



July / August 2009

## ILC News

### What's been happening at the ILC

This year has been a busy one so far. There was good news earlier this year when the Federal Government endorsed the *UN Declaration on the Rights of Indigenous Peoples* in April. The ILC Director attended Parliament House, Canberra in April to hear the Commonwealth Government's formal endorsement, delivered by the Hon. Jenny Macklin.

At this time, Megan also gave a seminar at the Centre for Aboriginal Economic Policy Research (CAEPR) at ANU on the UN Declaration. She was a Visiting Scholar at CAEPR during March and April.

Earlier this year Megan also attended the National Indigenous Representative Body workshop in Adelaide held by the Australian Human Rights Commission. She also discussed this issue at the Sydney Writers' Festival on a panel with Julianne Schultz, Wesley Enoch, Gillian Cowlshaw and Sarah Maddison.

Other speaking engagements included NSW Reconciliation Council's forum for Reconciliation Week and the Shalom Gamarada 2009 Aboriginal Art exhibition's Aboriginal health forum with ILC Centre Associate Sean Brennan. In August, Megan also attended the new UN Expert Mechanism on the rights of Indigenous Peoples in Geneva.

### Dr Kyllie Cripps to join the Indigenous Law Centre in 2010

The Faculty of Law and the Indigenous Law Centre are pleased to announce that Aboriginal scholar Dr Kyllie Cripps will be commencing as a Senior Lecturer in 2010.

Dr Cripps is currently an Indigenous research fellow with the Onemda Vic Health Koori Health Unit, Centre for Health & Society at the University of Melbourne. Her research interests include issues relating to Indigenous family violence, sexual assault and child abuse, including policy development and program/service delivery. The ILC is excited to welcome Kyllie to the centre.

### Indigenous Art and the Law

Director of the Indigenous Art and the Law Project, Erin Mackay, published the first article from the project in the *University of New South Wales Law Journal* titled '[Indigenous Traditional Knowledge, Copyright and Art—Shortcomings in Protection and an Alternative Approach](#)'.

### Coronial Reform

In February, then Federal Minister for Home Affairs, the Hon. Bob Debus formally launched the *Australian Indigenous Law Review* Special Edition on Coronial Reform. This publication was a collaborative project, carried out with the support of Aboriginal Legal Services around Australia. The launch coincided with the ILC's hosting of a national meeting of Aboriginal Legal Services law reform officers. Copies of the special edition can be obtained by emailing [ilc@unsw.edu.au](mailto:ilc@unsw.edu.au)

To follow the progress on the debate on Coronial Reform following the release of the Special Edition, please refer to our Resources page:

<http://www.ilc.unsw.edu.au/resources/Coronial%20Reform%20and%20Indigenous%20Deaths.asp>

### CEDAW Indigenous Shadow Report

The ILC is actively involved in NGO shadow report processes. This year, the ILC hosted human rights researcher Annie Pettit and provided funding to assist Michelle Bradley, an ILC Research Associate, in carrying out early statistical updates of the CEDAW Indigenous shadow report. The final report was written by Alison Laird in consultation with ILC Director Megan Davis and Leanne Miller from *Koorie Women Mean Business*. Alison was also assisted by an Advisory and Editorial Committee.

Megan has written an article on the intersection between the Convention on the *UN Convention on the Elimination of all Forms of Discrimination against Women* (CEDAW) and the *UN Convention on the Elimination of all Forms of Racial Discrimination* (CERD). In this piece, Megan considers the notion of 'consent' and how it relates to community consultations for the introduction of special measures. This article is available at [http://www.ilc.unsw.edu.au/publications/documents/ILB\\_v7\(10\)MD.pdf](http://www.ilc.unsw.edu.au/publications/documents/ILB_v7(10)MD.pdf)

## Civics and Law

The ILC is currently producing a Civics and Law Guide for Aboriginal communities. Research Associate Michelle Bradley is taking the lead on this project and is working closely with ILC interns and volunteers Jessica Trappel, Merinda Dutton and Peta McGillavray. The project will take the form of a 30-page educational handbook and will explain the fundamental public law principles at work in Australia's legal system. We hope that this project will promote a better understanding of the relationship between Aboriginal law and the Australian legal system.

## Student Involvement at the ILC

### 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. If you wish to learn more about this ILC opportunity, please email [ilc@unsw.edu.au](mailto:ilc@unsw.edu.au).

### 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).

Jessica Trappel was our Social Justice Intern for Semester 1. Jessica worked actively on the ILC's Constitutional Reform Project, overseen by Megan Davis and *Indigenous Law Bulletin* Editor, Zrinka Lemezina. Following her internship, Jessica has continued working at the ILC and will shortly start research on the Customary Law project, an initiative developed in conjunction with the Aboriginal Legal Service (NSW).

Peta MacGillvray, a fourth year Law Student at UNSW closely affiliated with the ILC, has been awarded [The John Koorwarta Reconciliation Law Scholarship](#). The ILC congratulates Peta on her achievement!

## Other News

### Student subscription rate \$20

The ILC introduces a new subscription rate for the *Indigenous Law Bulletin* for students: for \$20 you will receive the *Indigenous Law Bulletin* for 12 months. This represents exceptional value as the journal is an important educational tool in education and learning. We encourage students to take up subscription by following the quick steps under ['Publications'](#)

### Student Forum: Fitzroy Crossing alcohol restrictions

In September this year, student volunteers at the ILC will be hosting a public forum at UNSW about alcohol restrictions in Indigenous communities. The forum will present *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 of key speakers from the Indigenous, health and government sectors will discuss issues raised, as well as some broader questions about the challenges involved in balancing individual rights with the need for better health outcomes for Indigenous communities. For further information email [ilc@unsw.edu.au](mailto:ilc@unsw.edu.au).

### Indigenous Research in the Faculty of Law

We have recently uploaded a document summarising the research that is conducted by UNSW Law staff on Indigenous legal issues. Primarily intended as a reference tool, please feel free to email staff members to learn more about their work. This document is called ['Research in the Faculty of Law, UNSW on Indigenous Legal Issues'](#).

### National Indigenous Legal Conference 2009

The fourth annual National Indigenous Legal Conference is being held in Adelaide on 24-25 September at Bonython

Hall, Adelaide University. Visit their website for further details: [www.nilcsa2009.com](http://www.nilcsa2009.com)

### **Australian Institute of Criminology – Indigenous Young People, Crime and Justice Conference**

The Australian Institute of Criminology, in partnership with the NSW Commission for Children and Young People, the NSW Attorney-General's Department and the Australian Human Rights Commission, will host a national conference on Indigenous young people, crime and justice on 31 August-1 September at the Crowne Plaza Hotel, Parramatta. Visit their website for further details: <http://www.aic.gov.au>.

### **Stronger Smarter Summit, a national summit on successful strategies for Indigenous Education Monday 28 & Tuesday 29 September 2009, Brisbane**

The inaugural Stronger Smarter Summit will create a space for people from across Australia to come together to engage with inspirational leading educators who have delivered on the promise and commitment of providing quality education outcomes to all Indigenous children. <http://www.strongersmartersummit.qut.edu.au/>

## **Publications**

### Indigenous Law Bulletin

Volume 7 Issue 12

[Statement From Dr Gawirrin Gumana AO](#)

[Improving Law and Justice Outcomes for Indigenous Women and Children](#)  
Shelley Burchfield and Antoinette Braybrook

[Mutant Messages 2: Victoria's Indigenous Family Violence Plan](#)  
Kyllie Cripps and Leanne Miller

[When It's a Question of Social Health and Well-Being, the Answer is not Prison](#)  
Brian Steels and Dot Goulding

[An Interview with Louise Taylor](#)  
Heman Lee

[The National Cross-Border Justice Scheme](#)  
Chris Charles

[Frameworks to Settling Native Title](#)  
Adam McLean

[Months in Review – May/June](#)

ILB subscriptions here:  
<http://www.ilc.unsw.edu.au/publications/ilb/subscribe.asp>

### 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 12 Number 2 include:

#### **Commentary**

[Never Mind Human Rights, Let's Save the Children: The Australian Government's Emergency Intervention in the Northern Territory](#)  
Louise Pounder

[Criminal Law and Sentencing Issues Amongst Indigenous Communities: Questions From Aurukun](#)  
The Hon Geoffrey M Eames QC

[Justice Talk: Legal Processes and Conflicting Perceptions of Justice About a Palm Island Death in Custody](#)  
Janet Ransley and Elena Marchetti

['We're From the Mining Industry and We're Here to Help': The Impact of the Rhetoric of Crisis on Future Act Negotiations](#)  
Sarah Burnside

[Prison Environments and the Needs of Australian Aboriginal Prisoners: A South Australian Case Study](#)  
Elizabeth Grant

## Court and Tribunal Decisions

### Australia

*Northern Territory v Arnhem Land Aboriginal Land Trust* [2008] HCA 29

*Minister Administering the Crown Lands Act v NSW Aboriginal Land Council* [2008] HCA 48

*R v KU; Ex Parte Attorney-General* (Qld) [2008] QCA 154

*Lansen v Minister for Environment and Heritage* [2008] FCA 903

*NTD8 v Australian Crime Commission (No 2)* [2008] FCA 1551

*C Incorporated v Australian Crime Commission* [2008] FCA 1806

### Canada

*R v Kapp*, 2008 SCC 41

*Little Salmon/Carmacks First Nation v Yukon (Minister Of Energy, Mines And Resources)*, 2008 YKCA 13

### South Africa

*Shilubana v Nwamitwa* [2008] ZACC 9

AILR subscriptions here:

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

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