

## EDITORIAL

Welcome to the third general edition of the *Indigenous Law Bulletin* ('ILB') for 2012 – how quickly this year is going! In this edition you will find an interesting range of articles covering issues from the adequacy of consultations in Australian law-making to the intersection of Indigenous peoples' rights and mining interests in Mexico.

We open this edition with an article written by David Pheeneey critiquing the evolution of NSW bail laws over the past 34 years. In his article David argues that during this period an individual's right to bail has been steadily eroded.

Next, in an article titled 'Crocodile Tears', Desmond Manderson questions whether the Federal Government has in any way satisfied its legal obligation to adequately consult Indigenous communities over the Government's proposed Stronger Futures legislation.

Fiona Martin adeptly guides us through the complicated world of taxation and mining payments in remote communities. Fiona identifies three main problem areas with adopting a charitable institution or trust structure to manage large income streams and then compares charities with the proposed income tax entity known as an Indigenous Economic and Community Development Corporation (IED Corporation).

In a timely piece, Ben Schokman considers the Australian Government's proposed 'Stronger Futures' legislation and its compatibility with human rights principles and standards.

Canadian scholar Brenda Gunn writes for us on the process of reconciliation through recognising the right to self-determination. Brenda argues that self-determination, as acknowledged in the *UN Declaration on the Rights of Indigenous Peoples*, now presents the best opportunity for Indigenous peoples to rebuild relationships with colonial governments.

Finally, in a comparative piece, Ingrid Hammer draws parallels between mining, human rights and the cultural impact of development on Indigenous communities in Australia and Mexico. Ingrid argues that until such time as confidence is restored in the capacity of the law to deliver justice, it is inevitable that conflicts involving mining interests on Indigenous lands will continue to arise.

I hope you enjoy this latest edition of the ILB.

**Robert McCreery**

Editor

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

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