

Recent publications

Native Title Report 2000, Report No.1/2001, Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission.

The *Native Title Report* is always a critical summary and analysis of the contemporary debates in native title. This year discussion in the *Native Title Report 2000* about the CERD decisions (the Committee on the Convention on the Elimination of All Forms of Racial Discrimination) on the native title amendments is joined by consideration of similar criticisms by the Human Rights Committee, and discussion of the Australian government response to CERD articulated in the majority report of a Parliamentary Joint Committee inquiry. Much of the international and national debate on the amendments has focused on the meaning of equality – substantive versus formal – and while, the *Report* comments, understanding of this has increased, it has not resulted in the removal of the amendments. Implementing the amendments is discussed in Chapter 5, such as the re-recognition of representative bodies, and a substantial focus on procedural rights: ‘opportunity to comment’ provisions, time limits governing the right to negotiate, enforceability, procedural rights under alternative state regimes, etc. Chapter 2 covers the definition and extinguishment of native title by the common law. Sea rights are discussed in Chapter 3. The protection of Indigenous heritage through native title and heritage legislation, and the international discourse on Indigenous heritage protection are addressed in Chapter 4. Appendices include the Social Justice Commissioner’s submission to the Parliamentary Joint Committee on CERD and information on native title provided by HREOC to UN Committees in 2000.

Social Justice Report 2000, Report No.2/2001, Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission.

The four main Chapters in the *Social Justice Report 2000* address: reconciliation and human rights; international scrutiny of Australia’s Indigenous affairs policies; achieving meaningful reconciliation; and reparations. Native title issues do not receive broad coverage, but the *Report* does tackle issues which are part of the native title debate. These issues include self-determination and governance, equality, constitutional protection of racial non-discrimination, negotiating ‘unfinished business’, and compensation.

The annual *Native Title* and *Social Justice* reports of the Aboriginal and Torres Strait Islander Social Justice Commissioner Dr William Jonas are available from the Aboriginal and Torres Strait Islander Social Justice Unit at HREOC (phone 02 9284 9600, fax 02 9284 9611, email atsisju@hreoc.gov.au). The reports can also be downloaded from the HREOC website at www.hreoc.gov.au/social_justice.

Hot Topics: Burning Legal Issues in Plain Language: Native Title, Legal Information Access Centre (LIAC), New South Wales State Library, 24 pages, \$16.50.

The *Hot Topic* series is produced for the general reader. In this case, the brochure is a revision of a 1997 edition. The surprisingly thorough coverage begins with background concepts – sovereignty, *terra nullius*, self-determination, native title, recognition, protection, extinguishment, compensation, fiduciary duty, limitations, and pastoral leases. The land rights legislation in the states and territories then receives a one page summary. The section on native title in the courts provides an especially clear description of the bundle of rights debate and the coexistence of interests. This section is basically chronological. The Commonwealth legislative response is covered in several pages which include a description of the *Native Title Act 1993* (Cth), the 10-point plan and the NNTT process from registration test and mediation to ILUAs and alternative provisions. The section on international scrutiny covers the CERD proceedings and the federal government's response. The last several pages present a helpful timeline and further reading and contacts. Other recent *Hot Topics* have covered health, drugs, sentencing and children and families. The LIAC services are available in most NSW public libraries.