



July - September 2010

ILC NEWS

Webcast of ILC Forum on **Racism in Sport** (panel including NRL CEO David Gallop) is now available on UNSWTV website <http://tv.unsw.edu.au/video/racism-in-sport1>

Director of the ILC Megan Davis wins 2010 [NAIDOC Scholar of the Year](#) award

Director of the ILC, Megan Davis delivered the 11th **Vincent Lingiari Memorial Lecture**. The Vincent Lingiari lecture is the most prestigious annual public lecture on Indigenous issues in Australia. Megan's lecture mapped the history of Indigenous engagement with the United Nations and the international human rights system. In doing so it reflected on recent achievements such as the UN Declaration on the Rights of Indigenous Peoples. However this lecture also raised the limitations of the international human rights system for Indigenous peoples and the challenges of the right to self-determination as recognised in international law. This lecture advocated a transformation in the way Indigenous people think and speak about human rights. The lecture will soon be available on: www.ilc.unsw.edu.au

The ILC and the Faculty of Law warmly welcomes **April Long**, an Indigenous law student and Gilbert+ Tobin (G+T) law cadet as the 2011 Editor of the *Indigenous Law Bulletin*. We are excited to have April on board. April has been working with G+T for the past few years as an inaugural cadet in their Indigenous legal cadetship program. This cadetship reflects G+T's support for reconciliation. Director of the ILC, Megan Davis, has a long association with G+T as a member of the Indigenous advisory board working on the G+T Reconciliation Action Plan. In the meantime, reflecting the ILC's ongoing commitment to the mentoring of Indigenous and non-Indigenous law students interested in Indigenous law and policy, we have engaged Lucienne Cassidy and Peta MacGillivray as interim Editors of the *Bulletin*.

The first edition of the ***Australian Indigenous Law Review*** for 2010 was launched at the [National Indigenous Legal Conference](#) in Canberra on 2 October 2010.

The *Australian Indigenous Law Review* is now available on **HeinOnline**.

Check out the latest *Australian Indigenous Law Review* [featured article](#) available in full-text on the ILC website.

[Call for Papers](#): *The Australian Indigenous Law Review* is now accepting submissions for 2011.

ILC PhD scholar Erin Mackay consulted with the Arts Law Centre on the development of their **Indigenous Intellectual Property toolkit** in July.

The ILC is currently hosting and supporting the renewal of **Ngalaya - an association for Indigenous legal practitioners, law graduates, legal support workers and law students in NSW**. Ngalaya has been struggling during the past years to operate and maintain its distinct identity in the legal profession in the absence of funding. Thus Ngalaya's administration is currently being supported by the ILC. This reflects the ILC's commitment to Indigenous legal education and the mentoring of Indigenous law students and new and

emerging Indigenous legal professionals. See below details for its next AGM. Presently, Ngalaya is working on a membership drive and developing a mentorship program. If you are interested in becoming a member, you can obtain membership forms for Ngalaya through the ILC website: http://www.ilc.unsw.edu.au/people/about_ngalaya.asp

Speeches/seminars/conferences

Megan Davis was keynote speaker at National Indigenous Law Conference in Canberra, 1 October 2010.

Kyllie Cripps presented at the [Healing Our Spirit Worldwide Conference](#) in Hawaii, 3 – 10 September 2010.

Megan Davis delivered the [11th Vincent Lingiari Memorial Lecture](#) in Darwin, 19 August 2010.

Megan Davis spoke on UN and UNDRIP at Black History Month in Brisbane, 12 August 2010.

Megan Davis taught for UN Institute of Training and Research on Conflict Resolution and Peace Building Capacities of Indigenous Peoples in Cartigny, Switzerland, 19 July 2010.

Megan Davis attended UN Expert Mechanism on the Rights of Indigenous Peoples, Geneva, 14 – 16 July 2010.

Megan Davis was keynote speaker at [UNSW Nura Gili Winter School](#) dinner, 7 July 2010.

ILC Publications

E Mackay, 'Indigenous IP Update' (2010) 28(2) *Copyright Reporter* 130

M Davis and D Lino, [ILC Research Brief # 2 Constitutional Reform](#)

M Davis and D Lino ['Constitutional Reform and Indigenous Peoples'](#) (2010) 7(19) *Indigenous Law Bulletin* 3

K Cripps, 'Chapter 11: Indigenous family violence: Pathways forward' in N Purdie, P Dudgeon & R Walker *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice* (Australian Council for Education Research, 2010)

K Cripps & L Miller, "Mutant Messages 3: Victoria's Indigenous Family Violence Plan" (2010) 7 (18) *Indigenous Law Bulletin* 10

ILC Open Forum 'Racism in Sport' held 8 September 2010

The Centre hosted the third in a series of open forum events at the Law Faculty, UNSW. The forum sought to explore racism in sport as a response to the highly publicised media coverage of Timana Tahu's walk out of the NSW State of Origin team as a protest against racial remarks made by coaching staff. The forum was attended by students, academics and professionals. It presented a structured discussion, introduced by Director of the ILC Megan Davis, and led by an expert panel which included the NRL CEO David Gallop, Race and Disability Commissioner Graeme Innes AM, academics Dr Barry Judd and Deborah Healey, as well as Indigenous netballer Marcia Ella-Duncan AO.

The night was a great success due to the high calibre of the panellists, the dynamic and informative discussion which ensued, and the cross section of attendees who expressed diverse

views on the issue. The forum challenged the audience by emphasising that a subtle culture of racism still exists today in sport and society. Despite a semblance of social progression towards reconciliation, there is still a long way to go. The panellists all agreed that through education, particularly targeted at the younger generation, we can begin to break down racial intolerance and promote enhanced awareness.



Left to right: Marcia Ella-Duncan, David Gallop & Graeme Innes

You can view the forum on YouTube <http://www.youtube.com/watch?v=9bNV53ZFyLY> or from the UNSWTV website <http://tv.unsw.edu.au/video/racism-in-sport1>

Community: ILC supports the Deadly Vibrations event



The ILC supported and hosted a stand at the “Deadly Vibrations” with ILC staff Lucienne Cassidy, Jessica Trappel and many of the ILC volunteers helping throughout the day. Deadly Vibrations was a day of activities and performances with the aim of engaging Aboriginal and Torres Strait Islander children, high school students and their families, with the hope of building a strong relationship between local communities and the UNSW campus. The event was a great success due to the hard work of Peta MacGillivray and April Long, both UNSW Law students and Co-Indigenous Officers on the Student Representative Council, who have a strong connection with the Centre. They are seen here with the Deputy Vice Chancellor of UNSW Professor Richard Henry.



Giving some budding young artists a helping hand



Quick group photo! The t-shirts were hotly sought after and very funky.

Research

PhD student Erin Mackay

Erin Mackay is a higher-degree student with the Centre and the new Director of a project investigating Aboriginal woman's experiences before the Courts in sexual assault cases. Erin's doctoral 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 is interrogating specific justice mechanisms through the lens of therapeutic jurisprudence.

More information about Erin and her research is available at http://www.ilc.unsw.edu.au/people/higher_degree_students.asp



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

The ILC has had an overwhelmingly positive response to the ILC's first research brief, *Sexual Violence and Indigenous Victims: Women, Children and the Criminal Justice System*. This brief is the first publication of the *Understanding Indigenous Women's and Children's Experiences of the Justice System* project and the Chief Investigators are Megan Davis and Kyllie Cripps. This project has been funded by Commonwealth Attorney-General's Department and the Faculty of Law.

Since our last eReport, we have had several meetings and phone calls with government departments across the country eager to assist in the identification of cases to be included in our study and we have welcomed their contributions.

Erin Mackay has joined the team conducting data analysis. We welcome Erin as a Director of the project, working alongside the Chief Investigators Megan Davis and Kyllie Cripps. Erin is a lawyer and prior to this role worked for the Australian Law Reform Commission on the Privacy and Family Violence references.

In September, Kyllie Cripps presented on behalf of the research team a paper entitled 'Indigenous Sexual Assault Cases & the Australian Justice System' at the Healing Our Spirit Worldwide Conference in Honolulu, Hawaii. A copy of the presentation will soon be available on the Indigenous Law Centre website and on the conference website: <http://www.hosw.com/>. This paper presented some interim findings from our data including:

- In three quarters of the cases, the defendant pleaded guilty to all charged offences and there appears to be evidence of plea bargaining in many of these cases;
- Almost all of the perpetrators in our sample are Indigenous.
- 38% of victims were assaulted by perpetrators affected by alcohol and/or drugs and/or other substances at the time of the assault;

Further research findings will be available in our next research brief, which we expect to be available before the end of year.

Constitutional Reform and Indigenous Peoples project

Megan Davis is the Chief Investigator on the Constitutional Reform and Indigenous Peoples project of which she has had funding over the years from the Australian Research Council, the Commonwealth Attorney-General's Department and the UNSW Faculty of Law. Importantly for the project, Indigenous constitutional reform featured in the 2010 federal election campaign, with both major parties making commitments to pursue constitutional recognition of Indigenous people. To date, the Constitutional Reform and Indigenous Peoples project has produced a [Research Brief](#), a [resources webpage](#) and an [article by Megan Davis and ILC Research Associate Dylan Lino in the Indigenous Law Bulletin](#).

Megan and Dylan continue to research and write their monograph on Indigenous people and the *Constitution*. Progress has also been made on the project's invitational workshop of constitutional law scholars to be held in 2011, with UNSW's Gilbert + Tobin Centre of Public Law now co-hosting the workshop. A second Research Brief discussing particular options for Indigenous constitutional reform is due out by the end of 2010.

Publications

Indigenous Law Bulletin

After two years as the Editor of the *Indigenous Law Bulletin*, Zrinka Lemezina has moved on to new pastures. The ILC thanks Zrinka for her contribution as Editor and wish her the best of luck in her new role at the NSW Law Reform Commission.

The next few months promise to be very exciting at the *Bulletin*, with a team of editors taking on the role. I will be the Editor for the next edition, before the *Bulletin* baton is passed to Peta MacGillivray and finally to April Long, who will take the role on permanently from March next year. Erin Mackay, a former Editor of the *Australian Indigenous Law Review*, will also provide some assistance to the Editors. I look forward to bringing you the next edition, focussing on racism in sport, the topic of our third and very successful ILC Open Forum held in September this year. At the Open Forum, panellists debated the ongoing problem of racism in men's and women's sports, how government and sporting authorities can best tackle the issue and how we can use sport as a tool for combating racism in wider society. I hope to develop the debate in the next edition, as well as delivering a book review and a handful of articles investigating current Indigenous legal issues. We hope you enjoy what's in store for the *Bulletin* in the coming months.

Australian Indigenous Law Review

Volume 14 Number 1 out now

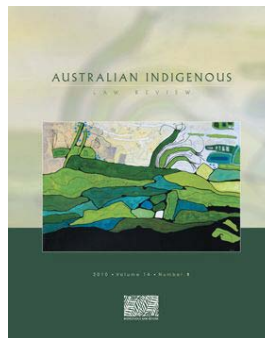
It is an exciting time at the Australian Indigenous Law Review. We have just put out the latest edition, Volume 14(1), which reflects on a diverse range of issues that impact Indigenous people, including: compensation for the Stolen Generations; the new National Congress of Australia's First Peoples; Indigenous Land Use Agreements; justice re-investment; the Government's NTER consultation process; and exemptions available from local government rates for Indigenous organisations.

We have also started work on our upcoming edition, which will have more of an international focus. Submissions we have received so far address the use of Maori language in the New Zealand Parliament; racial discrimination against Indigenous peoples in sporting tribunals; legal personality as a vehicle for recognising Indigenous peoples' relationships to water; and the rights of Indigenous people under the Canadian Charter of Rights and Freedoms.

Finally, there has been a change of Editors. Michelle Bradley is graduating and moving on to a position at the NSW Land and Environment Court. Michelle has also been a researcher at the ILC working with Megan Davis for the past 2 years on constitutional reform and the Civics and the Law project. We wish her the best of luck at the Land and Environment Court. Daniel Threlfall and Daniel Wells will be taking over as co-editors.



[Volume 7\(19\)
July/August out now](#)



[Volume 14\(1\) out
now](#)

Ngalaya News

Ngalaya is the association for legal practitioners, law graduates, legal support workers and law students in NSW. Presently, the ILC is hosting Ngalaya's administrative activities.

The organisation is currently undertaking a recruitment drive, all you need to do is complete the [Application Form](#) and submit via email or post and your application will be assessed at the next Ngalaya meeting, which is currently set down for 9 November 2010. You can find out more through the ILC website: http://www.ilc.unsw.edu.au/people/about_ngalaya.asp

Through the membership drive Ngalaya hopes to boost their numbers to ensure viability but more importantly start to address some of the keys issues that have been raised at previous meetings. One of their first initiatives for 2011 is to set up a mentoring program for Indigenous law students studying in New South Wales. It was agreed a mentoring program would go a long way to help students through their years of study at their respective institution. The website will be updated over the coming months about the initiatives proposed by the committee and they look forward to your input so please ensure you refer to website frequently.

Ngalaya was recently awarded the National Indigenous Legal Conference for 2011 so it is very important that we all throw our support behind them to ensure the event is meaningful and topical

and responds to the needs of the legal community. If you are eligible for Ngalaya, sign up today – membership is free and it will help make the organisation strong and responsive to the needs of the community.

**Ngalaya Corporation Annual General Meeting 2010
Tuesday 9th November, UNSW Faculty of Law, 6:00pm.**

Notice is hereby given of the 2010 Annual General Meeting (AGM) of Ngalaya Corporation. The 2010 AGM of Ngalaya Corporation will be held on Tuesday 9 November 2010.

The business of the 2010 AGM will be:

- Positions on executive declared vacant and election of President, Vice-President, Treasurer and Secretary

All members are encouraged to attend the AGM.

If you wish to join Ngalaya, you may attend this meeting. Eligibility requirements are stated on [membership application](#). Bring your complete application form to the meeting.

Scholarship Opportunities

2 PhD SCHOLARSHIPS

There is an opportunity for two students to take up PhD scholarships connected to a large national Australian Research Council funded project. The ARC project is undertaking research on the civil and family law needs of Aboriginal and Torres Strait Islander people in Queensland, Northern Territory, Western Australia and Victoria. Some preliminary work was conducted for NSW Legal Aid and can be accessed at:

<http://www.legalaid.nsw.gov.au/data/portal/00000005/public/68525001257471253543.pdf>

The research team is led by Professor Chris Cunneen (JCU), Professor Larissa Behrendt (UTS) and Melanie Schwartz (UNSW).

The postgraduate award will be approximately \$26,999 pa for three years. Indigenous candidates are particularly encouraged to apply.

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

