Indigenous law bulletin


Aboriginal Law Bulletin 1996

Constitutional Recognition-Dylan Livio 2018-08-15

Indigenous Law Bulletin 2000

A Fatal Conjunction-Joan Kimm 2004 Why do Aboriginal women in Australia experience such high levels of violence in their own communities? Is this understood and carefully researched book, Joan Kimm discusses the extent and nature of the violence, its underlying causes, current policies that deal with it, and changes that might improve these policies. Her work covers the devastiating legacy of European colonialism on Indigenous culture, modern anthropological evidence about patriarchy and violence in traditional Aboriginal societies, beliefs held by Aboriginals, particularly men, about their cultural heritage, the impact of cultural heritage upon modern Indigenous society, and changing judicial attitudes to sentencing Aboriginal men for violence to Aboriginal women, shifting from emphasis on the men’s cultural background to emphasis on the women’s rights as victims. Joan Kimm shows how this multi-faceted environment, particularly the interactions of two patriarchal laws, has had, and continues to have, very real destructive effects on Aboriginal women. Kimm argues powerfully that Aboriginal women, like all women, like all humans, have the universal right to live free of violence. She contends that current law, policy and practice place too much emphasis on their rights as Indigenous people and too little on their rights as women. A shift in emphasis will be an important first step to safer lives.

The Extinction of Aboriginal Rights and Interests - A Comparative Study of Australian and Canadian Law - Stefania M. Baursch 2004-10-06 Seminar paper from the year 2004 in the subject Law - Macquarie, grade: Good. University of South Australia, course: Comparative Native Title Australia and Canada, 15 entries in the bibliography, language: English, abstract: “Extinguished is a Latin word. Something is inflamed or on fire, and it is put out. Silence. It means to blot out of existence. To totally do away with; to annihilate, cut off, bring to an end. To kill. The word is related to extinct. That which has ceased to bum or shine. Vanished. Without progressive succession. Having no living representative. There is a vast emptiness.” The forementioned statement is a quote from Leslie Hall Pinder, a lawyer who represented the claimants in the famous Canadian aboriginal land rights case of Indigenous v British Columbia. It is part of a speech Pinder delivered to the British Columbia Library Association Annual General Meeting in April 1991 after the judgment of first instance was handed down by Chief Justice McFarlas. The quote introduces the reader to extinguishment, especially the extinguishment of aboriginal rights and interests and thus to the topic of this research paper. This essay concentrates on two countries: Australia and Canada, and compares their law in relation to extinguishment of aboriginal rights and interests. First, it examines how these two countries approach the subject. Then, the paper draws a conclusion as to the question of similarities and differences between Australian and Canadian law.

Months in Review: July-2010 Timeline of important issues in Indigenous affairs for July and August 2010 (each issue of Indigenous law bulletin contains such a timeline)

Human Rights and Human Wrongs-Colin Tatz 2015-04-01 Racism crushes bodies and souls. In Human Rights and Human Wrongs Colin Tatz - a world authority on racial conflict and abuse, a key figure in Aboriginal Studies in Australia and an author of major works on generational Aboriginal youth suicide, and Aboriginal and islander sporting achievements - tells his personal story. Born and educated in South Africa, Tatz worked to expose and oppose that nation’s centuries-old apartheid regimes before leaving for what he thought would be a more enlightened nation, only to find in Australia striking parallels of that other dismal universe. As a researcher, writer and activist he has dedicated his life to confronting what people do to other people on the basis of their race or ethnicity. Here he also relates how, because of his Jewishness and an intriguing problem with food have been, for him, propelling forces. Tatz’s story, ranging from Southern Africa to Australia, New Zealand, Canada and Israel, is an important one for anyone genuinely interested in the struggle to achieve social justice for marginalised and marginalised peoples.


The Invention of Terra Nullius-Michael Connor 2005 Historical and Legal Fictions on the Foundation of Australia. History books, school curricula and legal texts all treat terra nullius as the defining doctrine in the foundation of Australia and the dispossession of the Aborigines. The High Court’s Mabo decision was supposed to have overturned it. Michael Connor revives terra nullius to be a mythical notion. It was never a phrase used in Australia in the eighteenth or nineteenth centuries. It was only injected into Australian political and legal debate in the 1970s. Since then it has meant whatever its users want it to mean. The foundation of Australia was based on the universal right to lives free of violence. She contends that current law, policy and practice place too much emphasis on their rights as Indigenous people and too little on their rights as women.

The Tall Man-Chloe Hooper 2010-09-29 When Cameron Doomadgee, a 36-year-old member of the Aboriginal community of Palm Island, was arrested for swearing at a white police officer, he was dead within forty-five minutes of being locked up. The police claimed he’d tripped on a step, but the pathologist likened his injuries to those received in a plane crash. The main suspect was the handsome, charismatic Senior Sergeant Christopher Hurly, an experienced cop with decorations for his work. In following Hurley’s trail to one of the wilder and remotest parts of Australia, Chloe Hooper explores Aboriginal myths and history and uncovers buried secrets of white mischief. Atmospheric, gritty and original, The Tall Man takes readers to the heart of a struggle for power, revenge and justice.

Trustees on Trial-Rosalind Kidd 2006 Rosalind Kidd uses official correspondence to reveal the extraordinary extent of government control over Aboriginal wages, savings, endowments and pensions in 20th century Queensland.

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AGIS - 2007

Indigenous Legal Decisions-Nicole Watson 2021-06-08 This book is a collection of key legal decisions affecting Indigenous Australians, which have been reimagined so as to be inclusive of Indigenous people’s stories, historical experience, perspectives and worldviews. In this groundbreaking work, Indigenous and non-Indigenous scholars have collaborated to write 14 key decisions. Spanning from 1890 to 2017, the judgments reflect the trajectory of Indigenous people’s engagements with Australian law. The collection includes decisions that laid the foundation for the wrongful application of terra nullius and the long disregard of native title. Contributors have also challenged narrow judicial interpretations of native title, which have denied recognition to Indigenous people who suffered the prolonged impacts of dispossession. Exciting new voices have claimed Australian law to deliver justice to the Stolen Generations and to families who have experienced institutional and police racism. Contributors have shown how judicial officers can use their power to challenge systemic racism and tell the stories of Indigenous people who have been demeaned by the criminal justice system. The new judgments are characterized by intersectional perspectives which draw on postcolonial, critical race and whiteness theories. Several scholars have chosen to work within the parameters of legal doctrine. Some have rejected the possibility that the legal system, which has been integral to settler-colonialism, could ever deliver meaningful justice to Indigenous people.
Legal Education Review- 1996

Indigenous Peoples and Governance Structures-Garth Nettheim 2002 Indigenous peoples, legal and other professionals have actively engaged a number of international and national legal mechanisms to achieve degrees of self governance in Canada, the United States, Greenland, Denmark, Norway, New Zealand and Australia. This title presents these precedents in the ongoing effort for self governance.

The Process of Law in Australia-Crerta Bird 1993 Second edition of a 1988 text for law students which takes into account Aboriginal and immigrant cultures and Australian and legal history to explain issues and features of the Australian legal system. New material includes changes in workers’ compensation law and the Mabo case. Contains bibliography and index. The author is Director of the National Centre for Cross-Cultural Studies in Law at the University of New England.

Thinking About Law-Richard Johnstone 2020-07-23 There is more to law than rules, roles and precedents. Rather, law is an integral part of social practices and policies, as diverse and complex as society itself. Thinking About Law offers a comprehensive introduction to the ways in which law has been presented and represented. It explores historical, sociological, economic and philosophical perspectives on the major legal and political debates in Australia today. The contributors examine the position of Aboriginals in the Australian legal system and the impact of the Mabo case; divisions of power in Australian society and law; the question of objectivity in law; the relationship between legislation and social change; judicial decision-making and other issues. Accessibly written, Thinking About Law is an essential reading for students and anyone interested in understanding our legal system.

Overturning Aqua Nullius-Virginia Marshall 2017 Aboriginal peoples in Australia have the oldest living cultures in the world. From 1788 the British colonization of Australia marginalised Aboriginal peoples from land and water resources and their traditional rights and interests. More recently, the national water reforms further disenfranchised Aboriginal communities from their property rights in water, continuing to enable severe disadvantage. Overturning aqua nullius aims to cultivate a new understanding of Aboriginal water rights and interests in the context of Aboriginal water concepts and water policy development in Australia. In this award-winning work, Dr Marshall argues that Aboriginal water rights require legal recognition as property rights, and that water access and water infrastructure are integral to successful economic enterprise in Aboriginal communities. Aboriginal peoples, cultural and economic certainty rests on their right to control and manage customary water. Drawing on the United Nations Declaration on the Rights of Indigenous Peoples, Marshall argues that the reservation of Aboriginal water rights needs to be prioritised above the water rights and interests of other groups. It is only then that we can sweep away the injustices of aqua nullius and provide the first Australians with full recognition and status of their water rights and interests.

The Other Side of the Frontier-Henry Reynolds 2006 The publication of this book in 1986 profoundly changed the way in which we understand the history of relationships between Indigenous Australians and European settlers. Describes in meticulous and compelling detail the ways in which Aboriginal Australians responded to the arrival of Europeans.

Indigenous Rights and Water Resource Management-Katie O’Brien 2018-10-26 In an era of climate change, the need to manage our water resources effectively for future generations has become an increasingly significant challenge. Indigenous management practices have been successfully used to manage inland water systems around the world for thousands of years, and Indigenous people have been calling for a greater role in the management of water resources. As First Peoples and as holders of important knowledge of water resource management, they regard themselves as custodians and rights holders, deserving of a meaningful role in decision-making. This book argues that a key (although not the only) means of ensuring appropriate participation in decision-making about water management is for such participation to be legislatively mandated. To this end, the book draws on case studies in Australia and New Zealand in order to elaborate the legislative tools necessary to ensure Indigenous participation, consultation and representation in the water management landscape.

Words and Silences-Freya Brock 2020-07-28 In struggles over access to land, Aboriginal women’s concerns have often remained unacknowledged. Their words - and silences - have been frequently mishandled, misunderstood, misrepresented, misused. The controversy about ‘secret women’s business’ in the Hindmarsh Island Bridge conflict has brought this issue to the attention of the general public. How can Aboriginal women assert their claims while protecting, by remaining silent, their culturally sensitive knowledge? How can they prevent their words and silences being misrepresented? Words and Silences explores the barriers confronting Aboriginal women trying to defend their land rights. The contributors to this volume provide insights into the intricacies of Aboriginal social and cultural knowledge, and introduce the reader to different understandings of how the gendered nature of Aboriginal land ownership adds complexity to the cross-cultural encounter. In lively and engaging prose they document the ongoing struggles of Aboriginal women across Australia, who are fighting to ensure they receive due recognition of their rights in land.

The Social Effects of Native Title-Benjamin Richard Smith 2007-10-01 "The papers in this collection reflect on the various social effects of native title. In particular, the authors consider the ways in which the implementation of the Native Title Act 1993 (Cth), and the native title process for which this Act legislates, allow for the recognition and translation of Aboriginal law and custom, and facilitate particular kinds of coexistence between Aboriginal title holders and other Australians. In so doing, the authors seek to extend the debate on native title beyond questions of practice and towards an improved understanding of the effects of native title on the social lives of Indigenous Australians and on Australian society more generally." -Publisher’s description.

The N Word-Stephen Hagas 2005 This book exposes the passion and courage of the man behind the public face and reveals how a childhood growing up in a fringe camp on the outskirts of Cumamulla in south-west Queensland, fired his determination to fight for human rights. On a journey marked by controversy, he has advanced from one legal battle to another.

Creating Indigenous Property-Angela Cameron 2020-10-02 Creating Indigenous Property identifies how contemporary Indigenous conceptions of property are rooted in and informed by their socioculturally specific norms, meanings, and ethics.

Copyright Bulletin-Unesco. Copyright Division 1998

Recognizing Aboriginal Title-Peter H. Russell 2005-12-15 A judicial revolution occurred in 1992 when Australia’s highest court discarded a doctrine that had stood for two hundred years, that the country was a terra nullius – a land of no one – when the white man arrived. The proceedings were known as the Mabo Case, named for Eddie Koiki Mabo, the Torres Strait Islander who fought the notion that the Australian Aboriginal people did not have a system of land ownership before European colonization. The case had international repercussions, especially on the four countries in which English-settlers are the dominant population: Australia, Canada, New Zealand, and the United States. In Recognizing Aboriginal Title, Peter H. Russell offers a comprehensive study of the Mabo case, its background, and its consequences, contextualizing it within the international struggle of Indigenous peoples to overcome their colonized status. Russell weaves together an historical narrative of Mabo’s life with an account of the legal and ideological premises of European imperialism and their eventual challenge by the global forces of decolonization. He traces the development of Australian law and policy in relation to Aborigines, and provides a detailed examination of the decade of litigation that led to the Mabo case. Mabo died at the age of fifty-six just five months before the case was settled. Although he had been exiled from his land over a dispute when he was a teenager, he was buried there as a hero. Recognizing Aboriginal Title is a work of enormous importance by a legal and constitutional scholar of international renown, written with a passion worthy of its subject - a man who fought hard for his people and won.

Proceedings of Roundtable on Sentencing and Indigenous Peoples-Rick Savre 1998 This collection of papers address current concerns in relation to the interface of Indigenous Australians and the criminal justice system. Issues discussed include customary law, including the potential for differential sentencing; systemic issues within the criminal justice system; a multi-agency reintegration program; and communication issues. One paper describes the African American experience and the implications for Australia. There is also an extensive compilation of research abstracts.

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Procedures of Roundtable on Sentencing and Indigenous Peoples-