

LEGISLATION

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Native Title - Update on Legislation

All States and Territories have now drafted native title legislation. This has either been passed by the respective Parliaments or has been introduced and, at time of writing, is still subject to debate. Details are as follows (for details of Commonwealth legislation see *Australian Law Librarian* volume 2, number 2 (April 1994)).

Australian Capital Territory

Native Title Bill 1994. Introduced, 26 April 1994

New South Wales

Native Titles (New South Wales) Bill 1994. Introduction, first and second reading, 20 April 1994. Third reading 12 May 1994.

Northern Territory

Confirmation of Titles to Land (Request) Act 1993. (No 11 of 1993)

Introduction, first and second reading, 3 March 1993. Assent, 28 May 1993

McArthur River Project Agreement Ratification Amendment Act 1993 (No 27 of 1993). Assent, 30 June 1993

Validation of Title and Actions Act 1994 (No 2). Assent, 10 March 1994. Operation to be proclaimed.

Native Title (Consequential Amendments) Act 1994. Assent, 18 May 1994. Operation to be proclaimed.

Queensland

Native Title (Queensland) Act 1993. Assent, 17 December 1993. Operation to be proclaimed.

South Australia

Land Acquisition (Native Title) Amendment Bill 1994. Introduced, first reading, 12 May 1994

Tasmania

Native Title (Tasmania) Bill 1994. Introduced, first reading, 12 May 1994.

Victoria

Land Titles Validation Act 1993. Introduction and first reading, 21 July 1993. Second reading, 22 July 1993. Assent, 17 August 1993. Operation, Part 1 upon assent, remainder to be proclaimed

Western Australia

Land (Titles and Traditional Usage) Act 1993. Assent, 2 December 1993 (operation upon Assent)

Land (Titles and Traditional Usage) Regulations 1993. Gazette 175, 31 December 1993, p 6899

Land (Titles and Traditional Usage) Amendment Regulations 1994. Gazette 41, 31 March 1994

The third edition of *Mabo A Source Book*, has now been published. For details contact Moninfo, Monash University, Wellington Road, Clayton, Victoria. Telephone (03) 905 2690

Tasmanian Homosexual Law

Federal government action, if not legislation, to override the Tasmanian Criminal Code provisions which make homosexual activity criminal looks likely. A report which discusses the Tasmanian law and the United Nations' *Toonen* decision, titled "Strange Bedfellows", by Anne Twomey, is available from the Parliamentary Research Service, Parliament House, Canberra.

Foreign and International Law

A discussion list on the Internet is a tremendously useful resource for assisting members in locating and retrieving foreign and international legislation, as well as a range of other material. The list, which has members in countries from Lithuania to Chile, is the *Foreign and International Law Librarians' List*. The address is: IN%"INT-LAW%UMINN1.bitnet@vm42.cso.uiuc.edu".

Female Circumcision

The Commonwealth Attorney-General, Mr Lavarch, is intending to introduce legislation which will outlaw female genital mutilation, unless the states and territories act to uniformly ban the practice. A report of the Family Law Council, commissioned by the Attorney-General which was released in late June recommended the immediate imposition of penalties to discourage the practice.

Child Sex Law

At the end of June the Federal Parliament passed the *Crimes (Child Sex Tourism) Amendment Bill*. This has been described as groundbreaking legislation which will allow for the prosecution, at home, of Australians who have sex with children overseas or profit from "child sex tours". Under the new legislation, testimony from overseas witnesses can be taken via videolink.

Phantom Western Australian Act

When a user studying the history of federation mentioned that he was having difficulty in locating a Western Australian act of 1900, I assumed that he was perhaps looking in the wrong place or that the vital volume was temporarily misshelved. He also mentioned that the Australian National University Law Library did not have the act and at that stage I wondered if he had the correct citation.

The item he was searching for was the *Australasian Federation Enabling Act (Western Australia)*, 63 Victoriae, No 55 (1900). This act submitted to the voters of Western Australia a draft of the *Commonwealth of Australia Constitution Bill* to seek their approval for joining the Commonwealth of Australia. It ran for 39 pages.

The bound volume of acts for 1900 stops at number 54, while the next volume is for the 1901 session which does not contain the act. A quick check of the Parliamentary Debates and Papers verified the title and number of the act and so the reference had to be correct. Another check of reprinted legislation shows that it appears not to have been reprinted at a later date.

In the end I contacted the Attorney-General's Library who found that they had a photocopy of the act bound into their 1900 volume, which they kindly photocopied for me. I have had the phantom act bound and shelved with the Western Australian acts so that future researchers should have less trouble finding it. Those of you who also thought that you had reasonably complete sets of WA acts might like to check your own collection!

Vietnamese Laws in English

Those looking for recent Vietnamese legislation in English will be pleased to see the publication of *Fundamental laws and regulations of Vietnam*. Hanoi: GIOI Publishers, 1993. Published in one volume, the work contains the following titles:

A. Laws and Codes

- Constitution
- Penal Code
- Maritime Code
- Land Law
- Law on the Press
- Law on Nationality of Vietnam
- Marriage and Family Law
- Law on Companies
- Law on Private Enterprises

- Decree on Export and Import Duties
 - Payable on Commercial Goods
- Law on Export and Import Duties
- Law on Turnover Tax
- Law on Special Sales Tax
- Law on Corporate Income Tax

B. Ordinances

- Conclusion and Implementation of International Treaties
- Customs
- Natural Resources Tax
- State Bank of Vietnam
- Banks, Credit Cooperatives and Finance Companies
- Labour Contracts
- Inheritance
- Mineral Resources

This book is held by the National Library, call number YY348 59702 F981, and is available for interlibrary loan. The Library also has texts of legislation and treatises on Vietnamese law, *mainly in the Vietnamese language*, and these may be searched on ABN using English language subject headings, e.g. **Criminal law--Vietnam**. Most are available for interlibrary loan.

Roy Jordan

National Library of Australia

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