

## EDITORIAL

Welcome to the first edition of the *Indigenous Law Bulletin* ('ILB') for 2013. This year is already shaping up to be one that is full of milestones and developments in the relationship between Indigenous peoples and the law. Throughout 2013 we will endeavour to present you with an up-to-date commentary on those key developments by providing a space for people in the community to write about the impact of the legal system on Indigenous peoples and Indigenous Australians especially.

We begin the year with an article by Yogeswaran Subramaniam, a member of the Malaysian Bar Council Human Rights Committee, which questions whether the recently signed ASEAN Human Rights Declaration sufficiently address Indigenous rights.

Next, Mary Spiers Williams examines the current state of Community Courts in the Northern Territory. Mary argues that although there are current impediments to the successful operation of Community Courts, the issue is not one of legislation, but rather the political and social context of those laws.

Melissa Castan discusses the potential of the Aboriginal and Torres Strait Islander Peoples Recognition Bill 2012—which was passed through the Federal House of Representatives on 13 February 2013—to bring about a referendum on constitutional recognition of Indigenous people.

Daniel Herborn looks at the operation of the *Racial Discrimination Act 1975* (Cth) in terms of the protection it provides against hate speech and racial vilification. By way of example Daniel discusses two recent social media cases involving racially offensive user-generated content.

Looking at the ongoing dispute between the Yindjibarndi People and Fortescue Metals Group Ltd over an area of the Pilbara, Daniel Wells attempts to make sense of the Yindjibarndi People's experience of the *Native Title Act 1993* (Cth) by representing the native title system as a kind of market. Daniel argues that the inequities suffered by the Yindjibarndi are the direct result of 'market failure' remediable only through major law reform.

Will Crawford and Rohan Thwaites provide us with an evaluation of a recent mediation training program in a remote community in the Northern Territory. In their article they outline the benefits of mediation and other alternative dispute resolution related training in Indigenous communities.

Lastly, Dylan Lino reviews *Rethinking Social Justice: From 'Peoples' to 'Populations'*, a thought-provoking collection of essays by Tim Rowse.

I hope you enjoy this first edition of the ILB for 2013. I look forward to your comments and contributions throughout the year.

**Robert McCreery**  
Editor

## CONTENTS

THE ASEAN HUMAN RIGHTS DECLARATION AND INDIGENOUS RIGHTS <i>by Yogeswaran Subramaniam</i>	3
WHY ARE THERE NO ADULT COMMUNITY COURTS OPERATING IN THE NORTHERN TERRITORY OF AUSTRALIA? <i>by Mary Spiers Williams</i>	7
CLOSING THE GAP ON THE CONSTITUTIONAL REFERENDUM <i>by Melissa Castan</i>	12
RACIAL VILIFICATION AND SOCIAL MEDIA <i>by Daniel Herborn</i>	16
THE NATIVE TITLE SYSTEM AS A MARKET: FORTESCUE METALS GROUP AND THE YINDJIBARNDI <i>by Daniel Wells</i>	20
TWO WAY LEARNING & CULTURALLY APPROPRIATE MEDIATION TRAINING IN REMOTE COMMUNITIES <i>by Will Crawford and Rohan Thwaites</i>	24

## BOOK REVIEW

RETHINKING SOCIAL JUSTICE: FROM 'PEOPLES' TO 'POPULATIONS' <i>by Dylan Lino</i>	28
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## REGULAR

MONTHS IN REVIEW – January & February <i>compiled by Robert McCreery</i>	31
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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.*