2016 NATIONAL INDIGENOUS LEGAL CONFERENCE

INDIGENOUS RECOGNITION: MANY LAWS, THE MANY FACETS OF LAW REFORM

5–6 SEPTEMBER 2016

Venue: Manning Clarke Centre
26A Union Court, The Australian National University, Canberra

ANU College of Law
Welcome to the 2016 National Indigenous Legal Conference.
The Australian National University (ANU) is delighted to once again host this important national conference.

Since its inception in 2006, the National Indigenous Legal Conference has provided an exceptional opportunity for Indigenous practitioners, academics and students to come together to discuss, debate and deliberate on important matters affecting Indigenous peoples. This year’s conference includes an impressive group of speakers from across legal practice, academia, government and the judiciary.

The theme of this year’s conference Indigenous Recognition: Many laws, the many facets of law reform presents an opportunity to discuss some of the most critical issues facing Indigenous peoples, including Indigenous youth justice and mental health, Constitutional recognition of Aboriginal and Torres Strait Islander People, and initiatives to increase participation rates of Indigenous students in law school, the legal profession and in research.

As the national university, ANU is a fitting place to host the brightest minds from around the country as they consider these important issues for the nation.

ANU is a recognised leader in research and teaching on legal matters affecting Indigenous peoples. The ANU College of Law is recognised as one of the world’s leading law schools and is home to some of Australia’s most eminent experts in areas like Native Title, Race Discrimination Law, International Law of Indigenous Peoples and Comparative Indigenous Rights Law. I hope that you will have an opportunity to familiarise yourselves with the College and meet some of its exceptional academic staff while you are with us on campus.

I am confident that this conference will spearhead a renewed effort in legal reform for the benefit of Indigenous communities and the broader Australian community.

I wish all participants every success for the conference and I look forward to learning of its outcomes.

Professor Brian P. Schmidt AC FRS, FAA
ANU Vice-Chancellor and President
PARALLEL SESSION 1A – 10.30AM
Creating spaces for Aboriginal law: Aboriginal dispute resolution and justice reinvestment

A Cost Benefit Analysis of the Yuendumu Mediation and Justice Committee – the economic case for local dispute management services

Rhian Williams & Greg Barrett

The Yuendumu Mediation and Justice Committee (YM&JC) is an innovative, responsive and highly effective Indigenous designed and driven peacemaking initiative. The Committee has played a powerful role in making Yuendumu a safer and better place to live. It helps keep all community members healthier and less conflict in the community means kids are more likely to attend and stay in school. The work of the Committee has also led to dramatic reductions in costs for housing repairs, police, courts and prisons. By breaking cycles of disadvantage, distress and suffering caused by unmanaged community conflict, YM&JC is a positive and compelling example of the drive, vision and commitment of Aboriginal people in Central Australia to take control and responsibility for matters in their community and their effectiveness and skill in doing so.

In 2014 YM&JC was facing the loss of its funding. As part of its efforts to secure its future an independent Cost Benefit Analysis of the work of the Committee was undertaken. The CBA found that the peacemaking work of YM&JC was providing $4.30 in benefits for every dollar of cost. This is truly outstanding given the World Bank holds that any return over $2.00 should be considered an excellent result. YM&JC was able to use the evidence from the CBA to assist in securing ongoing Commonwealth funding for its work.

Mick Gooda, in his role as Aboriginal and Torres Strait Islander Social Justice Commissioner stated that ‘Justice reinvestment is about empowering communities.’ The work of peacemaking like that carried out by the Yuendumu Mediation and Justice Committee lays the foundation for empowered and resilient communities and CBA is a highly effective evaluation tool that can play a powerful role in supporting the case for justice reinvestment.

Efficacy, accessibility and adequacy of prison rehabilitation programs for Indigenous offenders

Dr Clarke Jones, Australian Intervention Support Hub

The 1991 Royal Commission into Aboriginal Deaths in Custody is a key historical report that examined the over-representation of Indigenous Australians in prison. It identified that the measures of disadvantage common in the general prisoner population are significantly more prevalent for Indigenous offenders. Little has changed since the report was released, with its findings of clear evidence ‘that Indigenous people were disproportionately imprisoned for minor offences such as re-occurring fine defaults, drunkenness and other good order’ offences. More than two and a half decades on, Indigenous people are more likely than ever to be incarcerated. Alarming, the imprisonment rate for Indigenous people has risen 52 per cent in the past decade. As more people enter Australia’s prison system, almost a third of them Indigenous offenders, we must ask ourselves two, correlated questions: are rehabilitation initiatives having any impact on Australia’s Indigenous offender population and should efforts towards examining alternatives to their incarceration be intensified? My presentation provides an overview of a recent report we produced that works towards answering these key questions.

PARALLEL SESSION 1B – 10.30AM
Creating spaces for Aboriginal law: reforming education and discrimination law

Breaking the recognition barrier: teaching Indigenous law in Australian law schools

Brooke Greenwood, Public Interest Advocacy Centre

The project of Indigenous recognition in Australia extends beyond proposals for constitutional change. Educational reform is also required. In the last decade, universities around Australia have implemented programs to increase the teaching of Indigenous knowledge and perspectives. Law schools have been a part of this process, with many incorporating Indigenous ‘issues’ and critiques into the teaching of Anglo-Australian law. True recognition, however, demands progress beyond superficial change to a more honest reckoning with the interface between Indigenous and non-Indigenous Australia. In the context of legal education, this includes addressing the absence of Indigenous law in the legal curriculum. Drawing on the author’s audit of the ANU College of Law, as well as comparisons from Canada and New Zealand, this paper sets out the challenges and possibilities for embracing Indigenous law in Australian law schools.

Indigenous cultural competency for legal academics program

Marcelle Burns, University of New England

At present, legal professional standards and admission requirements do not include Indigenous cultural competency as a requirement for legal professional accreditation. Similarly the Australian Learning and Teaching Council’s Bachelor of Laws: Learning and Teaching Academic Standards Statement is virtually silent on Indigenous issues. (Rodgers-Falk 2011: 15-19; Australian Learning and Teaching Council 2010). The Indigenous Cultural Competency for Legal Academics Program (ICCLAP) aims to promote the inclusion of Indigenous cultural competency in legal education with a view to creating inclusive learning environments for Aboriginal and Torres Strait Islander students, and also to develop the cultural competency of all students, leading to better legal service delivery for Indigenous communities. ICCLAP is a cross institutional project involving five universities including the University of New England, University of Technology (Sydney), University of Melbourne, Australian National University, and Queensland University of Technology. The project will develop
a professional development module and training resources for legal academics, and framework for the inclusion of Indigenous cultural competency in legal education. This paper will discuss the ICCLAP and opportunities for participating in this project.

Support for this project has been provided by the Australian Government Department of Education and Training. The views in this project do not necessary reflect the views of the Australian Government Department of Education and Training.

PLENARY SESSION 2 – 2PM

Accommodating Aboriginal Interests within the Constitution

Michael Mansell

PARALLEL SESSION 2A – 3.30PM

Indigenous Recognition


Dr Deirdre Howard-Wagner, Australian National University

For thirty years post the 1967 Referendum, the Australian state engaged in political and legal acts of what Kelsen (1942) theoretically termed ‘recognition’, which vested rights in Aboriginal and Torres Strait Islander peoples (Macklem 2008). While complex and often fraught, political recognition evidenced the Australian states willingness to enter into a different relationship with Aboriginal and Torres Strait Islander peoples. Legal recognition affirmed Aboriginal and Torres Strait Islander peoples as a political and legal actor who the state owed legal obligations and duties to as indigenous peoples. The Australian state endeavoured to enter into a postcolonial relationship with the indigenous peoples of Australia, attempting to distant itself from its colonial and oppressive past – one that had resulted in the dispossession, removal, protection, exploitation, and assimilation of Aboriginal and Torres Strait Islander peoples. In thinking about Kelsen’s theorising of the act of recognition and various others that have followed – from Taylor to Fraser to Coulthard – the paper revisits the intent to politically and legally recognise Aboriginal and Torres Strait Islander peoples in Australian law. It considers how legal recognition has changed over time too, examining the objective of various legislative acts as acts of recognition, such as the New South Wales Land Rights Act 1984 and the Aboriginal Councils and Associations Act 1976 (Cth), as well as the reviews and legislative amendments since. In this moment of reflection, the paper will also examine the extent to which the new regulatory processes embedded in various acts reflect changes in the relationship between the state and Aboriginal and Torres Strait Islander peoples, particularly how various Acts redefine the states legal obligations and duties to Aboriginal and Torres Strait Islander peoples in the neoliberal age.

Indigenous Recognition in the Child Protection Context

Sarah Ciftci, PhD Candidate, The University of Sydney

The forced removal of Aboriginal children from their families and communities is not merely a dark chapter in Australia’s shameful history. The legacy of colonial intervention into Aboriginal families lives on, with Aboriginal children remaining significantly overrepresented within the child protection system across all jurisdictions. The Bringing Them Home Report offered recognition of past injustices and symbolic atonement for the misdeeds of colonisation, while simultaneously calling for a transformation of the current policies and practices that operate to exclude Aboriginal people from decision making relating to the care and protection of their children. The New South Wales government has since responded to this recommendation with the introduction of the Aboriginal Care Circle pilot program, which seeks to accommodate and incorporate important principles of indigenous justice and cultural values, including participation from local Aboriginal Elders and community representatives in the decision making process. As such, it is an attempt at reconciling demands of the community with those of the colonial state via a renewed form of relationship.

While the Aboriginal Care Circle pilot program can be viewed as a sincere and genuine ‘step in the right direction’, the extent to which it holds the ability to transcend the entrenched colonial ideologies that have plagued the system for over two hundred years cannot be assumed. The paper considers whether this new space is practically able to overcome asymmetrical balances of power and systemic misrecognition.

A rightful relationship: Towards a deliberative practice of constitutional recognition of Aboriginal and Torres Strait Islander peoples in Australia

Amy Preston-Samson

Australia is struggling to forge a new relationship between Aboriginal and Torres Strait Islander peoples, non-Indigenous Australians and Australian governments based on mutual understanding, recognition and respect. Constitutional recognition is currently being considered as a step towards such a relationship. Reaching agreement on how to institutionalize such recognition is proving difficult. The greatest disagreement is over whether or not legislative power in relation to Aboriginal and Torres Strait Islander peoples should be limited, for instance, by an express prohibition on discrimination or by a requirement that the laws be beneficial. However, this focus on whether or not legislative power should be expressly limited fails to acknowledge that the majoritarian nature of our current parliamentary model suffers from a democratic legitimacy problem. That is, it does not give Aboriginal and Torres Strait Islander peoples an adequate say over laws and measures that affect their rights and interests.

In this paper (which is drawn from my LLM thesis), I start from the position that a deliberative democratic approach may be able to address this legitimacy problem in a way that eases the tension between majoritarian democracy and rights entrenched, and argue that democratic experimentation offers a promising framework for institutionalizing such a deliberative approach. Rather than focusing on Parliament or the courts, it focuses on the public sphere acting through legally empowered deliberative forums to solve problems in a way that is constitutive of a new relationship characterized by mutual understanding, recognition and respect.

For thirty years post the 1967 Referendum, the Australian state engaged in political and legal acts of what Kelsen (1942) theoretically termed ‘recognition’, which vested rights in Aboriginal and Torres Strait Islander peoples (Macklem 2008). While complex and often fraught, political recognition evidenced the Australian states willingness to enter into a different relationship with Aboriginal and Torres Strait Islander peoples. Legal recognition affirmed Aboriginal and Torres Strait Islander peoples as a political and legal actor who the state owed legal obligations and duties to as indigenous peoples. The Australian state endeavoured to enter into a postcolonial relationship with the indigenous peoples of Australia, attempting to distant itself from its colonial and oppressive past – one that had resulted in the dispossession, removal, protection, exploitation, and assimilation of Aboriginal and Torres Strait Islander peoples. In thinking about Kelsen’s theorising of the act of recognition and various others that have followed – from Taylor to Fraser to Coulthard – the paper revisits the intent to politically and legally recognise Aboriginal and Torres Strait Islander peoples in Australian law. It considers how legal recognition has changed over time too, examining the objective of various legislative acts as acts of recognition, such as the New South Wales Land Rights Act 1984 and the Aboriginal Councils and Associations Act 1976 (Cth), as well as the reviews and legislative amendments since. In this moment of reflection, the paper will also examine the extent to which the new regulatory processes embedded in various acts reflect changes in the relationship between the state and Aboriginal and Torres Strait Islander peoples, particularly how various Acts redefine the states legal obligations and duties to Aboriginal and Torres Strait Islander peoples in the neoliberal age.

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PARALLEL SESSION 2B – 3.30PM

Indigenous Recognition through Education

The Bilata Legal Pathways Program

James Parfitt & Mark Munnich, North Australian Aboriginal Justice Agency

The Bilata* Legal Pathways Program (program) is a new initiative in the Northern Territory aimed at increasing the number of Aboriginal and Torres Strait Islander people practicing law (the Law Society NT ‘Balance’ publication 2/15 reports this number as 10 of 533 practitioners, approximately 2%). The program model relies on a partnership approach and has enlisted the support of a range of leaders involved in law from the courts and legal profession and academia.

The program provides for three sets of participant categories: (1) high school and college students (2) university students (3) other adults interested in studying law. By working with these groups the program engages the community in a holistic way to help identify and provide potential lawyers with tailored supports, exposure to different areas of law, networking and mentoring, guest speakers and other connections to strengthen their pathways.

Community legal educators James Parfitt and Mark Munnich served key roles developing the program and will talk about the model and approach, the participant process and the successful first program day as a foundation to building a sustainable and impactful program.

* Bilata is the Larrakia word for a wooden spear-throwing device also known as a woomera.

Indigenous Clinical Programs at the Tertiary level

Dr Tony Foley & Michael Lalor

Dr Tony Foley is a leading scholar in the areas of institutional responses to criminal wrongdoing, restorative justice and legal education. Michael Lalor is the Managing Solicitor of the Aboriginal Legal Service in the ACT. Tony and Michael convene the ANU Indigenous Community Legal Clinic, a course that provides a placement for 10 later-year law students at the Aboriginal Legal Service in Canberra. They will be discussing the importance of Indigenous clinical programs in tertiary education.

The Tony McAvoy Prize

Tony McAvoy SC is a Wiri man and a graduate of Queensland University of Technology. In 2015 Tony was appointed Special Counsel, becoming the first Indigenous Australian to receive the honour. Tony played a pivotal role in the creation of the National Indigenous Legal Conference. Inspired by the work of the Indigenous Bar Association in Canada, Tony identified the need to provide a national opportunity for Aboriginal and Torres Strait Islander lawyers to discuss legal challenges affecting Indigenous Australians. In 2004, Tony began advocating for the development of a national conference. By late 2005, the NSW Bar Association had agreed to hold the first National Indigenous Legal Conference. This year the conference is in its 11th year.

In celebration of Tony’s contribution to the field of Indigenous justice, and his role in founding the National Indigenous Legal Conference, the ANU College of Law has created the Tony McAvoy Prize for ANU’s Indigenous Community Legal Clinic. The inaugural prize will be presented at the Gala Dinner to the top student in this subject in 2015.

TUESDAY 6 SEPTEMBER

PLENARY SESSION 3 – 9AM

Bridging Critical Indigenous Theory and Calls to Action in Aotearoa New Zealand

Associate Professor Linda Te Aho, Te Piringa Faculty of Law, University of Waikato

As an example of critical indigenous theory, ‘Kaupapa Māori Theory’ is a theoretical approach that frames the way the indigenous Māori of Aotearoa New Zealand see the world, the way we organise ourselves in it, the questions we ask, and the solutions we seek. Linda Te Aho will try to explain where Kaupapa Māori Theory sits in the context of post-colonial theories and approaches, and how, as a framework, it underpins resistance initiatives, and how it has influenced legal education. As a result there is a growing recognition of tikanga Māori as the first law of Aotearoa New Zealand. The presentation will also provide some insights into recent calls to action to address enduring injustice.

PARALLEL SESSION 3A – 10.30AM

Mental Health and Indigenous Justice in the Northern Territory

Youth Mental Health and Youth Justice in the NT

John Rawnsley, Solicitor, North Australian Aboriginal Legal Agency

The recent 4 Corners episode ‘Australia’s Shame’ aired on 25th July 2016 shone a spotlight on youth detention practices in the NT and led to a significant national and international response. A Royal Commission was established and is currently underway. Public attention has turned to how we, as a society, manage young people who have broken the law and what can be done in this space for a more humane and just society, and a more effective justice system.
This presentation will draw upon input from medical professionals, lawyers and other services involved in youth justice to explore the current systems from a health and mental health perspective. A pathway for how a young person proceeds through this system is mapped. Lessons from a health and mental health perspective can do much to address the unmet therapeutic and rehabilitative needs of our youth who are in contact with the criminal justice system. Understanding the potential for developing best practice and incorporating notions of cultural competency opens up opportunities to more effectively address these important issues.

**Removing barriers to family contact in NT prisons**

Amelia Noble

Research over the past 30 years has demonstrated that prisoners who maintain regular contact with family while in gaol are less likely to reoffend or breach parole upon release. Family visits are also vital in reducing prisoner isolation and the likelihood of suicide or self-harm. Despite this evidence, the processes for contacting and visiting prisoners at the new Darwin Correctional Precinct (DCP) remain riddled with barriers. Prison visits can be costly and difficult to organise, and little regard is shown for the extra challenges facing Aboriginal Australians. Contrary to national and international guidelines, the opportunity for visits and telephone calls can be revoked in response to misconduct.

25 years after the Royal Commission into Aboriginal Deaths in Custody, the Northern Territory (NT) is the only jurisdiction in Australia that has failed to implement recommendations 168 and 169. These recommendations require that State and Territory governments take an active role in facilitating family visits for Aboriginal and Torres Strait Islander prisoners. This paper, published in the NT Law Society Journal ‘Balance’, reflects on the consequences of an inflexible approach to prison visits and telephone contact. It argues that the current policies and practices of the DCP disadvantage Aboriginal people and lag behind those in prisons elsewhere in Australia. There is an urgent need to acknowledge the positive role regular family contact plays in reducing recidivism and improving the wellbeing and mental health of Aboriginal prisoners. This paper is based on interviews and research conducted while the author was working as an intern at the North Australian Aboriginal Justice Agency in Darwin.

**Reflections on the ‘responsibility’ of legal actors for the experience of young offenders in youth detention**

Mary Spiers Williams, ANU College of Law

We have known for some time about the conditions of custody in youth detention centres; we have also known for some time about their physical infrastructure. The screening nationally of images of those places and the acts that have taken place within them seems to have shocked us into a sense of responsibility. But it has simultaneously triggered in criminal legal actors a sense of futility - we may feel unable to affect the conditions of custody and may be resigned to the inevitability of the detention centre in its current design; we may believe that judicial officers will continue to feel constrained to order that children be detained in these places.

There is considerable information available about the dysfunction of the prison/detention centre - the structure, the practices therein and the effects on detainees, other people and society generally. Despite what we know about the detention environment, legal actors nevertheless continue to participate in and facilitate the process that legitimises the detention of young people, and thereby continue to expose them to potentially inhumane conditions of custody and even inhumane treatment, which generates ethical dilemmas.

These phenomena are considered in the light of the legal and cultural constraints operating on the legal practitioners and judicial officers in youth courts. This paper explores whether there are legal mechanisms that could enable courts to decline to order detention on the basis of the conditions of custody. It reflects upon cultural practices of the legal field and system design that may constrain legal actors from using these legal mechanisms, or that otherwise obscure their responsibility for the detention of children. Ultimately, this paper seeks to disrupt fatalistic views that tolerate the youth detention centre as a suitable sentence disposition.

**PARALLEL SESSION 3B – 10.30AM**

**Race Discrimination and Australian Exceptionalism**

**Race discrimination and the problem with being treated the same**

Dr Jennifer Nielsen, Southern Cross University

This paper will focus on anti-discrimination jurisprudence to interrogate the way Australian discrimination law legally ‘knows’ and understands acts of race discrimination. It focuses on a set of reported decisions, dating from 1990 to 2016, that deal with complaints by Aboriginal peoples of race discrimination within a work-related relationship. These cases offer a viable body of evidence to examine judicial approaches to measuring Aboriginal peoples’ employment experiences against the form and content of the anti-discrimination Acts.

Using a critical race and whiteness theory lens, I argue that the jurisprudence typically fails to interrogate the racial dynamic of the mainstream workplace because it proceeds on the assumption that the workplace is a racially benign environment which is (or should be) experienced in the same way by Aboriginal peoples and non-Aboriginal people. As a consequence, it does not demand any transformative practice in workplace culture, instead continuing to treat race discrimination as an ‘Aboriginal problem’ rather than one of white privilege.

**The Honour of the Crowns: State-Indigenous Fiduciary Relationships and Australian Exceptionalism**

Dr Kirsty Gover, Melbourne Law School

The New Zealand and Canadian Crowns are guided in their dealings with indigenous peoples by common law fiduciary duties. In both countries these obligations have evolved into the constitutional principle of the ‘honour of the Crown’, which requires governments to consult with indigenous peoples when contemplating legislative and executive action affecting their distinctive interests or claims, and to accommodate their interests where appropriate. To date no comparable common law duty has...
emerged in Australia. This article revisits Toohey J’s remarkable but under-analysed judgment in Mabo [No 2], in which he finds that Australian Crowns owe a general fiduciary duty to indigenous peoples, arising by operation of law from the ‘circumstances of the relationship’ (rather than from a treaty or express undertaking). The article shows that Toohey J’s judgment continues to influence contemporary Australian courts, and that in the absence of a High Court majority rejecting his findings, the possibility remains that a general fiduciary duty may yet emerge as a principle of Australian common law. It argues further that fiduciary obligations of this kind are sorely needed in Australia, because the High Court has not accepted that relational or consultative obligations to indigenous peoples attend the Crowns’ exercise of the ‘race power’, or that these obligations are a precondition of the Crowns’ reliance on the ‘special measures’ exception in the Racial Discrimination Act. As they stand, these bodies of law permit and enable a degree of governmental unilateralism that is not compatible with the role of the Crown as a fiduciary and would not be accepted by Canadian and New Zealand courts. As Toohey J’s judgment in Mabo [No 2] suggests, and as later judicial commentary affirms, the common law of native title could yet be the wellspring of general fiduciary principles that could guide the conduct of Australian Crowns in their dealings with indigenous peoples. This article explores the possibility of such a move and argues that it is a necessary one.

PLENARY SESSION 4 – 1PM

Constitutional Recognition: South Africa, Ireland and Australia

Associate Professor Mark McMillan

PARALLEL SESSION 4A – 2.30PM

Sentencing Laws and Indigenous Australians

Circle Sentencing and the Galambany Court

Sharon Payne, Wannamutta clan of Badjula from K’gary.

Circle Sentencing (CS) or special courts for the sentencing of Indigenous offenders have found a place in the Australian judicial landscape over the past ten to fifteen years. Like Restorative Justice (RJ) in many respects, CS courts also deliver justice within a framework of Indigenous cultural perspectives and aspirations. But exactly what circle sentencing courts are and why we need them are the two most frequently asked questions. Reviews or discussions about CS generally include cost benefit analyses, whether outcomes meet society’s hunger for retribution and what cultural qualifications or qualities panel members should possess to properly fulfill their roles.

This session will explore much of the rhetoric and theories that underpin CS as well as its development in Australia and what actually happens in court. As the presenter has played a key role in the establishment of CS courts in NSW, ACT and the NT and is currently a member of the Galambany Court, personal insights will augment professional experience and academic knowledge.

Meeting the Challenge of Bugmy: Using Gladue-style reports to link the story of the people to the story of the person

Dr Anthony Hopkins, ANU College of Law

The High Court decision in Bugmy (2013) was a disappointment for those hoping for an acknowledgement of the extent to which the criminal justice system has failed Indigenous Australians. It was a disappointment for those who had hoped the Court might highlight the importance of sentencing courts understanding Indigenous offenders in the context of the experience of their people, engaging with narratives of struggle and survival rather than simply disadvantage. Yet, the Court confirmed the foundational principle as stated by Brennan J in Neal (1982) that ‘in imposing sentences, courts are bound to take into account … all material facts including those facts which exist only be reason of an offender’s membership of an ethnic or other group’. The primary challenge presented by Bugmy is not therefore one of principle. Rather, it is the burden that it casts upon Indigenous offenders to place evidence before the Court of the link between their individual experience and that of their people before their group membership can be said to reveal material facts. This burden is a weighty one and thwarts a deeper engagement with Indigenous experience in sentencing. One way to lighten this burden would be to adopt the Canadian initiative of ‘Gladue Reports’: a form of Indigenous specific and authored pre-sentence report which explains an offender’s path to offending within the context of the experience of their people, and points out Indigenous specific pathways to healing and reform, where they exist.

Sentencing Aboriginal and Torres Strait Islander Offenders in the ACT

Louise Taylor, Legal Aid ACT

Louise Taylor is a Kamilaroi woman and a lawyer who has practiced almost exclusively in the area of criminal law. Louise is a former specialist Family Violence prosecutor, a long time Convenor of the ACT Women’s Legal Centre, a past member of the ACT Domestic Violence Prevention Council and former Chair of the ACT Ministerial Advisory Council on Women. Louise is a member of the Law Council of Australia’s Indigenous Legal Issues Committee and is currently the Deputy Chief Executive Officer of Legal Aid ACT. Louise’s presentation will focus on the challenge of recognising the unique circumstances of disadvantage faced by Indigenous offenders and the need for an honest conversation about the aims and purposes of sentencing.

Parallel Session 4B – 2.30PM

Indigenous Australians and the Law:
Post-graduate study opportunities

> Dr Jennifer Nielsen (Senior Lecturer, Southern Cross University)
> Diana Anderssen (PhD scholar, National Centre for Indigenous Studies ANU)
> PARS(A) (ANU Postgraduate and Research Students’ Association) Representative