

EDITORIAL



Helen Wallace

Editor

The University of Western Australia

Ph: (08) 9380 2328

Email: hwallace@library.uwa.edu.au

In late 1999, when some of my WA colleagues and I were considering how we were going to cope with finding content for the journal that we were about to assume responsibility for, we adopted the idea of themes for each issue. Not new, but it gave us a structure to work with. One of the themes was 'Indigenous Peoples and the Law'. Eighteen months later, I find that despite our efforts to obtain articles on other topics this issue of the journal predominantly focuses on native title. In wondering why this has come about, I believe that it reflects the current

status of law and indigenous people in Australia generally. Native title has been contested in the highest courts and will continue to be for many years to come by major players in the economic and political arena. As I write, the Miriuwung-Gajerrong case, the first native title claim over pastoral land to be heard in the High Court, is in process and is expected to be a landmark decision. **Professor Richard Bartlett** is one of the lawyers involved in this hearing. He is a renowned authority on Property Law and native title. Prior to taking up a Chair at the University of Western Australia, he spent many years in Canada. His article in this issue provides Australian law librarians with an expert account of how native title in Canada differs from native title in Australia. These differences can assist us to understand the issues before the courts in Australia.

Stephen Herne's article which outlines the development of native title in Australia, also commences with brief comparisons to Aboriginal interests in land in the United States of America, Canada and New Zealand.

Maria Moloney and her colleagues from the National Native Title Tribunal Library provide a very practical article for native title research. It complements that of Simon

Young and Carmel O'Sullivan in *Australian Law Librarian* vol. 6(2) because it focuses on how to search for resources that provide information about 'connection to country'. This information is rarely found in traditional legal resources – which leads me to the final article in this issue: **Tony Caravella** of the National Archives of Australia describes a resource that is often overlooked. The archives can 'reveal the history behind the law, the social conditions prevailing at the time, the political and lobby group pressures exerted' and much more.

As I mentioned above, other topics do not have the prominence of native title in the courts but are nonetheless of major importance. Contributions on such topics from authors for future issues of *Australian Law Librarian* are welcome. Some of these matters are mentioned in the columns of this issue: 'Spotlight' provides details of a new inquiry into Aboriginal customary law and the 'Book Review' column includes some topical titles, including *Broken Circles* by Anna Haebich which discusses the removal of children from Aboriginal families.