

# AUSTRALIAN INDIGENOUS LAW REVIEW

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# AUSTRALIAN INDIGENOUS LAW REVIEW

2009 • Volume 13, Number 2

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*Since 1981 the Indigenous Law Bulletin has led the way with accessible, accurate and timely information about Australia's Indigenous peoples and the law. We write for legal practitioners, advocates, policy makers, researchers and students. We cover legislation and government policy, case law, parliamentary proceedings, international developments, local activism and the work of Indigenous communities and organisations.*

*We report on crime, family law, native title, custody issues, legal services, international and comparative law, land and water rights, intellectual property and copyright law.*

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## EDITORIAL NOTE

The *Australian Indigenous Law Review* ('AILR') is a DEST-approved publication unique for its currency, expert commentary and international perspectives. It draws together legal developments from all areas affecting Indigenous peoples in Australia and around the world.

The AILR publishes detailed, peer-reviewed commentary from leading Australian and international experts. It also includes recent and relevant case law, publishing the most prominent cases alongside those which would otherwise go unreported.

From 2009 onwards, the AILR is to be published bi-annually rather than quarterly, so as to streamline production processes. This is not to come at the expense of content – the same amount of material will be published per volume, but in two rather than four editions.

Included in the last volume of each edition is a cumulative index.

The AILR is designed to complement the Indigenous Law Centre's long-established publication, the *Indigenous Law Bulletin*.

*Previous editions of the AILR are available online at <<http://www.austlii.edu.au/au/journals/AILR/>> and <<http://www.informit.com.au/>>.*

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The editors wish to express their gratitude to the following people, who generously and expertly prepared headnotes for this edition: David Buxton-Forman, for *Minister Administering the Crown Lands Act v Illawarra Local Aboriginal Land Council* and *Western Desert Lands Aboriginal Corporation (Jamukurnu – Yapalikunu)/Western Australia/Holocene Pty Ltd*; Daniel Threlfall, for *James v Western Australia*, *Turley v Byrne* and *Adnyamathanha No 1 Native Claim Group v South Australia (No 2)*. The other headnotes were prepared by Michelle Bradley. Headnote reviews were conducted by Michelle Bradley and Dylan Lino.

The Editorial Panel is thanked profusely for its always-willing assistance and always-wise words. Thanks are also due to the referees who anonymously – and very generously – reviewed the submissions for this edition. The editors would also like to thank Janette Murdoch, Megan Davis, Zrinka Lemezina, all of the other Centre staff and volunteers, and John Hewitt, for their contributions to the creation and production of this edition of the AILR.

## Artist's Note

Jenny Fraser is a 'digital native' who works within a fluid screen-based practice. Because of the diverse creative media Fraser uses, much of her work defies categorisation. Fraser is interested in refining the art of artist/curator as an act of sovereignty and emancipation. Her work has been exhibited and screened internationally.

The artist explains the cover artwork:

'This is one artwork from a series of documented journeys in and around the country where my family hails from – the Yugambah Mununjali lands – around the Gold Coast, hinterland and plains near the Queensland/New South Wales border. It is fulfilling to retrace the steps of our Ancestors and experience the place on many levels. Here the Jumpinpin (or Pandanus) and Land of the Long White High-Rise are featured together. Ancient and Modern.'

Further information about the artist and her work can be found at:

<[http://www.geocities.com/dot\\_ayu/index.htm](http://www.geocities.com/dot_ayu/index.htm)> and <<http://www.cybertribe.culture2.org>>.



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