

Following those of his predecessor, Professor Mick Dodson, Dr Bill Jonas has produced another important critique of native title in Australia. The *Native Title Report 2002* should be required reading for all those with an interest in the field. The fact that ten years on the promise of Mabo remains largely unfulfilled indicates we need more, not less creative thinking on issues of native title. That the position of Aboriginal Social Justice Commissioner may soon be abolished is

further indication of the loss of bipartisan support for Aboriginal self-determination. It would not just be 'premature' as Dr Jonas has suggested, but another backward step in Indigenous affairs in Australia.

The Native Title Report 2002 is available from the HREOC website at: www.hreoc.gov.au/social_justice/index.html or by contacting the Commission on 02 9284 9600.

NATIVE TITLE RESEARCH

UNIT PUBLICATIONS

Land, Rights, Laws: Issues of Native Title

The Native Title Research Unit Issues Papers are available through the native title link at www.aiatsis.gov.au; or are available, at no cost, from the NTRU. Receive copies through our electronic service, email ntru@aiatsis.gov.au, or phone 02 6246 1161 to join our mailing list.

Volume 2

- No. 22 *'Abandonment' or Maintenance of Country? A Critical Examination of Mobility Patterns and Implications for Native Title*
Peter Veth
- No. 21 *Members of the Yorta Yorta Aboriginal Community v Victoria [2002] HCA 58 (12 December) – Comment*
Lisa Strelein
- No. 20 *Negotiating Comprehensive Settlement of Native Title Issues: Building a New Scale of Justice*
Parry Agius, Jocelyn Davies, Richie Howitt and Lesley Johns
- No. 19 *'Winning' Native Title: The Experience of the Nharnuwungga, Wajarri and Ngarla People*
Michelle Riley
Pastoral Access Protocols: The Corrosion of Native Title by Contract
Frances Flanagan
- No. 18 *Diaspora, Materialism, Tradition: Anthropological Issues in the Recent High Court Appeal of the Yorta Yorta*
James F Weiner
- No. 17 *Western Australia v Ward on behalf of Miriuwung Gajerrong, High Court of Australia, 8 August 2002: Summary of Judgment*
Lisa Strelein
- No. 16 *The International Concept of Equality of Interest in the Sea as it Affects the Conservation of the Environment and Indigenous Interests*
Sir Anthony Mason
- No. 15 *Preserving Culture in Federal Court Proceedings: Gender Restrictions and Anthropological Experts*
Greg McIntyre and Geoffrey Bagshaw
- No. 14 *"Like Something Out of Kafka": The Relationship between the roles of the National Native Title Tribunal and the Federal Court in the development of Native Title Practice*
Susan Phillips
- No. 13 *Recent Developments in Native Title Law and Practice: Issues for the High Court*
John Basten

- No. 12 *The Beginning of Certainty: Consent Determinations of Native Title*
Paul Sheiner
- No. 11 *Expert Witness or Advocate? The Principle of Ignorance in Expert Witnessing*
Bruce Shaw
- No. 10 *Review of Conference: Emerging Issues and Future Directions*
Graeme Neate
- No. 9 *Anthropology and Connection Reports in Native Title Claim Applications*
Julie Finlayson
- No. 8 *Economic Issues in Valuation of and Compensation for Loss of Native Title Rights*
David Campbell
- No. 7 *The Content of Native Title: Questions for the Miriuwung Gajerrong Appeal*
Gary D Meyers
- No. 6 *'Local' and 'Diaspora' Connections to Country and Kin in Central Cape York Peninsula*
Benjamin Smith
- No. 5 *Limitations to the Recognition and Protection of Native Title Offshore: The Current 'Accident of History'*
Katie Glaskin
- No. 4 *Bargaining on More than Good Will: Recognising a Fiduciary Obligation in Native Title*
Larissa Behrendt
- No. 3 *Historical Narrative and Proof of Native Title*
Christine Choo and Margaret O'Connell
- No. 2 *Claimant Group Descriptions: Beyond the Strictures of the Registration Test*
Jocelyn Grace
- No. 1 *The Contractual Status of Indigenous Land Use Agreements*
Lee Godden and Shaunnagh Dorsett

Discussion papers

Discussion papers are published in conjunction with the AIATSIS Research Program and are available from the Research Program on telephone 02 6246 1144. The Discussion papers are also available online at <http://www.aiatsis.gov.au/rsrch/rsrch_dp/discussion_papers.htm>.

- No. 11 *Negotiating Major Project Agreements: The 'Cape York Model'*
Ciaran O'Faircheallaigh
- No. 10 *The Community Game: Aboriginal Self-Definition at the Local Level*
Frances Peters-Little

Monographs

The following NTRU publications are published by Aboriginal Studies Press and are available from the AIATSIS Bookshop located at AIATSIS, Lawson Cres, Acton Peninsula, Canberra, or telephone 02 6246 1186 for prices and to order.

Through the Smoky Mirror: History and Native Title, edited by Mandy Paul and Geoffrey Gray, Aboriginal Press, Canberra, 2003.

Language in Native Title, edited by John Henderson and David Nash, Aboriginal Studies Press, Canberra, 2002.

Native Title in the New Millennium, edited by Bryan Keon-Cohen, proceedings of the Native Title Representative Bodies Legal Conference 16-20 April 2000: Melbourne, Victoria, 2001, includes CD.

A Guide to Australian Legislation Relevant to Native Title, two vols, lists of Acts summarised, 2000.

Native Title in Perspective: Selected Papers from the Native Title Research Unit 1998-2000, edited by Lisa Strelein and Kado Muir.

Land, Rights, Laws: Issues of Native Title, Volume 1, Issues Papers Numbers 1 through 30, Regional Agreements Papers Numbers 1 through 7, 1994-1999 with contents and index.

Regional Agreements: Key Issues in Australia – Volume 2, Case Studies, edited by Mary Edmunds, 1999.

A Guide to Overseas Precedents of Relevance to Native Title, by Shaunnagh Dorsett and Lee Godden. AIATSIS, Canberra, 1998.

Earlier publications dating back to 1994 are listed on the Native Title Research Unit's website at www.aiatsis.gov.au, go to the Native Title Research Unit and then click on the 'Previous Publications' link. Orders are subject to availability.

Web Resources

The NTRU has developed a number of on-line resource pages which provide relevant and up to date information regarding specific native title cases and concerns. These pages can be accessed from http://www.aiatsis.gov.au/rsrch/ntru/news_and_notes/

At present there are five resource pages:

- Authenticity and Tradition – The *Yorta Yorta* Case
- The concept of native title – *Miriuwung-Gajerrong* Determination High Court 8 August 2002
- Compensation and native title
- Sea Rights – The *Croker Island* Decision and Native Title Offshore
- General native title resources

Papers from the AIATSIS seminar series *Limits and Possibilities of a Treaty Process in Australia* are also available on-line. This series explores issues surrounding the proposal for a national treaty, such as current proposals, past obstacles, Indigenous representation, political and philosophical questions, national identity, reconciliation, belonging, public law implications, and comparisons with other countries. The papers are at, <http://www.aiatsis.gov.au/rsrch/seminars.htm>

ABOUT THE

NATIVE TITLE RESEARCH UNIT

The Native Title Research Unit identifies pressing research needs arising from the recognition of native title, conducts relevant research projects to address these needs, and disseminates the results of this research. In particular, we publish this newsletter, the Issues Papers series and publications arising from research projects. The NTRU organises and participates in conferences, seminars and workshops on native title and social justice matters. We aim to maintain research links with others working in the field.

The NTRU also fields requests for library searches and materials from the AIATSIS collections for clients involved in native title claims and assists the Institute Library in maintaining collections on native title.

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For previous editions of this Newsletter click on the native title research unit link at www.aiatsis.gov.au

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