

## Preface

These Elliott Johnston Tribute and Memorial Lectures represent an important contribution to legal scholarship and to greater understanding of the law and its effects on the lives of past, present and future generations of Indigenous Australians. Some of them have been published in the *Flinders Law Journal* (formerly the *Flinders Journal of Law Reform*), others appear in print in this collection for the first time. Chapters in this collection are ordered chronologically from 1998-2015. Chapters which were previously published in the *Flinders Law Journal* are reprinted with minimal editorial changes to their formats. They cover the law and developments in the respective areas applicable at the time of the delivery of the lecture and publication in the respective Journal issues. We thank the Journal for granting permission, where necessary, to republish lectures and we acknowledge its former and present editors for their contribution to legal scholarship and Indigenous law over the past 20 years.

The terms Aboriginal, Indigenous and Torres Strait Islander Peoples, Indigenous and First Nations have been used in this book. Some readers will accept them as interchangeable collective markers of identity. Others will strongly support or reject one or more of the terms. Still others will prefer collective and individual identification by specific reference to country, family or group. We have used all of these terminologies, first, to preserve the chosen language of already published lectures, secondly, to respect 'voice' and the agency of authors and, thirdly, to recognise that the changes in conventions of naming mark shifts in historical, social, cultural and political positions and standpoints – in scholarship and everyday life – in the past quarter of a century.

From 1998 to 2011 scholars, peers and activists paid tribute to the achievements of someone very much among us. In 2012 the Hon Michael Kirby delivered the first Elliott Johnston Memorial Lecture to mark the passing – but maintain the presence – of a singular man. The editors wish to acknowledge Elliott Johnston's wife, Elizabeth, and their son, Stewart Johnston, for their contribution to the life which made these lectures possible.

The collection also marks a number of anniversaries. In 1991 – 25 years ago – Elliott Johnston AO QC handed down his enduring and prescient *National Report of the Royal Commission into Aboriginal Deaths in Custody*. In that same year he helped establish the Flinders Law School (1991–). This year is Flinders University's 50th anniversary and the collection recognises the longstanding collaboration between the Law School and the Office of Indigenous Strategy and Engagement and Yunggoorendi First Nations Centre for Higher Education and Research (1990 to 2015).

2016 marks the 70th anniversary of the founding of Elliott Johnston's law practice, 'Elliott Johnston. Barrister & Solicitor'. This is an anniversary to be

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celebrated along with Flinders University's 50th and the Flinders Law School's 25th anniversaries. We acknowledge the vital role played by Johnston Withers Lawyers in supporting and sponsoring the lecture series which has provided the material for this book.

From the first lecture in 1998, the Directors and staff of Yunggorendi First Nations Centre for Higher Education Research and – from 2015 – the Dean Indigenous and staff of the Office of Indigenous Strategy and Engagement at Flinders University have been enthusiastic co-facilitators and supporters of the Elliott Johnston Tribute and Memorial Lectures. They share this responsibility with the Flinders Law School, which has funded the lecture series since its inception. Successive Deans of Law and staff of the Law School have joined with members of the South Australian legal profession and members of the South Australian Indigenous community, in Law Week and at other times of the year, to promote and sustain the series.

We thank also the The Federation Press and, in particular, Commissioning Editor Jason Monaghan and Kathryn Fitzhenry for their encouragement and flexibility in dealing with our needs and requests.

Many people have been of great assistance in the process of researching, gathering material and providing feedback for the book, none more so than Michelle Ah Matt, Mandy Dahms, Mandy Price, Dr Simone Bignall and Lisa Hanson of the Office of Indigenous Strategy and Engagement, and Jo Heffernan, Heidi Savilla, Maria Romeo and Britta Schmidt of the Flinders Law School. Successive Directors of Yunggorendi First Nations Centre and the Deans of Flinders Law School are recognised by the lecturers and we acknowledge their several and collective support. Linda Sakinofsky and Di Ford from the Electoral Office of Hon Dr Linda Burney MP suggested and pursued the *Hansard* link to Dr Burney's Inaugural Speech to the NSW Parliament, thereby providing us with a way of including reference to all 18 of the Elliott Johnston Lectures delivered between 1996 and 2016. Thank you, every one.

*Hossein Esmaeili, Gus Worby, Simone Tur*