

New Visiting Research Fellow

Stuart Bradfield has joined the Native Title Research Unit as a Visiting Research Fellow.

Stuart spent the last two years teaching in the politics department at Macquarie University. Before that he was a visiting PhD student with the Indigenous Governance program at the University of Victoria, British Columbia, researching the British Columbian treaty process. Stuart's thesis, which will be submitted in January, looked at the establishment of a treaty relationship as a means of resolving the question of Aboriginal status in this country, with some comparison with contemporary developments in Canada.

While at the NTRU, Stuart will investigate the emerging culture of agreement making surrounding the native title process. In particular, he is interested in the possibility of agreement/treaty making as a vehicle for expanding native title outcomes for claimants, particularly with reference to issues of self-government, and the recognition of other inherent Aboriginal rights.

FEATURES

***De Rose v South Australia* [2002] FCA 1342 (1 November 2002)**

by Lisa Strelein, NTRU

The decision in the *De Rose Hill case* concerned a pastoral property in the far north-west of South Australia. A group of Aboriginal people asserted native title over the lease area as Nguraritja, or traditional owners, for the land. The case was heard by a single Judge of the Federal Court.

Justice O'Loughlin determined that any physical or spiritual connection to the land by the applicants had been abandoned and

De Rose Hill appeal

The Yankunytjatjara people will lodge an appeal with the full bench of the Federal Court over their native title claim over the De Rose Hill cattle station. Appeal papers will be lodged with the court before the deadline of November 22. Dr Lisa Strelein has written commentary about the decision in the Features section, below.

New Issues Paper

The NTRU has published Issues Paper volume 2 number 18, 'Diaspora, Materialism, Tradition: Anthropological Issues in the Recent High Court Appeal of the Yorta Yorta', by James F Weiner. Dr Weiner inspects some of the appeals made to tradition and continuity of tradition in the High Court appeal of the Yorta Yorta native title case.

Current and previous Issues Papers from the *Land, Rights, Laws: Issues of Native Title* series are posted on the NTRU webpage. You can also subscribe to the Issues Paper mailing list through the form on our website or by contacting the Native Title Administration Officer on 02 6246 1161.

this had led to a break down in the observance of traditional customs that was fatal to their application.

The decision is alarming because of the applicants' presence on the property up until relatively recently when access became more problematic, and their strong acknowledgment of law, customs and language of the Western Desert. However, the Judge seemed to take a unique view of the legal concept of 'connection' and the threshold for abandonment that sets a dangerous precedent for native title cases throughout Australia.