

January – March 2010

## ILC News

### What's been happening at the ILC

#### ILC speaking engagements

- Megan Davis presented on Indigenous representation and self-determination at the UN Permanent Forum on Indigenous Issues in New York, on April 19 2010.
- Megan Davis is the keynote speaker for the International Women's Day Breakfast in Canberra, 11 March 2010.
- Kyllie Cripps delivers a twilight seminar for the NSW Judicial Commission on family violence, 9 March 2010.
- Megan Davis speaks on a panel on Aboriginal women at the *Beijing + 15* meeting held by the UN Commission on the Status of Women in New York, 3 March 2010.

#### Media

- Megan Davis speaks on Message Stick with Jackie Huggins and Tom Calma on the new Indigenous congress: [Facing Our Future - The National Congress of Australia's First Peoples](#) 21 February 2010
- ILC Open Forum *BUSH LAW* filmed by [ABC Message Stick](#)

#### ILC submissions

- [ILC submission to the UN Expert Mechanism on the Rights of Indigenous Peoples study on Indigenous peoples and decision-making](#) 9 March 2010

### ILC Open Forums

#### ***BUSH LAW* Forum held Wed 17 March 2010**

The Open Forum was structured around the screening of the groundbreaking documentary *BUSH LAW*, which explores the relationship between existing systems of traditional Aboriginal law and the Australian criminal justice system. A discussion followed the film's screening, with a panel consisting of Danielle Loy, film maker and lawyer; Martin Johnson, Lajamanu elder; Michael Ward, former Deputy Chief Magistrate of the Northern Territory; and Ken Lechleitner, bicultural consultant. You can view the forum from the website at [ABC Message Stick](#). We have set up a dedicated page on the [ILC website](#) to provide updates following the forum and other articles relating to the topic.

The next Open Forum will be in September on the topic of child protection.

### ILC Director's UN nomination

Megan Davis has been nominated by the Australian Government for a place on the UN Permanent Forum on Indigenous Issues. Elections are to be held next month. Megan's nomination has been endorsed by Professor Mick Dodson and Minister Jenny Macklin.

### ***The Use of Aboriginal Law project – ILC/NSW Aboriginal Legal Service/AustLII collaboration***

The ILC is currently working in collaboration with the NSW Aboriginal Legal Service and AustLII to create a precedent database on Aboriginality and Aboriginal law. The project's ultimate aim is to cover all areas of law, in all jurisdictions, from the time of colonisation to the present. The first phase of this ambitious and exciting project is being undertaken by researcher Jessica Trappel, who is heading up a committed and growing team of volunteer student researchers and Social Justice Interns - Nupur Saksena, Jacqueline Fetchet, Daniel Wells, Merinda Dutton, Carrie Nicol, June Chan with another 5 law students coming on board next week, bringing total to 11 UNSW law students involved in project, which should progress the research appreciably. The initial stage of the project focuses on how Aboriginality and Aboriginal law has been taken into consideration in sentencing cases from 2000–2010.

### ***Experiences of Aboriginal Women Before the Courts project***

Researcher Ash Hardman has published a piece under the supervision of Chief Investigators Megan Davis and Dr Kyllie Cripps in the ***Indigenous Law Bulletin***: ['The Not-So-Standard Indigenous Question: Identifying Aboriginal and Torres Strait Islander Victims'](#) (2010) 7 *Indigenous Law Bulletin* 17. With a focus on the unreliable application of the Australian Bureau of Statistics 'Standard Indigenous Question', this article discusses the issues surrounding the current state of data collection in relation to Indigenous victim of crime, in particular sexual violence. It is argued that the consistent collection of data across all Australian jurisdictions is essential for effective research and policy development and that changes must be made to the way that Indigenous status is recorded by police to allow for nationally comparable data.

### ***Merinda Dutton awarded John Koowarta Scholarship***

The ILC congratulates ILC volunteer Merinda Dutton for being awarded the John Koowarta Scholarship by the Law Council of Australia. Merinda assisted Megan Davis with research into dedicated parliamentary seats for Indigenous people in 2009. This year Merinda is working on the Aboriginal case law database (see below). Another ILC friend and occasional researcher, Peta MacGillivray, is a former recipient of the scholarship.

## **Publications**

Indigenous Law Bulletin

### ***Indigenous Law Bulletin***

#### **Latest contents, Volume 7(16)**

- 'The Family Responsibilities Commission: Facilitating Socially Responsible Standards of Behaviour in Cape York?' by Peter Billings
- 'New Solutions to Enduring Problems: The Task of Restoring Justice to Victims and Communities' by Hannah McGlade
- 'Nowra Circle Sentencing: Seven Years Down the Track' by Gail Wallace
- 'The Not-So-Standard Indigenous Question: Identifying Aboriginal and Torres Strait Islander Victims' by Anastasia Hardman
- 'We Will Mediate the Gap Closed: 2009 Native Title Amendments' by Joshua Creamer
- 'In Memory of Professor Miguel Alfonso Martinez 1935–2010'
- 'Major Reports on Social Justice and Native Title Reveal More Promising Future Afoot' by Australian Human Rights Commission

- 'Interview with Terri Janke' by Erin Mackay
- Months in Review – January/February, by Zrinka Lemezina

### 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](#), or contact the Editor at [ilb@unsw.edu.au](mailto:ilb@unsw.edu.au)

### 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](#) or contact ILC coordinator at [ilc@unsw.edu.au](mailto:ilc@unsw.edu.au)

## Australian Indigenous Law Review

### Call for Papers

The AILR is now accepting submissions for 14(2). The Call for Papers can be accessed here <http://www.ilc.unsw.edu.au/publications/ailr/contribute.asp>

### Launch of 13(2)

The ILC is pleased to announce the launch of the latest edition of the AILR, 13(2), to be held on 5 May 2010 at 6pm, UNSW Faculty of Law, Staff Seminar room. Complementary copies of the edition will be available and light refreshments will be provided. All are welcome. RSVP by 30 April 2010 to Janette Murdoch, [j.murdoch@unsw.edu.au](mailto:j.murdoch@unsw.edu.au).

### Latest contents, 13(2)

#### Commentary

- 'Past Injustices and Future Protections: On the Politics of Promising' by Paul Muldoon
- 'Aboriginal Self-Determination vs the Propertisation of Traditional Culture: The Case of Sacred Wanjina Sites' by Christoph B Graber
- 'Economic Rights, Culture Claims and a Culture of Piracy in the Indigenous Art Market: What Should We Expect from the Western Legal System?' by Kathy Bowrey
- 'Rawls and the Legitimacy of Australian Government' by Paul Patton
- 'The Place of Indigenous Rights in the Bill of Rights Debate: A Rawlsian Justification' by Bede Harris
- 'Evaluating the Performance of Indigenous Sentencing Courts' by Nigel Stobbs and Geraldine Mackenzie



[Volume 7\(16\)](#)  
[Jan/Feb out now](#)



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

