## **E**DITORIAL

Welcome to this general edition of the *Indigenous Law Bulletin* ('ILB'), the second for the year and my first as Editor. I am very proud to be able to put my name to this publication and to have the opportunity to bring you all quality and accessible commentary on the relationship between Indigenous peoples and the law. In this edition you will find articles that touch on a diverse set of issues, ranging from self-determination to the integration of remote Indigenous players into the AFL.

We open this edition with an article written by Peter Dodd on the recent NSW Inquest into the death of Mark Holcroft. The Inquest resulted in significant recommendations from the Coroner about the transportation of prisoners. Peter provides us with an insightful commentary on the recommendations made by the Coroner and the process of their implementation.

Greg Marks writes for us on the land reform measures that form part of the Stronger Futures Legislation (which replaces 'the Intervention'). Specifically, Greg focuses on the potential of this legislation to marginalise the Aboriginal owners of Community Living Areas.

Eddie Cubillo has contributed an interesting piece he first drafted in July 2011, on the integration of non-mainstream recruits, especially those from remote Indigenous communities, into the AFL. In his article, Eddie questions whether the current AFL recruitment and player welfare system leads to discrimination against Indigenous players, and if so, what steps can be taken to close the gap.

Diane Austin-Broos writes for us on the relationship between self-determination and the economy. Diane argues that self-determination can never be simply a matter of identity politics, law and cultural rights, that it has always required, in addition, a successful Aboriginal engagement with Australia's economy.

In an article on Indigenous rights to water, Katie O'Bryan reviews Victoria's legislative implementation of the National Water Initiative ('NWI'). In her article Katie argues that there has been minimal, if any, legislative implementation of the NWI with regard to Indigenous rights to water despite the Victorian Government's assertions to the contrary.

Finally, we have a case note written by Ryan Harvey (*Lawson v Dunlevy* [2012] NSWSC 48) on the lawfulness of alcohol bail conditions.

We hope you enjoy this latest edition of the ILB. Many thanks must go to Farzana Choudhury, Alexandra Lillis and Hadeel Al-Alosi (current ILB interns) for their hard work and invaluable contribution to the publication of this edition.

## **Robert McCreery**

Editor

## **CONTENTS**

THE HOLCROFT INQUEST: PRISONERS DESERVE MORE HUMANE PRISON TRANSPORTATION  by Peter Dodd	3
TOEHOLDS ON COUNTRY: ABORIGINAL COMMUNITY LIVING AREAS IN THE NORTHERN TERRITORY by Greg Marks	8
AFL: ARE INDIGENOUS PLAYERS STILL DISCRIMINATED AGAINST? DOES THE CURRENT AFL PLAYER WELFARE SYSTEM LEAD TO DISCRIMINATION AGAINST INDIGENOUS PLAYERS, AND IF SO, WHAT STEPS CAN BE TAKEN TO CLOSE THE GAP? by Eddie Cubillo	13
KEEPING FAITH WITH SELF-DETERMINATION: ECONOMY AND CULTURAL DIFFERENCE by Diane Austin-Broos	19
THE NATIONAL WATER INITIATIVE AND VICTORIA'S LEGISLATIVE IMPLEMENTATION OF INDIGENOUS WATER RIGHTS by Katie O'Bryan	2 4
LAWSON V DUNLEVY [2012] NSWSC 48 by Ryan Harvey	28
REGULAR	
MONTHS IN REVIEW – March / April compiled by Hadeel Al-Alosi and Alexandra Lillis	3 0
ARTIST NOTE: NATALIE PUANTULURA	3 2

## SEEKING CONTRIBUTORS

by Di Stevens

Would you like to submit an article to the *Indigenous Law Bulletin*?

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 at www.ilc.unsw.edu.au, or contact the Editor at ilb@unsw.edu.au.

Aboriginal and Torres Strait Islanders are advised that this publication may contain images of deceased persons.