

EDITORIAL

Earlier this year, we saw the announcement of an important and long awaited development in Indigenous-state relations. With the demise of the Aboriginal and Torres Strait Islander Commission ('ATSIC') in 2005, Indigenous Australians have had no national representative body to advance community interests, agitate for reform or implement much-needed services. On 2 May 2010, after a long consultation and development process, the National Congress of Australia's First Peoples ('Congress') was formally incorporated and announced its inaugural Executive Council. It is hoped that this new body will provide an Indigenous voice to better inform the development of laws and policies that affect Aboriginal and Torres Strait Islander people around Australia. In this edition of the *Indigenous Law Bulletin* ('ILB'), the Australian Human Rights Commission and Dr Thalia Anthony reflect on the progress that has been made to date, what is hoped and expected of this new body, and what Congress means to Indigenous self-determination.

In the third installment of their annual reporting series for the ILB, Dr Kylie Cripps and Leanne Miller revisit Victoria's Indigenous Family Violence Plan. While noble in its aims, the authors raise serious concerns about the transparency of the plan which, two years in, has released no public details explaining how responsibilities have been divided between participating bodies, how and when concrete measures will be implemented, or what progress has been made to date.

The devastating number of Indigenous young people who come into contact with the criminal justice system has been widely documented and lamented. Dianna Kenny and Matthew Frize take a new approach to this trend and examine the link between intellectual disability, youth and reoffending, and how these factors relate to Aboriginal offenders in NSW.

Last year, Tom Calma handed down his final *Native Title Report* as Aboriginal and Torres Strait Islander Social Justice Commissioner. In it, he reflected on progress and disappointments over his six year term. Dr Simon Young takes a look at the 2009 report and breaks down the most pressing criticisms of the existing system and highlights the Commissioner's recommendations for reform.

Elaine Johnson closes this edition with an examination of Neville 'Chappie' Williams' battle to protect Wiradjuri land from the expansion of the Cowal Gold Mine. Elaine looks at the way in which the *Environmental Planning and Assessment Act 1979* (NSW) can be used both to circumvent environmental safeguards and to erode Indigenous rights.

Zrinka Lemezina
Editor

CONTENTS

NEW CONGRESS TO REPRESENT ABORIGINAL AND TORRES STRAIT ISLANDERS <i>by the Australian Human Rights Commission</i>	3
A NEW NATIONAL INDIGENOUS REPRESENTATIVE BODY ... AGAIN <i>by Thalia Anthony</i>	5
MUTANT MESSAGES 3: VICTORIA'S INDIGENOUS FAMILY VIOLENCE PLAN <i>by Kylie Cripps & Leanne Miller</i>	10
INTELLECTUAL DISABILITY, ABORIGINAL STATUS AND RISK OF RE-OFFENDING IN YOUNG OFFENDERS ON COMMUNITY ORDERS <i>by Dianna T Kenny & Matthew Frize</i>	14
A CLIMATE FOR CHANGE? THE 2009 NATIVE TITLE REPORT <i>by Simon Young</i>	20
<i>BARRICK AUSTRALIA LTD V WILLIAMS</i> [2009] NSWCA 275 REQUESTS TO MODIFY PART 3A PROJECTS UNDER S75W OF THE <i>ENVIRONMENTAL PLANNING AND ASSESSMENT ACT</i> 1979 (NSW) <i>by Elaine Johnson</i>	26
REGULAR MONTHS IN REVIEW – May / June <i>compiled by Sonia Goldie & Zrinka Lemezina</i>	28

Special thanks to Garth Nettheim

SEEKING CONTRIBUTORS

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.