

ABORIGINAL CUSTOMARY LAW

MS 3247

AUSTRALIA.
Law Reform Commission
Reference on
Aboriginal Customary Law

FINDING AID

Australian Institute of Aboriginal and Torres Strait Islander Studies

Australian Institute of Aboriginal And Torres Strait Islander Studies

Guide to MS 3247

AUSTRALIAN LAW REFORM COMMISSION

REFERENCE ON ABORIGINAL CUSTOMARY LAW.

AUSTRALIAN INSTITUTE OF ABORIGINAL AND TORRES STRAIT ISLANDER STUDIES

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These Submission and other Papers of the Australian Law Reform Commission Reference on Aboriginal Customary Law (1977-1985) were deposited in AIATSIS after the completion of the Reference in 1986 by the ALRC.

Access to the Papers is generally open. Some Submissions have restrictions placed on them by Depositors and are marked ** in the list. As the restrictions on these submissions vary reference should be made to the "Deposit of Material" Form to be found with each item.

Part i) Submissions, deposited in photocopy form with the original documents being held by Australian Archives, are arranged alphabetically by Author/Creating Agency. Submissions from State/Territory Departments or Agencies are listed by State/Territory, for example: (Northern Territory) Conservation Commission, 323. The numerals in the Author/Agency field denote the original Submission Number allocated by the ALRC.

Submissions are accompanied by ALRC Correspondence ranging from letters of acknowledgement to detailed comment and debate on a variety of legal and social issues.

Part ii) Field Trip Reports are documents produced by ALRC Senior Research Officers from field research throughout Australia.

Part iii) Background Papers are academic papers requested or used by the ALRC in the execution of the Reference.

The Terms of Reference were handed down to the ALRC by the then Attorney-General R.J Ellicott on February 9, 1977 (See Part ii: Field Trip Reports, FT1 page xiii for Terms of Reference). After extensive community consultation, consideration of submissions and public hearings (transcripts of which can be found at S34/7 in the AIATSIS Library) the Final Report and Recommendations were tabled in 1985.

Throughout the Reference the ALRC produced Research and Discussion Papers on various aspects of Aboriginal Customary Law. Many Submissions were made in response to these Papers and familiarity with them is necessary to understanding the Submissions. Discussion and Research Papers are available in the AIATSIS Library and a list is appended overleaf.

Publications Relating to the Reference on Aboriginal Customary Law

In the course of the Reference the ALRC published the following Discussion Papers and Research Papers which are available in the AIATSIS Library. Comments on these Papers form many of the items in MS 3247 Part i) Submissions.

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Discussion Paper 17 Aboriginal Customary Law - Recognition? 1980 Summary.

Discussion Paper 18 Aboriginal Customary Law - Marriage, Children and the Distribution of Property, 1982.

Discussion Paper 20 Aboriginal Customary Law - The Criminal Law, Evidence and Procedure.

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Research Paper 2 - The Recognition of Aboriginal Customary or tribal Marriage: General Principles, 1982 (J.R Crawford).

Research Paper 3 - The Recognition of Aboriginal Tribal Marriage: Areas for Functional Recognition, 1982 (J.R Crawford & P.K Hennessey).

Research Paper 4 - Aboriginal Customary Law: Child Custody, Fostering and Adoption, 1982 (J.R Crawford & F.M Howarth).

Research Paper 5 - Aboriginal Customary Law: Traditional and Modern Distributions of Property, 1982 (P.K Hennessey).

Research Paper 6 - Aboriginal Customary Law and the Substantive Criminal Law, 1982 (J.R Crawford & C.J Kirkbright).

Research Paper 6a - Cases on Traditional Punishments and Sentencing, 1982 (J.R Crawford & P.K Hennessey).

Research Paper 8 - Aboriginal Customary Law: A General Regime of Recognition, 1982 (J.R Crawford).

Research Paper 9 - Separate Institutions and Rules for Aboriginal People: Pluralism and Reverse Discrimination, 1982 (J.R Crawford).

Research Paper 10 - Separate Institutions and Rules for Indigenous Peoples: International Prescriptions and Proscriptions, 1982 (J.R Crawford).

Research Paper 11/12 - Aboriginal Customary Law and Community Justice Mechanisms: Independent Forums, 1984 (P.K Hennessey).

Research Paper 13 - Aboriginal Customary Law: Problems of Evidence and Procedure, 1983 (P.K Hennessey).

Research Paper 14 - The Proof of Aboriginal Customary Law, 1983 (J.R Crawford).

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