

OUTLINE OF EVIDENCE OF DR EDDIE CUBILLO (UNIVERSITY OF MELBOURNE)

DECEMBER HEARINGS 2022 (CRIMINAL JUSTICE)

15 DECEMBER 2022

I BACKGROUND

1. I am a descendent of the Larrakia, Wadjigan and Central Arrente peoples. I am a Senior Indigenous Fellow at the University of Melbourne Law School and am admitted as a Legal Practitioner in the Northern Territory. I am also the Associate Dean of Indigenous programs and Director of the Indigenous Law and Justice Hub at the Melbourne Law School.
2. I have also held the following positions:
 - (i) Chair of the Yilli-rreung Regional Council of ATSIC 2002 – 2005;
 - (ii) Chair of the North Australian Aboriginal Justice Agency 2006 – 2008;
 - (iii) Indigenous Director of NT Corrections between 2005-2007;
 - (iv) Legal Officer at the Northern Territory Department of Justice between 2004 and 2007;
 - (v) Anti-Discrimination Commissioner of the Northern Territory between 2010 and 2012;
 - (vi) Executive Officer of the National Aboriginal and Torres Strait Islander Legal Service between 2012 and 2016; and
 - (vii) Director of Community Engagement for the Royal Commission into the Protection and Detention of Children in the Northern Territory (**Don Dale Royal Commission**) between 2016 and 2017.
3. As an advocate and academic, I have written on issues regarding Aboriginal youth in custody, Aboriginal deaths in custody and the biases of the Australian legal system against Aboriginal people. My PhD, completed in 2021, was titled '*What Does 'Self-Determination' Mean in the Context of Legal Service Provision for Aboriginal and Torres Strait Islander Legal Services (ATSILS)?*'. My thesis analysed the complex factors characterising the environment in which ATSILS continue to survive and continue to achieve just outcomes for Indigenous people in Australia's justice system. The abstract to my thesis is available at **Attachment 1**.

II THE NEED FOR ACTION IN RESPONSE TO YOORROOK

4. It is frustrating that no one seems to be listening to the recommendations made by previous Royal Commissions and Inquiries relating to First Nations justice. Yoorrook needs to be different. It is critical to build rapport with the affected communities before expecting people to pour their hearts out about these issues again, and to follow through with action. People have done this multiple times - but no one listens.
5. I have written on the toll of successive inquiries with no response on Indigenous people, in the article “30th Anniversary of the RCIADIC and the ‘white noise’ of the justice system is loud and clear”, available at **Attachment 2**. In that article, I noted:

“I have thought long and hard about whether this practice of appointing bodies and then ignoring them is a deliberate strategy of distraction, designed to keep our people occupied and engaged with these serious problems, but always kicking a response down the road to some future government. Our human and material resources are already stretched thin. The demands made of us by these inquiries, especially on those who are already suffering, would only be worth it if they generated concrete action and meaningful system change. So far, they have not. They have resulted in a rehash and rewrite of recommendations and themes that have been emphasised and repeated in all these past inquiries.”

6. If you go back to the Royal Commission into Aboriginal Deaths in Custody from 1987 to 1991, there’s a whole chapter on racism in - the report. Very few people have read it. It looks at all the underpinning issues that affect our people and drive them into the criminal justice system. If someone revisited all those recommendations, we would see that they have all been re-done that many times by other inquiries, but not implemented. There have been at least 500 First Nations deaths in custody since that Royal Commission handed down its final report in 1991.
7. Even as recently as the Australian Law Reform Commission report ‘Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples’ from 2018. This has not been responded to or implemented by the current or former government. It’s pretty current, and no one is even looking at it or implementing it. It had 35 recommendations designed to reduce the disproportionate rate of incarceration of Aboriginal and Torres Strait Islander peoples and improve community safety.
8. This is not even to mention State and Territory inquiries around children, education, the justice system. Many have never gotten out into the community or been taken up by government.
9. We’re always talking about these things, giving evidence and no one listens. Government act as though the inquiry itself is the action addressing these systemic issues, rather than a preliminary exercise to inform evidence-based action. It’s an indictment, and it’s a ‘kick the can down the road’ exercise to keep Indigenous people happy. Everyone gets involved in Royal Commissions and people hope for things to come out of them, but we’ve told these stories before and no one listens.
10. This takes a real toll for Aboriginal people involved with these Royal Commissions and Inquiries. I worked on the Don Dale Royal Commission as the Director of Community Engagement. We had a

really short time period to act – we had six months initially, which wasn't even enough time to pull together staff and didn't allow us to get the best people.

11. After the Don Dale Royal Commission and despite our recommendations, the Government went the other way and the change introduced was that kids on the streets after certain hours would be taken away from family. We had just given them these recommendations on a silver platter – and we just get more punitive measures. Why have these processes and inquiries and invest so much time, energy and money (and re-create the trauma for those involved), if the Government continually respond with more punitive measures?
12. Very few of our recommendations were implemented. They even changed the bail and sentencing laws to be harsher straightaway after the Don Dale Royal Commission. Ultimately, the whole issue turns on the political vote. The public thinks that 'tough on crime' works, even though the research and statistics tell us that isn't the case. Once you go into incarceration, you come out the other side and graduate to being a better criminal. We've been making these recommendations for 32 years and something needs to change.

III EXPERIENCE OF INDIGENOUS ADVOCATES

13. The work Aboriginal people do as advocates takes a personal toll on us. It is difficult working towards change in a system that is so stacked against Aboriginal people. People do not appreciate the sacrifices made or the emotional toll of the work. We hear stories that cannot be unheard and often triggers our own trauma from our personal experiences.
14. I've survived my advocacy work, but I'm scarred internally. Working on the Don Dale Royal Commission, I saw the intrusion of these policies that continue to disrespect our values, our people and our culture, and which won't allow our people and our culture to address the problems that we know how to deal with.
15. After returning to the Northern Territory for the first time after participating in the Don Dale Royal Commission, I was approached and treated with hostility by Indigenous people who did not see any indication of real positive change as a result of the Don Dale Royal Commission's investigation. Within hours of being home, I was confronted, subjected to obscenities and physically threatened by Indigenous people in relation to my role in the Commission. A copy of an article I wrote titled '*On the personal toll for Indigenous advocates and people when governments fail to act*' that refers to this incident and discusses these issues is available at **Attachment 3**.
16. Royal Commissions have a huge mental health impact on the staff. On the Don Dale Royal Commission we were provided with counselling on the job, but you don't necessarily need it on the job because you're surrounded by people and debriefing with colleagues all the time. When you're gone, you don't get that support mechanism anymore and you need assistance. You're in your family home and no one understands what you've heard and what you know. My experience was that I needed psychological assistance after the Royal Commission was over and I was no longer an employee, but I was told they no longer covered this assistance. Former Commissioner Mick Gooda lobbied on my behalf to get further cover. But by the time they got back to me with an answer I had engaged with my

Aboriginal Medical service who provided me with assistance. These issues impact staff and community.

17. Indigenous people have a lot at stake when participating in this sort of advocacy. We have huge responsibilities to our family, extended families and community. It is not a game for us. It is our family's and our kids' lives that are at stake. Our mob keep hearing promises, but those promises have not led to real implementation to make change. This needs to come across in the recommendations made to government – namely, the importance of implementing and acting on Yoorrook's recommendations, and that it needs to be bipartisan.

IV THE RACISM IN THE LEGAL SYSTEM

18. I have been impacted by trauma, colonisation and systemic racism. As an Indigenous person with white-settler law qualifications, I have heard in academic and legal institutions how the law is supposedly fair and just. That doesn't resemble what I've experienced in my life. I've seen personally from my experience and on the Don Dale Royal Commission how unconscious bias plays a big role in impacting outcomes for Aboriginal people in the white-settler system. I've written a PhD on Indigenous legal services, writing from an Indigenous perspective and how my life and experience reflects what the system does for our people after dispossession.
19. I will share some stories of bias I've personally experienced in the legal system, to demonstrate that my qualifications and position do not protect me from experiences of blatant racism.
20. When I started as an admitted lawyer in the courthouse in the Northern Territory, the first day I arrived to represent clients in the court as a Legal Aid lawyer the court orderly asked me to move from where I was sitting to sit 'behind my lawyer'. She assumed based on my appearance that I must have been a client rather than a lawyer. I told her that I was the lawyer. A short while later, another orderly came over and asked me the same thing.
21. Again, this still persists. Twenty-two years later, the same thing happened at the Don Dale Royal Commission. I was sitting in court with another Indigenous lawyer. I told him that the court orderly was going to come over and ask if we're in the right place. Sure enough, the orderly came over a short time later to ask if 'we're on the list', if we're in the right courtroom. My colleague shows them their Royal Commission ID and we walked out laughing. But that's the only way we can cope with these things. We're angry and hurt, but it's so constant that you can't do anything but laugh. How do we get justice when you're already judged based on the colour of your skin? This is the racism in the system.
22. In my role as Associate Dean at the Law School at the University of Melbourne I was moving some boxes to a different office within the faculty. On my third run a student asked me to come and clean up his coffee that had spilled. He thought I was a cleaner based on my appearance and that I was carrying boxes. It happens all the time - people will follow you on campus asking what you're doing there. It's hard to accept the racism at the university – it's like a betrayal, working with a curriculum with such silence and omission – knowing it will have an effect on our students, and that the students will carry this into their actions in the profession, perpetuating cultures of legal institutions which harm Aboriginal people.

23. Recently, I was pulled over by the police while driving in a wealthy eastern suburb of Melbourne. I heard this described as the offence of “driving while black”. The police searched my car while I was sitting on the sidewalk in the rain. During the search they asked me what I was doing in this suburb and asked me how I afforded my car. I would have challenged the police’s behaviour if I haven’t had the experience I’ve had, but I know that, as a black man, you have to act a certain way to protect your safety. Throughout all this ordeal my anxiety was really high, even though I know I had done nothing wrong.
24. These individual biases and decision making means policies and laws affect Aboriginal people differently to the non-Aboriginal population. Aboriginal people are overrepresented in all areas of the criminal justice system. Our women are the fastest growing proportion of incarcerated people. This has a particular impact on our family dynamics – men have been incarcerated for so long and the women have been at home looking after the family unit. What happens now when they’re being locked up too?
25. The trial of Zachary Rolfe marked a historic moment in accountability for Aboriginal deaths in custody. This was the first time a police officer faced a murder trial in an Aboriginal death in custody case in the Northern Territory since the Royal Commission into Aboriginal Deaths in Custody in 1991. I wrote an article on this case with Professor Thalia Anthony titled *Kumanjayi Walker murder trial will be a first in NT for an Indigenous death in custody. Why has it taken so long?*, which is available at **Attachment 4**. When Rolfe was found not guilty of murder and other charges by an all-white jury, no Indigenous person thought there would be a different result in that case.
26. At the coronial inquest into Kumanjayi Walker’s death, I attended the proceedings to observe a number of the police officers in Alice Springs give evidence. The police officers giving evidence basically all said that they had never heard or observed any racism in their workplace. But I saw a police officer break ranks and give evidence about racism in the police force. The Police Commission told that officer that they wouldn’t represent him anymore - that he’d have to find his own lawyer. The blue line was really apparent with the police.
27. At the part of the Inquest that I attended, the majority of Indigenous people present didn’t enter the courtroom, and I believe this was because of the large police presence observing the proceedings. Instead, Indigenous people present stayed in the park outside and waited for updates. There were, however, a lot of positives about how the Inquest was run. The Counsel Assisting the Coroner, Peggy Dwyer did a good job engaging with Aboriginal people and preparing parties to tell their story. Time wasn’t wasted, and people weren’t left waiting forever. There was a unique Welcome to Country.
28. The fact of the matter is, if you lock up vulnerable people, especially in a biased system, the risk of a tragic death in custody is increased. I wrote about this in an article titled ‘*Aboriginal deaths in custody: NT’s “paperless arrest” police powers need urgent review*’, available at **Attachment 5**. If we want to reduce the number of Aboriginal deaths in custody, we need to reduce the rates at which Aboriginal people are taken into custody. This was at the core of the recommendations from the Royal Commission into Aboriginal Deaths in Custody. Custody should be used as a last resort, for the most serious situations and only where absolutely necessary.

V THE IMPORTANCE OF CULTURE

29. Culture and kinship are strengths which help us to survive this kind of thing. They need to be acknowledged as such through our policy settings and administrative system. When my parents split up when I was 1, we lived with extended family - this enriched my cultural life and therefore supported my wellbeing. This isn't afforded to our peoples in the same way anymore, we don't get to rely on kinship. We have people evaluating our home lives and what is 'best' or 'most suitable' for us. If it wasn't for staying with family, I never would have survived the breakdown of my immediate family. It traumatises you each time a family breakdown happens, but I was nurtured and guided by my cultural kinship practices and my uncles would take care of me.

VI CHANGING LAW SCHOOL CURRICULUMS & LEGAL ACCREDITATION

30. I'm an academic staff member at the most prestigious law school in Australia – four Prime Ministers came out of this law school, fourteen High Court justices – and it troubles me that most graduates have no clue about Indigenous Law. The reality is that there is no *real* push in the profession for systemic change. We have students coming out of sandstone universities, they'll become leaders - they need to have an understanding of Aboriginal issues.
31. When I was in New Zealand recently, I met University Deans who spoke Te Reo Māori without blinking an eye. There is real Māori immersion in New Zealand throughout their curriculum – there's an acceptance that Māori are Traditional Owners – they are a long way ahead of us. Further, the regulator of the Legal Curriculum in New Zealand has recently announced the introduction of a requirement that all law schools must teach Tikanga Māori.
32. We get great turnout at our events at the Indigenous Law and Justice Hub – and great engagement by students in our classes. Our students are up for learning about First Peoples in Australia, but we're not giving them the information they need to work effectively alongside Indigenous people in their justice system. Our profession needs to accept that we need continuous education on these issues. Our position is that in the context of the small number of Indigenous academics, all teaching staff have a responsibility to teach Indigenous content proficiently, and that we as an institution need to support teaching staff to do this. We currently have a small grant where we are investigating how to support our teachers to develop these capabilities.
33. My experience is that in universities we teach the law, but we don't teach the reality of the law a lot of the time. Additionally, my experience is that some teachers bring biases into the classroom, their omissions and narratives dictate how they frame their clients. By the time the students get into practice, I fear they have it ingrained in their heads that Indigenous people are problematic, that they're trouble- not that they carry intergenerational trauma or have complex needs. In December 2020, the Council of Australian Law Deans (**CALD**) released a statement condemning the systemic discrimination that permeates the Australian legal system with respect to First Nations peoples. CALD acknowledged the part that Australian legal education has played in supporting the law's systemic discrimination and structural bias against First Nations people (while noting the positive contribution that law schools can and should make in partnership with First Nations peoples). The CALD called on all Australian law schools to work in partnership with First Nations peoples to give priority to the

creation of culturally competent and culturally safe courses and programs. A copy of the CALD statement is available at **Attachment 6**.

34. Part of the problem is regulation of legal education. In the Priestley 11, the core subjects required to do a law degree, not one of those subjects is Indigenous, and no content is required to be delivered with any Indigenous lens or content. As a result, many students go through three or four years of university studying law without being taught how the law systemically impacts First Nations people. The curriculum is racist and it needs changing. An article I wrote on the issues around Indigenous content in legal curricula, titled *Indigenous Programs at Law School* is available at **Attachment 7**. In that article, I note that such content is lacking and, where it is included, efforts to date have been fragmented and sometimes tokenistic.
35. At the Melbourne Law School I have been involved in a curriculum review seeking to incorporate Indigenous content in the Juris Doctor law curriculum. Firstly, we approached Legal Method and Reasoning, a 10-day crash course on legal principles, and we have 'Indigenised' that and received a lot of good feedback. Now we are focusing on the Priestley 11, so students can have an idea about the predicaments of Indigenous people in this country. We've got a small grant to 'train the trainer' in the law school around delivering Indigenous content, acknowledging that teaching staff need support to implement these changes. Information on this review is also available at **Attachment 7**.
36. We are also developing new elective subjects, including on-country learning experiences for law students to enhance their understanding of First Nations peoples and the law. Our aim is to ensure that all students have a baseline understanding of Indigenous experiences of law and skills for working safely with Indigenous clients, while also providing opportunities for real depth of learning through specialisation.
37. I recommend that the Law Council adopt a 12th Priestley unit, with a unit on Indigenous history and law made compulsory to graduate with a law degree. I recommend something aligned with call to action 28 from the Canadian Truth and Justice Commission:

"We call upon law schools in Canada to require all law students to take a course in Aboriginal people and the law, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and antiracism."
38. In line with the Canadian Truth and Justice Commission recommendation 27, I also recommend that lawyers should be supported to work with Indigenous people through ongoing training and accreditation post-admission. As explained in an article by Sandra Shutt in the *Canadian Lawyer*, titled '*TRC offers a window of opportunity for legal education*' in 2015, the Canadian Truth and Justice Commission's Recommendations 27 and 28 show that "there are substantive elements of the story of indigenous-settler relations that are essential for understanding what it means to be a legal advocate, law student or lawyer today, and that gaps in existing knowledge have caused harm". A copy of this article is available at **Attachment 8**.
39. I do not believe that there is appropriate regulatory incentive or market availability of ongoing professional development education for cultural capability and cultural safety training for lawyers

working with Aboriginal and Torres Strait Islander people. This is a barrier to effective access to justice for Indigenous Victorians and is unsafe.

40. When NSW Legal Aid was run by Brendan Thomas, an Indigenous man, if you wanted to work there as a panel firm you needed to have Indigenous accreditation, and they would do evaluations and surveys with clients about how they rated their practitioner. That should be mandated – and rolled out everywhere for lawyers working with Aboriginal people.
41. I was at the AIATSIS conference in Queensland this year and Justices French and North both said that they did not have appropriate knowledge of Indigenous people to perform their duties when they were appointed as judges, and that they were still learning towards the end of their tenure. This bolstered my determination that things need to change.

VII SOLUTIONS AND REFORMS

Perspectives on Aboriginal issues needs to change

42. Australian people should have an understanding of the trauma that continues to affect Aboriginal people. These traumas and stories, and the hiding from police, continue to happen until we see proper change. We need to start with this early in our education systems and carry it through institutions such as University. In Darwin, if you get on a plane and leave for a hospital, people think you're going there to die because you don't come back. These are real stories and experiences for our mob. We need the broader public to understand these experiences, to get over the systemic and unconscious bias against our people.
43. Many of us mob working in Indigenous advocacy and taking on the toll of the work as Aboriginal people are saying the same thing in terms of asking other Australians to stand with us.
44. After the Don Dale Royal Commission when they changed the bail and sentencing laws in the Northern Territory, we wrote to them saying it went against the recommendations from the Royal Commission. We spoke to one local member at the time, who had supported us, and she replied saying she listened to the constituents. She was worried about her constituents and worried about keeping her seat. This was really disappointing - we won't get anywhere until the wider public has a sympathetic view that Aboriginal people are not getting a fair go in the justice system. We're only 3% of the population, so we're not an impactful voting group. We rely on the public to keep government accountable.
45. The public wants to see 'tough on crime', but they're not across the fact that locking people up doesn't make them any safer. Our politicians don't understand it either. If we really want to make change, it needs to be better understood. Biases and structural racism need to be accounted for – we all have them.
46. When we have new governments, we don't have a new bureaucracy. They make the same racist decisions. The same people decide whether we get a welfare card, or if our kids stay in our houses or not. That's where the issues are, the same people write the policies.

Need for better accreditation in the legal industry

47. I'd like to see it come from Yoorrook's recommendations that people working in the justice system need to understand Indigenous law and lore, as well as basic competencies and understandings for working safely with Indigenous people. The accreditation, or CPD points, need to be ongoing and professionals working with mob should be accredited. Judges who work with Indigenous people need it as well. These were the recommendations implemented out of the Canadian truth-telling commission. If we get the ball rolling in Victoria, then we can provide something for the rest of the Country to point to.

Reimagining goals and policies around the criminal justice system

48. Currently, the reality of the criminal justice system centres around control, coercion and punishment.
49. A reimagined system would be more reformative and focused on rehabilitation, looking at the trauma and the factors that contribute to that behaviour.
50. Laws and policy can have a profound impact and be implemented immediately. If you can get rid of bail and sentencing reforms, and raise the age, these policies all make change straightaway. There need to be other options around sentencing – mandatory sentencing has impacted on the judges who adjudicate the law and separation of powers has been breached. These changes are simple, and would make a lot of change.

Indigenous legal services

51. We need to appropriately fund Aboriginal Legal Services enable access to justice for Indigenous people.
52. The 'tough on crime' approach in Australia increases the work for Indigenous legal services and they are not being provided with enough funding to manage this increase. Aboriginal Legal Services are the most culturally safe place for Aboriginal people to go to – but there is very limited funding. Government policy has seen services moved away from being community controlled to adopt standard corporate governance structures.

Treaty

53. With frameworks, the government can consider what they are willing to negotiate and relinquish with regards to what Treaty can allow Indigenous people to do. But also, Indigenous people cannot take something on that alleviates the government of their responsibilities.
54. The Treaty should be a living document, that is flexible to achieve the best outcomes for everyone. It can help build a respectful relationship between government and Indigenous people, as Indigenous voices need to be heard at every level to make changes. For better outcomes for First Nations Peoples, we need to move to genuine self-determination and shift decision-making power to First Peoples. To prevent our people coming into contact with criminal legal and child protection systems we need to address disadvantage, discrimination disempowerment by improving outcomes in health, education, housing, employment – and that change happens when First Peoples are in control. This will happen by re-designing of both child protection and criminal legal systems must be part of the Statewide Treaty negotiations. First Nations Peoples should be the ones designing systems that affect them. The Treaty process can deliver this. The Victorian Government should make investments now to

resource First Peoples and experts to begin thinking about the redesigning these failing systems. This could be done by resourcing the Assembly to work with ACCOs and their Communities to develop aspirations and priorities to shift decision-making power to First Nations Peoples.

Integration of Indigenous laws

55. Aboriginal people have law that is not recognised as law, or embraced as a source of meaningful justice in Australia.
56. In my recent travels to New Zealand, I saw how Tikanga (being Māori law and customary practices) are increasingly being incorporated into the common law and grappled with by courts.¹ The Waitangi Tribunal has a broad scope in New Zealand to make findings and recommendations on historical and contemporary breaches of the treaty with First Nations people, including in relation to Tikanga. We are far off this in Australia. We need more writing from our people on models of legal pluralism to enable recognition Indigenous laws, and if appropriate, some integration of legal systems.
57. The common law in Australia is meant to be flexible and reflect our communities values – it should be able to evolve to accommodate the presence of Indigenous legal systems.
58. Importantly, this needs to be done in a way that does not deny the validity of law and culture which has evolved since first-contact, as this legal system so often does. Urban blackfellas have their cultural beliefs, practices, identity. We've been teaching it in history that the real blackfellas are those running around in underpants with a spear - but no culture is stagnant. Indigenous people have been adapting for years, and yet we're expected to stay the same to whitefellas. That's a racist point. I think there's evolution and that underpins what a justice space should look at. We need to look at where we made wrongs in history in the legal space.

Need for action on Yoorrook recommendations

59. There needs to be follow-through and investment in rolling out of recommendations to community, even at the stage of letting community know what the recommendations were and any commitments by government. People have invested themselves to tell their stories and no one gets told what the outcomes are. I've seen that happen before – but it shouldn't happen. If you're lucky and have a laptop and wifi, you might be able to download it. My hardcopies are a doorstop – no one uses them. Communications need to be rolled out in a way that is relevant and accessible.

¹ See: *Peter Hugh McGregor Ellis v The King* [2022] NZSC 144 (the Supreme Court of New Zealand had regard to Tikanga), available as **Attachment 9**.

List of documents referred to in outline

Attachment 1: Dr Eddie Cubillo, 'What Does 'Self-Determination' Mean in the Context of Legal Service Provision for Aboriginal and Torres Strait Islander Legal Services (ATSILS)?' (Abstract to PhD thesis), (2021)'.

Attachment 2: Dr Eddie Cubillo, '30th Anniversary of the RCIADIC and the 'white noise' of the justice system is loud and clear', *Alternative Law Journal* (2021) vol 46 no 3, 185-192.

Attachment 3: Dr Eddie Cubillo, 'On the personal toll for Indigenous advocates and people when governments fail to act', *Croakey Health Media*, 18 June 2018.

Attachment 4: Dr Thalia Anthony and Dr Eddie Cubillo, 'Kumanjayi Walker murder trial will be a first in NT for an Indigenous death in custody. Why has it taken so long?', *The Conversation*, 28 October 2020.

Attachment 5: Dr Eddie Cubillo, *Aboriginal deaths in custody: NT's 'paperless arrest' police powers need urgent review*, Sydney Morning Herald, 31 May 2015.

Attachment 6: CALD Statement on Australian Law's Systemic Discrimination and Structural Bias Against First Nations Peoples, dated 3 December 2020.

Attachment 7: Dr Eddie Cubillo, *Indigenous programs at law school*, Law Institute Journal - NAIDOC Special Edition (Education), July 2022.

Attachment 8: Sandra Shutt, 'TRC offers a window of opportunity for legal education', *Canadian Lawyer*, 15 June 2015.

Attachment 9: *Peter Hugh McGregor Ellis v The King* [2022] NZSC 144.