

# INDEX

---

## ARBITRATION

- Legal Issues for Lay Commercial
- Arbitrators ..... 265-285
  - amiable compositeur
  - provision ..... 278-281
  - arbitrator seeking legal advice ..... 270-271
  - arbitrators' discretion ..... 273-276
  - choice of Act ..... 266-270
  - inquisitorial or adversarial? ..... 276-278
  - parties' right to legal representation ..... 271-273

## CONSTITUTIONAL LAW

- Bill of Rights ..... 112, 113, 123,  
..... 127, 138, 143, 146, 157
  - would a Bill of Rights achieve social justice? ..... 349-364
- Criticism of the Judiciary ..... 11-15
- Impact of Globalisation ..... 57-72, 73-82
  - embrace of international and comparative law ..... 74-76
  - judicial responses ..... 59-66
  - legislative and executive responses ..... 67-69
  - spurning of international and comparative law ..... 76-78
  - treaty implementation ..... 79-82
  - treaty making ..... 78-79
- Implications Drawn from Representative Democracy ..... 8-9, 111-146,  
..... 147-152, 153-158
  - choosing whether and how to vote ..... 147-149
  - electoral equality ..... 112-128,  
..... 153-156
  - freedom of political communication ..... 121-123, 128-142,  
..... 149, 152, 156-158
- Judicial Accountability ..... 11-15, 23-27
- Judicial Decision-Making ..... 6-7
- Judicial Ethics ..... 23-27
- Nature of Federalism ..... 83-94,  
..... 95-99, 101-109
  - the Commonwealth and the States ..... 88-94, 105-109
  - the Commonwealth and the territories ..... 83-88, 101-104

## s109 and State Abortion

- Laws ..... 207-244
- Theories of Constitutional Interpretation ..... 49-55, 351-352
  - intentionalism ..... 29-48, 49, 54
    - intentionalism and counterfactuals ..... 31-48
  - literalism ..... 50
  - living force ..... 50, 52
  - originalism ..... 52, 123,  
..... 124, 154-156

## COSTS ORDERS

- In Public Interest Litigation ..... 245-264
  - defining public interest litigation ..... 253-255
  - terms and timing ..... 259-261
- The Discretion to Award Costs ..... 246-248

## EVIDENCE

- Admissibility of Propensity Evidence ..... 287-313
  - alternative tests ..... 303-308
  - application of the "no rational view" test ..... 295-303
  - evolution of the "no rational view" test ..... 288-295
  - legislative reform ..... 308-312

## FEMINIST LEGAL THEORY

- Feminist Essays in Legal and Social Theory ..... 365-368

## INTERNATIONAL LAW

- Impact on Domestic Public Law ..... 57-72, 73-82

## INTERVENERS AND AMICI

### CURIAE

- Advocate-General ..... 175-176
- Desirability of Granting Amicus Status ..... 173-175
- Obtaining Permission to be Heard in the High Court .. 159-171, 179-182
  - the *Superclinics Case* ..... 183-192, 193-198
- The Public Interest Advocacy Centre ..... 177-182

**LAW OF OBLIGATIONS**

- Dividing the Law of Obligations ..... 369-372
- Essays on Contract, Tort and Restitution ..... 369-372

**LEGAL EDUCATION**

- Indigenous Students' Experiences ..... 315-348
- alienation ..... 321-333
  - from non-indigenous students ..... 322-324
  - from other indigenous students ..... 324-325
  - from the university system ..... 321-322
  - from lecturers ..... 326-330
- alternative entry programs ... 330-332
- family responsibilities ..... 333-336
- gender ..... 325
- homesickness ..... 325-326
- indigenous student support units ..... 332-333
- lack of role models ..... 336-338
- poverty ..... 342-343
- previous level of education ..... 338-342
- students' suggestions for improvement ..... 343-347
- why indigenous people study law ..... 317-321

**LEGAL THEORY**

- Feminist Essays ..... 365-368
- Liberal Form of Rights and achieving social justice ..... 357-364
- Rule of Law as a Legitimizing Fiction ..... 20-22, 26

**PRIVACY**

- And Information Technology ... 199-205

**SEX DISCRIMINATION**

- Abortion Laws and the Sex Discrimination Act ..... 207-244
- "reasonableness" ..... 237-243
- "services" ..... 236
- indirect discrimination ..... 223-235

**TECHNOLOGY**

- Information Technology and the Erosion of Privacy ..... 199-205