

INDEX

ABORIGINES AND TORRES STRAIT ISLANDERS

- Aborigines and Conservation
 - objectives, conflict of128-130
 - legislative response to130
 - resolution, obstacles to....140
 - legal.....140-142
 - planning143-148
 - policy.....142-143
- Conservationists and111-115
- Environmental Change, Reactions to.....125-126
- Land Management 99, 160
 - Aborigines and conservation
 - objectives, conflict of128-130
 - legislative response to130
 - resolution, obstacles to140
 - legal.....140-142
 - planning.....143-148
 - policy.....142-143
 - Aborigines and conservationists111-115
 - environmental change, reactions to.....125-126
 - impact on Environment108-111
 - national parks
 - joint management of.....140
 - legal aspects140-142
 - management aspects148-153
 - planning aspects143-148
 - policy aspects142-143
 - objectives, commonality of137-139
 - wildlife in, Aboriginal use of commercial self management versus joint management153-158
 - naturalness, concept of...104-107
 - traditionality, requirement of

-131-133
- wildlife, Aboriginal use of101, 134-135
 - after 1788122-125
 - before 1788119-122
 - commercial133-134
 - eurocentricity, wilderness and101-102
 - National Parks, in ...117, 137
 - permission to hunt, requirement of.....136
 - subsistence, non-Aboriginal perceptions of.....127-128
 - Wilderness Protection Act* 1992 (SA).....115-117
 - traditionality, requirement of131-133
 - wilderness areas, in101
 - wilderness, eurocentricity and101-102
- National Parks
 - Aboriginal management and commercial wildlife use153-158
 - objectives, commonality of137-139
- Naturalness, Concept of.....104-107
 - legislative reaction to.....107
- Subsistence, Non-Aboriginal perceptions of.....127-128
- Wilderness
 - alternative models
 - development of103
 - motivation for development of.....103
 - eurocentricity and.....101-102
 - wildlife in, Aboriginal use of101

CIVIL AND POLITICAL RIGHTS

- Constitutional Protection of *Nationwide News v Wills*341, 342
- Freedom of Speech34, 71, 72

- Australia 3, 42-43
Australian Capital Television v Cth 72
 Constitutional protection of... 72
 Australian Capital Television v Cth..... 72
 Nationwide News v Wills 72
 sedition and..... 54
 Implied Rights.....341, 342, 345
 Constitutional protection of
 Australian Capital Television v Cth.....341, 344
 355, 357
 Power, Controls on 71
- CONSTITUTIONAL LAW**
- Constitutional Interpretation
 implied rights.....341, 342, 345
 Doctrines of Government.....342
 federalism343
 representative government.....344
 reserve powers.....343
 separation of powers..... 343-344
 345, 351, 354-355
 retrospective legislation, and
 345, 346, 348
 Implied Guarantee of Judicial
 Process.....345, 350
 352-354, 355-357
 breach, examples of.....347
 legal equality, and352
 Implied Legal Equality351, 352
 "Judicial Power".....346, 352
 354-355
- CORPORATIONS LAW**
- Business Undertaking or Scheme
 365
 Investment Contract.....365
 Prescribed Interests364
 Prospectus, Requirement of.....366
- CRIMINAL LAW**
- Crimes Act* Provisions
 Sedition10-11, 14-17, 46-48
 Communist Party, and
 11-12
 prosecution for
 CPA members, of
 14-17
 31-33, 38-41, 54
 CPA reaction to
 34-37
 decisions54-56
 public reaction to
 4-37
 trials..... 13, 38
 43, 44-54
 use of, anti-Communist7
 10, 12, 16
 22-25, 41
 validity of.....56, 59
 challenge to.....63-69
 Defence of Property314
 Juvenile Justice.....285
 history289-290
 police interviewing
 295-301, 307
 principles292
 procedural rights302-303
 305, 307
 reintegrative shaming.....306
 restorative justice.....303-306
 right to legal advice.....300-301
 rights of the child and293-295
 Select Committee Report on
 292-293, 304
 Sedition
 See Criminal Law, Crimes Act Provisions
 Act Provisions
 elements of..... 15, 19
 origins..... 17
 prosecution for
 CPA members, of 14-17
 31-33, 38-41, 43, 56
 Self Defence.....312
 common law
 Australia.....310-311
 England..... 311
 criminal negligence312, 313
 317-321, 326
 excessive defence.....310
 313, 321
 gross unreasonableness.....312
 317-321
 application of test.....322-323
 intent to kill315, 320, 322
 intoxicated or deranged accused

.....323-325
 Model Criminal Code326
 subjective test311, 312
 314, 321, 323
324, 326, 327
 use of force in309
 Use of, anti-Communist..... 8

DEFENCE

National Security
 ASIO
 activities of.....59, 69
 anti-communist.....9
 25-30, 35, 70
 secrecy, protection of... 58
 formation of.....4, 29
 restrictions on power, need
 for..... 70
 Communism and5-10, 13, 68
 ALP and Communism
 12
 anti-Communist measures
3-10
*Communist Party
 Dissolution Act*... 5, 6, 9, 19
 Menzies, anti-Communist
 measures of.....2, 6-10, 18
 Petrov, Vladimir Mikhailovich
 3, 33, 59
 Royal Commission on
 Espionage..... 61
 findings..... 62-63
 Threats to.....3-10
11, 13, 15
 17, 18, 29-30

ENVIRONMENT

Aborigines, Impact on.....108-111
 National Parks
 joint management of
 Aborigines and Torres Strait
 Islanders, with140
 joint mangement versus
 Aboriginal mangement
153-158
 legal aspects140-142
 management, Aboriginal
 participation in
148-153

planning aspects
143-148
 policy aspects142-143
 objectives.....117-119
 Aboriginal interests,
 commonality with....137-139
 perceived values.....117-119

 wildlife in, Aboriginal use of
137

EVIDENCE

Admissibility
 expert evidence359-362
 battered wife syndrome.....360
 Similar facts
 definition of.....161
 exclusionary rule
 cases on.....172
 character evidence and169
 civil proceedings163
 evidence led by accused163
 general discretion to exclude
 and163, 164-166
 prejudicial effect164
166-167
 probative value.....164
167-169
 standard of168
 moral prejudice
 meaning of171
 propensity established by
 expert testimony.....188
 where such prejudice
 cannot be assumed177
 criminal propensity
 inferred from non-
 criminal conduct
178-180
 non-criminal
 propensity inferred
 from past conduct
180, 187
 nature of.....166
 propensity established by
 expert evidence.....187
 purpose of.....163, 169
 moral prejudice.....171
 reasoning prejudice

-169-170
 - reasoning prejudice
 - meaning of.....170
 - where such prejudice cannot be assumed.....172, 177
 - scope of.....161, 162-189
 - general discretion to exclude and.....163, 164
 - non-criminal conduct and.....163
- FRAUD**
- Real Property, and.....228
- HUMAN RIGHTS**
- Homosexuals, of.....331
 - morality, and.....336
 - privacy analysis.....333-336
 - criticism of.....337-339
- REAL PROPERTY**
- Indefeasibility of Title
 - deferred.....227, 242, 243
 - legal disability.....230
 - exceptions to
 - consistency of.....240, 241
 - forgery.....235, 243
 - fraud.....235
 - immediate.....227, 239, 242, 243
 - exceptions to.....228
 - fraud.....229
 - Rogers* interpretation.....231, 236
 -241, 242, 243
 - arguments in favour.....241-242
 - Wicklow* interpretation.....230
 -231, 234, 235, 236
 - arguments in favour.....239-240
 - Registered Proprietor, New
 - duties of.....241
- RESTITUTION**
- From the Crown.....191
 - grounds for recovery
 - mistake of law.....192
 - scope of.....193
 - grounds of recovery
 - colore officii*.....193, 194
 - common law defences.....197
 - change of position.....199-200, 205
 - honest claim.....205, 206
 -207, 208
 - passing on.....197-199
 - compulsion.....193
 - constitutional issues
 -209-211
 - legislative responses to.....209, 211
 - English approach.....195, 200
 - invalid legislation.....195
 - mistake of fact.....193
 - mistake of law
 -195, 204-209
 - Canadian approach.....204
 - distinguished from
 - mistake of fact, and.....211
 - flow on effect of.....193
 - public policy and.....212
 - scope of.....193, 204
 -206, 211
 - public interest considerations.....197
 - public policy and.....195
 - scope of.....196, 208
 - ultra vires legislation.....197
 -200-203
 - unjust enrichment.....196
 - unlawful exaction.....195
 - presumption against.....212
 - unjust enrichment and.....191

SOCIAL WELFARE AND SERVICES

 - Protection of Children
 - comparative law aspects.....79-97
 - England.....84-90
 - policies underlying.....85
 - children's rights.....86
 - parental responsibility.....85
 -85
 - presumption of non-intervention.....85
 - New Zealand.....79-84
 - family group conferences.....82-83

family participation..... 80
Ombudsman for children
..... 84
role of the courts 83
welfare of the child..... 81
paramourncy of..... 81

SUCCESSION

Dispensing Power272-276
Informal Wills
admission to probate.....272-276
Minors' Wills.....276-277
Rectification of wills277, 282
Wills Act amendments269-272
compared to other jurisdictions
.....282-283

TRADE PRACTICES

Authorisation250-252
public benefit test245
benefit.....256-266
public253-256
Notification.....252-253
Statutory Framework248
background248-250
Swanson Committee Report
.....250
United States antitrust
provisions
Rule of Reason258