

Commonwealth Parliament
Senate Standing Committee on Legal and
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Dear Committee

Inquiry : Contempt

Thank You for the opportunity to make a
Public Submission to this Inquiry.

This Submissioner seeks to comment to this
Inquiry with First Nation, Indigenous,
Aboriginal Islander perspectives on parts of
the Terms of Reference:

- the development and operation of statutory provisions in Australia and overseas that codify common law principles of contempt;
- the importance of balancing principles, including freedom of speech and

- expression, the right of fair trial by an impartial tribunal, public scrutiny of the operations of the court system and the protection of the authority, reputation and due process of the courts; and
- other related matters.

Whenever the Commonwealth Parliament is deliberating now in a postMabo terra nullius voided legal and geographic landscape , this Submissioner asks that any Parliamentary Inquiry consider a broad First Nations Social Justice approach to the inquiry's Terms of Reference, and wide legal interpretation of Aboriginal Islander Community notions of unceded Sovereignty , coupled with how advocacy, activism and dissenting, grassroots democracy, nonviolent protest for positions taken to reconcile these notions needs to be protected under the various relevant social, political and Indigenous United Nations Declarations/ Covenants as part of the guarantees of Australia as an International Citizen in a global civil society.

In reference to 'the development and operation of statutory provisions in Australia and overseas that codify common law principles of contempt' , and 'public scrutiny of the operations of the court system and the protection of the authority, reputation and due process of the courts' the Inquiry is asked to Please Consider, investigate and report about overseas and domestic examples of cases and situations where First Nations Peoples standing on principles of unceded Sovereignty have challenged the authority of the court outrightly, or couched the appearance of that First Nation Person before the court in the context of 'colonial' duress, or voluntarily proceed in a court appearance having made an opening statement to the court which goes to acknowledging the status of the court as an Adjudicator, but not so much its outright power of authority.

The Inquiry is asked to ponder this contextual legal complexity and comment on where the codification of the common law of contempt can, if in deed it needs to, respect this First

Nation point of view and allow a legitimate expression of a view of the court's authority without overly penalising such a Person in a sensitively balanced process of fairness progressing towards a fair adjudication of an agitated matter.

Overseas methods and the resultant legal standing of such a First Nation principle is sought to be material analysed within the Inquiry's report.

Court etiquette which may not be observed by an Indigenous Person expressing a notion of unceded Sovereignty such as bowing to the courtroom shield or crown, and the judge, should also attract the Inquiry's consideration in that it presents a 'related micromatter' to which codification of contempt laws may apply.

This Submission asks the Inquiry Committee to fully Consider these and other particular Aboriginal Islander post colonial implications so that the fullest remedy provided by the High Court's decision in the Judgement obtained by Uncle Eddie 'Koiki' Mabo, and

supporting Elders, and the Community, can be attained in a coexistence of shared adjudication principles and a reconciled system of Lore and Law commonly grounded towards looking after People and Country.

Yours in Community,
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