

ILC eReport

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



September / October 2009

ILC News

What's been happening at the ILC

Welcome to our second e-newsletter.

Since our last report we have hosted our first Student Open Forum on alcohol restrictions in Aboriginal communities which was a great success.

Also we note that a new national Indigenous representative body has been proposed. The Centre Director along with the Sex Discrimination Commissioner and Bronwyn Penrith of Mudgin-Gal issued a joint [press release](#) applauding the gender mandated positions for the new National Indigenous Representative Body. Megan Davis has been actively involved in advocacy for equal gender representation in a national representative body. Currently there is further research being conducted into the many barriers and obstacles that remain to Indigenous women's participation such as child care, income, capacity etc.

In other news, the Director is pleased and delighted to join the Diplomacy Training Program's Board of Directors. The Diplomacy Training Program (DTP) is an independent NGO and is responsible for running human rights programs around the region. This is the [DTP's 20th anniversary](#).

The Director also recently participated as a Human Rights expert and trainer to the United Nations Institute of Training and Research (UNITAR) Regional training Legal Conference to enhance the conflict prevention and peace building capacities of Indigenous peoples representatives of the Pacific in Cairns (19th to 25th August).

On the research and conference front, ILC Researcher Erin Mackay presented her research 'A Proposal for Sui Generis Legislation to Protect Indigenous Traditional Knowledge', at the 14th Biennial Copyright Law and Practice Symposium on 16 October 2009. The Centre Director has presented her research in many forums including the a seminar on the UN Declaration on the rights of Indigenous Peoples for *Reconciliation for Western Sydney* at the Migrant Resource Centre in Parramatta. Dr Kyllie Cripps presented on violence and sexual assault in Indigenous communities at the National Indigenous Legal Conference in Adelaide. Dr Cripps has been appointed to the National Health and Medical Research Council Primary and Community Health Committee and the Aboriginal Torres Strait Islander Advisory Committee. Megan Davis was also appointed to the Australian Law Reform Commission Royal Commissions Advisory Committee and the Indigenous Advisory Committee of the Australian Law Reform Commission.

Finally Megan Davis spoke at the Australian Human Rights Centre and G+T Centre of Public Law Human Rights Roundtable on Chapter 9 of the National Human Rights Consultation report expressing disappointment at its discussion of Indigenous rights. The ILC intends to run a conference in 2010 addressing the inaccuracies of the report on Indigenous rights and the incorrect notion that Indigenous specific rights have no normative basis in law.

Fitzroy Crossing Alcohol Restrictions - Student Open Forum held on 22 September

In September, student volunteers at the ILC hosted a public forum at UNSW about alcohol restrictions in Indigenous communities. The forum presented *Yajilarra*, a documentary about a group of Indigenous women in Fitzroy Crossing, WA, who successfully campaigned to introduce alcohol restrictions in their town.

After the screening, a panel consisting of Maggie Brady, Liz Broderick, Cassandra Goldie, Jane Latimer, Sean Brennan and Megan Davis discussed the issues raised, as well as some broader questions about the complexity of balancing individual rights with the need for better health outcomes for Indigenous communities. To read more [\[http://www.ilc.unsw.edu.au/news_&_events/\]](http://www.ilc.unsw.edu.au/news_&_events/)

Proposed date & topic for 2010 ILC Student Open Forum Wednesday 14 April 'Child Protection Laws'.

The Role of Education in the Road to Reconciliation

The Director will be speaking on a panel with Kelvin Kong and Patrick Dodson on 9th November on '[Reconciliation and Education](#)'.

The talk will be the final in the BrainFood Lecture Series for 2009, which will be held at UNSW Kensington Campus on Monday, November 9. 6.00pm for 6.30pm CLB7, Kensington Campus

Bookings and Information: (02) 9385 3279 alumni@unsw.edu.au

UNSW Indigenous Research Showcase 10-11 November

Following on from the BrainFood Lecture, is the [UNSW Indigenous Research Showcase](#).

Graham Greenleaf will be presenting the Austlii/NSW Aboriginal Legal Service and Indigenous Law Centre project on the development of a database on Aboriginal law in the criminal justice system. Centre Associate Sean Brennan will also be presenting on his research '*Indigenous Legal Issues and Public Law*'

Native Title

ILC Centre Associate Sean Brennan will be offering his Native Title Practice, Policy and Procedure course in January 2010. The dates for the class are 11/12/14/15 January. For further information contact Sean: s.brennan@unsw.edu.au

Student News

[Student Volunteer Program](#)

The program enables law students both to gain a better understanding of contemporary Indigenous legal issues, as well as developing their workplace skills and experience.

Merinda Dutton, an Aboriginal law student and QANTAS cadet has been working on research with the Director on Designated Parliamentary seats for Indigenous peoples.

Social Justice Interns

The Social Justice internship is another way that students may take advantage of the opportunity to work within the Centre. The principal goal of the internship is to provide students with training and practical experience in research, writing and advocacy on aspects of policy and practice relating to social justice (especially the reduction of inequality and exploitation).

Jane Johnson was our Social Justice Intern for Semester 2. Jane worked on the Indigenous Law Bulletin and wrote a piece on the Productivity Commission's report overseen by Megan Davis and *Indigenous Law Bulletin* Editor, Zrinka Lemezina.

Other News

Remember to regularly check out our homepage to keep up to date with what the ILC is working on <http://www.ilc.unsw.edu.au/>

Publications

Indigenous Law Bulletin

The latest contents of Volume 7 Issue 13 are:

- **Wild Rivers, Conservation and Indigenous Rights: An Impossible Balance?**
Meg McLoughlin and Melissa Sinclair
- **A Tale of Two Towns: A Comparative Study of Wilcannia and Menindee**
Ruth McCausland and Alison Vivian
- **The Youth Drug and Alcohol Court – An Alternative to Custody**
Magistrate Hilary Hannam

- **A New Beginning? Looking at Victoria's Native Title Settlement Framework**
Emily Gerrard
- **'Protect, Respect and Remedy': Working to Integrate the Rights and Concerns of Indigenous Peoples into a New UN Framework on Business and Human Rights**
Rachel Davis
- **Codifying Culture: Indigenous Australian Art Commercial Code of Conduct**
Lan Pham and Terri Janke
- **Social Justice and Native Title Reports 2008**
Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma

Call for Papers

If you are a student, practitioner, part of a community organisation, or are simply concerned about issues affecting Aboriginal and Torres Strait Islander people, the ILB wants to hear from you! We welcome contributions from Indigenous and non-Indigenous authors, on a wide range of topics. For more information, please visit our website at ilc.unsw.edu.au, or contact the Editor at ilb@unsw.edu.

Subscribe Today

The ILC would like to remind you that you can sign up to have the ILB delivered to you for one year at very competitive rates. Special discounts apply for private individuals, community organisations and students – for more information, please visit our website at <http://www.ilc.unsw.edu.au/publications/ilb/subscribe.asp> or contact ILC coordinator at ilc@unsw.edu.au.

Australian Indigenous Law Review

The *Australian Indigenous Law Review* (AILR) is unique in Australian legal publishing. It brings current issues in Australian Indigenous law and policy together with developments affecting Indigenous peoples around the world.

The latest contents of the AILR, Volume 13 Number 1 include:

Commentary

Ignoring the Mercury in the Climate Change Barometer: Denying Indigenous Peoples' Rights
Paul Havemann

Indigenous Rights and Water Policy: Perspectives From Tropical Northern Australia
Sue Jackson and Jon Altman

Australia's *Ex Gratia* Redress
Stephen Winter

Gendering Decolonisation, Decolonising Gender
Kiera L Ladner

The Northern Territory Intervention and the Fabrication of 'Special Measures'
Alison Vivian and Ben Schokman

The Aurukun Rape Case, Indigenous Sentencing and the Normalisation of Disadvantage
Caithleen Storr

Unhelpful and Inappropriate?: The Question of Genocide and the Stolen Generations
Julie Cassidy

The Evolution of Rights: Indigenous Peoples and International Law
Odette Mazel

Court and Tribunal Decisions

Australia

Wurridjal v Commonwealth [2009] HCA 2

Aurukun Shire Council v Chief Executive, Office of Liquor, Gaming and Racing in the Department of Treasury [2008] QSC 305

Dates v NSW Minister for Planning [2009] NSWLEC 38

Canada

Mclvor v Canada (Registrar of Indian and Northern Affairs), 2009 BCCA 153

Ermieskin Indian Band and Nation v Canada, 2009 SCC 9

Soldier v Canada (Attorney General), 2009 MBCA 12

South Africa

Gumede (Born Shange) v President of the Republic of South Africa, [2008] ZACC 23

United States of America

Hawaii v Office of Hawaiian Affairs, 556 US ____ (2009)

United States v Navajo Nation, 556 US ____ (2009)

AILR subscriptions here:

<http://www.ilc.unsw.edu.au/publications/ailr/subscribe.asp>

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

