

ILC eNewsletter

Welcome to
the Indigenous Law Centre's
latest newsletter.



Number 6, 2012

ILC : OPEN FORUM SERIES

The Centre is hosting an ILC Open Forum in partnership with **YouMeUnity** and **National Congress 'Does Constitutional reform negate Aboriginal Sovereignty?'**

Professor Megan Davis, Director of the ILC will Chair a panel discussion with **Professor George Williams**, Australian Research Council Laureate Fellow, Faculty of Law, UNSW, **Nicole Watson**, Senior Researcher, Jumbunna Indigenous House of Learning, UTS and **Les Malezer**, Co-Chair Elect of National Congress of Australia's First Peoples will clarify in their discussion any misleading preconceptions on this topical debate.

Date: Thursday 13 September commencing at 6.30pm, Utzon Room, Sydney Opera House

Further details from [YouMeUnity](#) or you can download the [flyer](#) with full details of the event.

ILC Open Forums are open to all and free.



In our previous e-newsletter we announced the Centre would be hosting an open forum and an invited workshop on Native Title and the Mining Boom, this forum and workshop has been moved over to S1, 2013

ILC Director's Public Talks

2012 Narm Oration

Thursday 8 November, 5.00pm - 6.30pm at 'The Spot' Basement Theatre, Faculty of Business & Economics. Further details will be available from [The Murrup Barak, Melbourne Institute for Indigenous Development](#) website.

Freilich Foundation Annual Lecture in Bigotry and Intolerance 2012

Thursday 18 October @ 6pm, Sir Roland Wilson building, ANU. Further details can be found from the [Freilich Foundation](#) website.

Wentworth Lecture was given by Professor Megan Davis at the National Library Theatre on 7 August. The lecture was recorded by AIATSIS and will be available from their website.



Megan Davis presenting the Wentworth Lecture (Photo courtesy of AIATSIS)



From left to right: Janette Murdoch, Centre Coordinator, Courtney Adamson, Social Justice Intern, Megan Davis, Michael Brull, Social Justice Intern & Robert McCreery, ILB Editor (Photo courtesy of AIATSIS)

ILC Director's Public Talks

❖ **The ILC teamed up with the UNSW Law School to run an essay competition to recognise the significance of the Mabo decision on Australian politics and law.**

Year 11 and 12 students across Australia were invited to take part in the Essay Competition. The essay topic was chosen to raise awareness within schools of the 20th anniversary of the Mabo decision.

'In 1992, Prime Minister Paul Keating said that the High Court decision in Mabo 'establishes a fundamental truth and lays the basis for justice'. What did he mean by this statement?'

Congratulations to the finalists:

Winner: Daniel Lopez, Year 12, Emmanuel School, Victoria

Runner Up: Brigitte Rheinberger, Year 12, Abbotsleigh, NSW

Third Place: Nicholas Yuen, Year 12, Killara High School, NSW

Winner Daniel Lopez said, "To have won the UNSW Law Essay Competition is a fantastic honour! It was great to be able to apply the writing skills and legal knowledge that I have learnt at school to real world issues. I found the topic immensely interesting as it not only called for the Mado decision to be viewed through a legal perspective, but also required me to evaluate the outcomes the decision had on shaping Australian society and politics."

To read the winning essay [click here](#).

❖ **Online Resource for School Students**

The latest initiative of the Centre is the creation of an online resource for school students covering Australian Indigenous History in relation to law and policy.

This resource is aimed at High School aged students with an interest in Legal Studies, History and Aboriginal Studies. We recognised the need for an online resource that comprehensively covers important Indigenous issues including Native Title, the Stolen Generation and Reconciliation along with relevant multimedia and social networking tools. We also are attempting to fill identified gaps in the education of non-indigenous people in relation to the history of Indigenous Peoples in Australia.

This website is being developed and maintained by interns at the Indigenous Law Centre, students at the Faculty of Law at UNSW in consultation with academic members of the Centre. Those who have worked on the project so far are Ellena Petinos, Hadeel Al-Alosi and Jessie Holgersson. We will be launching the site in the coming weeks so please ensure that when you receive the notice you take a little time to review the site as we would value your feedback.

Australian Courts Considering Aboriginality Case Summaries Project (AUCCACS)

The AUCCACS database launched on AustLII on Tuesday 10 July, was respectfully dedicated to Judge Bob Bellear. UNSW law students have worked with the ILC to develop case summaries of criminal sentencing cases that consider the Aboriginal background of the defendant. Each summary contains basic information relating to the case, a brief description of why the defendant's Aboriginal background, their cultural practice or customary law of their community was relevant to the case and how it was considered by the court. The database has been designed as a clinical tool for Aboriginal and Torres Strait Islander Legal Services, as well as for other legal aid organisations, community legal centres and legal practitioners representing Indigenous clients. The database will also serve as a resource to policymakers, researchers, law students and community advocates. It is now accessible online at <http://www.austlii.edu.au/au/cases/other/AUCCACS/>. To learn more about the project and or become involved view our [website](#).



From left to right: Raymond Brazil, Law Reform and Policy Legal Officer, ALS (NSW/ACT), Debra Ronan Associate Lecturer, Macquarie University, Richard Hunter, Development Manager, AustLii, Patty Veliz, AUCCACS Project Coordinator, ILC, Philip Chung, Executive Director, AustLII

ILC Internship opportunities

Aurora Intern Leigh Kinsela writes about her experience at the Centre during her 5 week internship during June/July

What a whirlwind five weeks at the Indigenous Law Centre! From dabbling in the world of academic publishing at the Indigenous Law Bulletin and confronting the challenge of organising a multidisciplinary forum on Indigenous youth suicide, to observing vibrant intellectual debate between feminist scholars about the NT intervention – interning at the ILC has been a fascinating experience. From day one I felt welcome in the friendly, supportive environment created by my ILC colleagues and coordinated by the kind and very capable Janette Murdoch!

Highlights? Certainly helping draft a comprehensive Native Title timeline for publication in the ILB. Covering the development of Indigenous real property rights over the last century was an informative and highly valuable exercise, especially given my interest in pursuing a career in native title. However, top place on the podium must be reserved for the research on indigenous communities and the mining boom that I undertook for Professor Megan Davis as part of her UN reporting duties. With new studies emerging from many disciplinary perspectives and an ongoing parliamentary inquiry into the impacts of the FIFO scheme on regional Australia, the effect of the mining boom on aboriginal communities is definitely a 'here and now' issue. Compiling information on this broad area really expanded my research capabilities, especially knowing that this material would form a potential basis for Professor Davis' reporting to the UNPFII later this year.

To conclude, I encourage any student wishing to obtain some experience in legal and general policy research to consider an internship at the ILC. It is so important to keep this engine room of independent, critical thinking on Indigenous affairs running! Furthermore, it is a great opportunity to move one's skills in professional communication and research beyond generic undergrad assessment and into the exciting realm of research that engages with and potentially influences the public domain.

ILC NEWS

The Centre has recently begun work on a project to develop an online, ongoing and easily updated database available to the public on how the **United Nations Declaration on the Rights of Indigenous Peoples** (UNDRIP) is being implemented around the world.

Many Indigenous peoples claim that the UNDRIP is customary international law or indeed that aspects of the UNDRIP have entered into customary international law. It is important, therefore, that we monitor the extent to which the UNDRIP is implemented and used (practised) by states to allow us to have a more concrete idea of its success/popularity/utility for states and other bodies. This project will assist in this process through the development of an important tool that will enable us to measure the development of 'customary international law' in relation to the UNDRIP.

Funding for the project is provided by the Attorney-General's Department and is undertaken in conjunction with the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP). The database will be hosted on the AustLII website.

What else is happening

The [World Indigenous Lawyers' Conference](#) will be held in Hamilton, New Zealand from Wednesday 5 September – Saturday 8 September 2012.

The [National Indigenous Legal Conference 2012](#) will be held at The University of Notre Dame Australia and the University of Western Australia Fremantle and Perth, WA 5-6th October, 2012. This year's conference addresses two key themes, New Approaches to Justice, and Cultural and Natural Resources Management. Within these two main themes, the conference will feature a number of fascinating sessions, including discussions on the Noongar Claim, Stolen Wages, Indigenous Ecological Knowledge, and Youth Diversionary Programs in criminal justice. Early Bird registration closes 3rd September.

Funding is available through [YouMeUnity](#) for organisations, such as schools, non government organisations, associations, clubs and businesses, who want to help raise awareness and

community support for constitutional recognition of Aboriginal and Torres Strait Island people.

Please share this with your networks. It can also be shared via our Facebook (<https://www.facebook.com/YouMeUnity>) and Twitter postings (<https://twitter.com/YouMeUnity>)

Staying informed

Follow ILC on Twitter http://twitter.com/ILC_UNSW

Publications

Indigenous Law Bulletin May/June Edition 7-30

In this edition David Pheeney from the ALS critiques the evolution of NSW bail laws over the past 34 years. David argues that during this period an individual's right to bail has been steadily eroded.

Desmond Manderson questions whether the Federal Government has in any way satisfied its legal consultation obligations with respect to the Government's proposed Stronger Futures legislation.

Fiona Martin examines taxation of mining payments in remote communities, comparing charitable institutions to Indigenous Economic and Community Development Corporations.

In the featured article Ben Schokman critically considers the highly topical Stronger Futures Legislation and its compatibility with human rights principles and standards.

Brenda Gunn writes on the process of reconciliation through recognising the right to self-determination, arguing that the *UNDRIP* now presents the best opportunity for Indigenous peoples to rebuild relationships with colonial governments.

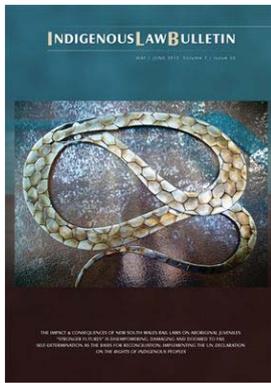
Finally, Ingrid Hammer draws parallels between mining, human rights and the cultural impact of development on Indigenous communities in Australia and Mexico.

The edition features the artwork of aboriginal steel artist, Wayne McGinness.

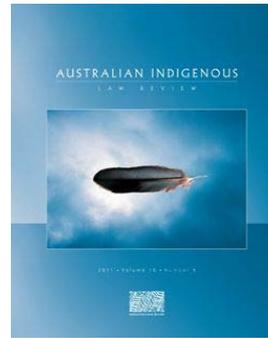
Australian Indigenous Law Review Issue 15(2)

Issue 15(2) is a thematic issue, a comprehensive examination of issues relating to constitutional reform to achieve Indigenous rights and recognition. The Indigenous Law Centre hosted a workshop in July of 2011, where all the contributors and discussants attended to present their pieces and gave one another feedback. With a referendum looming, this collection of articles and discussant pieces is particularly relevant. The content for the edition covers eight constitutional topics, including changing the preamble, agreement-making, the race power, equality and non-discrimination provisions, section 51(xxxi) compulsory acquisition, and land rights.

Contributors include Anne Twomey, Paul Kildea, Geoffrey Lindell, Sarah Pritchard, Dylan Lino, Hilary Charlesworth, Andrea Durbach, Sean Brennan & Margaret Stephenson, with the Foreword written by Megan Davis and Andrew Lynch.



[Latest issue](#)
[Volume 7\(30\)](#)
[May/June](#)



AILR Issue 15(2)
will be mailed out
end of August to all
current subscribers

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

