

Western Australia V Ward

Simon Young

Interpreting Statutes Suzanne Corcoran, Stephen Bottomley, 2005 Interpreting Statutes was cited 4 times by the High Court in *Momcilovic v The Queen* [2011] HCA 34 (8 September 2011). Interpreting Statutes has been written for lawyers and judges who must interpret statutes on a daily basis, as well as for students and scholars who have their own responsibility for the future. This book takes a new approach to statutory interpretation. The authors consider the fundamental importance of context in statutory interpretation across various fields of regulation and explore the problems, which arise from the frequent disjunction between regulatory design and subsequent statutory interpretation. As a result, they bring to the fore fundamental theoretical questions underlying interpretive choice and expand our appreciation of how critical interpretive issues are to the proper functioning of our legal system. The book is divided into two parts. The first covers several areas dealing with fundamental theoretical issues. The second deals with particular areas of the law, such as criminal law or corporate law, addressing the utility and functionality of the general theories from different legal perspectives and illustrating the fact that different interpretive principles may take precedence in different areas of the law. It reveals the complexity of statutory interpretation when applied to actual practice in a particular area of law. Despite this complexity and the unique problems of statutory interpretation within each area of law, some major themes emerge including: the strong influence of constitutional interpretation; tension between common law rights and statutory innovation; questions about the interaction of domestic law with international law; tension between settled judicial principles of interpretation and principles embedded in legislation; issues concerning the interpretation of delegated legislation; and questions about gap filling and discretion in the interpretation of statutes and codes.

Compromised Jurisprudence Lisa Strelein, 2009 First edition published in 2006.

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.

Dialogue about Land Justice Lisa Strelein, 2010 Dialogue about Land Justice provides a solid understanding for readers of the key issues around native title from the minds of leading thinkers, commentators and senior jurists. It consolidates sixteen papers presented to the national Native Title Conference since the historic Mabo judgment.

The Proposed Nordic Saami Convention Nigel Bankes, Timo Koivurova, 2013-01-31 In 2005 an expert group representing the governments of Norway, Sweden and Finland, and the Saami parliaments of these countries agreed upon a draft text of a Nordic Saami Convention. Key parts of the text deal with the recognition of Saami land and resource rights. More recently the three governments have embarked on negotiations to move from this draft text to a final convention that may be adopted and ratified by all three countries. Negotiations commenced in the Spring of 2011 and should be completed within five years. This collection of essays explores the national and international dimensions of indigenous property rights and the draft Convention which recognises the Saami as one people divided by international boundaries. Part one of the book seeks to provide a global and theoretical context for these developments in the Nordic countries, with a series of essays dealing with the moral and legal reasons for recognising indigenous property interests and different conceptualisations of the relationship between indigenous peoples and settler societies, including recognition, reconciliation and pluralism. Part two of the book examines some international legal issues associated with the Convention, including the background to the Convention. Part three turns to examine aspects of the recognition of Saami property interests in each of the three Nordic states, while Part four provides some comparative experiences, examining the recognition of indigenous property rights in a number of jurisdictions, including Canada, Australia and a number of South American states. An additional essay considers gender issues in relation to indigenous property rights.

Modern Statutory Interpretation Jeffrey Barnes, Jacinta Dharmananda, Eamonn Moran, 2023-01-10 Modern Statutory Interpretation is an original, clear, coherent and research-based account of contemporary Australian statutory interpretation. It provides a comprehensive coverage of statutory interpretation law, legislative drafting, the parliamentary process, the modern history of interpretation, sources of doubt, and interpretation techniques.

Indigenous Peoples, Natural Resources and Permanent Sovereignty Andrea Mensi, 2022-12-19 Indigenous Peoples, Natural Resources and Permanent Sovereignty explores the possibility to conceive a permanent sovereignty over natural resources vested in indigenous peoples rather than in States. The author examines the conceptualisation and content under customary international law of indigenous rights with respect to natural resources, including the impact of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples in 2007. The book provides a deep and updated analysis on international customs, international and regional conventions and the jurisprudence of regional courts concerning indigenous rights to natural resources, including the most recent developments in domestic jurisprudence and legislation.

The Max Planck Encyclopedia of Public International Law Rudiger Wolfrum, 2013-03-28 This index to the definitive reference work on international law contains detailed references to over 1,600 articles covering the full history and breadth of public international law, as well as other information to facilitate its use, such as tables and citation lists.

State Constitutional Landmarks George Winterton, 2006 Fifteen landmark cases and controversies of parliamentary

government in the Australian colonies and States are recounted in all their political and legal drama by some of Australias leading constitutional scholars. Topics covered include the amazing saga of Justice Boothby in the 1860s; Privy Council decisions establishing the plenary power of colonial legislatures; the dismissal of New South Wales (NSW) Premier Jack Lang in 1932; the resolution of deadlocks between State legislative Houses; the making of the Australia Acts 1986; debate on the separation of judicial power in the States; the survival of the NSW Legislative Council; the power to expel an MP in NSW; one-vote, one-value in Western Australia; affirmation of the rule of law in Western Australia; the Franca Arena saga in NSW; and the power to force ministers to produce documents in NSW.

Knowledge of Life Kaye Price, 2015-09-17 Knowledge of Life is the first textbook to provide students with a comprehensive guide to Aboriginal and Torres Strait Islander Australia. The result of extensive research and experience, it offers fresh insights into a range of topics and, most importantly, is written by Aboriginal and Torres Strait Islander academics. It addresses topics ranging from history and reconciliation, to literature and politics, to art, sport and health. It presents social, cultural and political perspectives on these areas in a manner that is accessible to undergraduate students from a range of backgrounds and academic disciplines. Each chapter opens with a précis of the author's journey to engage students and offer them an insight into the author's experiences. These authentic voices encourage students to think about the wider issues surrounding each chapter and their real-life implications. This timely publication emphasises the importance of relationships between non-Indigenous and Aboriginal and Torres Strait Islander cultures.

International Development Law Petra Minnerop, Rüdiger Wolfrum, Frauke Lachenmann, Max-Planck-Gesellschaft zur Förderung der Wissenschaften, 2019 This volume brings together articles on international development law from the Max Planck Encyclopedia of Public International Law, the definitive reference work on international law. It provides an invaluable resource for scholars, students, and practitioners of international development law, giving an accessible, thorough overview of all aspects of the field. Each article contains cross-references to related articles, and includes a carefully selected bibliography of the most important writings and primary materials as a guide to further reading. The Encyclopedia can be used by a wide range of readers. Experienced scholars and practitioners will find a wealth of information on areas that they do not already know well as well as in-depth treatments on every aspect of their specialist topics. Articles can also be set as readings for students on taught courses.

Earth Jurisprudence Peter D. Burdon, 2014-09-19 The idea of human dominion over nature has become entrenched by the dominant rights-based interpretation of private property. Accordingly, nature is not attributed any inherent value and becomes merely the matter of a human property relationship. Earth Jurisprudence: Private Property and the Environment explores how an alternative conception of property might be instead grounded in the ecocentric concept of an Earth community. Recognising that human beings are deeply interconnected with and dependent on nature, this concept is

proposed as a standard and measure for human law. This book argues that the anthropocentric institution of private property needs to be reconceived; drawing on international case law, indigenous views of property and the land use practices of agrarian communities, Peter Burdon considers how private property can be reformulated in a way that fosters duties towards nature. Using the theory of earth jurisprudence as a guide, he outlines an alternative ecocentric description of private property as a relationship between and among members of the Earth community. This book will appeal to those researching in law, justice and ecology, as well as anyone pursuing an interest more particularly in earth jurisprudence.

Litigation Wilfrid R. Prest, Sharyn L. Roach Anleu, 2004 Litigation does not have a good press - in fact, it is usually viewed very negatively. Rates of litigation in Western countries are claimed to be spiralling beyond control, and this is said to indicate a fundamental crisis in contemporary Western societies. Litigation: Past and Present sheds some much-needed light on these views, by examining actual patterns of litigation, both historical and contemporary, and considering the many ways in which courts provide strategies for social change and social justice. Topics surveyed include the long-range recording of litigation rates, the social uses of legal action, the effectiveness of procedural reforms in reducing litigation, and the impact of legal proceedings and activism on Indigenous rights, and on marriage and family issues. Litigation and its impact are too often discussed in excessively rhetorical and pragmatic terms. This volume, with contributions from internationally recognised scholars, adds much needed empirical research and theoretical perspectives to the discussion.

Resolving Indigenous Disputes Larissa Behrendt, Loretta Kelly, 2008 This book looks at the way in which dispute resolution processes can be developed to more effectively empower Aboriginal people and assist with the more equitable and satisfactory resolution of disputes between Aboriginal people and between Aboriginal people and other groups. It uses conflict around land, particularly at the intersection between land claim and native title as its focus. These have been identified through extensive field research. The book also explores the building of models of alternative dispute resolution processes based on Aboriginal cultural values and world views. It provides practical tools to practitioners who are seeking to find more effective ways of dealing with conflict in Aboriginal communities or between Aboriginal communities and other stakeholders.

The Rights of Indigenous Peoples in Marine Areas Stephen Allen, Nigel Bankes, Øyvind Ravna, 2019-09-19 The question of what rights might be afforded to Indigenous peoples has preoccupied the municipal legal systems of settler states since the earliest colonial encounters. As a result of sustained institutional initiatives, many national legal regimes and the international legal order accept that Indigenous peoples possess an extensive array of legal rights. However, despite this development, claims advanced by Indigenous peoples relating to rights to marine spaces have been largely opposed. This book offers the first sustained study of these rights and their reception within modern legal systems. Taking a three-part approach, it looks firstly at the international aspects of Indigenous entitlements in marine spaces. It then goes on to explore

specific country examples, before looking at some interdisciplinary themes of crucial importance to the question of the recognition of the rights of Indigenous peoples in marine settings. Drawing on the expertise of leading scholars, this is a rigorous and long-overdue exploration of a significant gap in the literature.

Clan and Tribal Perspectives on Social, Economic and Environmental Sustainability James C. Spee, Adela J. McMurray, Mark D. McMillan, 2021-03-01 In a climate of in-migration, clan and tribal communities have been forced to build sustainable solutions together. Breaking fresh ground by shining a light on sustainability journeys from outside the global mainstream, this book demonstrates how sustainable development occurs in respectful collaboration between equals.

Rights and Redemption Ann Curthoys, Ann Genovese, 2008 History has been central to a number of heated public debates in recent years. As Indigenous people have sought redress through the law, the role of history in the courts has become highly charged. *Rights and Redemption* is a detailed investigation of the uses of history and historians in high-profile cases involving Indigenous litigants, something not previously attempted. Ann Curthoys, Ann Genovese and Alexander Reilly look at cases before the Federal Court during the era of the Howard government, a time when Indigenous rights and the place of Aboriginal people in the national story were undermined in government laws and policies. They investigate how the courts have made use of historians as expert witnesses, and how the colonial past has been framed and understood by the courts. *Rights and Redemption* is an important record of a unique period of litigation in Indigenous affairs in Australia and a meditation on ways in which law and history might improve Indigenous rights. Book jacket.

Australian Property Law Michael Nancarrow, Penny Carruthers, Steven White, Christopher Boge, Dominic Cudmore, Astrid Di Carlo, 2022-09-30 *Australian Property Law: Principles to Practice* is an engaging introduction to property law in Australia. Covering substantive law and procedural matters, this textbook presents the law of personal and real property in a contemporary light. *Australian Property Law* details how property law practice is transformed by technology and provides insights into contemporary challenges and risks. Taking a thematic approach, the text covers possession of goods and land, land tenure, estates and future interests, property registration systems, Indigenous land rights and native title, social housing, Crown land and ethics. Complex concepts are contextualised by linking case law and legislation to practical applications. Each chapter is supported by digital tools including case and legislation boxes with links to the full source online, links to useful online resources, multiple-choice questions, review questions and longer narrative problems. *Australian Property Law* provides an essential introduction to the principles and practice of property law in an ever-changing technological environment.

Crosscurrents Katie Glaskin, 2017 *Law's metaphysics -- When whiteman came in -- Mission days -- A land and sea claim - - The ethnographic archive -- In the court -- Legal submissions and crosscurrents -- How judgments are made -- Society and sea on appeal -- Recognitions's paradox*

The Boundaries of Australian Property Law Hossein Esmaeili, Brendan Grigg, 2016-07-05 Focussing on the Torrens title system, this text offers students and practitioners a unique perspective on Australian real property law.

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