

MONTHS IN REVIEW

NOVEMBER / DECEMBER

compiled by April Long

02.11 ✦ Southbank Institute of Technology and the Queensland University of Technology have paired up in a special initiative that aims to inspire Aboriginal and Torres Strait Islander students to pursue a career in Law or Justice.

03.11 ✦ Earlier this year, the Mayala people signed a deal with the company Pluton, to allow them to build an iron ore mine on a remote island north of Derby. However, a group of Elders boycotted a community celebration of the deal, with elder Aubrey Tigan saying he did not understand the process and felt he was being pressured into signing.

04.11 ✦ Liberal National Party ('LNP') leader Campbell Newman announces that an LNP government would abolish *Wild Rivers Declarations* in four Cape York River basins. Indigenous leaders including Noel Pearson have staunchly opposed the declarations, which they believe will prohibit economic development in the affected areas that include the basins of the Wenlock, Stewart, Archer and Lockhart Rivers.

✦ Aboriginal community leaders condemn the Gillard government over plans to extend its predecessor's controversial intervention in the Northern Territory, which will be introduced before the end of the year. The Elders travelled thousands of kilometres to brand the intervention as 'racist and discriminatory', claiming living standards have gone backwards since the Howard government introduced it four years ago.

07.11 ✦ The Yindjibarndi Aboriginal community and the Australian Greens have asked the Federal Government to respond urgently to an application seeking protection for Aboriginal heritage sites in the Pilbara from potentially damaging mining operations. Fortescue Metals Group is undertaking work at the Firetail/Solomon site, and there is concern that this is having an adverse impact on ancestral burial grounds and other areas sacred to the Yindjibarndi community.

08.11 ✦ Justice Mildren has said conditions at both Alice Springs and Darwin prisons breach the UN's *International Covenant on Civil and Political Rights* and rules on the minimum treatment of prisoners. About 82 per cent of all prisoners in the Northern Territory are Indigenous. Conditions are crowded, prisoners are often housed in dormitories with many others and remand prisoners are mixed with convicted criminals.

18.11 ✦ The First Peoples of the River Murray and Mallee Region have become recognised as native title holders of about

260 square kilometres of land and waters in the Riverland, South Australia. Justice John Mansfield made a consent determination recognising the non-exclusive native title rights and interest over parts of their traditional land in areas of the Murray River around Renmark, Berri, Barmera, Waikerie and Morgan. The consent recognises the non-exclusive rights to access, hunt, fish, camp, gather and use the natural resources, undertake cultural activities, conduct ceremonies and meetings, and protect places of cultural and religious significance.

23.11 ✦ The Government's Stronger Futures legislation was introduced into parliament. It includes measures to extend current alcohol restrictions, develop alcohol management plans and increase penalties for grog running.

✦ The Gillard Government has welcomed the tabling of the Australian Human Rights Commission's Annual Native Title and Social Justice Reports in Parliament. The Reports, prepared by the Aboriginal and Torres Strait Islander Social Justice Commissioner, Mr Mick Gooda, highlight the importance of ensuring Australia's human rights and native title systems are operating effectively for Aboriginal and Torres Strait Islander people.

✦ The Northern Territory Government announced its historic decision to pay the rent to Aboriginal traditional land owners in return for long term leases over parcels of Aboriginal land where sole possession by the Government is required. Indigenous Development Minister, Malarndirri McCarthy said this historic decision lays the foundation for a proper working relationship between Land Councils, Aboriginal traditional owners and the Northern Territory Government.

28.11 ✦ MCG Quarries Pty Ltd has been fined \$80,000 by Moranbah Magistrates Court for disturbing 30-35 culturally significant Aboriginal artefacts, including stone items, during the construction of a gravel track at the Moranbah Quarry, west of Mackay. MCG was charged with one count of failing to comply with their cultural heritage duty of care under the *Aboriginal Cultural Heritage Act 2003*.

01.12 ✦ Aboriginal sporting legend Arthur 'Artie' Beetson passes away at 66. His passing reminds us of the unacceptable life expectancy gap between Aboriginal and Torres Strait Islander people and non-Indigenous Australians. As the first Aboriginal person to captain Australia in any sport, Artie Beetson was an inspiration to Indigenous Australians. The ILB extends our condolences to his family and friends.

Front Cover**Young Wandjina - Baby Dreaming 2006***Natural ochres & pigments on cotton*

1030mm x 1520mm

Jack Dale**Artist Note**

Jack Dale Mengenen. was born in the bush on Mount House Station in about 1923. His mother, Moddera, was an Indigenous woman traditional to the Komaduwah clan estate that falls within the Mount House Pastoral Lease. Jack's father, Jack Dale the frontiersman, according to oral accounts was a hard living man, concerned for little more than the moment.

There are no records of Jack's birth. A conservative estimate of his age based on information gleaned from the headstones of several lonely graves places him at no less than 78 years. He was born at a time when it was not uncommon for the infants of traditional women fathered by white men to be killed at birth. Such deaths could occur following instructions issued by a pastoralist, his representative, or senior Indigenous men and women concerned about future threats to traditional authority and social order. Whatever the deliberations that took place in the first few days of his life, Jack Dale is uncertain as to how or why his life was spared.

Following the death of his father he grew up in the bush with his mother's father. During this time he learned a lot about traditional law, Nurrunguni and became well acquainted with station beef slain with a 'shovel-nosed spear'. As the child of a black woman and a white man, Jack Dale lived with the constant threat of being abducted by the police and the prospect of forced removal to institutions that neither he nor his extended family could have ever conceived.

In recent times he has sought to rediscover and revive his experiences of bush life through art. Neil McLeod from Burringja Gallery worked with him in 2000 and Jack came to Melbourne in March of that year. It was the first time he had left Western Australia.

**Boss Wandjina from Londra**

Jack Dale

Natural ochres & pigments on cotton, 1590mm x 2090mm

His work represents a unique first hand pictorial account of a largely unknown and never to be repeated chapter of Australian history.

Jack Dale is Kimberley personified. His life has been filled with the unique experiences of a quick witted and honest man. His sometimes mischievous, though subtly crafted humour reflects his mastery of Ngarinyin, the language of his birth, and several other Indigenous Kimberley languages.

Indigenous Law BulletinFaculty of Law, University of New South Wales,
Sydney 2052 Australia

Phone 61 2 9385 2256

Fax 61 2 9385 1266

Email editors ilb@unsw.edu.auSubscriptions ilc@unsw.edu.auWebsite www.ilc.unsw.edu.au/publications/ilb

INDIGENOUS LAW CENTRE

Phone 61 2 9385 2252
Fax 61 2 9385 1266
Email ilc@unsw.edu.au
Website www.ilc.unsw.edu.au

**Printing** Print & Mail Pty Ltd**Disclaimer**

No expression of opinion in this magazine may be regarded as legal advice. Readers should make and rely on their own enquiries when making decisions affecting their own interests. The views expressed in the *Indigenous Law Bulletin* are not necessarily those of the editors, the Indigenous Law Centre or the University of New South Wales.

ISSN 1328-5475

Citation (2011) 7(24) *Indigenous Law Bulletin* (or ILB)

*Produced with financial assistance from
the Australian Government Attorney-General's
Department.*



Australian Government
Attorney-General's Department

Editorial Board Neva Collings, Eddie Cubillo, Megan Davis, Mick Dodson, Jacqui Katona, Garth Nettheim, Robynne Quiggin, Keryn Ruska, Louise Taylor, Peta MacGillivray, Nathan Boyle

Editor April Long**Subscriptions** Janette Murdoch**Graphic Design / DTP** John Hewitt**Published by**Indigenous Law Centre, Faculty of Law,
University of New South Wales, Sydney 2052 Australia

Complete archives of the *Indigenous Law Bulletin* from Volume 1, Issue 1 (1981) to Volume 7, Issue 14 (2009) are now available online at www.austlii.edu.au/au/journals/ILB