



Mabo What The High Court Said

Simon Young



Mabo What The High Court Said:

Aboriginal Customary Law: A Source of Common Law Title to Land Ulla Secher, 2014-12-01 Described as ground breaking in Kent McNeil's Foreword this book develops an alternative approach to conventional Aboriginal title doctrine. It explains that aboriginal customary law can be a source of common law title to land in former British colonies whether they were acquired by settlement or by conquest or cession from another colonising power. The doctrine of Common Law Aboriginal Customary Title provides a coherent approach to the source, content, proof and protection of Aboriginal land rights which overcomes problems arising from the law as currently understood and leads to more just results. The doctrine's applicability in Australia, Canada and South Africa is specifically demonstrated. While the jurisprudential underpinnings for the doctrine are consistent with fundamental common law principles, the author explains that the Australian High Court's decision in *Mabo* provides a broader basis for the doctrine, a broader basis which is consistent with a re-evaluation of case law from former British colonies in Africa as well as from the United States, New Zealand and Canada. In this context, the book proffers a reconceptualisation of the Crown's title to land in former colonies and a reassessment of conventional doctrines including the doctrine of tenure and the doctrine of continuity. With rare exceptions, the existing literature does not probe as deeply or question fundamental assumptions as thoroughly as Dr Secher does in her research. She goes to the root of the conceptual problems around the legal nature of Indigenous land rights and their vulnerability to extinguishment in the former colonial empire of the Crown. This book is a formidable contribution that I expect will be influential in shifting legal thinking on Indigenous land rights in progressive new directions. From the Foreword by Professor Kent McNeil to read the Foreword, please click on the sample chapter link: [*Voices in the Wilderness*](#) Michael Meadows, 2000-12-30. This book examines race relations in Australia through various media representations over the past 200 years. The early colonial press perpetuated the image of aboriginal people as framed by early explorers and stereotypes, and assumptions still prevail. Print and television news accounts of several key events in recent Australian history are compared and reveal how indigenous sources are excluded from stories about their affairs. Journalists wield extraordinary power in shaping the images of cultures and people, so indigenous people like those in North America have turned away from mainstream media and have acquired their own means of cultural production through radio, television and multimedia. This study concludes with suggestions for addressing media practices to reconcile indigenous and non-indigenous people. This study will appeal to students and scholars studying mass media, particularly journalism and public relations, Australian history and sociology. **Science and Exploration in the Pacific** Margarette Lincoln, 1998. This volume contains studies of scientific and cultural discoveries made on Cook's 1768-7 voyage to the South Sea in *Endeavour* and issues emerging from this and successive Pacific voyages. *Contesting Native Title* David Ritter, 2020-08-26. This book debunks in spectacular fashion some of the most treasured over-inflated claims of the benefits of native title. Professor Mick Dodson, ANU Centre for Indigenous Studies. David Ritter's

fascinating account of the evolution of the native title system is elegant and incisive scholarly and sceptical above all unfailingly intelligent Professor Robert Manne La Trobe University An unsentimental richly informed account of a fascinating period in the history of Australia s relationships with its indigenous people From the Foreword by Chief Justice Robert French After the historic Mabo judgement in 1992 Aboriginal communities had high hopes of obtaining land rights around Australia What followed is a dramatic story of hard fought contests over land resources money and power yielding many frustrations and mixed outcomes Based on extensive research enriched by intimate experience as a lawyer and negotiator David Ritter offers both an insider s perspective and a cool headed and broad ranging account of the native title system In lucid prose Ritter examines the contributions of the players that contested and adjudicated native title Aboriginal leaders and their communities multinational resource companies pastoralists courts and tribunals politicians and bureaucrats His account lays bare the conflicts compromises and conceits beneath the surface of the native title process Land Claims and National Parks-- the Makuleke Experience Bertus De Villiers,1999 The restoration of land rights is a key factor in South Africa s transformation The complexities surrounding the restoration of land rights are often underestimated and the competing interests involved can cause the process to be protracted and emotional Conflict of interest can be particularly great when land claims are instituted against national parks and other conservation areas cherished by the nation While such parks and areas are vital for the local regional economic development of South Africa historical wrings which may have led to the establishment of these parks must also be rectified Many parks and conservation areas or parts thereof were after all established on land that had been expropriated from black people **Transparency, Power, and Control** Christoph A. Hafner,Anne Wagner,2016-02-24 This book brings together academics and practitioners from a range of disciplines from more than twenty countries to reflect on the growing importance of transparency power and control in our international community and how these concerns and ideas have been examined used and interpreted in a range of national and international contexts Contributors explore these issues from a range of overlapping concerns and perspectives such as semiotic sociolinguistic psychological philosophical and visual in diverse socio political administrative institutional as well as legal contexts The collection examines the ways in which actors in our society legislators politicians activists and artists have provoked public discourses to confront these issues *Law in Australian Society* Keiran Hardy,2024-10-15 What is the rule of law How do laws get made Does our legal and political system achieve justice for all Australians equally Designed for beginners as well as non law students this textbook provides a comprehensive and accessible guide to understanding Australia s system of law and government *Law in Australian Society* explains legislation and case law courts and the doctrine of precedent Keiran Hardy examines the roles played by parliaments politics and the media He explains founding principles including democracy liberalism the separation of powers and federalism Human rights and justice are highlighted with an emphasis on First Nations Peoples and the law The book explains criminal responsibility and the justice system including

police powers and the criminal trial It concludes with case studies of cybercrime and counterterrorism laws to illustrate law reform in action This second edition has been fully updated throughout including recent legislation cases and topical issues from Australian law and politics including from the COVID 19 pandemic and the recent referendum on an Indigenous Voice to Parliament Each chapter features practical examples chapter summaries and review questions together with a glossary of key terms Concise accessible and up to the minute this is a vital guide for anyone seeking to understand Australian law and government

Information Technology and Lawyers Arno R. Lodder, Anja Oskamp, 2006-02-20 The gap between information technology and the legal profession is narrowing in particular due to the Internet and the richness of legal sources that can be found online This book further bridges the gap by showing people with a legal background what is possible with Information Technology now and in the near future as well as by showing people with an IT background what opportunities exist in the domain of law

Aboriginal Peoples, Colonialism and International Law Irene Watson, 2014-10-17 This work is the first to assess the legality and impact of colonisation from the viewpoint of Aboriginal law rather than from that of the dominant Western legal tradition It begins by outlining the Aboriginal legal system as it is embedded in Aboriginal people's complex relationship with their ancestral lands This is Raw Law a natural system of obligations and benefits flowing from an Aboriginal ontology This book places Raw Law at the centre of an analysis of colonisation thereby decentring the usual analytical tendency to privilege the dominant structures and concepts of Western law From the perspective of Aboriginal law colonisation was a violation of the code of political and social conduct embodied in Raw Law Its effects were damaging It forced Aboriginal peoples to violate their own principles of natural responsibility to self community country and future existence But this book is not simply a work of mourning Most profoundly it is a celebration of the resilience of Aboriginal ways and a call for these to be recognised as central in discussions of colonial and postcolonial legality Written by an experienced legal practitioner scholar and political activist Aboriginal Peoples Colonialism and International Law Raw Law will be of interest to students and researchers of Indigenous Peoples Rights International Law and Critical Legal Theory

Annual Bibliography Australian Institute of Aboriginal and Torres Strait Islander Studies, 1994

The Trouble with Tradition Simon Young, 2008 This book is a broad and detailed examination of the native title jurisprudence in the US Canada New Zealand and Australia with a specific focus on the handling of Indigenous community changes in each country's case law

The American Empire and the Fourth World Anthony J. Hall, Tony Hall, 2005 In a book that Naomi Klein says could change the world Anthony Hall shows that the globalization debate actually began in 1492

American Empire and the Fourth World Anthony J. Hall, 2003-11-10 In *The American Empire and the Fourth World* Anthony Hall presents a sweeping analysis of encounters between indigenous people and the European empires national governments and global corporations on the moving frontiers of globalization since Columbus discovered America How should we respond to the emergence of the United States as the military commercial and cultural centre of a global empire How can we elaborate a

global rule of law based on equality and democracy when the world's most powerful polity acknowledges no higher authority in the international arena than its own domestic priorities For Hall the answer lies in the concept of the Fourth World an inclusive intellectual tent covering a wide range of movements whose leaders seek to implement alternative views of globalization Larger than any earlier political movement the Fourth World embraces basic principles that include the inherent rights of self-determination and a more just approach to the crafting and enforcement of international law

Law as if Earth Really Mattered Nicole Rogers, Michelle Maloney, 2017-04-21 This book is a collection of judgments drawn from the innovative Wild Law Judgment Project In participating in the Wild Law Judgment Project which was inspired by various feminist judgment projects contributors have creatively reinterpreted judicial decisions from an Earth-centred point of view by rewriting existing judgments or creating fictional judgments as wild law Authors have confronted the specific challenges of aligning existing Western legal systems with Thomas Berry's philosophy of Earth jurisprudence through judgment writing and rewriting This book thus opens up judicial decision making and the common law to critical scrutiny from a wild law or Earth-centred perspective Based upon ecocentric rather than human-centred or anthropocentric principles Earth jurisprudence poses a unique critical challenge to the dominant anthropocentric or human-centred focus and orientation of the common law The authors interrogate the anthropocentric and property rights assumptions embedded in existing common law by placing Earth and the greater community of life at the centre of their rewritten and hypothetical judgments Covering areas as diverse as tort law intellectual property law criminal law environmental law administrative law international law native title law and constitutional law this unique collection provides a valuable tool for practitioners and students who are interested in learning more about the emerging ecological jurisprudence movement It helps us to see more clearly what a new system of law might look like one in which Earth really matters

Mabos Cultural Legacy Geoff Rodoreda, Eva Bischoff, 2021-06-08 More than any other event in Australia's legal political and cultural history the High Court of Australia's 1992 Mabo decision challenged previous ways of thinking about land identity belonging the nation and history Now more than a quarter of a century after Mabo this book examines the broader impacts of this landmark legal decision on various forms of Australian culture and cultural practice How is Australia's post-Mabo imaginary being reflected refracted and articulated in contemporary film fiction poetry biography and other forms of cultural expression To what extent has the discussion and practice of history linguistics anthropology and other branches of the humanities been challenged or transformed by Mabo While the judges in Mabo recognised native title they also denied Indigenous people sovereignty over the continent how is First Nations sovereignty being articulated and creatively imagined in more recent post-Mabo discourse This interdisciplinary book offering a transnational perspective via scholars based in Australia continental Europe and the UK provides an overview of the diverse impact and discursive influence of Mabo on fields of artistic endeavour and cultural practice in Australia today

Trapped by History Darryl Cronin, 2021-04-15 The Australian nation has reached an impasse in

Indigenous policy and practice and fresh strategies and perspectives are required. *Trapped by History* highlights a fundamental issue that the Australian nation must confront to develop a genuine relationship with Indigenous Australians. The existing relationship between Indigenous people and the Australian state was constructed on the myth of an empty land, *terra nullius*. Interactions with Indigenous people have been constrained by eighteenth century assumptions and beliefs that Indigenous people did not have organised societies, had neither land ownership nor a recognisable form of sovereignty and that they were savage but could be civilized through the erasure of their culture. These incorrect assumptions and beliefs are the foundation of the legal, constitutional and political treatment of Indigenous Australians over the course of the country's history. They remain ingrained in governmental institutions, Indigenous policy making, judicial decision making and contemporary public attitudes about Indigenous people. *Trapped by History* shines new light upon historical and contemporary examples where Indigenous people have attempted to engage and dialogue with state and federal governments. These governments have responded by trying to suppress and discredit Indigenous rights, culture and identities and impose assimilationist policies. In doing so, they have rejected or ignored Indigenous attempts at dialogue and partnership. Other settler countries such as New Zealand, Canada and the United States of America have all negotiated treaties with Indigenous people and have developed constitutional ways of engaging cross-culturally. In Australia, the limited recognition that Indigenous people have achieved to date shows that the state is unable to resolve long-standing issues with Indigenous people. Movement beyond the current colonial relationship with Indigenous Australians requires a genuine dialogue to not only examine the legal and intellectual framework that constrains Indigenous recognition but to create new foundations for a renewed relationship based on intercultural negotiation, mutual respect, sharing and mutual responsibility. This must involve building a shared understanding around addressing past injustices and creating a shared vision for how Indigenous people and other Australians will associate politically in the future.

Hybrid Geographies Sarah Whatmore, 2002-11-04

Hybrid Geographies is one of the most original and important contributions to our field in the last 30 years. At once immensely provocative and productive, it is written with uncommon clarity and grace and promises to breathe new life not only into geographical inquiry but into critical practice across the spectrum of the humanities and social sciences and beyond. An extraordinary achievement. Professor Derek Gregory, Department of Geography, University of British Columbia.

Hybrid Geographies critically examines the opposition between nature and culture, the material and the social as represented in scientific, environmental and popular discourses. Demonstrating that the world is not an exclusively human achievement, *Hybrid Geographies* reconsiders the relation between human and non-human, the social and the material, showing how they are intimately and variously linked. General arguments informed by work in critical geography, feminist theory, environmental ethics and science studies are illustrated throughout with detailed case study material. This exemplifies the two core themes of the book: a consideration of hybridity, the human/non-human relation and of the fault lines in the spatial organization of

society and nature Hybrid Geographies is essential reading for students in the social sciences with an interest in nature space and social theory **The March of Patriots** Paul Kelly,2011-04-01 Unveiling the inside story of how Paul Keating and John Howard changed Australia this record presents these two personalities as conviction politicians tribal warriors and national interest patriots Divided by belief temperament and party they were united by generation city and the challenge to make Australia into a successful nation for the globalized age The making of policy and the uses of power are explored capturing the authentic nature of Australian politics as distinct from the polemics advanced by both sides Focusing on how these prime ministers altered the nation s direction this study also depicts how they redefined their parties and struggled over Australia s new economic social cultural and foreign policy agendas A sequel to the author s bestselling The End of Certainty this survey is based on more than 100 interviews with the two key players as well as other politicians advisers and public servants No Small Change Frank Brennan,2015-05-01 In 1967 Australians voted overwhelmingly in favor of removing from the Constitution two references that discriminated against Aboriginal and Torres Strait Islander people Though these seemed like small amendments they were an impetus for real change from terra nullius to land rights and from assimilation to self determination Nearly 50 years later there is a groundswell of support for our Indigenous heritage to be formally recognized in the Constitution With the prospect of a new referendum in the near future Frank Brennan considers how far Australians have come and yet how much work lies ahead He looks through the prism of history to examine what we can learn from our successes and failures since 1967 from the efforts of the Council of Aboriginal Affairs to the Gove land rights case and the Aboriginal Tent Embassy He also assesses the way forward how the upcoming referendum might provide fresh momentum for governments and Indigenous Australians to negotiate better outcomes Written by one of the most respected commentators on legal and human rights issues this book makes a vital contribution to the understanding of Indigenous affairs It will generate crucial debate on how Australians should acknowledge the history that for too long has gone unrecognized **Citizens Without Rights** John Chesterman,Brian Galligan,1997-12-22 3 Is the constitution to blame

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