Full name: Virginia Marshall

Question 1:

Question 2:

Since 1996 there have been significant trends in the native title system by the amendments to the NTA by successive Federal Governments.

The Australian Government proposed to consider and amend tax law which did not recognize the unique needs of native title holders. The submissions to the government formed advice on the unique needs not being met under the Australian tax system, that is, to address the payments made by and to native title PBCs and other registered native title representative bodies.The proposed changes to the PBC should go to ensure that native title groups have every possibility to access a simple, tax system that allows Indigenous business to receive the financial support it requires, and receive tax exemptions, to attract philanthropic and charitable trust status under existing Indigenous and non-Indigenous legal structures and focus on the provision of legal certainty and tax relief for native title groups, not to amend Aboriginal tenure to create certainty for private industry rather than meet the needs of the relevant Indigenous community. The economic capacity of Indigenous native title claimants and holders is impaired. Any inclusion, exclusion or crtieria for guiding principles should be consulted from the advice of native title holders.

Question 3:

In the 1970s the Fraser Government introduced the Whitlam Government principles of the *Aboriginal Land Rights Act 1976* (NT) where Aboriginal communities could claim land on reserve and vacant Crown land through proof of traditional Aboriginal attachment.[1] However, where any land was deemed economically valuable, such as the Ranger Uranium mining project, the transfer of such land would be blocked by government.[2]

The commercial Western value of Aboriginal knowledge systems, which include cultural water knowledge and understanding of medicinal plants, has attracted significant commercial interest from university and corporate institutions. Institutions that had previously only considered Aboriginal knowledge of non-economic 'research value'.

> Australia was one of the first countries to sign the Convention of Biological Diversity … which came into force in December 1993 … In light of the indifference or active antagonism towards native fauna and flora during the settlement process, and the destruction of habitat on a grand scale … these landscapes especially in the south-east, coincide with the earliest pastoral operations …[1]

Colonial governments did identify the existence of Aboriginal proprietary rights through historic documents, and attentively maintained during the expansion of the Australian frontier.

> Governor Gawler, in particular, tried, in accordance with his instructions, to adopt the principle that '"the aboriginal inhabitants of this province have an absolute right of selection … of reasonable portions of the choicest land, for their special use and benefit, out of the very extensive districts over which, from time immemorial, these Aborigines have exercise distinct, defined, and absolute rights of proprietary and hereditary possession"'.[1]

The act or omission of government policy in the displacement of Aboriginal peoples throughout Australia has been viewed by the Courts as an unfortunate series of events that were representative of the era and the Aboriginal policy of the times.

Aboriginal peoples in Australia have relied on traditional trade economies between other Aboriginal communities and neighbouring islands that have generated benefits in communal reciprocity. The division of labour in Australia's capitalist economy exploited Aboriginal peoples and marginalised communities from water and land obligations to underpin the pastoral and domestic economy.

During the '"protection"' phase of our colonial experience, our grandparents were removed to missions that were isolated from the mainstream society and economy. The state established an elaborate system to regulate relations with the outside mainstream economy, the stated intention being to avoid the gross exploitation of Aboriginal people as sexual and labour slaves. Where work permits allowed Aboriginal people to work for white employers, the state sanctioned a system of unequal pay and poor conditions. Aboriginal workers were not free to manage the wages they earned. The state managed all income via the administration of missions and government settlements.[1]

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[1] Noel Pearson, *Our Right to Take Responsibility* (2000) 27.

The Australian government unlike the United States and Canada did not establish the doctrine of fiduciary duty to form a trust relationship between the Crown and Aboriginal peoples. The Australian courts have been moot on the omission of a Crown - Aboriginal fiduciary relationship, where Aboriginal peoples have often been under a duty of care through the implementation of government policy and legislation.

The act or omission of government policy in the displacement of Aboriginal peoples throughout Australia has been viewed by the Courts as an unfortunate series of events that were representative of the era and the Aboriginal policy of the times. The Australian government unlike the United States and Canada did not establish the doctrine of fiduciary duty to form a trust relationship between the Crown and Aboriginal peoples. The Australian courts have been moot on the omission of a Crown - Aboriginal fiduciary relationship, where Aboriginal peoples have often been under a duty of care through the implementation of government policy and legislation.

In Canada and the United States the development of case law in Crown - Aboriginal fiduciary duty relationships where an economic interest is mismanaged on behalf of Indigenous peoples, will result in compensation for loss due to a breach of fiduciary duty.[1]

Inevitably, a fiduciary duty under Canadian law is 'not a pure trust doctrine'.[2] The Crown's 'obligation to Aboriginal peoples, is *sui generis* as decided in Guerin'.***[3]*** The *Guerin* case confirmed that section 35(1) of the *Canadian Constitution Act 1982* interprets the words 'recognition and affirmation' in relation to 'government responsibility' to impart 'restraint on the exercise of sovereign power'.[4]

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[1] Rosalind Kidd, *Trustees on Trial: Recovering the stolen wages* (2006) 130. See, the 'prudent man' test in Australian and New Zealand Courts which has narrowed the doctrine of fiduciary obligation instead of testing it on the basis of equity principles and allowing for a broader test.

[2] (Chief Justice Beverly McLachlin) (2003) *Reconciling Sovereignty: Canada and Australia's Dialogue on Aboriginal Rights*, Federal Court Sydney, <http://unicorn.fedcourt.gov.au/uhtbin/cgisirsi/0000/000/38/10x?user_id=SYD_WEBpassword=SYD-WEB> at 26 March 2004.

[3] *Guerin v Canada* [1984] 2 SCR 335.

[4] (Chief Justice Beverly McLachlin) (2003) *Reconciling Sovereignty: Canada and Australia's Dialogue on Aboriginal Rights*, Federal Court Sydney, <http://unicorn.fedcourt.gov.au/uhtbin/cgisirsi/0000/000/38/10/x?user_id=SYD_WEBBpassword=SYD_WEB > at 26 March 2004.

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[1] *Milirrpum v Nabalco Pty. Ltd.* (1971) FLR 141 at 259. See, the reference is dated 1840 in respect of the colony settled in South Australia.

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[1] Chris Williams, *Old Land, New Landscapes: A story of farmers, conservation and the Landcare movement* (2004) 2 - 3.

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[1] Peter Read, 'Northern Territory' Ann McGrath (ed), in *Contested Ground: Australian Aborigines under the British Crown* (1995) 293.

[2] Peter Read, 'Northern Territory' Ann McGrath (ed), in *Contested Ground: Australian Aborigines under the British Crown* 293.

Question 4:

Aboriginal resource rights under section 35 of the Canadian Constitution 'recognise and affirm' three types of rights: Aboriginal rights, Aboriginal title and Treaty rights.[1] The case law decisions of *Sparrow**[2]* and *R v Van der Peet**[3]* respectively, established the recognition of an Aboriginal right to harvest natural resources to allow an exercise of an Aboriginal rights in a modern fashion under customs and practice, in order to secure a 'moderate livelihood' from the Aboriginal harvest.[4]

The Supreme Court decision of *Delgamuuk**[5]* set out the content and proof of Aboriginal title, a proprietary right of Aboriginal peoples that included a right to exclusive use and occupation in the context of a 'special relationship of Aboriginal peoples to their lands'.[6]

Indigenous Canadians, Maoris and Native Americans have received compensation to redress legal wrongs committed under government laws and policy, for instance, the breach of treaty agreements that had exploited natural resources belonging to Indigenous peoples and the taking of water held by Indigenous peoples as 'reserved water rights'.

In Canada, the majority in *Van der Peet* advanced the development of Aboriginal jurisprudence to provide an 'Aboriginal perspective' in law*:[7]*

> The definition of an aboriginal right must, if it is truly to reconcile the prior occupation of Canadian territory by aboriginal peoples with the assertion of Crown sovereignty over that territory, take into account the aboriginal perspective, yet do so in terms which are cognizable to the non-aboriginal legal system.[8]
>
> [n]ative title remains a common-law concept and, as such, might not be equally susceptible the kind of purposive interpretation that drives the interpretation of s.35(1) by Canadian courts.[9]

The third type of Aboriginal right articulated the interpretation of the Crown and Aboriginal treaties, where ambiguities are resolved in favour of Aboriginal signatories because of the cultural and linguistic differences under historic treaties, and that evidence extrinsic to the treaty document is admissible where interpretation of treaties are exercised in the modern context.[10]

In contrast, the American Constitution of the Indian Tribes at Article 1, section 8, clause 3 'arms the Congress to regulate commerce with foreign nations, States and Indian Tribes' which is peculiar to the recognition of Indian Tribes as 'domestic dependant nations'.[11]

Borrows and Rotman (2000) argued that an Aboriginal perspective is critical in the Court's consideration of Aboriginal rights:

> [a]dhering to the Aboriginal perspective of the meaning of the rights at stake similarly dictates that they ought not be defined by reference to the community's historic practices. Clearly, if Aboriginal rights exist to secure physical and cultural survival, they cannot be ascertained exclusively by

> reference to pre-contact '"Aboriginality"'. The theoretical element is a constant, and concerns the underlying purpose for the right in question – namely the contemporary cultural and physical survival of Aboriginal societies.[1]

Lamer CJ in *Van der Peet**[1]* 'articulated the rejection of *terra nullius* in *Mabo* [No 2]***[2]*** within the Canadian legal doctrine of Aboriginal rights':[3]

> [t]he doctrine of aboriginal rights exists, and is recognized and affirmed by section 35(1), because of one simple fact: when Europeans arrived in North America, aboriginal peoples were already here, living in communities on the land, and participating in distinctive cultures, as they had done for centuries … In relation to 'reconciling' Aboriginal rights, the issue of 'extinguishment' under Canadian jurisprudence, and the recognition and protection of Aboriginal rights when the issue of extinguishment is duly raised is interpreted by 'section 35(1) of the *Canadian Constitution Act* 1982'.[4]

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[1] *R v Van der Peet* [1996] 2 SCR 507 *per* Lamer C J at paras 30-31 and para 67.

[2] Chief Justice McLachlin, *Reconciling Sovereignty: Canada and Australia's Dialogue on Aboriginal Rights;*(2003) High Court Centenary Conference Canberra, <http://unicorn.fedcourt.gov.au/uhtbin/cgisirsi/0000/000/38/10x?user_id=SYD_WEBBpassword=SYD_WEBB> at 23 June 2004. See, paraphrased by the writer.

[3] Ibid.

[4] Chief Justice McLachlin, *Reconciling Sovereignty: Canada and Australia's Dialogue on Aboriginal Rights*, (2003) High Court Centenary Conference Canberra, <http://unicorn.fedcourt.gov.au/uhtbin/cgisirsi/0000/000/38/10x?user_id=SYD_WEBBpassword+SYD_WEBB> at 23 June 2004.

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[1] Emily Walter and Michael M'Gonigle and Celeste McKay, 'Fishing Around the Law: The Pacific Salmon Management System as a "Structural Infringement" of Aboriginal Rights' (2000) 45 *McGill Law Journal* 271.

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[1] Ian Keay and Cherie Metcalf, 'Aboriginal Rights, Customary Law and the Economics of Renewable Resource Exploitation' (2004) 30/1 *Canadian Public Policy – Analyse de Politiques* 4.

[2] *R v Sparrow* [1990] 1 S.C.R. 1075.

[3] *R v Van der Peet* [1996] 2 S.C.R. 507.

[4] Ian Keay and Cherie Metcalf, 'Aboriginal Rights, Customary Law and the Economics of Renewable Resource Exploitation' (2004) 30/1 *Canadian Public Policy – Analyse de Politiques* 4.

[5] Delgamuuk v British Columbia [1997] 3 S.C.R. 1010.

[6] Ian Keay and Cherie Metcalf, 'Aboriginal Rights, Customary Law and the Economics of Renewable Resource Exploitation' (2004) 30/1 *Canadian Public Policy – Analyse de Politiques* 4.

[7] *R v Van der Peet* [1996] 2 SCR 507, at para. 49, per Lamer C J.

[8] (Chief Justice Beverly McLachlin) (2003) *Reconciling Sovereignty: Canada and Australia's Dialogue on Aboriginal Rights*, Federal Court Sydney, <http://unicorn.fedcourt.gov.au/uhtbin/cgisirsi/0000/000/38/10x?user_id=SYD-WEBpassword=SYD-WEB > at 26 March 2004.

[9] (Chief Justice Beverly McLachlin) (2003) *Reconciling Sovereignty: Canada and Australia's Dialogue on Aboriginal Rights*, Federal Court Sydney, <http://unicorn.fedcourt.gov.au/uhtbin/cgisirsi/0000/00/39/10/x?user_id=SYD_WEBpassword=SYD_WEB> at 26 March 2004.

[10] Ibid 4.

[11] *Isabel Coe on behalf of the Wiradjuri Tribe v* the *Commonwealth and New South Wales* [1993] HC S65 at p 66.

Question 5:

McNeil (2004) argues that English and Australian constitutional law are founded upon the fundamental legal principle dating back to the Magna Carta***[1]*** which held that 'the Crown in its Executive capacity cannot infringe or take away vested rights'; especially in relation to land, without unequivocal statutory authority.[2]

McNeil (2004) points out that in *Mabo* [No 2] Justice Brennan held:

> [n]ative title is not granted by the Crown … no comparable presumption affects the conferring of any executive power on the Crown, the exercise of which is apt to extinguish native title.[3]

McNeil's (2004) essay clearly highlights the relevance of continuing further legal debate on the unsatisfactory development in legal reasoning of Australian native title cases that appears to contradict other common law legal precedent.

S 223 of the NTA should reflect how Aboriginal and Torres Strait Islanders identify themselves through their respective communities and claimant groups and not narrowly defined through statutory legislation.

In Australia, the underlying principles of colonial dominance over Aboriginal water values, values which have not been '"washed away by the tide of history"';[1] primarily, the 'cultural and spiritual' values of water have been redefined in Western

concepts as 'social values' rather than the paradigm of traditional Aboriginal values.

The current *Native Title Act* provides that a valid lease, licence, permit or authority, and other prescribed activity will prevail over any native title rights and interests, where an exercise of non-Aboriginal rights attracts no compensation for a loss of native title rights and interests.[1] The native title legislation that was to restore traditional laws and customs to Aboriginal communities has failed to recognise the concept of 'first-in-use' principle to water and land, which exists for Aboriginal peoples as an inherent position of '"First Peoples"' in the United States of America.

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[1] Draft *Native Title Report* 2008, 27. See, section 44H of the *Native Title Act* 1993 (Cth).

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[1] This particular quote at the end of this sentence, shown in quotation marks is from the High Court *Yorta Yorta* decision as a quote in the judgement from Justice Olney.

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[1] Kent McNeil, 'The vulnerability of Indigenous land rights in Australia and Canada' (2004) 42/2 *Osgoode Hall Law Journal* 274. See, *Attorney-General v De Keyser's Royal Hotel Ltd. [1920]* A.C. 508 at 569 Lord Parmour stated "Since the Magna Carta the estate of a subject in lands or buildings has been protected against the prerogative of the Crown".

[2] Kent McNeil, 'The vulnerability of Indigenous land rights in Australia and Canada' (2004) 42/2 *Osgoode Hall Law Journal* 274.

[3] Kent McNeil, 'The vulnerability of Indigenous land rights in Australia and Canada' (2004) 42/2 *Osgoode Hall Law Journal* 275.

Question 6:

Chapin (1993)[1] examined the Native American assumption on rights and use under Aboriginal title 'to hunt and fish', as an essential exercise to rights protection:

> While aboriginal title may be lost by voluntary abandonment, a period of forcible, involuntary dispossession without congressional intention to extinguish aboriginal title does not defeat title. Aboriginal title encompasses the rights to hunt and fish. The basis of these rights is immemorial custom and practice, and the rights do not depend upon aboriginal title to land, a treaty, or an act of Congress. Aboriginal rights to hunt and fish incidental to

> aboriginal title may survive when aboriginal title to the land has been ceded by treaty. The rights may exist even if not expressly reserved in a treaty.[2]

Burrows (1997)[1] expressed that Aboriginal rights are continually '"downgraded and infringed by governments and the courts"' in order to '"dictate how the laws and traditions of Aboriginal peoples will be reconciled with non-Aboriginal groups"':[2]

> [n]on-aboriginal peoples exercise exclusive rights all the time. In fact, exclusive rights are one of the distinguishing features of western legal systems. Why should there be extra concern when aboriginal peoples exercise exclusive rights? What can explain the concern in assigning aboriginal peoples exclusive rights …[3]

The Canadian Chief Justice in *R v Cote* [1996] held that '"to impose the requirement of continuity too strictly would undermine the purpose of section 35(1)"' of the Canadian *Constitution Act* 1982***[1]*** and doing so would '"perpetuate historical injustices"' upon Aboriginal peoples.[2] This is not the judicial position in Australia. In respect to the British colonisation of Canada and Australia, there are numerous commonalities in the 'historical injustices' perpetuated upon Aboriginal peoples and Indigenous Canadians.

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[1] Emily Walter and Michael M'Gonigle and Celeste McKay, 'Fishing Around the Law: The Pacific Salmon Management System as a "Structural Infringement" of Aboriginal Rights" (2000) 45/263 *McGill Law Journal* 267.

[2] *Ibid* 281.

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[1] John Burrows, *Fish and Chips: Aboriginal Commercial Fishing and Gambling Rights in the Supreme Court of Canada* (1997) Criminal Reports (Articles) 50 CR (4^{th}) 230 <http://au.westlaw.com/result/documenttext.aspx?RS=IMP1.0&VR=2.0&SP=FedCrtA> at 26 July 2004.

[2] John Burrows, *Fish and Chips: Aboriginal Commercial Fishing and Gambling Rights in the Supreme Court of Canada* (1997) Criminal Reports (Articles) 50 CR (4^{th}) 230 <http://au.westlaw.com/result/documenttext.aspx?RS=imp1.0&vr=2.0&SP=FedCrtA> at 26 July 2004.

[3] John Burrows, *Fish and Chips: Aboriginal Commercial Fishing and Gambling Rights in the Supreme Court of Canada* (1997) Criminal Reports (Articles) 50 CR (4^{th}) 230 <http://au.westlaw.com/result/documenttext.aspx?RS=IMP1.0&VR=2.0&SP=FedCrtA> at 26 July 2004.

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[1] Kirsten Chapin, 'Indian fishing rights activists in an age of controversy: The case for an individual Aboriginal rights defense' (1993) 23 *Environmental Law* 973.

[2] Kirsten Chapin, 'Indian fishing rights activists in an age of controversy: The case for an individual Aboriginal rights defense' (1993) 23 *Environmental Law* 973.

Question 7:

In the Supreme Court decision United States v Winans***[1]***, the Court held that the Yakuma Nation held 'more than equal access to fishing',[2] where the Yakuma's right reserved in treaty 'was servitude that burdened non-Indians land'.[3] The Court stated:

> Indian Treaties did not involve a grant of rights *to* the Indians, but were rather a grant *from* them, and therefore, reserved those rights not granted to the United States by the treaty.[4]

The Yakuma decision articulates the importance of treaty agreements and the Court's evaluation of Indigenous rights to access customary practice does co-exist with Western law. In contrast to the legal position of Aboriginal peoples in Australia, where Aboriginal rights are granted to Aboriginal peoples through government policy and legislation, the Yakuma decision identifies that the colonising government's recognition of Indigenous sovereignty and the existence of Indigenous laws and practices 'does not fracture the skeletal frame of Western sovereignty'.

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[1] *United States v Winans* 189 US 371 (1906).

[2] Ed Goodman, 'Protecting Habitat for Off-Reservation Tribal Hunting and Fishing Rights: Tribal Co-management as a Reserved Right' (2000) 30 *Environmental Law* 286.

[3] Ibid 286.

[4] Ibid 286.

Question 8:
Question 9:
Question 10:

In *Mabo* [No 2] the plaintiffs claimed that the government was under a fiduciary duty, or alternatively bound as trustee, to the Meriam Peoples, inter alia, to protect the Meriam People's rights and interests in the Murray Islands.[1] His Honours Brennan, Mason and McHugh in agreement, responded briefly by articulating the fiduciary obligation in a 'very narrow construction of law',[2] and stated:

> If native title were surrendered to the Crown in expectation of a grant of a tenure to the indigenous title holders, there may be a fiduciary duty on the Crown to exercise its discretionary power to grant a tenure in land so as to satisfy the expectation, but it is unnecessary to consider the existence or

> extent of such a fiduciary duty in this case.[3]

In the dissenting views of their Honours Deane and Gaudron, the question of a native title claim 'based on fiduciary duty which may indirectly or directly impact upon native title rights' was left open:[4]

> Actual or threatened interference [with the enjoyment of native title] can, in appropriate circumstances, attract the protection of *equitable remedies.* Indeed … the appropriate form of relief [may be] the imposition of a remedial constructive trust framed to reflect the incidents and limitations of the rights under the common law native title (emphasis added).[5]

The future potential for equitable remedies in fiduciary duty for native title claimants or holders, where 'an actual or threatened interference to the enjoyment of native title' had occurred, would elevate Aboriginal Commonwealth and State and Territory relations to a new level of legal responsibility for Australian governments.

The role of the parliament, or the judiciary in opening the '"flood gates"' to a Crown - Aboriginal fiduciary duty is reliant not on its own judicial activism, but on the Federal Government finally addressing the fiduciary obligation between Aboriginal peoples and the Commonwealth as an additional class.

A fiduciary recognition would establish greater accountability on government actions, for instance, where the National Intervention into Aboriginal communities in the Northern Territory suspends Aboriginal landholdings, directed by the Federal Government to convert to long-term leasehold in order to provide government services provision, under the suspension of the *Racial Discrimination Act*. The National Intervention policy in the Northern Territory and the Federal Governments winding back of native title in 1998 through statutory amendments which favoured non-Aboriginal stakeholders would require a higher legal responsibility to Aboriginal peoples.

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[1] David Tan, 'The Fiduciary as an Accordian Term: Can the Crown Play a Different Tune ?' (1995) 69 *The Australian Law Journal* 441.

[2] David Tan, 441 - 442.

[3] Ibid.

[4] David Tan, 442.

[5] *Op cit.*.

Question 11:

No. Aboriginal and Torres Strait Islanders communities should define their respective laws, relationships, customs and practices that describes their community or communities.

Question 12:

Economic rights and interests should be included within the NTA to create self-determination and governance in relation to water and land rights. A review of the mineral rights of the Crown should be included in commercial rights and interests for Aboriginal and Torres Strait Islanders.

Question 13:

Backlash of third parties, lobby groups and government policy.

Question 14:

Aboriginal and Torres Strait Islander native title holders and claimants should discuss and decide the nature of commercial and economic rights.

Question 15:

The Western recognition of Aboriginal laws and customs not acknowledged for Aboriginal peoples in Australia was, at that time, acknowledged in the Maori negotiations with the New South Wales colonial government.

The property ownership and cultural rights held by Maori groups under the Treaty show:

> [i]n the case of the Whanganui River that Maori may 'own' water in the river by virtue of the fact that Maori were recognised as the possessors of the Whanganui River as a whole … without ownership of the water in the river, ownership of that 'river' is meaningless. However, the 'ownership' recognised by the Tribunal in this instance differs from the English legal understanding of that term, and is based on an ownership which stems from use rather than use which stems from ownership.[1]

RDA 1975 (Cth) and UNDRIP are primary international instruments.

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[1] Ministry for the Environment New Zealand, *Property Rights in Water:A Review of Stakeholders' Understanding and Behaviour* (2003) Ministry for the Environment New Zealand <http://www.mfe.govt.nz/publications/water/property-rights-water-nov03/html/index.ht> at 9 August 2005.

Question 16:

Rosalind Kidd (2006) researched Aboriginal 'stolen wages' in Queensland through the retrieval of archival government records on the alleged mismanagement by the government and the misuse of Aboriginal wages maintained in trust funds for over a century, established evidence of a fiduciary relationship between government and Aboriginal employees.[1]

Kidd's (2006) research concluded that 'official records had shown the government's intent in assuming control of Aboriginal people's lives' without permission.[2] The *Aboriginals Protection Amendment Act 1901* (Qld) 'gave the protectors the right to

manage the property of Aboriginal peoples, including money'.[3]

The *Bringing them Home Report* documented an extensive range of national, State and Territory material and personal recounts that affirmed the existence of fiduciary relationships between Aboriginal peoples and governments. The legal recognition of Aboriginal - government fiduciary relationships has not developed further in Australia.

The doctrine of fiduciary duty in Australia and New Zealand applies the 'prudent man' test in these jurisdictions, limiting the obligations of fiduciary duty to 'loyalty, good faith and avoid obligations to duty and self-interest'.[4] This test fails to deliver on economic interests and fails to allow Aboriginal peoples to regain an equitable outcome for loss, either in human rights or economic standing.[5]

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[1] Rosalind Kidd, *Trustees on Trial: Recovering the stolen wages* (2006) foreword at v.

[2] *Ibid.* 53.

[3] Ibid 105.

[4] Ibid 130.

[5] Ibid.

Question 17:
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File 1:
File 2: