

# INDIGENOUS LAW BULLETIN

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## INDEX

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**Contribute**

The ILB welcomes articles from all interested contributors for any section of the magazine. In particular, Indigenous lawyers, paralegals and visual artists are encouraged to contribute their work for publication. Electronic submission is preferred.

**Articles**

Language: To ensure accessibility to a broad readership, technical and jargonistic language must be simplified into plain English. Aboriginal English is an exception to this rule but where necessary, translations will be provided in addition to the original expression.

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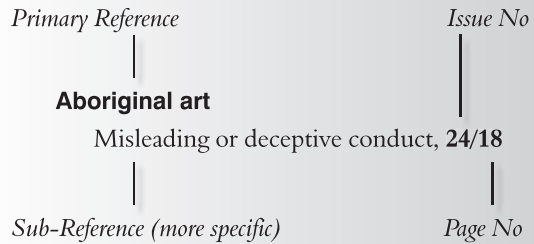
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<b>MAIN</b>	3
<b>AUTHORS</b>	15
<b>FEATURE ARTICLES</b>	24
<b>CASES</b>	26
<b>LEGISLATION</b>	30
<b>INTERNATIONAL INSTRUMENTS</b>	34
<b>SPECIAL EDITIONS</b>	35

**How to Use this Index**

*Breakdown of most common entry*



**PREVIOUS VOLUMES**

*Volume 5 Issues 1-30 (July/August 2000 – Feb 2004)*

*Volume 4 Issues 1-30 (April 1997 – June 2000)*

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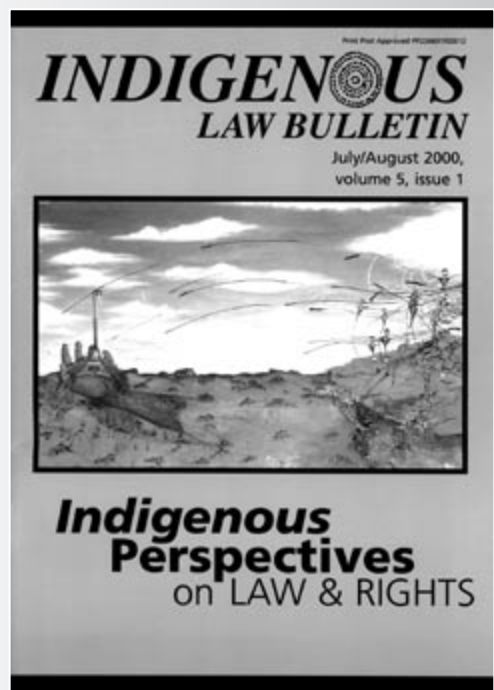
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*Index Volume 4 Issues 1-30 (April 1997 – June 2000)*

*Consolidated Index Volumes 1-3 (August 1981 – March 1997)*

*Index Volume 2 Issues 31-60 (April 1988 – February 1993)*

*Index Volume 1 Issues 1-30 (August 1981 – February 1988)*



## EDITORIAL

There have been many significant legal and other developments affecting Australia's Indigenous peoples throughout Volume 5 – July 2000 to February 2004. Unfortunately, many have not been positive. A number of decisions by the High Court regarding native title have seen Indigenous rights to land further limited in an already highly restrictive legislative regime. Discrimination continues to be a daily experience for many Indigenous people and a UN Special Rapporteur investigating discrimination in Australia not only supported this but linked discriminatory practice directly to the *Native Title Act*. The 10<sup>th</sup> anniversary of the Royal Commission into Aboriginal Deaths in Custody has passed, yet few of its recommendations have been implemented. Indigenous peoples are still overrepresented in gaols, there are few rehabilitation programs available and the cycle of offending behaviour continues. Young Indigenous people also continue to be overrepresented in the criminal justice system, unaided by state government curfew policies.

There have, however, been some positive developments. Restorative Justice mechanisms such as Circle Sentencing in NSW, Koori Courts in Victoria and Nunga Courts in SA have shown signs of immense success in decreasing rates of recidivism and supporting community development. Other community-run initiatives have reported similar successes in addressing issues of family violence, alcoholism and unemployment.

We have been very fortunate to have many editors working on the *ILB* in the course of this Volume. We thank them for their tireless hard work, commitment and vision. We would also like to extend a special thanks to Emeritus Professor Garth Nettheim for his continued encouragement, guidance and contributions. Garth has been involved with the *ILB* since its inception and much of what it is today is owed to him. Of course, the *ILB* would be nothing without the exceptional talents of its designers. Thanks to Dale Harrison, Sophie Verrechia, Francisco Fisher, Adam Hill and our current designer, John Hewitt, for their work in making the *ILB* look fantastic. Finally, we would like to thank the many other people who have contributed – writers, peer reviewers, guest editors, artists and volunteers.

*Samantha Newman and Jacqui Houston*

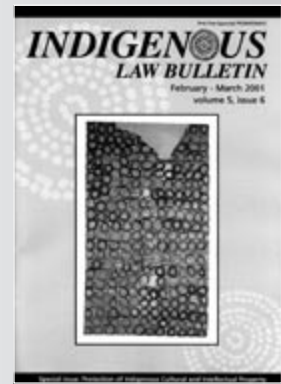
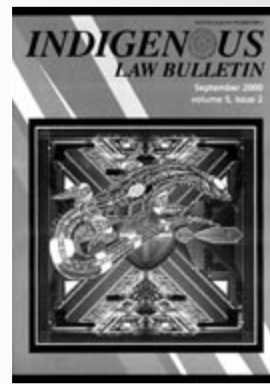
### Editors through Volume 5

Carolyn Cerexhe, Kevin Dolman, Natasha Case, Rachel Davis Teena Balgi, Lucy Macmillan, Carl D'Souza, Lachlan Harris, Nicole Watson, Kasie Maher, Jacqui Houston and Samantha Newman. *In 2001, Carolyn Cerexhe passed away. Our thoughts are extended to her family - the ILB owes Carolyn a debt of gratitude for her work.*

### Guest Editors

Irene Watson – 5(1) Indigenous Perspectives on Law and Rights  
Robynne Quiggin – 5(6) Protection of Indigenous Cultural and Intellectual Property

## MAIN INDEX



A

### Aboriginal ancestral remains

- Aboriginal remains return home, 24/4
- Repatriation, 6/9-13
  - Australia's Museum Policy, 6/9
  - UK Museums, 6/10

### Aboriginal art

- Misleading or deceptive conduct, 24/18

### Aboriginal and Torres Strait Islander Commission (ATSIC)

- Government review of ATSIC, 23/7, 25/4
- Lingiari Foundation,
  - and Water Rights Project, 16/18
- National Indigenous Working Group on Family Violence, 23/6
- Native Title Representative Bodies, funding, 9/14
- UN Draft Declaration on the Rights of Indigenous Peoples 2002, 16/6-9

### Aboriginal and Torres Strait Islander Commission Act 1989 (Cth) (ATSIC Act)

- Amendments to, 20/4

### Aboriginal and Torres Strait Islander Family Mediation Program

- Recent developments in NSW, 15/14

### Aboriginal and Torres Strait Islander Legal Services (ATSILS)

- Crisis in ATSILS funding, 28/22

### Aboriginal and Torres Strait Islander Services (ATSIS)

- Aboriginal Women's Outreach Project, 28/16

### Aboriginal and Torres Strait Islander Social Justice Commissioner

- A National Treaty with Indigenous Australians – the International Law Perspective: Seminar, 19/4
- Completion Statement, Press Conference, 1998, 11/12

**Aboriginal Corporations**

- Aboriginal Councils and Associations Act 1976 (Cth)*
- Liquidations, 7/13
- Mount Theo-Yuendumu Substance Misuse Aboriginal Corporation (MYSMAC)
- Petrol Sniffing Program, 9/8-11

**Aboriginal Court Day**

- South Australian courts, 14/5

**Aboriginal culture**

- Aboriginal cultural heritage protection in Australia, 16/14-16
- Hindmarsh Island Bridge case, 15/16
- Mediation in Aboriginal communities, 14/7-9
- New cultural heritage legislation, Queensland, 13/8-11
- Rights to mortuary rites, 14/15-17
- Traditional cultural activity
- NSW Indigenous Fishing Strategy, 9/12

**Aboriginal Family Wellbeing Facilitation Service, 15/15**

**Aboriginal Interpreter Service (NT)**

- Establishment and effect, 8/27

**Aboriginal Justice Advisory Council (NSW) (AJAC)**

- Aboriginal fishing rights in NSW
- Summary of report on, 29/8
- Aboriginal Justice Plan, 8/24-26
- Anti-social behaviour, 2/7-9, 3/8-12
- Children (Protection and Parental Responsibility) Act 1997 (NSW)*
- review of, 2/7-9, 3/8-12
- Circle sentencing:
  - Involving Aboriginal Communities in Sentencing Process, 4/5-10
  - NSW Circle Sentencing Pilot Project, 8/2

**Aboriginal Justice Officers**

- South Australian Courts, 14/6

**Aboriginal land rights see Land rights**

**Aboriginal Land Rights Act 1983 (NSW)**

- Right to housing under, 19/21

**Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)**

**see Land rights (NT)**

**Aboriginal law**

- Laws and rights
- Indigenous perspectives, 1/4
- Reconstitution of community law, 11/19-23

**Aboriginal Legal Access Project (ALAP)**

- Hawkesbury Nepean Community Legal Centre (HNCLC), 28/10

**Aboriginal Legal Aid Service**

- Central Australian Aboriginal Legal Aid Service (CAALAS), 22/9
- Katherine Regional Aboriginal Legal Aid Service
- Bush courts, 27/20
- Funding, 27/21
- Legal Aid Queensland

- Community Access Points, (CAPs), 28/21

- Technology and justice in regional and rural areas, 28/20

**Aboriginal Legal Services (ALS)**

- A day in the life of an Aboriginal Legal Service lawyer, 16/17
- Darwin Community Legal Service
- Aged and Disability Rights Team (ADRT)
- Rights and service standards, 28/14
- Queensland Aboriginal and Torres Strait Islander Legal Services (QAILSS), 12/10-12
- Top End Women's Legal Service (TEWLS), 27/22, 28/16
- Western Australia, 2/16
- Northbridge curfew, juveniles under 18 years, 27/5, 27/7-13
- Parental responsibility contracts and orders, proposed, 30/11

**Aboriginal Provident Fund (APF)**

- Levy imposed on rural workers, 26/14

**Aboriginal rights**

- Indigenous rights in Australia and Canada, 16/23
- Laws and rights
- Indigenous perspectives, 1/4
- Walking the land for, 1/19

**Aboriginal Tent Embassy**

- 28 years after established, 1/16

**Aboriginal Welfare Fund (AWF)**

- Aboriginal Provident Fund (APF) payments, 26/15

**Aboriginal Women's Outreach Project, 28/16**

**Aboriginal and Torres Strait Islanders see also Indigenous peoples**

- Aboriginal and Torres Strait Islander Family Mediation Program, 15/14
- Aborigines and the law, 11/6
- Artists, 2/19
- Future legal challenges, 11/5
- Governments, and, 5/26
- Indigenous communities, 11/5
- Indigenous oral evidence, 25/22
- Justice in Aboriginal communities, 5/24
- Micro-credit models, 12/6-9
- National Secretariat of Torres Strait Islander Organisations, 16/6
- Night patrols in NSW, 5/16-21
- Pastoralists and workers, 11/13
- History of, 24/20
- Police treatment of Indigenous persons in custody, 12/13-15
- Queensland's democratic process, participation in
- Parliamentary committee inquiry, 22/6, 27/4
- Rising imprisonment rates of Aboriginal women, 24/5-7
- Traditional lands and waters, native title, 19/10-13
- Wik Peoples* case, 11/13
- Women's task force on violence, 4/27

**Aboriginal Councils and Associations Act 1976 (Cth)**

Reform, 30/4-5

**Aborigine's Welfare Fund Project, 12/10**

**Accommodation**

Discrimination in, 2/4

Private rental market, 22/14

**Aged and disabled**

Aged and Disability Rights Team

Darwin, rights and service standards, 28/14

**Agreements**

Agreement-making in Australia and Canada

Implementation of agreements, 20/14-17

Arakwal Indigenous land Use Agreement celebrated, 14/4

Australia-United States Free Trade Agreement

Indigenous Australia, and, 30/20-23

Croker Seas pearl farming agreement, 29/21

Enforcement, 3/14-16

**Agreements, Treaties and Negotiated Settlements**

database (ATNS), 29/5

**Alcohol**

Alcohol companies, action against, 15/12

Alcohol Management Plans (AMP), 25/2, 25/5

Mapoon AMP abandoned, 30/4

Legal implications of alcoholism

Indigenous people, 15/12

Liquor restrictions

Alice Springs, 25/2, 25/11-15

Queensland Indigenous communities, 25/5

New South Wales Alcohol Summit, 26/4

People's Alcohol Action Coalition (PAAC), 25/11

People's Alcohol Action Group (PAAG), 25/11

Public drunkenness in Townsville, 25/9

**Amicus curiae**

World Trade organisation, and

International advocacy, developments, 24/14-17

**Anti-social environment**

Community consultation, 2/7-9, 3/8-12

Local crime prevention plans, 2/8, 3/11

**Australia-United States Free Trade Agreement**

Indigenous Australia, and

Free trade agreements, 30/20

Future trade concerns, 30/22

Indigenous exemptions, 30/21

International trade, 30/20

**Australian Competition and Consumer Commission**

**(ACCC)**

Misleading or deceptive conduct, 24/18

**Australian Cultural Ministers Council**

Strategic Plan for return of Indigenous Ancestral

Remains, 6/9

**Australian Housing and Urban Research Institute**

**(AHURI)**

Aboriginal prison releasees in New South Wales

Ex-prisoner research, 22/7

**Australian Indigenous Human Rights Conference 2000**

Papers from, 30/6

**B**

**Berne Convention**

Moral rights

Indigenous peoples cultural rights, and, 6/14-17

**Boobera Lagoon**

Application for protection, 6/4

Declaration, 6/6

International comment, 6/7

Protection strategies, 6/5

Toomelah-Boggabilla LALC, 6/5

**C**

**Cadetship schemes**

Indigenous law students

Community legal centres, 28/4-7

Funding, 28/6

Guidelines, 28/6

**Canada**

Aboriginal Justice Implementation Commission,

Manitoba, 13/4

Agreement-making in Australia and Canada

Implementation of agreements, 20/14-17

Albertini Residential School case, 12/20

British Columbia treaty referendum, 17/11-14

Canadian Aboriginal situation, 11/15-18

Canadian Residential Schools; Legacy of harm, 17/4-6

Circle sentencing, 4/5-10

Extinguishment and treaties, 1/9

Indian-White relations, 5/25

Indigenous legal education

Akitsiraq Law School, 19/14

Indigenous rights in Australia and Canada, 16/23

Leading First Nations Law professor and author

Professor John Borrows, interview, 29/6

Metis people harvesting rights, 12/16-19

Premier, Police and Ipperwash crisis, 23/22

Reconciliation, 20/18

Self-determination and coexistence, 1/10

Treaties

Brief note on, 1/12

Treaty doubletalk in, 1/8

**Central Australian Aboriginal Congress (CAAC)**

Measures to restrict alcohol, 25/11

**Central Australian Aboriginal Family Legal Unit (CAAFLU)**

Law and Justice Committees, working with, 22/9  
 Profile of, 22/9

**Central Australian Aboriginal Legal Aid Service (CAALAS), 22/9**

**Children see also Chroming; Juvenile crime**

Child abuse  
     Irish reformatory and industrial schools, 27/14-19  
 Child protection before law enforcement  
     Chroming, 25/16  
 Connecting Koori Kids (CKK)  
     Youth drug and alcohol problems, 25/18  
 Juvenile justice, 27/5  
 Juvenile offending  
     Research links child maltreatment with, 22/5  
 Northbridge curfew, WA, 27/5, 27/7-13  
     Criminal activity by Aboriginal youth, 27/7  
     Curfews, whether discriminatory, 27/10  
     Juveniles under 18 years, 27/7, 27/9  
     Public fight for young people to be in the city, 27/8  
 Promised marriages  
     Unlawful intercourse with minor, 23/20  
 Youth curfew in South Australia  
     Operation Shuteye, 26/6

**Chroming**

Connecting Koori Kids (CKK)  
     Youth program substance abuse, 25/18  
 Legislation to address, Victoria, 25/20  
 Volatile substance abuse, 25/2, 25/16, 26/19  
 Youth Substance Abuse Service (YSAS), Victoria, 25/19

**Circle sentencing**

Involving Aboriginal Communities in Sentencing  
     Process, 4/5-10  
 NSW Circle Sentencing Pilot Project, 8/2  
 NSW Government review of, 29/4  
 Sentencing of Indigenous offenders, 4/5-10

**Citizenship**

Social justice and  
     Aboriginal night patrols in NSW, 5/16-21

**Common law**

Consent, native title, and  
     Traditional lands and waters, 19/10-13  
 Concepts, native title, and, 22/18  
 Native title, recognition by, 22/12  
 Special circumstances, and, 23/19

**Commonwealth Constitution**

Preamble to, 21/9  
 Religious freedom, 7/4

**Community activities**

Mining interference, 7/15

**Community Development Employment Program (CDEP)**

Economic opportunities and effectiveness of, 20/5-7

**Community Justice Groups (CJG)**

Alcohol Management Plans, 25/5, 25/7

**Community legal centres**

Cadetships for Indigenous law students, 28/4-7  
 Hawkesbury Nepean Community Legal Centre (HNCLC)  
     Aboriginal Legal Access Project, 28/10

**Community legal workers**

Top End Women's Legal Service (TEWLS)  
     Aboriginal Women's Outreach Project, 28/16

**Community Services Acts**

Community Justice Groups  
     Liquor restrictions in Indigenous communities,  
         25/5, 25/7

**Copyright**

Indigenous communal moral rights, 30/8-10  
 Indigenous cultural and intellectual property rights, 6/14

**Copyright (Indigenous Communal Moral Rights) Bill 2003, 30/8**

**Credit**

Micro-credit models in Indigenous Australian  
     context, 12/6-9

**Criminal law see also Circle sentencing; Mandatory sentencing**

Arrest, trial and sentence  
     campaign to commute sentence, 24/22  
 Sentencing of Indigenous offenders  
     Alternatives, 5/24  
     Circle Sentencing, 4/5-10, 29/4  
     Stolen Generation, and, 23/10-13

**Curfews see Children**

**D**

**Database**

Agreements, Treaties and Negotiated Settlements Database (ATNS), 29/5

**Deaths in Custody**

Indigenous men and Victoria Police, 8/20  
 Indigenous prisoners, continuing poor health, 8/16-19  
 Royal Commission into Aboriginal Deaths in Custody  
     Aboriginal Justice Planning, 8/24  
     Australian Capital Territory, 8/7  
     Final Report and Recommendations, 8/4  
     Indigenous women in Queensland Prisons, 8/28  
     Moving beyond the Royal Commission, 8/24  
     New South Wales, 8/8  
     Northern Territory, 8/9  
     Queensland, 8/10  
     Recommendations, 3/20, 8/16, 21/14  
     South Australia, 8/10  
     State and Territory implementation of

recommendations, 8/6

Tasmania, 8/11

Victoria, 8/13

Western Australia, 8/14

**Disabled persons**

Unsentenced prisoners in Western Australia

Unfit to plead, 16/10-13

**Discrimination**

Compensation, underpaid Aboriginal workers, 14/11-14

Curfews, children under 18 years, 27/10

Indigenous peoples and racism, 7/2

Institutionalised racism

Australian public services, in, 26/10-12

Palm Island Decision, 14/11-14

Private rental market, in, 22/14

Racial discrimination in the private rental market, 2/4

Direct and indirect discrimination, 2/5

Racial vilification

Human Rights and Equal Opportunity

Commission, 7/8-10

Legislation, Qld and Vic, 8/2

UN Convention on the Elimination of all Forms of

Racial Discrimination (CERD), *see* **International**

**Conventions**

UN Report on Racism and Indigenous Australians, 16/5

UN World Conference Against Racism, 13/5-7

**Domestic violence** *see* **Family violence**

**Draft Declaration on the Rights of Indigenous**

**Peoples**, 1/5, 4/11

**Drugs** *see also* **Children**

Blockbuster drugs in pharmaceutical industry, 22/12

Medicine derived from traditional knowledge, 22/12

**E**

**Economic, Social and Cultural Rights Committee**, 2/2, 4/13

**Evidence**

Indigenous oral evidence, 25/22

**Extinguishment** *see* **Native title**

**F**

**Fair trading**

Consumer warnings on authenticity of “Aboriginal-style souvenirs”, 24/19

**Family violence**

Child abuse, and

Protection for Indigenous Children, 20/20

Coen Local Justice Group, 13/12-15

Education Centre Against Violence, 14/23

Mediation in Aboriginal communities, 14/7-9

National Indigenous Working Group on Family Violence, 23/6

Violence against Aboriginal women, 11/19-23

**Fishing** *see* **Hunting fishing and gathering**

**Foundation of Aboriginal Islander Research Action (FAIRA)**, 16/6

**G**

**Gender**

Representations

*Recollections of Squatting in Victoria*, 19/6-9

**Geraldton Resource Centre**

Challenges, 23/9

Initiatives and projects, 23/8

Services, 23/8

**Genocide**

Aboriginal law, and, 1/14

Arabunna people’s connection to land, 1/19

UN Convention on the Prevention and Punishment of the Crime of Genocide, 1/6

**H**

**Healthy Rivers Commission (HRC) (NSW)**

Indigenous interests

Aboriginal concerns, 29/12

Consultation process, 29/12

Recommended principles, 29/13-15

**Heritage protection**

*Aboriginal and Torres Strait Islander Heritage Protection Act* 1984 (Cth)

Applications under, Boobera Lagoon, 6/4-7

Aboriginal cultural heritage protection in Australia, 16/14-16

Commonwealth legislation, 3/17-19

Federal Heritage Protection Bill, 11/14

Hindmarsh Island Bridge case, 15/16

Indigenous knowledge, and, 6/30

Kakadu National Park, 6/24

New Cultural Heritage legislation, Queensland, 13/8-11

**Human Rights**

Award

ILB honoured with, 4/4

Human Rights Committee (HRC), 4/12

Inter-American Court of Human Rights

Awas-Tingni decision, 18/15-18

UN appoints Special Rapporteur

Human Rights of Indigenous Peoples, 6/2

**Human Rights and Equal Opportunity Commission (HREOC)**

- Bringing Them Home, Report, **23/10**
- Discrimination on the grounds of race, **2/4**
- Racial vilification before, **7/8-10**
- Social Justice Unit
  - National Indigenous Legal Advocacy Courses (NILAC), **28/8**

**Hunting fishing and gathering**

- Aboriginal fisheries in NSW, **20/8**
- Aboriginal fishing strategy in WA, **29/10**
- AJAC Report
  - Aboriginal fishing rights in NSW, **29/8**
- Fishing rights, **2/17**
- Fishing war in Torres Strait, **2/17**
- NSW Indigenous Fisheries Strategy, **9/12**
- Tidal waters
  - Commercial fishing licences issued, **7/17**

**I****Indigenous communities**

- Future legal challenges, **11/5**
- Political power, **11/5**

**Indigenous Employment Conference**

- Community Development Employment Program (CDEP), **20/5-7**

**Indigenous Land Corporation (ILC), 24/11****Indigenous Land Use Agreements (ILUAs) see Agreements****Indigenous Law Bulletin (ILB)**

- Fresh direction for ILB, **24/2**
- 20 years of the Bulletin, **11/2**
  - Aboriginal and Torres Strait Islander Social Justice Commissioner
    - Completion Statement, Press Conference, 1998, **11/12**
  - Aboriginal youth in juvenile justice systems, **11/31**
  - Aborigines and the law, **11/6**
  - Canadian Aboriginal situation, **11/15-18**
  - Federal Heritage Protection Bill, **11/14**
  - Future legal challenges, **11/5**
  - Mabo (No 2)*, major test case, **11/7, 11/33**
  - Pastoralists and workers, **11/13**
  - Reconciliation, **11/24-30**
  - UN International Year for the World's Indigenous People
    - Redfern Park Speech, **11/9-11**
  - Violence against Aboriginal women, **11/19-23**
  - Wik Peoples* case, **11/13**

**Indigenous Law Centre**

- New coordinator, **3/2**

**Indigenous lawyers see also Indigenous Pre-Law Program**

- A day in the life of an Aboriginal Legal Service lawyer, **16/17**
- Cadetships for Indigenous law students
  - Community legal centres, **28/4-7**
- Indigenous legal education, Canada, **19/14**
- Interview with
  - Shaz Rind, **24/12**
- Next generation of, **22/4**
- Unique practice, **2/10**
- Wage disparity between Indigenous and non-Indigenous, **13/20**

**Indigenous peoples**

- Africa, **20/23**
- Canada, *see* **Canada**
- Community participation
  - Sentencing criminal offenders, **4/5-10**
- Fifth Schedule of Indian Constitution
  - Samatha judgment, **13/22**
- Future legal challenges, **11/5**
- International trade, and
  - Free trade agreement with United States, **30/20**
- Ireland, *see* **Ireland**
- Latin America, effects of globalisation, **15/4**
- Making of South African legal culture 1902-36, **12/22**
- Malaysia, Indigenous rights in, **14/21**
- New Zealand, *see* **New Zealand**
- Nicaragua, The Awas-Tingni decision, **18/15-18**
- Norway, **9/18**
- Police treatment of Indigenous persons in custody, **12/13**
- Treaties, *see* **Treaties**
- UN Working Group on Indigenous Populations, **20/10-13**
- United States, **3/23, 17/7**, *see also* **United States**
- Water and development
  - Indigenous perspectives, **29/26**

**Indigenous Pre-Law Program, 5/22**

- Koora Kudidj Pre-Law Program, **14/4**

**Indigenous self-determination see Self-determination****Indigenous students**

- Address to UN
  - Adverse impacts of mandatory sentencing, **1/2**

**Intellectual property see also Copyright**

- Consumer protection legislation, **24/19**
- Indigenous communal moral rights, **30/8-10**
- Traditional knowledge
  - Development of modern medicine, and, **22/12**

**International advocacy**

- Amicus curiae and the World Trade Organisation, **24/14-17**

**International Conventions see also United Nations**

- UN Convention on Civil and Political Rights, **2/2, 6/6**



- UN Convention Economic, Social and Cultural Rights, 2/2, 4/11
- UN Convention on the Elimination of All Forms of Racial Discrimination (CERD), 2/2, 4/11
- UN Convention on the Elimination of All Forms of Discrimination against Women, 2/2
- UN Convention on the Prevention and Punishment of the Crime of Genocide, 1/6
- UN Convention on the Rights of the Child, and, Curfews, 27/7-13

**International Law Association, Australian branch**

- A National Treaty with Indigenous Australians – the International Law perspective: Seminar, 19/4

**International Youth Parliament 2000 (IYP2000), 4/19-21**

**Intestacy law**

- Failure for customary law purposes, 13/16-19

**Ireland**

- Stolen Generation
  - Child physical and sexual abuse, 27/14
  - Commission to Inquire into Child Abuse, 27/15
  - Compensation Advisory Committee (Ryan Committee), 27/16
  - Criminal proceedings, 27/15
  - Kennedy Report, 27/14
  - Residential Institutions Redress Board, 27/17
  - Statute of Limitations and litigation, 27/15

**Island Coordinating Council (ICC)**

- Regional government in Torres Strait, 16/4

**J**

**Jabiluka**

- Mirrarr people, protection of cultural vales, 6/24

**Joint management**

- National parks, NSW, 3/20-22

**Juvenile crime, 2/7-9, 3/8-12**

- Aboriginal youth in juvenile justice systems, 11/31
- Anti-social environment
  - Community consultation, 2/7-9
- National Indigenous Juvenile Justice Conference 2003
  - Juvenile in/justice and Indigenous kids, 27/5
- Research links child maltreatment with, 22/5

**Juveniles see Children; Juvenile crime**

**K**

**Kakadu National Park**

- Mirrarr people, protection of cultural values, 6/24

**Kungkas**

- Struggle for the Manta, 1/22

**L**

**Land rights**

- Aboriginal and treaty rights
  - Compensation for breach, 17/27
- Mabo (No 2)*, major test case, 11/7, 11/33
- Second Annual Conference of NTRBs, 12/5

**Land rights (NSW)**

- National parks
  - Joint management, 3/20-22

**Land rights (NT)**

- Aboriginal Land Rights (Northern Territory) Act 1976* (Cth)
  - Fishing in tidal waters on Aboriginal land, 7/17
- Kakadu National Park
  - Mirrarr people continue campaign, 6/24
- Kenbi land claim, 15/19
- Mining and the Mirrar People, 18/12-14

**Larrakia Treaty Petition, 21/11**

**Law Reform Commission (NSW)**

- Circle Sentencing Pilot Project, 8/2

**Legal Aid (NSW)**

- Aboriginal and Torres Strait Islander Family Mediation Program, 15/14

**Legal practitioners see also Indigenous lawyers**

- A day in the life of an Aboriginal Legal Service lawyer, 16/17
- Unique practice, 2/10
- Wage disparity between Indigenous and non-Indigenous, 13/20

**Lingiari Foundation**

- ATSIC, and
  - Water Rights Project, 16/18

**Local Aboriginal Land Council (LALC)**

- Grant of house and land, 19/21
- Toomelah-Boggabilla LALC
  - Boobera Lagoon, protection of, 6/4
  - Land management by, 6/5

**Local Justice Initiatives Program**

- Coen Local Justice Group
  - Family violence, 13/12-15

**M**

**Mandatory sentencing, 2/2**

- Adverse impacts of, 1/2
- Lessons from the US, 17/19-22

**Mediation**

- Aboriginal communities, 14/7-9
- National Native Title Tribunal, 18/4-7
- Yorta Yorta mediation process, 15/8

**Member of Parliament**

First Indigenous person, 26/8

**Mining**

Community activities and mining interference, 7/15

Jabiluka, *see* **Jabiluka; Kakadu National Park**

Land rights, mining and the Mirrar People, 18/12-14

**Moral rights**

Berne Convention, 6/14

Collective ownership, 6/17

*Copyright Amendment (Moral Rights) Act 2000 (Cth)*, 6/14-18

**Mortuary rites**

Aboriginal right to, 14/15

**Murray Darling Indigenous Nations (MDRIN)**

Water rights

Murray Darling Basin, 29/17-20

**N**

**National Aboriginal Islander Legal Service Secretariat (NAILSS), 16/6**

**National Indigenous Juvenile Justice Conference 2003**

Juvenile in/justice and Indigenous kids, 27/5

**National Indigenous Legal Advocacy Courses (NILAC)**

Improving legal services, 28/8

**National Indigenous Legal Studies Curriculum, 8/30**

**National Indigenous Working Group on Family Violence, 23/6**

**National Native Title Tribunal**

Effectiveness of, 18/4-7

Mediation and other functions, 18/5

Operational environment, changes

Native title claims, 9/4-7

**National Secretariat of Torres Strait Islander**

**Organisations, 16/6**

**National Parks (NSW)**

Aboriginal land ownership

Joint management, and, 3/20-22

**Native title**

Aboriginal and treaty rights

Compensation for breach, 17/27

Agreements, *see* **Agreements**

Applications

Regulation of agencies, 9/4-7

Australian legal system, in, 18/22

Common law concepts, and, 22/18

Communal, principles of, 3/4-7

Consent, common law, and

traditional lands and waters, 19/10-13

Croker Seas pearl farming agreement, 29/21

Determination

Rubibi Community, Traditional Aboriginal law ground, 18/19-21

Extinguishment

Clear and plain intention, 26/19

Legislative intervention, 26/19

*Miriuwung Gajerrong* case, 4/16

Treaties, and, 1/9

*Yarmirr* case, 4/16

Future acts, 9/16

Kenbi land claim, 5/19

Learning about native title

Online CD Rom learning device, 23/5

Legislation, 2/2

Local government's national response, 18/23

*Mabo (No 2)* major test case, 11/7, 11/33, 19/10

Native title claim 1994-2000

*Yorta Yorta* case, 6/19-23, 6/25-28

Native Title Report 2000, 7/23

Operational environment, changes in, 9/4-7

Overseas precedents, relevance, 3/23

Public works threaten native title

Torres Strait, 26/24

*Racial Discrimination Act 1975 (Cth)*

Relevance of, 26/20

Role in native title, 24/28-10

Recognition by common law, 22/12

Representative bodies, *see* **Native Title Representative Bodies (NTRBs)**

Right To Negotiate

Alternative native title regime, Qld, 4/22-24

Second Annual Conference of NTRBs, 12/5

Squatting in Victoria

Implications for land justice, 19/6-9

Traditional laws and customs

Connection with land and water, 30/14-16

Valuation and management of land, 4/26

*Ward* decision, analysis

Part I, 22/18-23

Part II, 26/17-23

Wik peoples negotiate settlement on claim, 2/2

**Native Title Report 2000**

*Racial Discrimination Act 1975 (Cth)*

Role in native title, 23/8-10

**Native Title Act 1993 (Cth)** *see also* **Table of Legislation**

Confirmation and validation provisions

Priority of application, 26/20

Connection and use of land, 22/20, 30/14-16

Cultural knowledge and connection, 22/20

Incidents test, inconsistency, 26/20

Native title, definition, 22/19

Primacy of, 22/18

- s 24HA
  - Claimant rights under, 2/18
- s 190C(3)
  - Denial of religious freedoms, 7/4
- Rights possessed under traditional law and custom, 22/19
- Validation of past acts, 26/18
- Yorta Yorta mediation process under, 15/8-11
- Native Title Representative Bodies (NTRBs) see also Native title**
  - Cautioning of, 2/16
  - Chronic under-funding, 9/14
  - Operational environment, changes in
    - Native title claims, 9/4-7
  - Re-recognition process for, 4/25
  - Second Annual Legal Conference
    - Past and future of land rights and native title, 12/5
    - Selection of Papers from, 20/22
  - Working group model
    - Provision of native title legal services, 28/12
- New Zealand**
  - Dispute resolution in, 7/21
  - Employers' duties of cultural sensitivity, 23/16-18
  - Indigenous oral evidence, 25/22
  - Treaty claims in New Zealand today, 15/21
- Ngaarra Legal Forum**
  - Garma Cultural Festival, 12/4
- Ngooderi-Mabuntha Justice Association (NMJA)**
  - Alcohol Management Plan, 25/7
- Northbridge curfew, WA, 27/5, 27/7**
- Northern Territory see also Land rights (NT)**
  - Alcohol and Alice Springs, 25/11
  - Kenbi land claim, 15/19
  - Thamarrurr Community Government Council, 23/4
  - Land rights, mining and Mirrar people, 18/12
  - Treaty justice or injustice
    - Larrakia woman's perspective, 21/11
  - White bosses and Aboriginal pastoral workers, 24/20
- Nuclear waste**
  - Kungkas struggle for the Manta, 1/22

## P

- Parental responsibility contracts and orders**
  - Proposed in WA
    - Analysis of impact on Indigenous families, 30/11-13
- Parliament, New South Wales**
  - Linda Burney MP, interview with, 26/8
- Pastoral workers**
  - History of white bosses, and, 24/20

## Pearl farming

- Croker Seas pearl farming agreement, 29/21-23
- People's Alcohol Action Coalition (PAAC), 25/11**
- People's Alcohol Action Group (PAAG), 25/11**
- Petrol sniffing see also Chroming**
  - Warlpiri Elders work with petrol sniffers, 9/8-11
- Police see also Deaths in custody**
  - Aboriginal communities, and, 7/22
  - Indigenous men and Victorian Police, 8/20
  - Police brutality, 16/20
  - Youth curfew in South Australia
    - Operation Shuteye, 26/6

## Prisons

- Aboriginal prison releasees in New South Wales
  - Ex-prisoner research, 22/7
- Aboriginal youth in juvenile justice systems, 11/31
- Indigenous men and Victorian Police
  - Alleged offenders, rates of arrest and over-representation in 1990s, 8/20-23
- Indigenous women in Queensland, 8/28
- Police treatment of Indigenous persons in custody, 12/13-15
- Rising imprisonment rates of Aboriginal women, 24/5-7
- Unsentenced prisoners in Western Australia, 16/10-13

## Promised marriages

- Unlawful intercourse with minor, 23/20

## Protection regime

- Government as banker in Queensland and United States, 26/13
- Legislation to control lives of Aboriginal people, 26/13-16

## Public Order and Anti-Social Bill 2001 (NT), 8/2

## Public service

- Institutionalised racism, 26/10
  - Aboriginal employees in bureaucracy, 26/11
  - Indigenous Family Program, (IFP), 26/11

## Public works

- Threaten Native Title in Torres Strait, 26/24

## Q

## Queensland

- Aboriginal and Torres Strait Islander Legal Services, 12/10
- Alcohol Management plans, 25/5, 25/7
- Alternative native title regime
  - Right To Negotiate, and, 4/22
- Coen Local Justice Group, 13/12
- Geraldton Resource Centre, 23/8, 23/9
- Indigenous community governance, 1984-2000, 5/4-10
  - Alternative Governing Structures Program, 5/5-8

- Community Services Acts, 5/4, 5/8
- Legislation Review Committee, 5/4
- Legal, Constitutional and Administrative Review Committee, 22/6
- Liquor restrictions, 25/5
- National Indigenous Legal Advocacy Courses (NILAC)
  - Improving legal services, 28/8
- New cultural heritage legislation, 13/8-11
- Office of Fair Trading, warning
  - Consumer warnings on authenticity of “Aboriginal-style souvenirs”, 24/19
- Protection regime, stolen wages, 26/13-16
- Public drunkenness in Townsville, 25/9
- Queensland Constitutional Review Commission, 22/6
- Queensland’s democratic process
  - Aboriginal and Torres Strait Islanders, participation, 22/6, 27/4
- Rural Women’s Outreach Legal Services (RWOLS)
  - Video law in remote and rural communities, 28/18
- Technology
  - Justice to regional and rural Queensland, 28/20
- Queensland Aboriginal and Torres Strait Islander Legal Services (QAILSS)**
  - Research into Government savings accounts, 12/10

## R

- Race politics**, 15/23, 20/21
- Racial discrimination** *see* **Discrimination**
- Racial Discrimination Act 1975 (Cth)**
  - Native title, role in, 23/8-10
- Racism** *see* **Discrimination**
- Reconciliation**, 11/24-30
  - Canada, Council of Haida Nation, 20/18
  - Council for Aboriginal Reconciliation, Report, 7/20
  - Declarations of reconciliation, 21/10
  - Document of reconciliation, 21/9
  - Practical reconciliation, 21/5, 21/13
- Redfern Park Speech**
  - UN International Year for the World’s Indigenous People by Prime Minister Paul Keating, 11/9-11
- Religious freedoms**
  - Commonwealth Constitution, 7/4
  - Indigenous spiritual relationships
    - Legal interests, and, 7/4-7
  - Native Title Act 1993 (Cth)*, and, 7/4-7
- Remote Area Advocacy Project**
  - Services for disadvantaged in remote areas, 28/14
- Royal Commission Into Aboriginal Deaths in Custody** *see* **Deaths in Custody**
- Rural Women’s Outreach Legal Services (RWOLS)**

- Video law in remote and rural communities
  - Telephone communication, 28/18
  - Video conferencing, 28/18

## S

- Savings Accounts and Wages Project**
  - Categories of Aboriginal workers, 12/10-12
  - Indigenous workers’ wages paid to third party, 12/10-12
- Sea rights**
  - Croker Island Sea Rights* case, 5/13, 14/18
  - Fishing war in Torres Strait, Round Four, 6/2
  - Mabo* case, 5/11
  - Torres Strait, rights and control, 5/11-14
- Self-determination**
  - Co-existence, and, 1/10
  - Indian Gaming in US, 18/8-11
- Self-government**
  - British Columbia treaty referendum, 17/11-14
  - Nation-building and the treaty process, US, 17/7-11
- Sentencing** *see* **Criminal law**
- Social control**
  - Anti-social environment
    - Community consultation, 2/7
- Social justice**
  - Citizenship and
    - Aboriginal night patrols in NSW, 5/16-21
- South Africa**
  - Foundations of Aboriginal title in, 30/17
- Special Rapporteur for the Human Rights of Indigenous People**
  - UN Commission on Human Rights, 7/11
- Squatting (Vic)**
  - Representations of gender
    - Implications of land justice through native title, 19/6-9
- Stolen Generations**
  - Bringing Them Home*, HREOC’s Report, 23/10
  - Canadian Residential Schools, 17/4-6
  - Chronology of litigation 1993-2003, 23/14
  - Ireland, 27/14-17
  - Legal and political responses to
    - Lessons from Ireland, 27/14-19
  - Litigation, 9/2
    - Cubillo* case, 2/11-15
  - Reparations tribunal, 5/2
  - Sentencing of Indigenous offenders, and, 23/10-13
  - Victims Compensation Tribunal
    - Alleged assaults, proving, 22/10
    - Future claims, implications for, 22/11
    - Psychological harm, proving, 22/10
    - Victory in, 22/10

**Substance abuse** see **Chroming**

**Sydney Olympic Games**

Public order, and, 1/26

## T

**Thamarrurr Community Government Council**, 23/4

**Torres Strait**

Fishing war in Torres Strait, 2/17

Indigenous rights and control of sea, 5/11-14, 6/2

*Croker Island Sea Rights* case, 5/13, 14/18

*Mabo* and sea rights, 5/11

Native title claims, 5/12

Non-Indigenous laws, 5/12

Political initiatives, 5/14

Torres Strait Islander relationship, 5/11

Island Coordinating Council, 16/4

Torres Strait Regional Authority, 16/4

Towards regional government of Torres Strait, 16/4

**Torres Strait Islanders** see **Aboriginals and Torres Strait Islanders**

**Trade Practices Act 1974 (Cth)**

Misleading or deceptive conduct, 24/18

**Traditional cultural activity** see **Aboriginal culture**

**Traditional laws and customs**

Connection with land and waters

Native title claim, 30/14

Intestacy laws, 13/16-19

Medicines derived from traditional knowledge, 22/13

**Treaties**

Aboriginal and treaty rights

Compensation for breach, 17/27

Agreements, Treaties and Negotiated Settlements Database (ATNS), 29/5

Alternative name of 'compact', 21/9

A National Treaty with Indigenous Australians – the International Law perspective: Seminar, 19/4

Arguments for and against, 21/13

British Columbia treaty referendum, 17/11-14

Campaigns for treaty between

Indigenous and Non-Indigenous peoples, 21/4

Comment on treaty between

Indigenous and Non-Indigenous people, 21/23

Concerns about treaties, 21/6

Debating a treaty, 21/19

Definition of treaty, 21/4, 21/12

Effects of a treaty

Murri people, 21/21

Extinguishment, and, 1/9

Meaning, 21/17

Nation-building and the treaty process, US, 17/7-10

Parliamentarians and the treaty

Obstacles and opportunities, 21/20

Personal perspective on the treaty

Sporting Great, 21/14

Real and fictitious

Brief note on, 1/12

Reflections on a treaty

Torres Strait Island lawyer, 21/22

Refugee's reflections on a treaty, 21/18

Re-evaluation of the treaty campaign, 21/16

Social and political aspects, 21/12

Ten point plan campaign, 21/17

Treaty claims in New Zealand today, 15/21

Treaty doubletalk in Canada, 1/8

Treaty in Australia, 21/8

Treaty justice or injustice

Larrakia woman's perspective, 21/11

Treaty or ghost dance, 21/15

United Nations studies on treaties, 1/8

United Nations treaty mandates, 4/11

Why have a treaty, 21/4

## U

**United Kingdom**

Aboriginal ancestral remains, repatriation, 6/9-13

Law, property rights and the British Diaspora, 19/22

**United Nations**

Australian Government

Criticised, 2/2

Exposes itself before, 4/11-15

Study on treaties, 1/8

UN Commission on Human Rights (CHR), 1/2, 6/2

Special Rapporteur for the Human Rights of Indigenous People, 7/11

UN Committee on Elimination of Racial Discrimination, 2/2

UN Committees under attack, 2/2

UN Convention on the Prevention and Punishment of the Crime of Genocide, 1/6

UN Convention on the Rights of the Child Curfews, 27/7-13

UN Draft Declaration on the Rights of Indigenous Peoples 2002, 16/6-9

UN Economic and Social Council

Forum for Indigenous Peoples, 4/14

UN International Year for the World's Indigenous People Redfern Park Speech by Prime Minister Paul

Keating, 11/9-11

UN Report on Racism and Indigenous Australians, 16/5

UN treaty mandates, 4/11

- UN Working Group on Indigenous Populations, **20/10-13**
- UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, **7/2, 13/5-7**
- Working Group on Indigenous Populations
  - Future in the balance, **20/10**

**United States**

- American Indian water rights, **29/24**
- Australia-United States Free Trade Agreement
  - Indigenous Australia, and, **30/20**
- Contemporary Native American Cultural Issues, **7/19**
- Contemporary Native American Political Issues, **17/25**
- Government as banker, abuse of trust
  - Moneys collected and managed by Government, **26/13-16**
- Indian Gaming, legislation, **18/8-11**
- Mandatory sentencing, lessons from the US, **17/19-22**
- Nation-building and the treaty process, **17/7-10**
- Repatriation of ancestral remains, **6/9**
- Tribal courts in the USA, **17/15-18**
- Western Shoshone land rights struggle
  - US Government, against, **19/18-20**
- Zuni Salt Lake threatened, **17/23**

**V**

**Vale**

- Kwementyaye Perkins
  - (Dr Charles Nelson Perrurle Perkins, AO)
  - 1936-2000, **3/13**

**Victims Compensation Tribunal**

- Stolen generation, **22/10-11**

**W**

**Wages**

- Discrimination against Aboriginal workers
  - Palm Island Decision, **14/11-14**
- Stolen Wages (Queensland), **26/13-16**

**Water rights**

- American Indian water rights, **29/24**
- ATSIC and Lingiari Foundation
  - Water Rights Project, **16/18**
- Indigenous water rights
  - Murray Darling Basin, **29/17-20**
- Water and development
  - Indigenous perspectives, **29/26**

**Western Australia**

- Aboriginal Fishing Strategy, **29/10**
- Community activities and mining interference, **7/15**
- Discrimination in private rental market, **2/4-6, 22/14**

- Homeswest public housing authority, **22/14-17**
- Native title representative bodies cautioned, **2/16**
- Northbridge curfew, **27/5, 27/7-13**
- Parental responsibility contracts and orders, **30/11-13**
- Unsentenced prisoners in
  - Unfit to plead, **16/10-13**

**Wik Peoples**

- Native title claim, **2/2**

**Wills**

- Customary law purposes, failure, **13/16-19**

**Women**

- Aboriginal women, politics and land, **16/21**
- Hindmarsh Island Bridge case, **15/16**
- Indigenous women in Queensland prisons, **8/28**
- Kungkas and the struggle for Manta, **1/22**
- Micro-credit models
  - Indigenous women entrepreneurs, **12/6-9**
- Rising imprisonment rates of Aboriginal women, **24/5-7**
- Rural Women's Outreach Legal Service (RWOLS)
  - Video conferencing equipment, **28/18**
- Task force on violence, **4/27**
- Top End Women's Legal Service (TEWLS), **27/22, 28/16**
- Violence against Aboriginal women, **11/19-23**

**Working Groups on Indigenous Populations (WGIP), 4/11, 4/13**

**World Health Organisation (WHO)**

- Medicines derived from traditional knowledge, **22/13**

**World Trade Organisation**

- Amicus curiae, and
  - International advocacy, developments, **24/14-17**

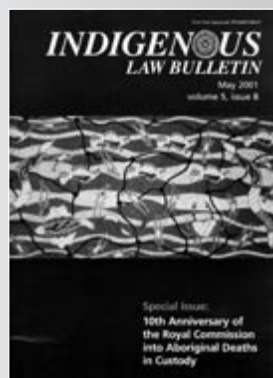
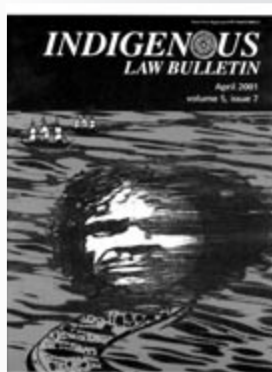
**Y**

**Youth Affairs Council of WA (YACWA)**

- Curfews, **27/8**

# AUTHORS INDEX

A list of authors of Articles, Book Reviews and Case Notes



## A

### **Agale, Maurice**

Necrology: List of Recently Dead People, **21/12**

### **Anderson, Jane**

Indigenous Communal Moral Rights: The Utility of an Ineffective Law, **30/8**

### **Andren, Peter**

Thoughts on the Treaty in Australia, **21/8**

### **Anggadi, Frances**

The Ambit and Nature of Claimant Rights Under s 24HA of the Native Title Act: *Harris v Great Barrier Reef Marine Park Authority*, **2/18**

### **Atkinson, Judy**

Violence against Aboriginal Women: Reconstitution of Community Law – the way forward, **11/19**

### **Atkinson, Dr Wayne**

Mediating the Mindset of Opposition: The *Yorta Yorta* Case, **15/8**  
“Nor One Iota” of Land Justice: Reflections on the *Yorta Yorta* Native Title Claim 1994-2001, **6/19**

### **Avery, Dr John**

Rights to Mortuary Rites, **14/15**

## B

### **Baldry, Dr Eileen**

Comment on a Treaty Between Indigenous and Non-Indigenous Australians, **21/23**

### **Baldry, Dr Eileen and Maplestone, Peter**

Aboriginal Prison Releasees in New South Wales: Preliminary Comments on Ex-Prisoner Research, **22/7**

### **Balgi, Teena**

Moving Beyond the Royal Commission: Interview with Winsome Matthews, **8/24**  
The Right to Negotiate and Queensland’s Alternative Native Title Regime, **4/22**

### **Barclay, Kelly**

The Drink Without The Trouble: Hope For Our Future, **25/7**

### **Barns, Greg**

A Treaty – The Future will Deliver, **21/13**

### **Behrendt, Larissa**

*Precedents of Relevance to Native Title* by Shaunnagh Dorsett and Lee Godden: Book Review, **3/23**

### **Bhanumathi, K and Rebbapragada, Ravi**

The Fifth Schedule of the Indian Constitution and the Samatha Judgement, **13/22**

### **Bitsis, Amelia**

State and Territory Implementation of the Recommendations of the Royal Commission: Victoria, **8/13**

### **Black, Russell and Watson, Nicole**

New Cultural Heritage Legislation: One Small Step for Murriss, One Giant Leap Forward for the Queensland Government, **13/8**

### **Blanchard, Lynda-ann and Lui, Leah**

Citizenship and Social Justice: Learning from Aboriginal Night Patrols in NSW, **5/16**

### **Boersig, John**

Wage Disparity Between Indigenous and Non-Indigenous Legal Service Providers, **13/20**

### **Boffa, Dr John and Rosewarne, Clive**

Alcohol and Alice Springs: Meeting the Needs and Wishes of the Community, **25/11**

### **Bohill, Ruth and Douglas, Greg**

Community Consultation in an Anti-Social Environment: Part One, **2/7**  
Community Consultation in an Anti-Social Environment: Part Two, **3/8**

### **Brady, Dr Wendy**

Write on Native Americans. *Contemporary Native American Cultural Issues* by Duane Champagne (ed): Book Review, **7/19**

### **Brajcich, Tonia**

The WA Proposed Parental Responsibility Contracts and Orders: An Analysis of their Impact on Indigenous Families, **30/11**

### **Bryant, Gerard**

Promised Marriages: *The Jackie Pascoe Case*, **23/20**

### **Buzzacott, Kevin**

Walking the Land for our Ancient Rights, **1/19**

## C

- Campbell, Liam and Stojanovski, Andrew**  
Warpipi Elders Work with Petrol Sniffers, 9/8
- Chacko, Suni and Sambuc, Henri-Philippe**  
Blockbusters, Traditional Knowledge and Intellectual Property, 22/12
- Charles, Chris J**  
The Crisis in ATSILS Funding, 28/22
- Chartrand, Paul**  
The Aboriginal Justice Implementation Commission of Manitoba, Canada, 13/4
- Clarke, Jennifer**  
Commonwealth Not Liable: *Cubillo and Gunner v Commonwealth*, 2/11
- Clarke, Phynea and O'Sullivan, Teresa**  
Profile of the Central Australian Aboriginal Family Legal Unit, 22/9
- Cleary, Simon**  
*Special Forum*: Chroming: Child Protection Before Law Enforcement, 25/16
- Clive, Frankie**  
Unity in Diversity: the International Youth Parliament 2000, 4/19
- Coe, Isobell**  
The Aboriginal Tent Embassy: 28 Years After It Was Established, 1/17
- Collings, Neva**  
Australian Government Exposes Itself Before the UN, 4/11  
57<sup>th</sup> Session of the Commission on Human Rights, 7/11  
The Rights to Waters Project, 16/18
- Cornell, Stephen**  
Nation-Building and the Treaty Process, 17/7
- Culvenor, Clare**  
Commonwealth Heritage Protection Legislation, 3/17
- Cunneen, Chris**  
*Justice in Aboriginal Communities: Sentencing Alternatives* by Ross Green: Book Review, 5/24  
Legal and Political Responses to the Stolen Generation: Lessons From Ireland, 27/14  
Public Order and the Sydney Olympics: Forget About the Protest, 1/26
- Cunneen, Chris and Grix, Julia**  
Chronology: The Stolen Generations Litigation 1993-2003, 23/14
- Cunneen, Chris and Libesman, Terri**  
Editorial: Juvenile Justice: Reprint from Volume 2, Issue 44, 11/31

## D

- D'Eatough, Tauri**  
A Day in the Life of an Aboriginal Legal Service Lawyer, 16/17
- D'Mello, Zane**  
Profile of the Geraldton Resource Centre, 23/8
- D'Souza, Carl**  
Arakwal Indigenous Land Use Agreement Celebrated, 14/4  
A Treaty: What's it all About? 21/4  
Legislative Newsflash, 24/19  
Linda Burney MP: An Interview, 26/8  
The Next Generation of Indigenous Lawyers, 22/4
- D'Souza, Carl and Gibson, Melodie**  
Shaz Rind: An Interview with an Indigenous Lawyer, 24/12
- D'Souza, Carl and Houston, Jacqui**  
NSW Alcohol Summit: Talking about Grog, 26/4
- Davis, Megan**  
Indigenous Australia and the Australia-United States Free Trade Agreement, 30/20  
New Developments in International Advocacy Amicus Curiae and the World Trade Organisation, 24/14  
The Awas-Tingni Decision: Case of the *Mayagna (sumo) Awas Tingni Community v The Republic of Nicaragua*, 18/15  
The United Nations Draft Declaration 2002, 16/6
- Davis, Will**  
Well I Heard it... Somewhere, 21/21
- Dick, Darren**  
The United Nations World Conference Against Racism, 13/5
- Dieckmann, Cristy**  
The Savings Accounts and Wages Project – Formerly Known as the Aborigines' Welfare Fund Project, 12/10
- Dodson, Michael**  
Completion Statement of the Aboriginal and Torres Strait Islander Social Justice Commissioner, 11/12  
10<sup>th</sup> Anniversary of the Royal Commission into Aboriginal Deaths in Custody: Introduction, 8/4
- Dolman, Kevin J**  
Native Title Representative Bodies Cautioned: *Hicks v Aboriginal Legal Service of Western Australia (Inc)*, 2/16
- Donaldson, Margaret and Park, Yvette**  
The Racial Discrimination Act: Does it Have a Role in Native Title? 24/8
- Douglas, Greg and Bohill, Ruth**  
Community Consultation in an Anti-Social Environment: Part One, 2/7  
Community Consultation in an Anti-Social Environment: Part Two, 3/8
- Douglas, Paula**  
Healthy Rivers and Indigenous Interests, 29/12



**Dowling, Jodie and Hall, Deb**

Remote Area Advocacy Project Services for the  
Disadvantaged in Remote Areas, **28/14**

**Drumgold, Shane**

State and Territory Implementation of the  
Recommendations of the Royal Commission: Australian  
Capital Territory, **8/7**

**Duthu, N Bruce**

*Contemporary Native American Political Issues* by Troy R  
Johnson (ed): Book Review, **17/25**

**E****Edney, Richard**

Conflict, Politics and Crime: Aboriginal Communities and  
the Police by Chris Cunneen: Book Review, **7/22**

The More Things Change, the More they Stay the Same:  
Police Treatment of Indigenous Persons in Custody.

*Frederick John Beaver Robinett v South Australian Police*, **12/13**

The Stolen Generation and the Sentencing of Indigenous  
Offenders, **23/10**

**Ella-Duncan, Marcia**

A Personal Perspective on the Treaty by an Indigenous  
Sporting Great, **21/14**

**Ellsmore, Sylvia**

A Re-Evaluation of the Treaty Campaign, **21/16**

**Etherington, Simon**

Aboriginal Style Art: Case Note, **24/18**

**F****Fagan, Mathew**

Broken Promises: Land Rights, Mining and the Mirrar  
People, **18/12**

**Fairburn, Rowan and Murray, David**

*Special Forum*: Chroming: Legislative Change and Practical  
Dilemmas, **25/19**

**Fforde, Cressida and Parker, Ormond**

Repatriation Developments in the UK, **6/9**

**Field, Jason**

ILB Honoured with Human Rights Award, **4/4**

**Finlayson, Dr Julie**

Managing Competing Agendas: Strategic Partnerships  
across the Native Title Operational Environment, **9/4**

**Finn, James and Kilroy, Debbie**

Are Indigenous Women in Queensland Prisons Any Better  
Off?, **8/28**

**Fletcher, Felicia**

*Words and Silences: Aboriginal Women, Politics and Land* by  
Peggy Brock (ed): Book Review, **16/21**

*How Politics is Killing Black Australia* by Rosemary Neill:  
Book Review, **20/21**

**Fontaine, Lorena Sekwan**

Canadian Residency Schools: The Legacy of Cultural  
Harm, **17/4**

**Fraser, Ben**

Aboriginal Fishing Strategy in Western Australia, **29/10**

**Friend, Stephen**

A Check on Police Brutality: Vernon Moran, the State of  
New South Wales and the Police, **16/20**

**G****Gardiner, Greg**

Indigenous Men and the Victorian Police: Alleged  
Offenders Rates of Arrest and Over-Representation in the  
1990s, **8/20**

**Gibson, Melodie-Jane**

What's it Like: UNSW Pre-law 2001, **5/22**

**Gibson, Melodie and D'Souza, Carl**

Shaz Rind: An Interview with an Indigenous Lawyer, **24/12**

**Goodstone, Alexis**

Stolen Generations Victory in the Victims Compensation  
Tribunal, **22/10**

**Gosford, Robert**

The Last Great Bureaucratic Land Grab of the C20th:  
Registrar Liquidates Aboriginal Corporations, **7/13**

**Gould, Ian**

The United Nations Report on Racism and Indigenous  
Australians, **16/5**

**Green, Susan**

*The Report of the Aboriginal and Torres Strait Islander Women's  
Task Force on Violence* by Queensland Government Office of  
Women's Policy: Book Review, **4/27**

**Grix, Julia and Cunneen, Chris**

Chronology: The Stolen Generations Litigation  
1993-2003, **23/14**

**Groenfeldt, David**

Indigenous Perspectives on Water and  
Development, **29/26**

**Gunn, Libby**

*De Rose v State of South Australia*, **30/14**

**H****Haigh, David John**

Fishing War in the Torres Strait – Round Three: *R v Gesa  
and Nona; Ex parte A-G*, **2/17**

**Hajaj, Khaldoun**

A Refugee's Reflection on a Treaty, **21/18**

**Hall, Deb and Dowling, Jodie**

Remote Area Advocacy Project Services for the Disadvantaged in Remote Areas, **28/14**

**Harris, Lachlan**

Amendments to ATSI Act, 20/4  
Research Links Child Maltreatment with Juvenile Offending, **22/5**  
Thamarrurr Council Breaks New Ground, **23/4**

**Hartley, Jackie**

The Government Review of ATSI: An Overview, **25/4**

**Hawkins, Scott**

*Caught, Hook, Line and Sinker*: Summary of the AJAC Report into Aboriginal Fishing Rights in NSW, **29/8**

**Havnen, Olga**

What is done cannot be undone. *Reconciliation – Australia's Challenge: Final Report to Prime Minister and Commonwealth Parliament* by Council for Aboriginal Reconciliation. Book Review, **7/20**

**Hayes, Paul**

National Native Title Tribunal: Effective Mediator or Bureaucratic Albatross? A User's Perspective, **18/4**

**Henty-Roberts, Cyndia**

Obituary for Kwementyaye Perkins (Dr Charles Nelson Perrurle Perkins, AO) 1936-2000, **3/13**

**Herbertson, Bronwyn**

Reality TV: Video Law in Remote and Rural Communities, **28/18**

**Hetheron, Phillipa**

2001: A Native Title Odyssey, **4/16**  
When is a Future Act a Future Act? *Lardil, Kaiadilt, Yangkaal & Ganggalidda Peoples v State of Queensland*, **9/16**

**Hoolihan, Richard**

Public Drunkenness in Townsville: The Way Forward, **25/9**

**Hopkins, James**

Betting on Self-Determination, **18/8**  
*One Dead Indian: The Premier, The Police and the Ipperwash Crisis* by Peter Edwards: Book Review, **23/22**

**Houston, Jacqui**

Mapoon Alcohol Management Plan Abandoned, **30/4**  
NILAC: Improving Legal Services, **28/8**

**Houston, Jacqui and D'Souza, Carl**

NSW Alcohol Summit: Talking about Grog, **26/4**

**Howse, Chris**

State and Territory Implementation of the Recommendations of the Royal Commission: Northern Territory, **8/9**

**Hughes, Alice**

Wummuninji, **25/18**

**Hughes, Camilla**

Community Legal Workers, **28/16**  
Top End Women's Legal Service, **27/22**

**Hughes, John**

Croker Seas Pearl Farming Agreement, **29/21**

**Irving, George**

Reclaiming the Heartland: *Rubibi Community v The State of Western Australia*, **18/19**

**Iorns, Catherine**

Indigenous Oral Evidence: *Takamore Trustees v Kapiti Coast District Council*, **25/22**

**Iorns Magallanes, Catherine J**

Employers' Duties of Cultural Sensitivity: *Good Health Wanganui v Burberry*, **23/16**

**Irving, Megan and Kristiansen, Kari M S**

The Coen Local Justice Group: A Community Response to Family Violence in Queensland through the Local Justices Initiatives Program, **13/12**

**Janke, Terri**

Berne, Baby, Berne: The Berne Convention, Moral Rights and Indigenous Peoples Cultural Rights, **6/14**

**Jackson, Moana**

*Land and Freedom: Law, Property Rights and the British Diaspora* by A R Buck, John McLaren and Nancy E Wright (eds): Book Review, **19/22**

**Jewiss, Tom**

The Effects of Globalisation on Indigenous Communities in Latin America: Case Studies from Nicaragua, **15/4**

**Jones, Bryn**

Zuni Salt Lake Threatened, **17/23**

**Jull, Peter**

Losing the Plot, Rewriting the Plot. *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada* by J R Miller: Book Review, **5/25**  
*Peace, Power, Righteousness: An Indigenous Manifesto* by Alfred Tāiaiake: Book Review, **3/23**  
*Sapmi – Becoming a Nation* by Ivar Bjorklund, Terje Brantenberg, Harald Eidheim, John Albert Kalstad and Dikka Storm: Book Review, **9/18**

**K****Kajlich, Helena**

The British Columbia Treaty Referendum: An Appropriate Democratic Exercise? **17/11**

**Keating, Paul**

Redfern Park Speech, **11/9**

**Kelly, Leasa**

State and Territory Implementation of the Recommendations

- of the Royal Commission: New South Wales, 8/8
- Kelly, Loretta**  
 Mediation in Aboriginal Communities: Familiar Dilemmas, Fresh Developments, 14/7  
 Recent Developments in NSW in Aboriginal Family Mediation, 15/14  
 10 Years On: The Continuing Poor Health of Indigenous Prisoners, 8/16  
*Dispute Resolution in New Zealand* by Peter Spiller (ed): Book Review, 7/21
- Keon-Cohen, Bryan (ed)**  
 Reprint from Volume 2, Issue 56. *Eddie Mabo and Ors v The State of Queensland*, 11/33
- Kerwin, Dale and Leon, Mick**  
 A Comment on Aboriginal Cultural Heritage Protection in Australia, 16/14
- Kidd, Rosalind**  
 Abuse of Trust: The Government as Banker in Queensland and the United States, 26/13
- Kilroy, Debbie and Finn, James**  
 Are Indigenous Women in Queensland Prisons Any Better Off?, 8/28
- Koch, Terina**  
*Special Forum: Curfews: Aboriginal Legal Service of Western Australia*, 27/7
- Kristiansen, Kari M S**  
 National Indigenous Legal Studies Curriculum, 8/30  
 The Right to a House under the Aboriginal Land Rights Act 1983 (NSW): *Mason v Wāgonga Local Aboriginal Land Council*, 19/21
- Kristiansen, Kari M S and Irving, Megan**  
 The Coen Local Justice Group: A Community Response to Family Violence in Queensland through the Local Justices Initiatives Program, 13/12
- Krone, Tony and McCoy, Candace**  
 Mandatory Sentencing: Lessons from the United States, 17/19
- Kulbardi Aboriginal Centre**  
 Koorā Kudidj Indigenous Pre-Law Programme, 14/4
- L**
- Land, Clare**  
 Representations of Gender in E M Curr's *Recollections of Squatting in Victoria*: Implications for Land Justice through the Native Title Process, 19/6
- Lawrie, Rowena**  
 Speak out Speak Strong: Rising Imprisonment Rates of Aboriginal Women, 24/5
- Legal Aid Queensland**  
 Technology Brings Justice to Regional and Rural Queensland, 28/20
- Lenihan, Te Marino**  
*An Unsettled History: Treaty Claims in New Zealand Today* by Professor Alan Ward: Book Review, 15/21
- Leon, Mick**  
 Aboriginal Fisheries in NSW, 20/8  
 NSW Indigenous Fisheries Strategy, 9/12
- Leon, Mick and Kerwin, Dale**  
 A Comment on Aboriginal Cultural Heritage Protection in Australia, 16/14
- Levy, Ron**  
 The Kenbi Land Claim, 15/19  
 Who can Fish Tidal Waters on Aboriginal Land? *Director of Fisheries (Northern Territory) & Anor v Arnhem Land Aboriginal Trust & anor*, 7/17
- Libesman, Terri and Cunneen, Chris**  
 Editorial. Juvenile Justice. Reprint from Volume 2, Issue 44, 11/31
- Limerick, Michael**  
 Indigenous Community Governance in Queensland 1984-2000, 5/4
- Loban, Heron**  
 Reflections on a Treaty from a Torres Strait Islander Lawyer, 21/22
- Lombardi, Dr Lisa**  
 American Indian Water Rights: Some Observations and their Implications for Australia, 29/24
- Luebben, Thomas E and Nelson, Cathy**  
 Update on the Western Shoshone Land Rights Struggle against the US Government, 19/18
- Lui, Gary**  
 A Unique Practice, 2/10
- Lui, Leah and Blanchard, Lynda-ann**  
 Citizenship and Social Justice: Learning from Aboriginal Night Patrols in NSW, 5/16
- M**
- McCoy, Candace and Krone, Tony**  
 Mandatory Sentencing: Lessons from the United States, 17/19
- McDonnell, Siobhan**  
 Giving Credit Where it's Due: The Operation of Micro-Credit Models in an Indigenous Australian Context, 12/6
- McDougall, Scott**  
 'A Certain Commonality': Discrimination Against the Discriminated in the Compensation of Queensland's Underpaid Workers, 14/11
- McGlade, Hannah**  
 Our Own Backyards, 23/6

- Racial Vilification Before the Human Rights and Equal Opportunity Commission, **7/8**
- McIntyre, Greg**  
Community Activities Versus Mining Interference: *Smith on behalf of the Gnaala Karla Booja People v State of Western Australia*, **7/15**
- McNamara, Luke**  
Indigenous Community Participation in the Sentencing of Criminal Offenders: Circle Sentencing, **4/5**
- Mallott, Kath**  
State and Territory Implementation of the Recommendations of the Royal Commission: Western Australia, **8/14**
- Mandell, Louise QC**  
Getting on with Reconciliation: *Council of the Haida Nation v British Columbia and Weyerhaeuser Company*, **20/18**
- Mansell, Michael**  
State and Territory Implementation of the Recommendations of the Royal Commission: Tasmania, **8/11**
- Maplestone, Peter and Baldry, Dr Eileen**  
Aboriginal Prison Releasees in New South Wales: Preliminary Comments on Ex-Prisoner Research, **22/7**
- Matulick, Toni**  
Reform of the *Aboriginal Councils and Associations Act 1976*, **30/4**
- Maynard, John**  
*The True Story of Jimmy Governor* by Laurie Moore and Stephen Williams: Book Review, **9/19**
- Meyerson, Denise**  
*The Making of South African Legal Culture 1902-1936: Fear, Favour and Prejudice* by Martin Chanock: Book Review, **12/22**
- Miller, Jim**  
The Albertini Residential School Case: *Blackwater v Plint*, **12/20**
- Millner, Felicity**  
Operation Shuteye: Youth Curfew in South Australia, **26/6**
- Millroy, Jill**  
Blood, Sweat and Welfare: A History of the Bosses and Aboriginal Pastoral Workers by Mary Anne Jebb: Book Review, **24/20**
- Mooney, Professor Gavin**  
Institutionalised Racism in Australian Public Services, **6/10**
- Morgan, Monica; Strelein Dr Lisa and Weir, Jessica**  
Indigenous Water Rights within the Murray Darling Basin, **29/17**
- Morgan, Rhiannon**  
The Future of the Working Group on Indigenous Population in the Balance – Concerns and Consequences, **20/10**
- Morris, Jackie**  
Sea Country: The Croker Island Case – *Commonwealth of Australia v Yarmirr*, **14/18**
- Morse, Brad**  
Lessons from Canada, **11/15**
- Mulholland, Bevellie**  
*Who's the Loser? A Story about Family Violence* Video produced by Country of OZ for Education Centre Against Violence: Book Review, **14/23**
- Mulrennan, Monica and Scott, Colin**  
Indigenous Rights and Control of the Sea in Torres Strait, **5/11**
- Murray, David and Fairburn, Rowan**  
*Special Forum: Chroming: Legislative Change and Practical Dilemmas*, **25/19**
- ## N
- Neliman, Basana**  
State and Territory Implementation of the Recommendations of the Royal Commission: Queensland, **8/10**
- Nelson, Cathy and Luebben, Thomas E**  
Update on the Western Shoshone Land Rights Struggle against the US Government, **19/18**
- Nettheim, Garth**  
*Indigenous Human Rights* by Sam Garkawe, Loretta Kelly and Warwick Fisher (eds): Book Review, **30/6**  
Interview: John Borrows, **29/6**  
Major Test Case: New High Court Land Rights Challenge, **11/7**  
Ngaarra Legal Forum, **12/4**  
The Past and Future of Land Rights and Native Title, **12/5**  
The Re-Recognition Process for Native Title Representative Bodies: *Pilbara Aboriginal Land Council Aboriginal Corporation Inc v Minister for Aboriginal and Torres Strait Islander Affairs*, **4/25**  
Towards Regional Government in the Torres Strait, **16/4**  
Tribal Courts in the USA: Some Glimpses, **17/15**  
Valuation and Management of Land Subject to Native Title by Australian Property Institute: Book Review, **4/26**
- Nettheim, Garth and Rees, Neill**  
20 years of the *Indigenous Law Bulletin*: Guest Editorial, **11/4**
- Nettle, Senator Kerry**  
Parliamentarians and the Treaty – Obstacles and Opportunities, **21/20**
- Nimmo, Julie**  
Treaty..., **21/17**

## O

**O'Brien, Peter**

Funding the Katherine Aboriginal Legal Aid Service, **27/21**

**O'Brien, Peter and Woodruffe, RDT**

Special Forum: Bush Courts: Bush Courts and the Katherine Regional Aboriginal Legal Service, **27/20**

**O'Faircheallaigh, Ciaran**

The Forgotten Dimension of Agreement Making in Australia and Canada, **20/14**

**O'Sullivan, Teresa and Clarke, Phynea**

Profile of the Central Australian Aboriginal Family Legal Unit, **22/9**

**Ogle, Greg**

Just When you Thought it was Safe to Talk about Hindmarsh Island, **15/16**

**Ormond-Parker, Lyndon**

Aboriginal Remains Return Home, **24/4**

## P

**Palmer, Dr Lisa**

Agreements, Treaties and Negotiated Settlements Database, **29/5**

**Park, Yvette and Donaldson, Margaret**

The Racial Discrimination Act: Does it Have a Role in Native Title? **24/8**

**Parker, Ormond and Fforde, Cressida**

Repatriation Developments in the UK, **6/9**

**Patterson, Stephanie**

The Foundations of Aboriginal Title in South Africa? *The Richtersveld Community v Alexkor Ltd* Decisions, **30/17**

**Pearson, Noel**

Principles of Communal Native Title, **3/4**  
Reconciliation: To Be or Not To Be – Separate Aboriginal Nationhood or Aboriginal Self-Determination and Self-Government within the Australian Nation? **11/24**

**Phillips, Susan**

Enforcing Native Title Agreements: *Carriage v Duke Australia Operations*, **3/14**

**Porteous, Polly**

Cadetships for Indigenous Law Students in Community Legal Centres, **28/4**

**Public Affairs Office of the Indigenous Land Corporation**

The Indigenous Land Corporation, **24/11**

## Q

**Quiggin, Robynne**

Boobera Lagoon, **6/4**

Mirrarr Continue Campaign to Protect Cultural Values, **6/24**

Treaty Talk, **19/4**

## R

**Rayner, Moira**

Northbridge Curfew, **27/9**

**Rebbapragada, Ravi and Bhanumathi, K**

The Fifth Schedule of the Indian Constitution and the Samatha Judgement, **13/22**

**Rees, Neill**

Just More Words? **11/6**

**Rees, Neill and Nettheim, Garth**

20 years of the *Indigenous Law Bulletin*: Guest Editorial, **11/4**

**Reid, Georgina and Waia, Terry**

Public Works Threaten Native Title in Torres Strait, **26/24**

**Reilly, Alexander**

History Always Repeats, *Members of the Yorta Yorta Aboriginal Community v State of Victoria*, **6/25**

**Reynolds, James**

Abbot's Welfarism, **20/5**

Debating a Treaty – Will Howard Forget about it?, **21/19**

Reviewing ATSIC's Performance: How do we Judge Politics?, **23/7**

**Ritter, David**

Doing the Business: A Few Observations on the Working Group Model for the Provision of Native Title Legal Services, **28/12**

*Justice for all? Native Title in the Australian Legal System*

by Christopher J F Boge (ed): Book Review, **18/22**

You Get What You Pay For, **9/14**

**Robb, Donna (Odegaard)**

Treaty Justice or Injustice? From a Larrakia Woman's Perspective, **21/11**

**Robson, Stephen W**

Consent, Common Law and Native Title, **19/10**

**Rose, Merry**

Fair Trade Warnings: Beware Dodgy Didgeridoos and Bogus Boomerangs: Case Note, **24/19**

**Rosewarne, Clive and Boffa, Dr John**

Alcohol and Alice Springs: Meeting the Needs and Wishes of the Community, **25/11**

**Ruska, Keryn**

*Through Young Black Eyes: A Handbook to Protect Indigenous Children from the Impact of Domestic Violence and Child Abuse* by Worby, Meg (ed): Book Review, **20/20**

## S

**Sacha, Prem-Tej and van der Geizen, John**

Unfit to Plead: Unsentenced Prisoners in Western Australia, **16/10**

**Sambuc, Henri-Philippe and Chacko, Suni**

Blockbusters, Traditional Knowledge and Intellectual Property, **22/12**

**Sanders, Professor Douglas**

Indigenous Land Rights in Malaysia: *Nor Nyawai v Borneo Pulp Plantation Sdn Bhd*, **14/21**

**Sansbury, Tauto**

State and Territory Implementation of the Recommendations of the Royal Commission: Overview, **8/6**

State and Territory Implementation of the Recommendations of the Royal Commission: South Australia, **8/10**

**Schulte-Tenckhoff, Isabelle**

A Brief Note on Treaties, Real and Fictitious, **1/12**

**Schwartz, Melanie**

Opening a Circle of Hope: The NSW Government Review of Circle Sentencing, **29/4**

**Scott, Colin and Mulrennan, Monica**

Indigenous Rights and Control of the Sea in Torres Strait, **5/11**

**Sheiner, Paul**

*An Overview of Aboriginal and Treaty Rights and Compensation for Breach* by Robert Mainville: Book Review, **17/27**

**Sheleff, Leon**

Drowning One's Sorrow: The Legal Implications of Alcoholism Among the Indigenous People, **15/12**

**Sherwood, Juanita**

*Black Lives, Government Lies* by Rosalind Kidd: Book Review, **5/26**

**Solonec, Tammy**

Racial Discrimination in the Rental Market: Overcoming Stereotypes and Breaking the Cycle of Despair in Western Australia, **2/4**

**Spence MP, Judy**

Liquor Restrictions in Queensland Indigenous Communities, **25/5**

**Stojanovski, Andrew and Campbell, Liam**

Warpipi Elders Work with Petrol Sniffers, **9/8**

**Storry, Kirsten**

Special Circumstances and the Common Law: *Eatock v Secretary, Department of Family and Community Services*, **23/19**

**Strelein, Dr Lisa; Weir, Jessica and Morgan, Monica**

Indigenous Water Rights within the Murray Darling Basin, **29/17**

**Struthers, Karen**

Hands on Parliament: A Parliamentary Committee Inquiry into Aboriginal and Torres Strait Islander People's Participation in Queensland's Democratic Process, **22/6**  
Hands on Parliament: Indigenous People's Participation in Queensland's Democratic Process, **27/4**

**Stubbings, Melissa**

Aboriginal Legal Access Project, **28/10**

**Sutherland, Johanna**

Federal Heritage Protection Bill: Senate Upgrade Rebuffed, **11/14**

## T

**Teillet, Jean**

Metis Harvesting Rights in Canada: *R v Powley*, **12/16**

**Thorpe, Robbie**

Taking up Aboriginal Law in a Sea of Genocide, **1/14**

**Tyson, Nathan**

*Race: John Howard and the Remaking of Australia* by Andrew Markus: Book Review, **15/23**

## V

**van der Geizen, John and Sacha, Prem-Tej**

Unfit to Plead: Unsentenced Prisoners in Western Australia, **16/10**

**Venne, Sharon**

Treaty Doubletalk in Canada, **1/8**

**Vines, Prue**

Wills as Shields and Spears: The Failure of Intestacy Law and the Need for Wills for Customary Law Purposes in Australia, **13/16**

## W

**Waia, Terry and Reid, Georgina**

Public Works Threaten Native Title in Torres Strait, **26/24**

**Walsh, Joanne**

Suburban Oppression, **22/14**

**Watson, Irene**

Kungkas and the Struggle for the Manta, **1/22**  
Taking up Aboriginal Law in a Sea of Genocide, **1/14**  
There is No Possibility of Rights without Law: So Until Then Don't Thumb Print or Sign Anything, **1/4**  
Walking the Land for our Ancient Rights, **1/19**

**Watson, Nicole**

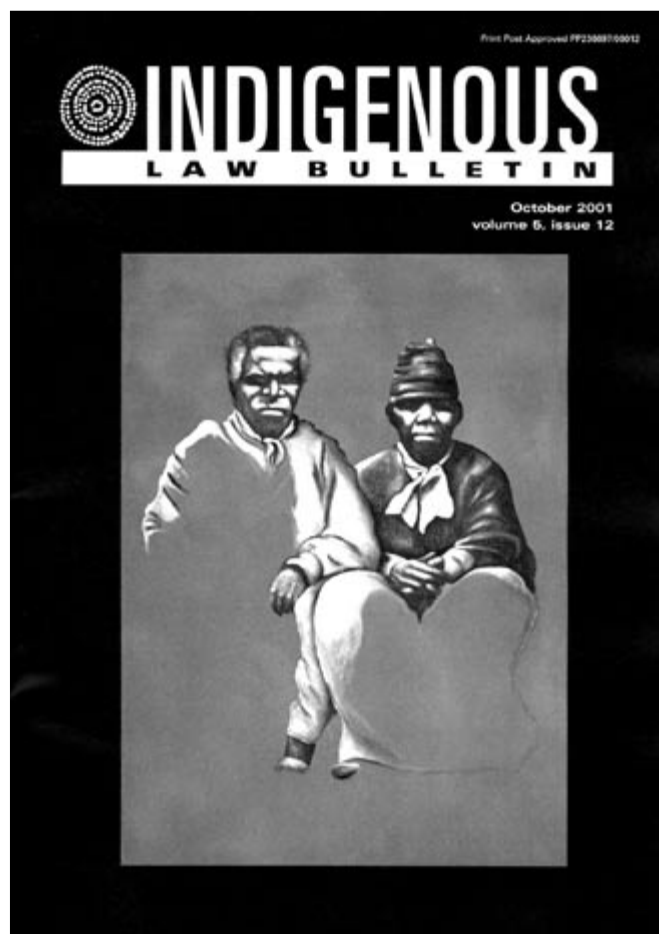
A Denial of Religious Freedoms: Section 190C(3) of the *Native Title Act*, **7/4**

- Where to From Here? Future Legal Challenges for Indigenous People: A Perspective from a Young Indigenous Talent, **11/5**
- Watson, Nicole and Black, Russell**  
New Cultural Heritage Legislation: One Small Step for Murriss, One Giant Leap Forward for the Queensland Government, **13/8**
- Watson, Sam**  
Treaty or Ghost Dance – One Time, **21/15**
- Weir, Jessica**  
Aboriginal Land Ownership and Joint Management of National Parks in NSW, **3/20**
- Weir, Jessica; Morgan, Monica and Strelein, Dr Lisa**  
Indigenous Water Rights within the Murray Darling Basin, **29/17**
- Weis, Barbara**  
Northern Territory Aboriginal Interpreter Service, **8/27**
- Welch, Colleen**  
South Australian Courts Administration Authority: Aboriginal Court Day and Aboriginal Justice Officers, **14/5**
- Wensing, Ed**  
Learning About Native Title: An Online CD Rom Learning Resource, **23/5**  
*Native Title: Local Government's National Response*: Book Review, **18/23**
- Westmore, Tony**  
A Work in Progress: Juvenile In/Justice and Indigenous Kids, **27/5**
- Williams, Kevin**  
Maureen and George, **11/13**  
*Emerging Justice: Essays on Indigenous Rights in Canada and Australia* by Kent McNeil: Book Review, **16/23**
- Wingfield, Rebecca Bear**  
Kungkas and the Struggle for the Manta, **1/22**
- Woodruffe, RDT and O'Brien, Peter**  
*Special Forum: Bush Courts: Bush Courts and the Katherine Regional Aboriginal Legal Service*, **27/20**
- Wooten, Hal**  
*The Stuart Case* by Ken Inglis: Book Review, **24/22**
- Wright, John**  
*Africa's Indigenous Peoples: 'First Peoples' or 'Marginalized Minorities'?* by Alan Barnard and Justin Kenrick (eds): Book Review, **20/23**
- Wright, Lisa**  
Part One of an Analysis of the Ward Decision: *Western Australia v Ward*, **22/18**  
Part Two of an Analysis of the Ward Decision: *Western Australia v Ward*, **26/17**
- Wright, Shelley**  
The Akitsiraq Law School: A Unique Approach to Indigenous Legal Education, **19/14**

Y

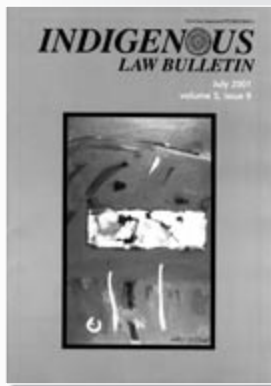
**Young, Simon**

- Native Title in the New Millennium: A Selection of Papers from the Native Title Representative Bodies Legal Conference 2000 by Bryan Keon-Cohen (ed): Book Review, **20/22**



# FEATURE ARTICLES

## INDEX



### A

#### **A Brief Note on Treaties, Real and Fictitious**

Isabelle Schulte-Tenckhoff, 1/12

#### **'A Certain Commonality': Discriminating against the Discriminated in the Compensation of Queensland's Underpaid Workers**

Scott McDougall, 14/11

#### **A Denial of Religious Freedoms: Section 190C(3) of the Native Title Act**

Nicole Watson, 7/4

#### **Australian Government Exposes Itself Before the UN**

Neva Collings, 4/11

### B

#### **Berne, Baby, Berne: The Berne Convention, Moral Rights and Indigenous Peoples' Cultural Rights**

Terri Janke, 6/14

#### **Betting on Self-Determination**

James Hopkins, 18/8

#### **Boobera Lagoon**

Robynne Quiggin, 6/4

### C

#### **Calling in Debts: The Savings Accounts and Wages Project – Formerly Known as the Aborigines' Welfare Fund Project**

Christy Dieckmann, 12/10

#### **Citizenship and Social Justice; Learning from Aboriginal Night Patrols in NSW**

Leah Lui and Lynda-ann Blanchard, 5/16

#### **Community Consultation in an Anti-Social Environment: Part One**

Ruth Bohill and Greg Douglas, 2/7

#### **Community Consultation in an Anti-Social Environment: Part Two**

Ruth Bohill and Greg Douglas, 3/8

#### **Consent, Common Law and Native Title**

Stephen W Robson, 19/10

### E

#### **Editorial**

Juvenile Justice. Reprint from Volume 2, Issue 44

Chris Cunneen and Terri Libesman, 11/31

### F

#### **Federal Heritage Protection Bill**

Johanna Sutherland, 11/14

### G

#### **Giving Credit Where it's Due: The Operation of Micro-Credit Models in an Indigenous Australian Context**

Siobhan McDonnell, 12/6

### I

#### **Implementation: the Forgotten Dimension of Agreement-Making in Australia and Canada**

Ciaran O'Faircheallaigh, 20/14

#### **Indigenous Australia and the Australia-United States FreeTrade Agreement**

Megan Davis, 30/20

#### **Indigenous Community Governance in Queensland 1984-2000**

Michael Limerick, 5/4

#### **Indigenous Community Participation in the Sentencing of Criminal Offenders: Circle Sentencing**

Luke McNamara, 4/5

#### **Indigenous Men and the Victoria Police: Alleged Offenders, Rates of Arrest and Over-Representation in the 1990s**

Greg Gardiner, 8/20

#### **Indigenous Rights and Control of the Sea in Torres Strait**

Monica Mulrennan and Colin Scott, 5/11



**L**

**Legal and Political Responses to the Stolen Generations: Lessons from Ireland?**

Chris Cunneen, 27/14

**Lessons from Canada**

Brad Morse, 11/15

**M**

**Managing Competing Agendas: Strategic Partnerships Across the Native Title Operational Environment**

Dr Julie Finlayson, 9/4

**Mandatory Sentencing: Lessons from the United States**

Candace McCoy and Tony Krone, 17/19

**Mediation in Aboriginal Communities: Familiar Dilemmas, Fresh Developments**

Loretta Kelly, 14/7

**N**

**Nation-Building and the Treaty Process**

Stephen Cornell, 17/7

**National Native Title Tribunal: Effective Mediator or Bureaucratic Albatross? A User's Perspective**

Paul Hayes, 18/4

**New Cultural Heritage Legislation: One Small Step for Murrumbidgee, One Giant Leap Forward for the Queensland Government**

Nicole Watson and Russell Black, 13/8

**New Developments in International Advocacy: Amicus Curiae and the World Trade Organisation**

Megan Davis, 24/14

**P**

**Principles of Communal Native Title**

Noel Pearson, 3/4

**R**

**Racial Discrimination in the Private Rental Market: Overcoming Stereotypes and Breaking the Cycle of Housing Despair in Western Australia**

Tammy Solonec, 2/4

**Reconciliation**

Noel Pearson, 11/24

**Repatriation Developments in the UK**

Cressida Fforde and Lyndon Ormond Parker, 6/9

**Representations of Gender in E M Curr's Recollections of Squatting in Victoria: Implications for Land Justice through the Native Title Process**

Clare Land, 19/6

**Rights to Mortuary Rites**

Dr John Avery, 14/15

**S**

**State and Territory Implementation of the Recommendations of the Royal Commission [into Aboriginal Deaths in Custody]:**

*Australian Capital Territory*

Shane Drumgold, 8/7

*New South Wales*

Leasa Kelly, 8/8

*Northern Territory*

Chris Howse, 8/9

*Overview*

Tauto Sansbury, 8/6

*Queensland*

Basana Neliman, 8/10

*South Australia*

Tauto Sansbury, 8/10

*Tasmania*

Michael Mansell, 8/11

*Victoria*

Amelia Bitsis, 8/13

*Western Australia*

Kath Mallot, 8/14

**Suburban Oppression**

Joanne Walsh, 22/14

**T**

**10 Years On: The Continuing Poor Health of Indigenous Offenders**

Loretta Kelly, 8/16

**The Akitsiraq Law School: A Unique Approach to Indigenous Legal Education**

Shelley Wright, 19/14

**The British Columbia Treaty Referendum: An Appropriate Democratic Exercise?**

Helena Kajlich, 17/11

**The Coen Local Justice Group: a Community Response to Family Violence in Queensland through the Local Justices**

## Initiatives Program

Kari M S Kristiansen and Megan Irving, 13/12

## The Effects of Globalisation on Indigenous Communities in Latin America: Case Studies from Nicaragua

Tom Jewiss, 15/4

## The Future of the Working Group on Indigenous Populations in the Balance - Concerns and Consequences

Rhiannon Morgan, 20/10

## The Stolen Generation and Sentencing of Indigenous Offenders

Richard Edney, 23/10

## The United Nations Draft Declaration 2002

Megan Davis, 16/6

## Treaty Doubletalk in Canada

Sharon Venne, 1/8

## Tribal Courts in the USA: Some Glimpses

Garth Nettheim, 17/15

## U

## Unfit to plead: Unsentenced prisoners in Western Australia

John van der Giezen and Prem-Tej Sacha, 16/10

## V

## Violence Against Aboriginal Women: Reconstitution of Community Law – The Way Forward

Judy Atkinson, 11/19

## W

## Wills as Shields and Spears: The Failure of Intestacy Law and the Need for Wills for Customary Purposes in Australia

Prue Vines, 13/16

# CASES INDEX



A list of all cases cited or discussed in Volume 5, Issues 1 – 30 of the *Indigenous Law Bulletin*. Case names in bold text (and italicised reference point) indicate that the case appeared as a case note or featured article. “Unreported” cases were so at the time of the original publication and may since have been reported.

## A

*Adelaide Company of Jehovah's Witnesses Incorporated v The Commonwealth* (1943) 67 CLR 116, 7/4

*Adong bin Kuwau & 51 Ors v The Government of Jahore* [1997] 1 MLJ 418, 14/21

*Albert Corunna and others v West Australian Newspaper Ltd* (2002) Matter No 98/27 (Unreported), 7/8

*American Cynamid Co v Ethicon Ltd* [1975] AC 396, 408, 3/16

*Alexkor Ltd v Richtersveld Community* (2003) CCSA (Unreported), 30/18

*American Greyhound Racing Inc v Hull* 146 F Supp 2d 1012 (2001), 18/10

*Anderson (for and on behalf of the Euahlay-I Dixon Clan) v Wilson and Ors* (2000) 171 ALR 705, 4/16

*Arizona v California* 439 US 419 (1979), 29/26

*Arnhem Land Aboriginal Land Trust v Director of Fisheries (Northern Territory)* (2000) FCA 165; 170 ALR 1, 7/17

*Atkinson Trading Company Inc v Shirley* 532 US 645 (2001), 18/10

*Attorney-General (NT) v Kearney* (1985) 158 CLR 500, 15/20

*Attorney-General (NT) v Kearney and Northern Land Council;*

*Re Kenbi (Cox Peninsular) Land Claim* 55 ALR 545, 15/20

*Attorney-General for the Northern Territory v Olney and the Northern Land Council* (1988) FCA 11, 15/20

## B

*Barrett v Enfield London Borough County Council* [1999] 3 All ER 193, 2/15

**Blackwater v Plint** (2001) BCSC 997, **12/20, 17/5**  
*Bligh and Ors v State of Queensland* [1996] HREOCA 28, **14/14**  
*Brandy v Human Rights & Equal Opportunity Commission* (1995)  
 127 ALR 1, **2/6, 18/7**  
*Breen v Williams* (1996) 186 CLR 71, **2/15**  
*Briginshaw v Briginshaw* (1938) 60 CLR 336, **2/15**  
*Bull & Bull v Kuch & Kuch* HREOC 8/2/93, **2/6**  
*Bulun Bulun v Nejlam Pty Ltd* (1989) FC (Unreported), **30/10**  
*Bulun Bulun v R & T Textiles* (1998) 1082 FCA (Unreported),  
**6/17, 30/10**  
*Bunning v Cross* (1978) 141 CLR 54, **12/15**  
*Buzzacott v Hill Minister for the Environment and others* (1999)  
 FCA 639, **1/19**  
*Buzzacott v Hill Minister for the Environment and others* HCA  
 Transcripts C19/1999, **1/19**

## C

*California v Cabazon Band of Mission Indians* 480 US 202  
 (1987), **18/11**  
*Calma v Sesar and ors* (1992) 106 FLR 446, **14/16**  
*Campbell v AG BC* (2000) BCSC 1123, 1127, **17/14**  
**Carriage v Duke Australia Operations Pty Ltd** (2000)  
 NSWSC 239 (Unreported), **3/14**  
*Chapman v Luminis Pty Ltd* (No 5) [2001] FCA 1106, **15/18**  
*Chapman and Ors v Minister for Aboriginal and Torres Strait Islander  
 Affairs and Ors* (1995) 133 ALR 74, **3/17**  
*Cherokee Nation v Georgia* 30 US 1 (1831), **18/8, 29/26**  
*Chickasaw Nation v United States* 210 F 3d 871 (2000), **18/9**  
*Christine Joseph Casey v The Department of Family and  
 Community Services and Others* (2002) (Northern Territory  
 Supreme Court) (Unreported), **8/14**  
*Church of New Faith v Commissioner of Pay-Roll Tax* (Vic) (1983)  
 154 CLR 120, **7/5**  
*Coe v Commonwealth* (1979) 53 ALJR 403; 24 ALR 118, **11/7,**  
**11/24, 24/12**  
**Commonwealth of Australia v Yarmirr** (1999) 168 ALR 426;  
 [1999] FCA 1668; [2001] HCA 56, **4/16, 5/11, 5/14, 5/15,**  
**6/28, 14/18, 16/19, 26/22**  
**Council of the Haida Nation v British Columbia and  
 Weyerhaeuser Company** [2002] BCCA 147; [2002] BCCA  
 462, **20/18**  
*Council of the Haida Nation v Minister of Forests and Weyhaeuser  
 Company* [2002] BCSC 1280, **20/19**  
*Coyne v Tritler* (1993) EOC 92-538, **2/6**  
*Crimmins V Stevedoring Industry Finance Committee* (1999) 167  
 ALR 1, **2/15**  
*Cubillo v Commonwealth* (2000) FCA 1084 (Unreported);  
 [2001] FCA 1213 (Unreported), **1/4, 21/19**  
**Cubillo and Gunner v Commonwealth** (2000) 174 ALR 97-584,  
**2/11, 9/2**

## D

*Dann v Western Australia* (1997) 74 FCR 391, **7/15**  
*Dauan People v State of Queensland* [2000] FCA 1064, **18/7**  
**De Rose v State of South Australia** [2003] FCAFC 286, **30/14**  
*Deerubbin Local Aboriginal Land Council v Minister Administering  
 the Crown Lands Act No 30025 of 1996* [1997] NSWLEC  
 119, **3/22**  
*Delgamuukw v British Colombia* (1997) 153 DLR (4<sup>th</sup>) 192;  
 [1997] 3 SCR, **3/6, 16/23, 16/27, 20/18**  
**Director of Fisheries (Northern Territory) & Anor v Arnhem  
 Land, Aboriginal Land Trust & Anor** (2001) FCA 98, **7/17**

## E

**Eatock v Secretary, Department of Family and Community  
 Services** [2002] AATA 1015, **23/19**

## F

*Fejo v Northern Territory of Australia* (1998) 195 CLR 96, **9/17, 22/22**  
*Forbes v NSW Trotting Club Ltd* (1979) 143 CLR 424, **2/6**

## G

*Gitanyow First Nation v Canada* [1998] 4 CNLR 47, **17/13**  
**Good Health Wanganui v Burberry (2002) New Zealand  
 Employment Court** (Unreported), **23/16**  
*Guerin v The Queen* [1984] 2 SCR 335, **17/27**

## H

*Hall v AA Sheiban* (1989) 85 ALR 503, 505, **14/14**  
*Hamlet of Baker Lake v Minister for Indian Affairs and Northern  
 Development* (1979) 107 DLR (3d) 513, **3/6**  
**Harris v Great Barrier Reef Marine Park Authority** [2000]  
 FCA 603, **2/18**  
**Hicks v Aboriginal Legal Service of Western Australia (Inc)**  
 [2000] FCA 544, **2/16**  
*Hoani Te Heu Heu Tukino v Aotea District Maori Land Board*  
 [1941] AC 308, **19/5**  
*Howard v Jarvis* (1958) 98 CLR 177, **12/15**

## I

*In the matter of application for a writ of mandamus directed to Phillip*

*R. Thompson*  
*Ex parte Wadjularbinna Nulyarimma, Isobel Coe, Billy Craigie and Robbie Thorpe* (1998) No SC 457 ACT, **1/17**

**J**

*Jabaltjari v Hammersley* (1977) 15 ALR 94, **23/12**  
*Jones v Dunk* (1959) 101 CLR 298, **2/13**

**K**

*Kartinyeri v The Commonwealth* (1998) 195 CLR 337, **15/16**  
*Kaurareg People v State of Queensland* [2001] FCA 657, **18/7**  
*Kruger v Commonwealth* (1997) 146 ALR 126, **1/6, 7/5, 7/7**

**L**

*L v Commonwealth* (1976) 10 ALR 269, **12/15**  
*Lamb v Samuels Real Estate Pty Ltd* (1996) EOC 92-790, **2/6**  
*Lardil, Kaiadilt, Yangkaal & Gangalidda Peoples v State of Queensland* (2002) FCA 414, **9/16**  
*Lee v Kennedy* (2000) NSW CA 153, **16/20**  
*Lynton v Maugeri & Anor* (1995) EOC 92-754, **2/6**

**M**

*MBP (SA) Pty Ltd v Gogic* (1991) 171 CLR 657, **14/14**  
*M\*, Banduk Marika & Others v Indofurn* (1994) 130 ALR 659, **6/16**  
*MacMillan Bloedel Ltd v Mullin* (1958) 61 BCLR 145, **3/16**  
*Mabo v State of Queensland (No 1)* (1988) 166 CLR 186, **24/10, 26/22**  
*Mabo v Queensland (No 2)* (1992) 66 ALJR 408; 175 CLR 1, **1/4, 3/5, 3/6, 4/12, 4/16, 5/11, 6/19, 6/28, 11/5, 11/7, 11/13, 11/24, 11/33, 13/9, 13/19, 14/21, 15/8, 16/14, 16/23, 17/27, 19/4, 19/10, 21/7, 21/23, 22/22, 24/10, 24/11, 24/12, 26/22**  
*Martin v State Housing Commission (Homeswest)* (1997) 4 EOC 83, **2/6**  
*Martin v State Housing Commission* (1998) (Unreported), **2/6**  
*Martin v State Housing Commission* (1999) (Unreported), **2/6**  
*Masig People v State of Queensland* [2000] FCA 1067, **18/7**  
*Mason v Wagonga Local Aboriginal Land Council* [2002] NSWSC 351, **19/21**  
*Mayagna (sumo) Awas Tingni Community v The Republic of Nicaragua* (2001) Inter-Am CHR Judgment of August 31 2001, **18/15**  
*Milirrump v Nabalco Pty Ltd v Commonwealth* (1971) 17 FLR 141, **11/7, 11/30, 13/19**

*Milpurruru v Indofurn Pty Ltd* (1994) 30 IPR 209, **30/10**  
*Mingili Wanjurri v Southern Cross Broadcasting Ltd* (2002) Matter No 98/69 (Unreported), **7/9**

**N**

*Namitjira v Raabe* (1959) 100 CLR 664, **2/15**  
*Nevada v Hicks* 533 US 353 (2001), **18/11**  
*Ngatayi v R* (1979) 30 ALR 27, **23/21**  
*Nicholas v R* (1998) 193 CLR 173, **12/15**  
*Nor Nyawai v Borneo Pulp Plantation Sdn Bhd* (2001) Suit No 22-28-99-1, **14/21**  
*Northern Land Council v Olney* (1992) 34 FCR 470, **15/20**  
*Northern Territory v Lane* (1995) 59 FCR 332, **7/7**  
*Nulyarimma v Thompson* (1999) 165 ALR 621, **1/6, 1/14, 1/17**

**P**

*P Neal v R* (1982) 149 CLR 305, **23/20**  
*Paramasivam v Flynn* (1998) 160 ALR 203, **2/15**  
*Pascoe v Canadian National Railway Company* (1986) 69 BCLR 76, **3/16**  
*Pheaney v Dolan* [1977] 1 NSWLR 601, **14/14**  
*Pilbara Aboriginal Land Council Aboriginal Corporation Inc v Minister for Aboriginal and Torres Strait Islander Affairs* (2000) 175 ALR 706, **4/25**  
*Pollard v R* (1992) 176 CLR 177, **12/15**

**R**

*R v Adams* [1996]4 CNLR 1, **12/18**  
*R v Blais* [2001] MJ No 168, **12/19**  
*R v Brown* (1992) 13 CR (4<sup>th</sup>) 346, **4/10**  
*R v Chekinew* (1993) 80 CCC (3d) 143, **4/10**  
*R v Ferguson* [1994] 1 CNLR 117, **12/19**  
*R v Fuller-Cust* [2002] VSCA 168, **23/12**  
*R v Gladue* (1999) 1 CSR 688, **4/8, 4/10**  
***R v Gesa and Nona; Ex parte A-G*** [2000] QCA 111, **2/17**  
*R v Grumbo* [1998] 3 CNLR 172, **12/19**  
*R v Ireland* (1970) 126 CLR 321, **12/15**  
*R v Johns* (1996) 1 CNLR 172, **4/10**  
*R v Johnson* (1994) 31 CR (4<sup>th</sup>) 262, **4/10**  
*R v Joseyounen* (1996) CNLR 182, **4/10**  
*R v Keyn* [1876 2 Ex D 63, **14/20**  
*R v Manyfingers* (1996) 191 AR 342, **4/10**  
*R v Morin* (1995) 4 CNLR 37, **4/10**  
*R v Moses* (1992) 71 CCC (3d) 347, **4/10**  
*R v Nappaluk* (1994) 2 CNLR 143, **4/10**  
***R v Powley*** [2002] OJ No 607, **12/16, 12/19**

*R v Rich (No 1)* (1994) 4 CNLR 167, **4/10**  
*R v SHE* (1993) BCJ No 2967 (QL), **4/10**  
*R v Sparrow* [1990] 1 SCR 1075, **12/16, 17/14**  
*R v Swaffield and Pavic* (1998) 192 CLR 159, **12/15**  
*R v Symonds* (1847) NZPCC 387, 390, **19/13**  
*R v Taylor* (1997) 122 CCC (3d) 376, **4/10**  
*R v Toohey; Ex Parte Meneling Station Pty Ltd* (1982) 158 CLR 327, 356-357, **7/7**  
*R v Van der Peet* [1996] 2 CSR 507, **12/18**  
*R v Williams* (1992) 8 WAE 265, **12/15**  
*Re Callaghan and Secretary, Department of Social Security* (1996) 45 ALD 435, **23/19**  
*Re Eskimos* [1939] SCR 104; 2 DLR 417, **11/18, 12/19**  
*Re Kearney; ex parte Northern Land Council* (1984) 158 CLR 365, **15/20**  
*Re Maurice, Aboriginal Land Commissioner; ex parte Attorney-General for the Northern Territory* (1987) 17 FCR 422, **15/20**  
*Re Southern Rhodesia* [1919] AC 211, **19/5**  
*Re Toohey; ex parte Northern Land Council* (1981) 151 CLR 170, **15/20**  
*Richtersveld Community v Alexkor Ltd and Anor* (2002) (3) SA 1293; (2003) SCA (Unreported), **30/18**  
*Ridgeway v R* (1995) 184 CLR 19, **12/15**  
*Robinett v South Australia Police* (200) 116 A Crim R 492, 494, **12/15**  
***Rubibi Community v The State of Western Australia*** [2001] FCA 607; [2001] FCA 1553 (Unreported), **18/19**  
*Rugema v J Gadsten Pty Ltd trading as Southcorp Packaging and Stephen Derkes* [1997] HREOCA 34, **14/14**

## S

*Saibai People v State of Queensland* [1999] FCA 158, **18/7**  
***Samatha v State of Andhra Pradesh*** (1997) Supreme Court of India, **13/22**  
*Seminole Tribe v Florida* 517 US 44 (1996), **18/9**  
***Smith on behalf of the Gnaala Karla Booja People v State of Western Australia*** (2002) FCA 19, **7/15**  
*State Housing Commission v Martin* (1998) (Unreported), **2/6**  
*State of Western Australia and Derrick Smith & Others on behalf of the Gnaala Karla Boodja People and South Coast Metals Pty Ltd* [2000] Application No: WO99/51 (Unreported), **7/16**

## T

***Takamore Trustees v Kapiti Coast District Council*** [2003] HCNZ (Unreported), **25/22**  
*The Arabunna People and Kevin Buzzacott v Hugh Morgan* (1999) BASC 149 (Unreported), **1/19**  
*The Queen v Benjamin Ali Nona & George Agnes Gesa* (1999) 4(22), **2/17, 6/2**

*Thomas Trevorrow v The State of South Australia and Iris Stevens* (1997) HCA, **15/18**  
*Thorpe v Commonwealth [No 3]* (1997) HCA (Unreported), **1/14**  
*Thorpe v Kennett* (1999) VSC 442 (Unreported), **1/16**  
*Tom Chapman v Conservation Council of South Australia* [2002] SASC 4, **15/16**

## U

*United States v Washington* 520 F 2d 676 (1975), **29/26**

## V

*Victims Compensation Fund Corporation v Ainsworth & Anor* [2001] NSWCA 92, **22/11**

## W

*Wadjularbinna Nulyarimma, Isobell Coe, Billy Craigie and Robbie Thorpe v Thompson* (1999) (Unreported), **1/6**  
*Waltons Stores (Interstate) Ltd v Maher* (1988) 164 CLR 387, 404, **19/21**  
*Ward v Walton* (1989) 66 NTR 20, **2/15**  
*Ward and Others (on behalf of the Miriuwung and Gajerrong People) and Others v State of Western Australia and Others* (1996) 69 FCR 208; 159 ALR 483, **4/18, 7/15**  
*Wesley v Moore & Others* (1999) (Northern Territory Supreme Court) (Unreported), **8/14**  
*Western Australia v Commonwealth* (1995) 183 CLR 373, **26/22**  
***Western Australia v Ward*** (1996) 70 FCR 265; (2000) 170 ALR 159, (2002) 191 ALR 1, **3/6, 3/22, 6/28, 22/18, 24/10, 26/17**  
*Western Australia and Ors v Ward and Ors* (2000) FCA 191; 179 ALR 159, **4/16, 4/17, 5/15**  
*Wik Peoples v Queensland* (1996) 63 FCR 450; 141 ALR 129, **1/6, 5/15, 11/13, 14/18, 16/23, 24/12**  
*Wik Peoples v State of Queensland* [2000] FCA 1443 (Unreported), **2/2, 22/22**  
*Williams v Lee* 358 US 217, 271 (1959), **18/11**  
*Williams v Portland City & Farm Sales and Baxter* (1995) HREOCA 10, **2/5**  
*Wilson v Anderson* (2002) 190 ALR 313, **26/22**  
*Woomera Aboriginal Corporation v Edwards* HREOC 7/4/94, **2/6**  
*Worcester v Georgia* 31 US 515 (1832), **18/8, 19/13**

## X

*X (Minors) v Bedfordshire County Council* (1995) 2 AC 633, **2/15**

## Y

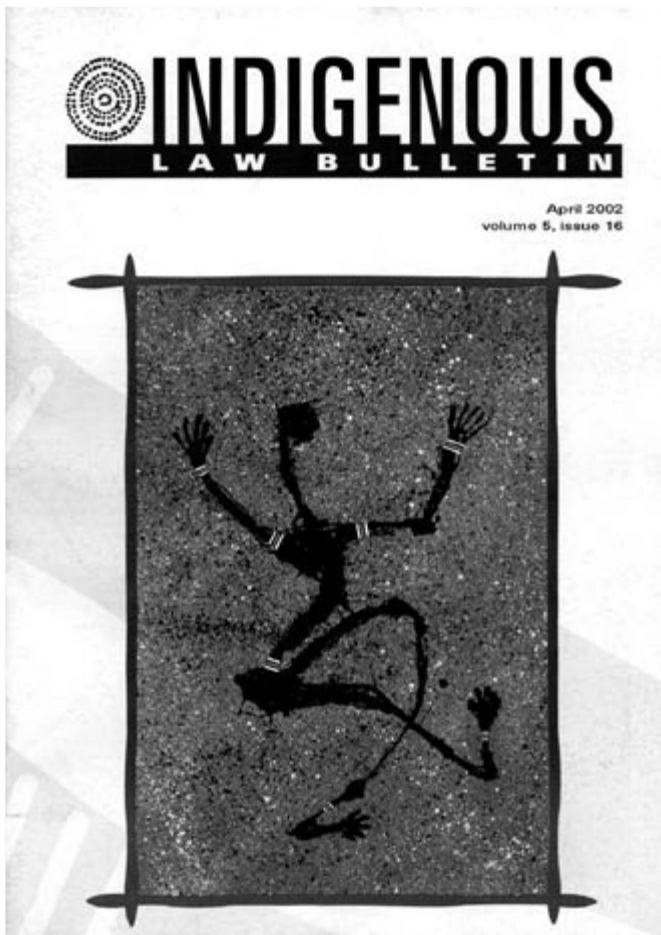
- Yarmirr v Northern Territory of Australia* [1998] FCA 771; FCA 1185; (1998) FCR 533; *Commonwealth of Australia of Australia v Yarmirr* (1999) FCA 1668, 5/11, 5/13, 5/14, 5/15, 14/20, 22/22, 29/23
- Yanggarnny Wunungmurra v Peter Stripes* (1983) FC (Unreported), 30/10
- Yanner v Eaton* [1999] HCA 53, 16/14, 22/22, 29/22
- Yavapai-Prescott Indian Tribe v Scott* 117 F 3d 1107, 1112 (1997), 18/9
- Yorta Yorta Aboriginal Community v State of Victoria* [1998] FCA 1606; (2001) FCA 45 (Unreported); (2002) 194 ALR 1; [2002] HCA 58, 6/19, 6/23, 6/25, 19/9, 22/22, 26/22
- Yorta Yorta Aboriginal Community v Victoria and Others* [2001] FCA 45, 9/15, 16/23, 19/9
- Yumbulul v Reserve Bank of Australia* (1991) 21IPR 481, 30/10
- Yvonne Margarula v Hon Eric Poole, Minister for Resource Development and Energy Resources Australia Ltd* [1998] NTSC 87 (Unreported), 18/14

## LEGISLATION INDEX



### Commonwealth

- Aboriginal and Torres Strait Islander Commission Act 1989**, 16/4  
Sections of: s 191N and s 191P, 24/11
- Aboriginal and Torres Strait Islander Commission Amendment Act 2002**, 20/4
- Aboriginal and Torres Strait Islander Heritage Protection Act 1984**, 1/22, 3/17-19, 6/4, 6/7, 11/14  
Sections of: s 10, 6/6
- Aboriginal and Torres Strait Islander Heritage Protection Bill 1998**, 3/17, 3/19, 11/14
- Aboriginal Councils and Associations Act 1976**, 4/25, 7/13-14, 30/4-5  
Sections of: s 63, 7/13
- Aboriginal Land Act 1987**, 13/19
- Aboriginal Land Rights (Northern Territory) Act 1976**, 2/11, 7/13, 7/17, 11/7, 14/18, 18/12, 19/11, 21/8, 29/21, 29/24  
Sections of: s 23(3), 18/14; s 40(6), 18/12; s 42, 19/13; s 73(1)(d), 7/17
- Aboriginal Land Rights (Northern Territory) Amendment Act (No 3) 1987**, 18/14
- Administrative Decision (Judicial Review) Act 1977**, 2/16
- Aged Care Act 1997**, 28/14
- Australia Act 1986**, 19/4
- Commonwealth Constitution**, 7/4-7  
Sections of: s 109, 26/21, 26/22; s 116, 7/4-7
- Copyright Act 1968**, 6/17, 6/18, 24/19, 30/8  
Sections of: s 90, 6/18; s 193(1), 6/18; s 194(2), 6/18; s 194AA, 6/18; s 195(2), 6/18; s 195AB, 6/18; s 195AC, 6/18; s 195AI, 6/18; s 195AK, 6/18; s 195AM, 6/18
- Copyright Amendment (Moral Rights) Act 2000**, 6/14-17  
Sections of: s 190, 6/17; s 190A, 6/17



**Copyright Amendment (Indigenous Communal Moral Rights) Bill 2003, 30/8-10****Corporations Law, 7/14****Great Barrier Reef Marine Park Act 1975, 2/18****Housing Assistance Act 1996, 22/14****Human Rights and Equal Opportunity Act 1985, 4/12****Land Acquisition Act 1989, 1/22****Land Fund and Indigenous Land Corporation (ATSIC Amendment) Act 1995, 24/11****Marriage Act 1961, 13/17-18****National Heritage Act 1995, 1/17****National Parks and Wildlife Act 1974, 6/5****Nationality and Citizenship Act 1948, 5/16**

**Native Title Act 1993, 1/4, 1/16, 3/14, 4/11, 4/13, 4/16, 4/22, 4/25, 5/11-15, 6/20, 6/22, 6/25, 6/26, 7/4-7, 7/15, 9/4, 9/14, 9/16-17, 13/9, 14/18-20, 15/8, 15/19, 16/5, 16/14, 17/27, 18/4, 18/7, 18/14, 18/23, 19/12, 19/13, 20/5, 20/14, 22/18-21, 24/8-10, 26/17-23, 26/24, 28/12, 28/13, 29/10, 29/13, 29/14, 29/19, 29/21, 29/25, 30/9**

Sections of: s 6, 14/18, 14/20; s 11, 26/18; s 13(4), 22/22; s 15, 24/10, 26/22; s 15(1)(a), 26/20; s 19, 26/19, 26/22; s 22B, 24/10; s 23B(2)(c)(vii), 24/10; s 23C(3), 26/23; s 23E to 23I, 26/22; s 23F(3), 26/22; s 23G(1)(b)(i), 26/20; s 23G(2), 26/23; s 23G(3), 26/23; s 24HA, 29/23; s 24HA(7), 2/18; s 24 GE, 16/16; s 26A, 4/22, 4/23; s 26A(8), 4/23; s 26B, 4/22; s 26C, 4/23; s 31(3), 18/7; s 43, 4/22; s 43A, 4/22, 4/23; s 44B, 7/7; s 45, 26/23; s 47, 26/23; s 47A, 26/23, 26/24-25; s 47A(1), 26/25; s 47A(2), 26/25; s 47A(2)(a), 26/24; s 47A(2)(b), 26/25; s 47B, 26/23; s 51(1), 24/9; s 61A(2) and (4), 26/22; s 62A, 28/13; s 63(1), 7/7; s 86B(1), 18/7; s 108, 18/7; s 108(1A), 18/7; s 108(2), 18/7; s 131A, 18/7; s 132, 18/7; s 136A(4), 18/7; s 136E, 18/7; s 136F, 18/7; s 190A-190C, 18/7; s 190B(8) and (9), 26/22; s 190C(3), 7/4-7; s 201B(2), 9/7; s 202, 2/16; s 203A(1)(e), 9/7; s 203B(4), 9/7; s 203BA(1), 9/7; s 203BG, 9/7; s 203CA, 9/7; s 203CB, 9/7; s 203D, 9/7; s 223, 14/19; s 223(1), 22/19, 22/22, 26/18; s 223(1)(a), 22/19-21, 26/17, 30/14-16; s 223(1)(b), 22/19-21, 22/23, 26/17, 30/14-16; s 223(1)(c), 22/20, 26/17; s 223(3) to (10), 26/22; s 225, 22/22, 26/22; s 226, 24/10; s 227, 9/16, 26/21; s 228, 26/22-23; s 229, 26/22; s 232, 26/22-23; s 233, 9/16, 26/23; s 237, 7/15; s 238, 16/16, 26/19; s 245(1), 24/10

**Native Title (Amendment) Act 1993, 4/13****Native Title Act 1998, 3/21****Native Title (Amendment) Act 1998, 18/7, 21/19****Race Hatred Act 1995, 7/8****Racial Discrimination Act 1975, 2/5, 7/8-10, 11/33, 14/11, 16/5, 16/23, 19/13, 24/8-10, 26/17, 27/10**

Sections of: s 10, 24/8-9, 26/21; s 10(1), 26/20-21; s 18C, 7/8, 7/9; s 18D, 7/8; s 25Z(1), 14/12

**Student Assistance Act 1973**

Sections of: s 43F, 23/19

**Torres Strait Islanders Heritage Protection Act 1984, 15/16****Trade Practices Act 1974, 24/18****Australian Capital Territory****Administration and Probate Act 1929, 13/19****Bail Act 1992, 8/8****Family Provision Act 1969, 13/19****New South Wales****Aboriginal Land Rights Act 1983, 3/20, 6/19, 6/21, 13/19, 19/21**

Sections of: s 54, 19/21

**Aboriginal Land Rights Amendment Act 2001, 21/14****Bail Act 1979, 2/9****Children (Care and Protection) Act 1987, 2/9****Children (Criminal Proceedings) Act 1987, 2/9****Children (Parental Responsibility) Act 1994, 2/9, 3/12****Children (Parental Responsibility) Act 1997, 2/9, 3/12****Children (Protection & Parental Responsibility) Act 1997, 2/7-9, 3/8-12**

Sections of: s 9, 2/9; s 11, 2/9; s 14, 2/9; s 18, 2/9; s 19, 2/9; s 30, 2/9; ss 32 and 33, 2/9; s 34, 2/9; s 35, 2/9; s 38(1)(a), 2/9; s 39(1), 2/9; s 40 (4), 2/9

**Crime Amendment (Detention After Arrest) Act 1997, 29/9****Crimes Act 1900, 2/9, 5/22****Crimes Legislation Amendment (Police and Public Safety) Act 1998, 1/26, 1/27****Drug Misuse and Trafficking Act 1985, 2/9****Family Provision Act 1982, 13/19****Fisheries Management Act 1994, 9/12, 29/8-9****Heritage Act 1977, 3/16****Homebush Bay Operations Act 1999, 1/26, 1/27****Intoxicated Persons Act, 2/9****Limitation Act 1969, 23/14****Mental Health Act 1900, 2/9****Mental Health (Criminal Procedure) Act 1900, 16/20****National Parks and Wildlife Act 1974, 3/16, 3/20****National Parks and Wildlife Amendment (Aboriginal Ownership) Act 1996, 3/20****Olympic Arrangements Act 2000, 1/26, 1/27****Security Industry (Olympic and Paralympic Games) Act 1999, 1/26****Supply of Liquor to Aborigines Act 1854, 2/8****Sydney Harbour Foreshores Authority Regulation 1999, 1/26, 1/27****Vagrancy Act 1871, 2/8**

**Victims Support and Rehabilitation Act 1996**, 22/10  
 Sections of: s 7(1), 22/11; s 14(1)(a), 22/11; s 26(2), 22/10;  
 s 26(3)(b), 22/10

**Water Management Act 2000**, 29/14, 29/19

**Western Lands Act 1901**, 29/14

**Wills Probate and Administration Act 1898**, 13/19

**Young Offenders Act 1997**, 3/12, 4/10, 29/13

## Northern Territory

**Aboriginal Land Rights Act 1976**, 15/19

**Aboriginals Ordinance 1911 (NT)**, 7/5  
 Sections of: s 6, 1/4; s 7, 2/11

**Administration and Probate Act 1969**, 13/17, 13/19

**Associations Incorporations Act**, 7/13

**Coroners Act 2000**, 14/16  
 Sections of: s 3, 14/16; s 3(a)-(f), 14/16; s 22, 14/17; s 23,  
 14/17; s 43, 14/17

**Family Provision Act 1979**, 13/19

**Fisheries Act**, 7/17, 29/21  
 Sections of: 53, 29/23

**Gaming Control Act 1999**, 25/12

**Gaming Machine Act 2001**, 25/12

**Kava Management Act 2001**, 25/12

**Licensing Commission Act 2000**, 25/12

**Limitation Act 1981**, 2/15, 23/15

**Liquor Act 1999**, 25/12-14  
 Sections of: s 32, 25/12-14; s 32(d), 25/12, 25/13

**Planning Act**, 29/23

**Public Order and Anti-Social Conduct Bill 2001**, 8/2

**Sentencing Act 1995**  
 Sections of: s 78A, 17/22

**Welfare Ordinance 1953**  
 Sections of: s 8, 2/12; s 14, 2/12; s 17, 2/12; s 24, 2/12

## Queensland

**Aboriginal Land Act 1991**, 13/19

**Aboriginal Relics Preservation Act 1967**, 13/11

**Aboriginals Preservation and Protection Act 1939**, 12/11

**Aboriginals Protection and Prevention of the Sale of  
 Opium Act 1897**, 12/10

**Aborigines and Torres Strait Islander' Affairs Act  
 1965**, 12/11

**Anti-Discrimination Amendments Bill 2001**, 8/2

**Child Protection Act 1999**, 25/16  
 Sections of: s 10, 25/17

**Community Services (Aborigines) Act 1984**, 5/4-10, 13/19,  
 25/5, 25/7

**Community Services Legislation Amendment Bill 2002**, 25/5

**Community Services (Torres Strait Islanders) Act 1984**,  
 5/4-10, 13/19, 25/5, 26/24

**Criminal Code Act 1889**, 2/17  
 Sections of: s 592A, 2/17

**Cultural Record (Landscapes Queensland and  
 Queensland Estate) Act 1987**, 13/8-11  
 Sections of: s 5, 13/11; s 9(1), 13/11; s 12, 13/11; s 13, 13/8;  
 s 17(1), 13/11; s 21, 13/11; s 27, 13/11; s 27(4)(d), 13/11;  
 s 33(1), 13/9; s 32, 13/9; s 56, 13/8; s 56(4), 13/9;  
 s 66, 13/9

**Fair Trading Act 1989**, 24/19  
 Sections of: s 38, 24/19; s 40, 24/19; s 91A, 24/19

**Heritage Buildings Protection Act 1990**, 13/9

**Indigenous Communities Liquor Licences Bill  
 2002**, 25/5

**Juvenile Justices Act 1992**, 13/13

**Land Act 1964**, 5/4

**Liquor Act 1992**, 25/5, 25/7

**Local Government (Aboriginal Lands) Act 1978**, 5/10

**Mineral Resources Act 1989**, 16/15

**Native Title Resolution Act 2000**, 4/22

**Penalties and Sentencing Act 1992**, 13/13

**Petroleum Act 1923**, 16/15

**Police Powers and Responsibilities Act 2000**, 25/17

**Queensland Coast Islands Declaratory Act 1985**, 24/8

**Queensland Fisheries Act 1994**, 2/17

**Queensland Heritage Act 1992**, 13/9

**State Development and Public Works Act 1971**, 13/11

**Succession Act 1981**, 13/19

**Torres Strait Fisheries Act 1984**, 2/17

**Torres Strait Island Act 1939**, 12/11

**Torres Strait Islander Act 1991**, 13/19

**Water Act 2000**, 29/19

## South Australia

**Aboriginal Heritage Act 1988**, 1/22, 15/16

**Aboriginal Land Trusts Act 1966**, 13/19

**Administration and Probate Act 1919**, 13/19

**Bail Act 1985**, 12/14

**Criminal Law Consolidation Act 1935**, 12/15

**Inheritance (Family Provision) Act 1972**, 13/19

**Summary Offences Act 1953**, 12/14  
 Sections of: s 7(1)(a), 12/15; s 79A, 12/14

## Tasmania

**Administration and Probate Act 1935**, 13/19

**Testators Family Maintenance Act 1957**, 13/19



## Victoria

**Administration and Probate Act 1958**, 13/19  
**Drug, Poisons and Controlled Substances Act 1981**, 25/20  
**Drugs, Poisons and Controlled Substances (Volatile Substances) Act 2003**, 25/20  
**Land Act 1991**, 13/19  
**Land Titles Validation Act 1995**, 1/16  
**Racial and Religious Tolerance Bill 2001**, 8/2

## Western Australia

**Aboriginal Affairs Planning Authority Act 1972**  
Sections of: s 33, 13/19; s 35, 13/17, 13/19  
**Administration Act 1903**, 13/19  
**Child Welfare Act 1947**, 27/8, 27/13  
Sections of: s 29, 27/13; s 138B, 27/8  
**Criminal Code**  
Sections of: s 401, 17/22  
**Criminal Law (Mentally Impaired Defendants) Act 1996**, 16/10-13  
Sections of: s 11(2), 16/13; s 12(1), (2), 16/13; s 16(5)(6), 16/13; s 33(5), 16/13 s 42, 16/13  
**Equal Opportunity Act 1984**, 2/5, 22/17, 27/10, 27/12  
Sections of: s 31(1), 2/5; s 36(2), 2/5; s 47(1), (2) 2/5; s 93(2), 2/5  
**Inheritance (Family and Dependant's Provision) Act 1972**, 13/19  
**Land Act 1933**, 26/21  
Sections of: s 33, 26/21  
**Mining Act 1978**, 26/21  
**Police Act**, 27/11  
**Public Sector Management Act 1994**, 22/17  
**Public Works Act 1902**  
Sections of: s 18, 26/21  
**Residential Tenancies Act 1987**, 22/14  
Sections of: s 27, 22/17; s 42, 22/17; s 71, 22/17  
**Sentencing Act 1995**, 16/10  
**Young Offenders Act 1994**, 17/22

## Canada

**Canadian Constitution Act 1981**, 11/16  
Sections of: s 35, 12/16-19; s 35(1), 11/16, 17/11, 17/12  
**Constitution Act 1867**, 12/16  
Sections of: s 91(24), 17/13, 17/14; s 109, 17/14  
**Indian Act 1985**, 17/13

## Ireland

**Residential Institutions Redress Act 2002**  
Sections of: s 5(3), 27/18; s 7(4), 27/18; s 8(1), 27/17; s 10(4), 27/17; s 10(10), 27/18; s 11(8), 27/18; s 11(12), 27/18; s 13(6), 27/18; s 19, 27/18  
**Statute of Limitations (Amendment) Act 2000**, 27/14-15

## New Zealand

**Arbitration Act 1996**, 7/21  
**Historic Places Act 1993**, 25/22

## Nicaragua

**Nicaraguan Constitution**, 18/18

## South Africa

**Natives Land Act 1913**, 30/17  
**Restitution of Land Rights Act 1994**, 30/17  
Sections of: s 2, 30/17; s 2(1), 30/17

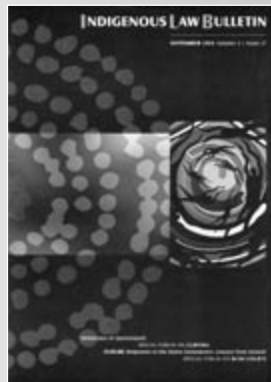
## United Kingdom

**British Museum Act 1963**, 6/10

## United States of America

**Indian Child Welfare Act 1978**, 29/6-7  
**Indian Gaming and Regulatory Act 1998**, 18/9-11  
**Indian Reorganization Act 1934**, 5/5, 17/15, 19/18  
**National Museum of the American Indian Act (1989)**, 6/9  
**Native American Graves Protection and Repatriation Act (1990)**, 6/9  
**Orphan Drug Act 1983**, 22/12  
**Violent Crime Control and Law Enforcement Act 1994**  
Sections of: s 1033-4, 17/22

# INTERNATIONAL INSTRUMENTS INDEX



**Agreement on Trade-Related Aspects of Intellectual Property Rights, 22/13, 30/22, 30/23**

**Australia-United States Free Trade Agreement, 30/20, 30/23**

**Berne Convention for Artistic and Literary Works (the Berne Convention), 6/14, 6/15, 6/18**

**Bretton Woods 1944 Conference, 30/21**

**Draft Declaration on the Rights of Indigenous Peoples, 1/5, 4/11, 6/14, 7/12, 16/6-9, 20/10-13**

**General Agreement of Tariffs and Trade, 30/20-21**

**Human Rights and Fundamental Freedoms of Indigenous People, 20/10**

**International Convention on Civil and Political Rights, 2/2, 6/6, 6/14**

**International Convention on Economic Social and Cultural Rights, 2/3, 4/11, 4/13, 6/22, 22/14, 22/17**

**International Convention on the Elimination of All Forms of Discrimination Against Women, 2/2**

**International Convention on the Elimination of All Forms of Racial Discrimination, 2/2, 2/6, 4/11, 4/15, 7/8, 19/12, 27/10**

**International Covenant on Civil and Political Rights, 1/2, 4/12, 4/13**

**International Youth Parliament 2000, 4/19-21**

**United Nations Commission on Human Rights, 1/8, 7/11, 16/5, 20/12, 20/13**

**United Nations Committee for the Convention Against Torture and All Forms of Cruel, Inhumane and Degrading Treatment, 4/11**

**United Nations Committee of Human Rights of Indigenous Peoples, 6/2, 7/12**

**United Nations Convention Establishing the World Intellectual Property Rights, 22/13**

**United Nations Convention on the Prevention and Punishment of the Crime of Genocide, 1/6, 1/7, 1/15, 1/16**

**United Nations Convention on the Rights of the Child, 1/2, 4/11, 27/7, 27/10, 27/13**

**United Nations Declaration on the Rights of Indigenous Peoples, 16/9**

**United Nations High Commission for Human Rights (UNHCHR), 4/14**

**United Nations Human Rights Committee, 1/2, 4/11, 4/12, 4/13, 24/14, 24/16**

**United Nations Permanent Forum for Indigenous Peoples, 4/14, 7/12, 20/10-12**

**United Nations Study on Treaties, Agreements and Other Constructive Arrangements, 1/11**

**United Nations Universal Declaration of Human Rights, 5/16**

**United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, 7/2, 7/11, 13/5-7, 14/2**

**Universal Declaration of Human Rights, 16/10-11**

**UNESCO, 4/11**

**Vienna Convention on the Law of Treaties, 19/5**

**Working Group on Indigenous Populations (WGIP), 4/11, 4/13, 4/14, 6/2, 7/12, 16/6, 20/10**

World Health Organisation, 22/13

World Trade Organisation, 22/13, 24/14-16, 30/20-22

## SPECIAL EDITIONS

## VOL 5 INDEX



### **Vol 5(1) Indigenous Perspectives on Law and Rights**

(Irene Watson – Guest Editor)

### **Vol 5(6) Protection of Indigenous Cultural and Intellectual Property**

(Robynne Quiggin – Guest Editor)

### **Vol 5(8) 10<sup>th</sup> Anniversary of the Royal Commission into Aboriginal Deaths in Custody**

### **Vol 5(11) 20 Years [of the Indigenous Law Bulletin] 1981 - 2001**

### **Vol 5(17) North America**

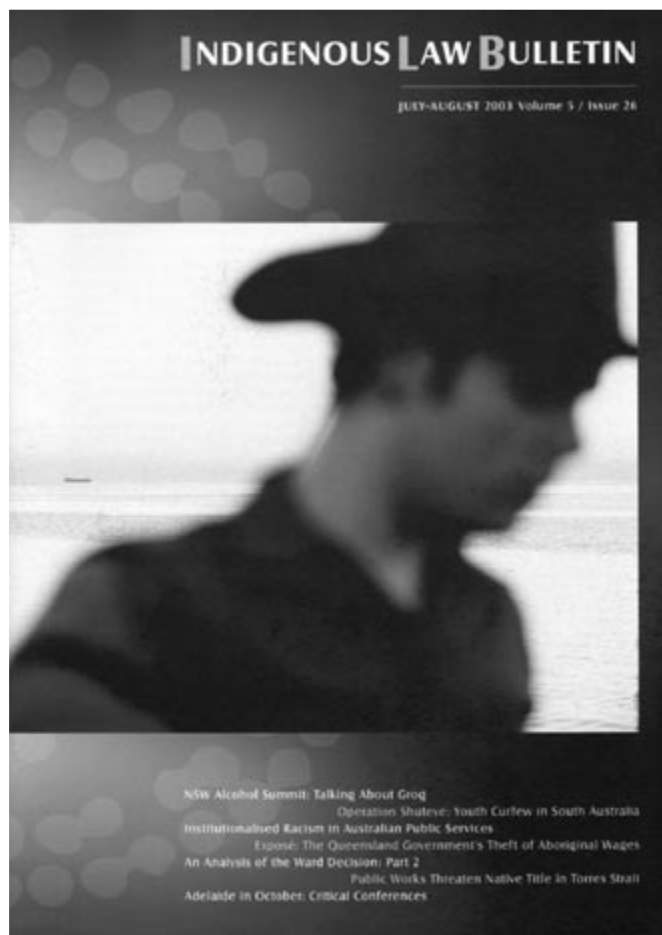
### **Vol 5(21) Treaty**

### **Vol 5(25) Alcoholism (Special Forum) and Chroming (Special Forum)**

### **Vol 5(27) Curfews (Special Forum) and Bush Courts (Special Forum)**

### **Vol 5(28) Indigenous Legal Services**

### **Vol 5(29) Indigenous Water Rights**



*front cover*

**Elaine Russell 1941**

Kamilaroi, New South Wales

***Building A Fence Without Tools, 2004***

Acrylic on paper

Kamilaroi artist Elaine Russell is at the forefront of a generation of Indigenous artists who have addressed the mission experience for Aboriginal communities in Australia. Her paintings depict a childhood spent growing up on Murrin Bridge Mission, on the banks of the Lachlan River, in the 1950s. Russell's bold and colourful paintings vividly illustrate the social conditions of mission life. Expressing nostalgia for the pleasures of childhood and family solidarity that the river provided, she paints her memories of hunting, playing and camping. In presenting these anecdotes in the form of an animated narrative, Russell effectively engages her audience, including younger generations of Kooris, while relieving them of the burden of a history of oppression. Her seemingly idyllic panoramas are underscored, however, by their formal composition, ingeniously evoking the harsh reality of enforced segregation and the regulation of mission life.

*Thanks to Jonathan Jones and Hetti Perkins of the Art Gallery of NSW for their assistance in obtaining the cover artwork for this edition.*