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# OPINION

## Public Interest

The Public Interest Advocacy Centre (PIAC) is unique in Australia. Funded principally by the NSW Law Foundation, PIAC has promoted the public interest in the Australian legal system for over ten years, particularly through policy submissions, lobbying, and high profile litigation.

Many of the issues addressed by PIAC over the years are challenging in themselves, deserving of analysis and debate.

The very range of these issues, however, raises the question of what actually constitutes 'the public interest'. At a conference in June 1993 PIAC invited numerous people to tackle that question.

The editors of the *Alternative Law Journal* believe that the debate is one of national importance, and that the papers merit wide circulation. The Journal is committed to broad and informed public debate on all aspects of the public legal

interest: a discussion about the nature of public interest advocacy is an important part of this debate. We are pleased to be able to bring you, with the assistance and co-operation of PIAC and the various speakers, selected papers from the Public Interest Law Summit.

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## The Aboriginal Law Bulletin: Thirteen years on

The editorial in the first edition of the *Aboriginal Law Bulletin*, published in August 1981, started with the rhetorical question *Just more words?* The editorial questioned the usefulness of another publication devoted to Aboriginal issues and it repeated a statement made by Michael Dodson (now the Aboriginal and Torres Strait Islander Social Justice Commissioner) in 1976.

The great volumes of writings and works [about Aboriginal people] seem to be of little value to a people who live under exploitation, oppression and inequality not only before the law but in all other areas of social existence.

Unquestionably, there have been gains for Aboriginal people since 1981. The extent of those gains is something which only they are capable of measuring. In the 65 editions of the *Aboriginal Law Bulletin* most of the significant changes in the content of the law and in the response of the Australian legal system to Aboriginal Australia have been chronicled and debated. Perhaps the *Aboriginal Law Bulletin* has made a contribution to highlighting and to alleviating some of the exploitation, oppression and inequality to which Michael Dodson referred.

The *Aboriginal Law Bulletin* was established on the initiative of Neil Rees as one of the first ventures of the Aboriginal Law Centre when the Centre itself commenced operations as the Aboriginal Law Research Unit in 1981. Funding for the first year was provided by the Law Foundation of New South Wales. In the second year, it was supported by both New South Wales and Victorian Law Foundations. Law Foundations tend to provide only seedbed funding for continuing projects. Towards the end of the second year of publication, discussions opened with the Department of Aboriginal Affairs. DAA agreed to fund the *Aboriginal Law Bulletin* for both pro-

duction costs and a full-time editorial salary. That arrangement has continued, with ATSIC taking over responsibility for the funding. Four years ago, DEET funded an editorial trainee position, and ATSIC took over that responsibility as well.

There have been problems with ATSIC funding arrangements. For the most part these have been problems experienced by other funded bodies, notably long delays before decisions are made on funding applications. But a more substantial problem arose in September 1993 when the Aboriginal Law Centre learned of a decision not to fund the *Aboriginal Law Bulletin* at all for the 1993-94 financial year; the year, of course, was already well advanced.

The Centre and the Editors went into emergency mode. The Law Foundation of New South Wales allowed operations to proceed through to the end of October by means of a Director's Grant; by the end of October, ATSIC had agreed to continue funding. This was largely due, it seems, not only to representations by the Centre and the Editors, but also to numerous strong letters of support from Aboriginal and Torres Strait Islander organisations. Such letters indicated that those organisations and other key subscribers regard the *Aboriginal Law Bulletin* as serving a valuable function.

So the *Aboriginal Law Bulletin* survived. There are, however, suggestions that ATSIC funding may diminish in the future. The *Aboriginal Law Bulletin* supplements ATSIC funds by its separate subscription income and by transfers from the *Alternative Law Journal*. It is certainly the intention of the Aboriginal Law Centre that the *Aboriginal Law Bulletin* should continue.

In the meantime, the Centre is developing a proposal for an additional journal

called the *Aboriginal Law Reporter*, modelled loosely on the *Canadian Native Law Reporter*. It would carry full reports of new important court decisions (and of old unreported decisions); details of new legislation, policy decisions, and reports; and more substantial articles than fit within the *Aboriginal Law Bulletin* format. Discussions about the new project are proceeding with potential funding bodies, publishers and law schools.

The *Aboriginal Law Bulletin* started with modest goals. Its primary aim was 'to become a source of useful practical information for people working in the field of Aborigines and the law'. In its early days it was a clearing-house and a bulletin board, written and edited by white people. Over time it changed; it is now edited and produced by Aboriginal people. Many of the articles and case notes are written by Aboriginal lawyers and by Aboriginal people with an interest in legal issues. It has become a far more exciting product. It regularly contains Aboriginal artworks and graphics. It has been a significant source of information about major developments. It is fascinating to go back to 1982, to read the first item about *Mabo* and to trace the developments in that extraordinary ten-year piece of litigation through the pages of the *Aboriginal Law Bulletin*.

The *Aboriginal Law Bulletin* has become an Aboriginal publication. That alone is a significant development. Let us hope that ATSIC recognises this fact when it determines its financial priorities.

**NEIL REES, GARTH NETTHEIM**

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