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Reasons for judgment, cases and transcripts

Mabo

The transcript of the hearing of the facts before Justice Moynihan of the Supreme Court of Queensland appears to have been produced by the Supreme Court staff and printed by the Queensland Government Printer. The formal title of these proceedings is:

Eddie Mabo, David Passi and James Rice v State of Queensland and the Commonwealth of Australia Writ No. 1594 of 1986 in the Civil Jurisdiction of the Supreme Court of Queensland.

There is a copy of the transcript in the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Library and in the Bryan Keon-Cohen Papers in the Manuscript Section of the National Library of Australia (MS 9518).

Justice Moynihan’s Determination of Facts as presented to the High Court has not been published. The title of the document is:

Determination Pursuant to Reference of 27 February 1986 by the High Court of Australia to the Supreme Court of Queensland to hear and determine all issues of fact raised by the pleadings, particulars and further particulars in High Court Action B11 of 1982.

Again, there is a copy of the Determination of Facts in the AIATSIS Library and in the Bryan Keon-Cohen Papers in the Manuscript Section of the National Library of Australia (MS 9518).

The official report of the High Court’s Mabo decision is in the Commonwealth Law Reports (CLR):

Mabo v Queensland (No. 2) 175 CLR 1.

Rubibi

The transcript of hearing of the first Rubibi claim was produced by a separate organisation called Transcript Australia. The official title of the proceedings is:
Felix Edgar, Frank Sebastian & Others on Behalf of the Rubibi Community v The State of Western Australia, No. WG 90 & 91 of 1998 in the Western Australia District Registry of the Federal Court.

A copy of the transcript can be purchased from Transcript Australia. Alternatively, one of the parties may lend a copy of the transcript to a researcher. Usually there is a copy of the transcript on the court file and it may be possible to obtain access to it at the Federal Court Registry in Perth.

Justice Merkel’s reasons for judgment were reported in the Federal Court Reports (FCR):

Rubibi Community v Western Australia (No. 2) (2001) 112 FCR 523.

They are also available on the Internet via the Austlii web site <www.austli.edu.au> under the title:


De Rose Hill

The transcript of the De Rose Hill native title claim was produced by the company Spark and Cannon of Adelaide. The official title of the proceedings is:

Peter De Rose and Others v State of South Australia and Others No. SG 6001 of 1996 in the South Australia District Registry of the Federal Court.

A copy of the transcript can be purchased from Spark and Cannon. Alternatively, one of the parties may lend a copy of the transcript to a researcher. Usually there is a copy of the transcript on the court file and it may be possible to obtain access to it at the Federal Court Registry in Adelaide.

As far as I am aware, Justice O’Loughlin’s reasons for judgment have not been reported in the law reports. They are available on the Internet via the Austlii web site <www.austli.edu.au> under the title:


The Full Federal Court’s consideration of the appeal has been reported in the Federal Court Reports (FCR) in two separate reports:

De Rose v South Australia (2003) 133 FCR 325.

De Rose v South Australia (2005) 145 FCR 290.

Both judgments are also available on the Internet via the Austlii web site <www.austli.edu.au> under the titles:

De Rose v State of South Australia (No. 2) (2005) FCAFC 110 (8 June 2005).

Yulara

Within the time constraints of my consideration of the Yulara case it was not practical for me to attempt to read the transcript of the hearing. For researchers wishing to view the transcript, the most practical course might be to approach one of the parties. The preliminary decisions on the anthropological reports are available on the Internet via the Federal Court home page <www.fedcourt.gov.au> or via the Austlii web site <www.austlii.edu.au> under the titles:

Jango v Northern Territory of Australia (No. 2) [2004] FCA 1004 (3 August 2004).

Jango v Northern Territory of Australia (No. 4) [2004] FCA 1539 (26 November 2004).

The later decision was also reported in the Australian Law Reports (ALR):


The judgment on the substantive issues in the case is entitled:


It was reported in the Federal Court Reporter:


The Full Federal Court’s judgment is entitled:


It was reported in the Federal Court Reporter and the Australian Law Reports:
