [Indigenous Law Library](#) in September. Initially, the database will be based on sentencing from 2000 to 2010. This progress would not have been possible without the hard work of our committed team of volunteer students and interns, including Carrie Nicol, Tristan Harley, Nupur Saksena and Merinda Dutton. The project has also been a tremendous opportunity for continued cooperation and collaboration with the ALS (NSW/ACT) and particularly with Raymond Brazil, the ALS's Law Reform and Policy Legal Officer.

Understanding Indigenous Women's and Children's Experiences of the Justice System project

The ILC recently released its first Research Brief, [Sexual Violence and Indigenous Victims: Women, Children and the Criminal Justice System](#). The paper details the first results of our examination of some 121 cases of sexual assault cases involving Indigenous women and children as victims that have appeared before courts across Australia. Key findings included:

- The majority of the cases collected involved female victims between the ages 11 and 15. This indicates that specific attention to the experiences of victims in this age group is needed. The data also signals a need to interrogate whether this is representative of higher rates of offending against children or whether other factors result in a discrepancy between offending and prosecution (eg, decisions not to prosecute offences against adults because of a difficulty in proving lack of consent beyond a reasonable doubt).
- The majority of assaults in the cases analysed were perpetrated by people known to the victim through family or community ties.
- Victims sometimes face community pressure urging them not to proceed to court with complaints.

We have also developed a useful [resources page](#) for this project that provides links to key reports and articles.

Constitutional Reform and Indigenous People project

Work has begun on an important new research project into reform of the *Australian Constitution* concerning Indigenous people. Funded by the Commonwealth Attorney-General's Department and the UNSW Law Faculty, the project will look at the historical and contemporary position of Aboriginal and Torres Strait Islander people under the *Constitution* and at possibilities for Indigenous-related constitutional reforms. The project is being run by ILC Director Megan Davis and ILC Research Associate Dylan Lino. Expected outcomes from the project include a monograph on Indigenous people and the *Constitution*, a workshop of constitutional law experts on Indigenous-related constitutional reform, and a thematic edition of the *Australian Indigenous Law Review*. A research brief on the project is due out shortly and will be available on the ILC website.

Child Protection project

Over the past decade, the trend towards out-of-home care for Indigenous children has been rapidly increasing, giving rise to fears of a 'second Stolen Generation'. With 10,500 Aboriginal and Torres Strait Islander children currently in foster homes, the calls for a shift in policies and practices in child protection are gaining strength around Australia. ILC Director, Megan Davis, Dr Kyllie Cripps and editor of the *Indigenous Law Bulletin*, Zrinka Lemezina, are working on a research project to examine the causes of these worrying figures and to explore some possible solutions. With a very patchy application of the Aboriginal Child Placement Principle, which requires that Indigenous children be placed in culturally appropriate foster care, it is even more important that state and territory governments act now to reduce the numbers of children being taken from their families. The ILC will publish a discussion paper examining these issues later in 2010.

Updating *The Laws of Australia* encyclopaedia

The ILC has been working to update the 'International law' chapter in the 'Aborigines and Torres Strait Islanders' title of *The Laws of Australia* (Lawbook Co) encyclopaedia. Since the chapter was last revised 12 years ago, a number of significant changes in international law have occurred, including the adoption of the *Declaration on the Rights of Indigenous Peoples* in 2007 and several notable changes to the structure of the United Nations, such as the creation of Indigenous-specific bodies like the Permanent Forum on Indigenous Issues. The updating and revision process has been directed by Megan Davis, with research assistance from Dylan Lino and Lucienne Cassidy.

PhD student Erin Mackay

Erin Mackay is a higher-degree student with the Centre whose research is examining how the dominant legal system responds to sexual violence experienced by Indigenous adult women who know the perpetrator of the violence. She will also examine how the legal system should respond to this violence, through considering one or two innovative/alternative justice practices through the lens of an innovative/alternative justice theory. More information about Erin can be seen [here](#).

Publications

Indigenous Law Bulletin

In the latest edition of the *Indigenous Law Bulletin* we critically evaluated national efforts towards Indigenous land reform; checked in on the latest developments in the quest to recover wages withheld from Aboriginal workers by the NSW Aborigines Protection Board; and reflected on the disappointments of the National Human Rights Consultation, particularly regarding its treatment of Indigenous rights.

In our upcoming edition of the ILB, we examine the issues surrounding the Congress of Australia's First Peoples; take a look at the 2009 *Native Title Report*; and check in on progress under Victoria's Ten Year Plan to tackle Indigenous family violence.

Later in the year, we hope to bring you a special focus edition looking at the ever-increasing numbers of Indigenous children in out-of-home care, asking what changes need to be made to Australia's child protection system, to prevent a 'second Stolen Generation'.

We hope you have enjoyed the issues covered in the ILB – don't forget, we always welcome and encourage submissions from Indigenous communities and organisations. We look forward to hearing from you!

Australian Indigenous Law Review

Upcoming edition 14(1)

At the *Australian Indigenous Law Review*, we are currently reviewing submissions for our upcoming edition that is due out at the end of July. It is shaping up to be another great edition with lots of engaging content on a variety of topics, including: compensation for the Stolen Generations, the new National Congress of Australia's First Peoples, Indigenous Land Use Agreements, justice re-investment in the Indigenous context, the Government's NTER consultation process, and exemptions available from local government rates for Indigenous organisations.

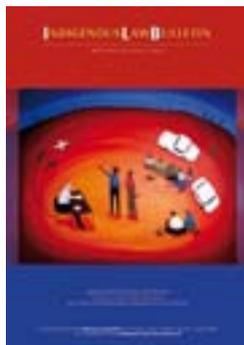
We are planning to launch the latest edition in September, so look out for further information regarding dates and times. Complementary copies of the edition will be available and light refreshments will be provided. More information will be available soon on our [website](#).

Online access

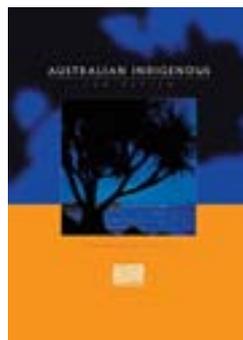
We are also striving to make the AILR more accessible online. This year for the first time there will be a [featured article](#) from each edition available to everyone online in full-text on the ILC website. The AILR is now also available on [HeinOnline](#).

Call for Papers

The AILR is now accepting submissions. The Call for Papers can be accessed [here](#).



[Volume 7\(17\)](#)
[March/April out now](#)



[Volume 13\(2\) out now](#)

The [ILC homepage](#) is regularly updated with Centre activities.
If you no longer wish to receive this bi-monthly update please email: ilc@unsw.edu.au
