

Introduction.

Emerging issues for policy, research and practice

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This volume is directed to researchers, indigenous peoples and their organisations, the legal profession and to policy makers who wish to familiarise themselves with the broad range of contemporary anthropological research and practice issues in the native title arena. The chapters collectively cover the following diverse range of topics: the role of anthropologists as expert witnesses; the focus and management of consultancy research; the practice of 'forensic' anthropology; the nature and impact of the relationship between lawyers and anthropologists; native title extinguishment and indigenous dispossession; sea claim issues; the comparative role of research experts in Canadian land claim cases; the interpretation of ethnographic information; the representational politics of Native Title Representative Bodies (NTRBs); and issues of anthropological ethics, objectivity and independence. While the volume focuses heavily on the role and conduct of anthropological research, the issues raised are relevant to a wide range of professional disciplines and organisations involved in the conduct of native title research.

The matter of extracting implications for policy makers is more problematic. A number of contributors to the volume discuss 'cross-cultural' communication problems between the anthropological, legal and bureaucratic systems, and there are many good reasons for trying to overcome the obstacles referred to by them. If anthropological analyses are to have any wider application outside of the discipline, then it is incumbent upon the profession to facilitate their clearer translation. Some contributors to the volume have been bolder than others in making recommendations that have immediate practical and policy implications. All raise issues about professional conduct, the nature of the native title research process, and present research insights which merit careful consideration by policy makers (both indigenous and non-indigenous).

The articles also respond to a range of current criticisms about the role and conduct of anthropological research in Australia (such as those of Brunton 1995a; Forbes 1995a, 1995b; and Gough 1995). There is the view that anthropologists, and consultants in particular, are radically aligned with indigenous groups and hence are little more than compromised advocates. An alternate criticism is that anthropology is a voyeuristic intellectual exercise, and hence a paternalistic 'sell-out' of indigenous people. A related argument that anthropological research occurs in two

mutually exclusive domains – academic and applied; pure and impure – is somewhat anachronistic today. The majority of anthropologists in tertiary institutions who have a research focus on indigenous societies also undertake consultancy research. It is self-evident that the capacity of the academy to reproduce itself primarily through tertiary-based anthropology is no longer a viable option. Some of the above criticisms are overly simplistic at best; some are heavily laden with their own ideological biases. They nevertheless challenge the profession to respond with a more critical assessment of its practice and outcomes, for the reality is that contemporary anthropology produces tangible outcomes at the political and policy levels.

The context of native title research

A number of the chapters reflect on professional issues specific to events in 1995. As a consequence of the Hindmarsh Island case, questions about anthropology's professional and public credibility have increasingly been the subject of media attention. Much of the public controversy associated with the Hindmarsh Island heritage protection order, the subsequent Federal Court decision to overturn it, and the South Australian Royal Commission have centred on the documentation and verification by anthropologists of indigenous spiritual beliefs and values in land. As a result, there has been unprecedented public scrutiny of the probity, role and value of anthropology. They have also been subject to closer scrutiny of their research accountability.

These concerns are not simply media creations however, but resonate with long-standing debates from within the discipline and outside it. Those debates have raised matters of professional ethics, ethnographic 'truth' and interpretation, consultancy field practice, and the anthropological role in public policy processes. Anthropologists are increasingly involved in land claim cases (especially under the Northern Territory, Queensland and New South Wales land rights legislation), in court proceedings, in government inquiries and Royal Commissions, in heritage protection cases, and resource development negotiations. This involvement has served as a catalyst for many of the debates.

Yet there remains an increased demand for anthropological research services that has led to a crisis point in the supply of experienced field researchers. Tertiary institutions are under great pressure to provide well-trained practitioners with a high degree of practical field skills and scholarly capacity, a solid grounding in their own discipline's epistemology and, if possible, some political astuteness. There is a small, but growing number of post-graduates interested in applied anthropology, and

employment in this area is an important option given the limited teaching and research positions available in tertiary institutions. The academy does not yet appear to be satisfying the need for specific post-graduate training to meet the exacting demands of consultancy and policy research, though in the end, such training may only be possible through the actual research experience.

The probity of research practice

While the Hindmarsh Island issue has been instrumental in posing anthropological practice as a matter of 'public interest', it has confronted anthropologists with substantive issues of objectivity, advocacy and practice. As contributors to this volume point out, these concerns have had prior consideration in the land claims processes in the Northern Territory and Queensland, and in land claims in North America.

Rigsby tackles the criticism of anthropologists working on land ownership claims that they lack objectivity, using comparative material on the weight and consideration given to anthropological expertise in North American and Queensland legal cases. He examines court perceptions of anthropologists as expert witnesses in three Canadian land claim cases (Baker Lake 1979, Bear Island 1984, and Delgamuuk 1991) and describes the Queensland Land Tribunals' concerns to assess the anthropologists' objectivity in two cases (the Lakefield and Cliff Island National Parks claims 1991). In the context of a limited supply of experienced anthropologists, Rigsby recommends that contracting agents use senior anthropologists as expert witnesses. He further calls on anthropologists to be more open about their research methodologies, the nature of their involvement in the preparation of native title claims and in related research, and about the ethical precepts and practices to which the profession is committed, including its views on confidentiality.

Rigsby endorses Neate's (1995) suggestion that anthropological credibility and objectivity could be strengthened by the ongoing process of publishing research results. He makes the telling point that these academic benchmarks are hard to meet when so much consultancy research does not result in scholarly publication. An important implication for commissioning agents such as indigenous organisations and government departments is that their public credibility might well be enhanced by such publication by their consultants. For example, both the Northern Land Council and the Centre for Aboriginal Economic Policy Research (CAEPR) see the mutual benefits of having research conducted which is independent and publicly transparent. Accordingly, the Land Council has agreed to having contracted CAEPR research independently published and

thus placed on public record (see Altman and Smith 1994). Rigsby's paper, like others in the volume, highlights the importance for the newer NTRBs established under the *Native Title Act 1993* (NTA) to quickly formalise peer review arrangements similar to those employed by the Northern and Central Land Councils. This system enables the professional standard of commissioned anthropological research to be assessed.

Increasingly, critical directions in anthropological research and practice appear to be grounded less in exclusively academic research, and more in the extensive field research being carried out by consultants for land claim, and now native title activities. The practice of anthropology conducted through consultancy research is raising issues which are central to the discipline and which cannot be ignored in teaching. The consultancy process has brought issues of ethical responsibility and independence, and new insights into the complexity of indigenous land-ownership systems into wider public and policy forums. This said, it will be critical for the profession not to entrench artificial demarcations between academic and consultancy research endeavours; maintaining the highest professional standards across both arenas is imperative.

Accordingly, Sutton's question of what 'bad applied anthropology' might look like, is a crucial one. His own preliminary answer is that it lacks rigour, replicability, lacks fit with indigenous realities, lacks a match between observation and interpretation, lacks clarity, precision and objectivity, and is narrowly-focused. His assessment strongly supports the need for anthropologists to be comprehensively trained in the discipline's classical subject matters. Sutton is particularly intent on rebutting accusations of biased advocacy and criticisms about the 'clubbiness' of anthropology in Australia, and calls upon the profession to be more critically self-regulating regarding the rigour of its research insights.

Like a number of the contributors, Sutton explores the relationship between anthropologists and other professionals as stakeholders in the evidentiary processes that have developed, especially around the role of anthropologists as expert witnesses in land ownership cases. He stresses the importance of contracting organisations employing rigorous peer review of anthropological research, arguing its benefits for researchers and claimants alike. Sutton also reflects on ways in which the whole process of land claim and native title hearings could be dramatically streamlined. He suggests mechanisms by which 'procedural fairness' could more easily accommodate claimant insights and expert evidence. Clarification of evidence laws and the admissibility of customary law and traditions is needed in order for claimants to be accorded a legitimate involvement in legal proceedings. Sutton recommends that the purely administrative mechanisms currently operating for assessing sacred site and other heritage protection claims be

replaced by a national tribunal system akin to a Northern Territory land claim hearing process, at least when serious disputation is involved.

He suggests that the growing number of Federal Court judges involved in hearing native title matters should have (and if not, acquire) an adequate background in the complex areas of cultural knowledge and land rights legal precedents, in order to make informed judgements. Sutton also welcomes the advent of anthropologically-trained lawyers, but questions whether legal culture can cope with either the indeterminacies of indigenous culture, or the indeterminacies of phenomenological and post-positivist anthropology. Sutton calls for a 'neo-objectivism' in the presentation of anthropological evidence, based on a need for 'operational reliability' in evidence and the use of criteria for evidentiary weight that have been established both in and outside the courts.

While individual anthropologists focus on the immediacy of field research circumstances and objectives in particular native title claims, Stead draws attention to the need to manage and prioritise the total native title research endeavour. He argues that better management of anthropological research by commissioning organisations will result in more effective claim mediations and outcomes for claimants, and assist in overcoming politically-motivated stereotypes that suggest indigenous organisations are not capable of accounting either for funds, or for their research effort.

Stead observes that anthropological research on land claims and native title claims is part of a wider political process. The formulation of research objectives and priorities in accordance with a longer-term plan of management must be an initial task for indigenous organisations. Such a plan, he argues, will need to be based on hard-headed strategic assessments beyond those based purely on research needs and objectives. His suggestions for improved research management practices could usefully be undertaken by all organisations and departments commissioning anthropologists and equally, should be noted by the profession as they directly impact upon contractual research responsibilities and outcomes.

Ethnographic facts or fictions?

Stead argues that there is a strategic political relationship between the management and prioritisation of research, and legislative and NTRB objectives. NTRBs have a key role in coordinating native title research in order to secure better outcomes for their clients. There are lessons to be learned from the Land Councils in the Northern Territory which have sometimes inadequately linked their research requirements to longer-term land claim objectives, and poorly managed the conduct of research in their early establishment history. Although this is a question with direct

implications for researchers, equally it bites deep into both academic and indigenous critiques of the politics and interpretation of ethnographic information.

Reinforcing Sutton's speculation on what 'bad applied anthropology' might look like, Stead argues that claimants don't need poor anthropological theorising, research posturing, or analyses that are preoccupied with either formulating 'new' land tenure models or discrediting prior anthropological understandings. He points to some Northern Territory claim books which have served claimants poorly by pursuing esoteric anthropological interests to the exclusion of clear interpretation and presentation. Native title claims require research to be carried out effectively. This means, Stead argues, that research should assist in the clear identification of claimants, reduce the potential for dispute, provide credible overviews of the land tenure system, and ensure that research evidence which is replicable by claimants' evidence is available for mediations and determinations.

With the Hindmarsh Island Royal Commission nearing its end, Edmunds takes up the issue of the representation and interpretation of ethnographic 'facts', and of anthropologists' responsibilities in their public presentation. Edmunds challenges the simple-minded notion that all anthropologists need do is just tell the facts. Like Wootten, she is wary of the legalistic preoccupation with factual certainty and interpretative stability, but acknowledges the expectation that the native title claims process will require certain facts to be confirmed, and that this in turn will confirm certain facts about land ownership.

Edmunds discusses the issue of what constitutes 'facts' within the native title arena, and the possible multiple meanings ascribed to them. She notes that the sequence through which they change from being Aboriginal, to anthropological, legal, or policy facts, remains problematic. The points of interpretative translation that occur in this sequence are highly politicised. The result is that the meaning of 'facts' are subject to contested representations.

Edmunds examines these concerns by considering the issues raised in the Finnis River Land Claim, which were readdressed in the recent Wagait dispute hearings in the Northern Territory. These linked cases have been replete with disputation and with a panoply of indigenous and research evidence presented in a variety of forms. Edmunds questions what might constitute the anthropological role and what might be called 'ethnographic facts' in such intransigent, adversarial processes. Wootten raises the issue of 'distortion' in relation to the impact of the Australian legal system. Edmunds considers the same process of distortion in respect to the point at which anthropological interpretations of social change might distort, rather

than enlighten the understanding of indigenous knowledge, especially in situations where indigenous people may themselves be in conflict.

A legal perspective on native title anthropology

A number of the authors have commented on the necessity for an improved and more communicative relationship between lawyers and anthropologists involved in native title processes. Wootten describes the critical differences between anthropological and legal cultures, and proposes particular areas of research expertise in which anthropologists can make an important contribution. He argues the need for anthropologists to establish and maintain high standards of professional independence in native title research and calls upon them to resist adopting an overly adversarial approach from the legal profession. He also argues that anthropologists should be more interventionist in the power relationship between themselves, lawyers and indigenous people, and show more irreverence to restrictive legal practices, especially those which may impede native title mediation or distort evidentiary processes.

Wootten suggests an expanded role for anthropologists in ensuring other professional stakeholders accept their responsibilities to indigenous clients in terms of procedural practice and of eventual policy and legislative outcomes. Land claim processes should not be simply career stepping-stones for lawyers, and should not operate as adversarial forums for legal contests; just as Stead argues that they should not be testing grounds for favoured anthropological theories. At times this will require anthropologists to contest the legalistic representation of ethnographic facts. In Wootten's view, anthropologists have a professional responsibility to facilitate research processes which accurately portray indigenous knowledge and land-owning systems, and thereby ameliorate the distortions that arise from ethnocentrically imposed legal processes.

Rummery considers in detail the legal framework for anthropologists' appearing as expert witnesses. She also explores the legal conditions and implications that Australian evidence laws hold for according the status of expert witness. Her discussion is not limited to purely legal considerations however. She also raises the wider sociopolitical context within which anthropological testimony is assessed. Rummery then explores, from a legal perspective, the implications for anthropologists as expert witnesses of their own disciplinary practices. She further argues that the use of the 'traditional evidence rule' to permit indigenous evidence is legally problematic, but like Sutton, says there are good grounds for recommending that indigenous evidence should be given greater primacy. Under the NTA, evidence rules do not apply to undermine the

indigenous presentation of evidence about their own laws and traditions. She points out that there nevertheless remains the issue of what weight can be given to such evidence, and identifies a continuing role of anthropologists in this regard.

Finally, Rummary canvasses the criticisms of potential bias made against the research of anthropologists in native title and other land ownership cases. She warns against an anthropological descent into advocacy, but notes that many of these issues are common to a number of professions engaged in applied research. In particular, Rummary stresses the need for anthropologists' evidence to be, and be seen to be, independent and impartial. In the court context, it is far more likely that such a position will not only engender credibility, but positively assist claimants.

Emerging research issues

The papers collectively highlight a number of critical research issues emerging from native titles claim processes.

Urbanising Aborigines

The majority of successful native title outcomes will undoubtedly flow to those people residing in Western Australia, the Northern Territory, north Queensland and certain parts of South Australia where the majority of claimable land is to be found. But it is the claims of 'urbanising' indigenous Australians (see Langton 1982), supported by anthropological argument under heritage protection and native title legislation, which may represent a critical advance under the NTA. Thus, the Wellington Town Common claim in an urban area in New South Wales may be one of the first mediated agreements under the NTA, even if the State Government continues to lag behind all other parties. It is also in New South Wales that one finds the highest percentage of non-claimant applications before the National Native Title Tribunal. This is an advance, not least because land rights and land purchase are no longer seen to be the prerogatives of a northern 'traditional' elite.

The considerable research work carried out by anthropologists under the Northern Territory land rights regime has resulted in the anomalous situation that particular indigenous groups can now avail themselves of detailed ethnographic and historical information in support of their native title claims, while others cannot. But this patchwork effect is common to anthropological research throughout the country; that is, it has never proceeded according to a systematic master plan, with the result that some groups and communities have more detailed research documentation available to them than their immediate neighbours.

This does not mean, however, that anthropologists who have worked extensively on land claims have their research experience only in the north of the country, or that the issues raised in those northern cases are restricted in their wider application. The implication of this mistaken assumption would be that anthropologists with land claim experience have ignored, or remain unaware of, the land ownership concerns of urban and rural groups. While this may have been the case in the past, it is no longer so. The contributors to this volume have substantial collective field experience in land claims in northern locations. Between them, however, they have also worked on a great variety of research issues (from abalone fishing, household economies and poverty, family life, kinship systems, and the Community Development Employment Projects scheme, to site and heritage protection, and native title cases) in locations including Brisbane, northern New South Wales, Goondiwindi, Toomelah, Redfern, Mogo, Port Lincoln, Point Pearce, Broken Hill and Bass Strait.

Issues of cultural dynamism and the maintenance of land ownership systems in the face of dispossession are not only relevant to northern Aboriginal groups. Similarly, neither does the continuing strength of Aboriginal identities in south-eastern Australia mean that anthropological insights gained under the Northern Territory land rights regime are irrelevant to native title matters in the south. While native title is clearly another arena, many of the issues that have been painstakingly investigated and reassessed by anthropologists in Northern Territory and Queensland land claims are entirely pertinent to claims made by rural and urban Aboriginal peoples under the NTA.

For example, many northern claims have had to research such matters as the impact on land ownership traditions of historical removals and enforced assimilation, issues of continuity and change in law and social organisational systems, the transmission of selective knowledge in urban and rural locations, and succession and conflict. Claimants have come from a variety of locations, including outside the Northern Territory. Anthropologists who have worked primarily with urban and rural communities in southern States, should not invoke a reverse anthropological snobbery to highlight the special characteristics or greater levels of dispossession of those people, thereby mitigating against the very arguments for cultural continuities and dynamism. In other words, the lessons of land rights anthropology are general *anthropological* lessons and should not necessarily be thrown out with the 'northern' legislative bathwater.

Nonetheless, the research needs of urban and rural communities undoubtedly need greater anthropological attention. A number of NTRBs and other indigenous organisations in such regions are currently endeavouring to build up research documentation. Some are actively

seeking the services of recently graduated anthropologists, and offering to support post-graduate research projects that would be of direct relevance to claimants' research priorities. There is clearly potential for greater employment of young anthropologists by such organisations, but as Stead and others in this volume note, it is important that such research arrangements are well managed and focused, and conducted within mentoring systems that utilise input from more experienced senior researchers and systematic peer review.

Native title extinguishment and dispossession

Wooten queries whether native title constitutes the end of dispossession, or merely another stage in the historical process. The NTA, he argues will not undo the wrongs of 200 years. Wooten addresses the way in which native title rights are being conceptualised, arguing that the 'bundle of rights' approach is based on a misreading of the *Mabo* judgment. It fragments indigenous ownership by compartmentalising it. The 'bundle' approach also ignores the special character of communal title, the higher-order social groupings in which such communal title can reside, and the highly complex and negotiable relationship Aboriginal people have with land.

Accordingly, Wooten suggests particular legal perspectives and areas of anthropological research which could beneficially advance the investigation and conceptualisation of native title, and positively endorse indigenous realities in the process. Wooten's discussion of the intricacies of extinguishment that have been operationalised under the NTA suggests a number of useful directions for further research. The process of extinguishment is also a native title issue where Wooten's call for greater cooperation between researchers, the legal profession and indigenous claimants and their organisations, could result in timely re-evaluations and strategic advances.

Sea Claims

McIntosh describes the development and public release of an indigenous marine protection strategy for Northern Territory coastal waters between Maningrida and Numbulwar in Arnhem Land, and north to the Australian – Indonesian boundary. The strategy forms part of the preparation of a potential Yolngu sea claim under the NTA. Detailed research documentation is provided on a specific Yolngu perspective of sea ownership. McIntosh also describes the critical role played by indigenous leaders in the exposition and transfer of their knowledge about Yolgnu sea heritage.

McIntosh's article is a good example of Edmund's reference to the importance of the 'cognitive maps' held by indigenous people about their present and past relationship to land and waters. He presents an ethnography of indigenous beliefs and of dreaming, song and site

knowledge which constitutes part of the Yolngu ownership claim to the sea. He also represents the Yolngu view of their contact history in respect to the sea, their relationship with successive waves of visitors, and the close contact with northern Indonesian neighbours. It is the Yolngu belief that they have actively sustained their 'sea identity' over many centuries. There has been some early research by Northern Territory Land Councils for the purposes of sea closures and management arrangements under the ALRA (see Altman, Ginn and Smith 1993 for an overview), and a number of NTRBs with coastal zones are investigating areas for the purpose of possible native title claims. There remains a need for more detailed research into indigenous ownership of waters, and for the coordination of existing research documentation.

Representational politics

Smith describes the current and emerging roles of NTRBs established under the NTA and analyses the politics of representation which are moulding their operational effectiveness. These organisations are rapidly becoming key inter-cultural brokers between native title claimants and other parties, and as Stead points out, influential managers of important areas of anthropological field research. Smith argues that their future position is linked to, and constitutive of, an emerging regionalism within the indigenous polity, and to the viability of the native title process itself. More particularly, their role is critically linked to indigenous politics surrounding the right to represent native title claimants. The credibility of NTRBs within the indigenous domain is not only dependent upon their ability to obtain successful outcomes for their constituents, but also upon their ability to secure representative memberships from a wide cross-section of major land-owning groups within their jurisdiction.

One of the major dilemmas for government in the early debates about the native title legislation was to find a national organisation capable of representing indigenous land interests. Smith suggests that increasingly, NTRBs will play an important role in acting on behalf of native title parties in relation to regional agreements, land management, resource developments, compensation claims and potential amendments to the NTA. They will also provide government with a crucial consultative option at the regional level. Smith notes that there are already working State and national coalitions of NTRBs which meet to formulate strategic approaches on a range of native title issues. If NTRBs can establish themselves on a sound representative and management footing, she suggests, there is every possibility that they will become powerful political voices for their constituents, some of whom will have substantial decision-making powers over economic development. Furthermore, these organisations will not only be major employers of anthropologists, they will be operating within

the dynamic context of indigenous politics and working at the forefront of native title implementation. Her paper suggests anthropologists could usefully direct greater research attention to indigenous organisational politics and native title objectives, and to the indigenous organisation-claimant interface.

Emerging policy issues

Collectively, the papers in this volume raise a number of matters which have immediate policy implications for government and indigenous organisations. Public policy has to accommodate the complex historical experiences and knowledge systems of indigenous Australians. In matters such as the description and articulation of indigenous customary law required under NTA, anthropological understandings are crucial. Accordingly, it is incumbent upon anthropologists to make their research and analytical insights intelligible. This requires not only credibility and clarity, but a more 'street-wise' approach which recognises that 'information is power', not only in indigenous societies but in the mainstream legal, political and policy arenas as well. Research findings will be used, often without recourse to the researcher's subsequent explanations of what the information 'really means'. Arguably then, the whole process of native title policy formulation, in which researchers and their reports play a part, should become the subject of more systematic anthropological attention and analysis.

The funding and operation of the organisational structures set in place by the NTA to ensure indigenous land interests are recognised and enhanced by legislative processes, raise wider policy questions for government and for native title claimants. These matters also afford an opportunity for critical analyses to be made of the institutional frameworks being established under native title processes. Smith, Stead, Edmunds and McIntosh consider various aspects of the involvement of indigenous representative organisations such as land councils in native title processes. They variously stress that their critical role in coordinating and prioritising anthropological research is having important impacts on land and sea ownership outcomes.

McIntosh concludes his article by detailing the long-term involvement of the Northern Land Council in assisting with the research and preparation of an indigenous marine strategy. He examines the possible avenues for achieving outcomes by providing an overview of the relevant government legislation which might help realise the marine management proposal. McIntosh notes the reluctance of the Northern Territory Government to consider Yolngu calls for greater involvement in sea management. Yolngu

leaders have been active in their pursuit of a more formalised negotiated settlement of the issue. The Northern Land Council has supported their attempts to proceed via negotiation, and has held conferences with key stakeholders to highlight the benefits of joint management of sea resources.

McIntosh notes that in the end, the only way Aboriginal interests in the Arafura Sea might be recognised is by claiming native title over its entirety. But a more strategic approach, he argues, would be for the Yolngu to pursue a combination of outcomes under different legislative frameworks. For example, to seek sea closures, sacred site declarations in the sea, and native title. Under this approach, the NTA becomes one of the legislative and political forums through which indigenous people seek to have their ownership of lands and waters recognised. He notes that the NTA presents the Land Council and its clients with an important leverage to encourage the Northern Territory Government to negotiate with Yolngu some form of settlement outside the native title regime.

Stead's article indicates the strategic approaches being taken by NTRBs to native title opportunities. His comment that a political negotiation of a total land claim settlement package under the *Aboriginal Land Rights (Northern Territory) 1976* (ALRA) might have been more effective than separately contesting claims, has implications for how NTRBs might proceed with regional agreements under the NTA. The lessons learned under the ALRA have led the Northern Land Council to seek to develop a broader policy-oriented approach to native title. For example, in respect to the sea claims of the Yolngu and other indigenous peoples in the Land Council region, the Council is developing models of how interests and rights in the sea can be recognised by government, in order to negotiate a settlement of *all* sea claims.

The NTRB framework and its organisational extensions raise important policy issues that will need response by State, Territory and Commonwealth Governments. For example, the fact that NTRBs are actively seeking to negotiate regional agreements with development interests will ultimately ensure State and Federal Governments clarify their own policy approaches to regional agreements, including the formulation of preferred processes for government involvement. There are a number of important matters that remain to be resolved if these indigenous organisations are to become more effective. All are in need of a stable regime of sufficient funding to undertake their native title responsibilities; representativeness does not come cheaply. They also require an enhanced statutory framework which clearly defines mandatory areas of responsibility and accountability to their indigenous clients. The Aboriginal and Torres Strait Islander Commission will need to quickly and efficiently respond to their needs, not simply for program funds, but for ongoing corporate and administrative assistance.

Native title is a significant new forum for indigenous engagement with the wider legal, socioeconomic and political systems of the State. Equally, it is another arena of anthropological research engagement, though a highly public and politicised one. The articles in this volume present different perspectives on the possible roles and policy implications of anthropological research under the NTA. Some authors suggest a more engaged intervention in the processes of implementing the NTA than others; some analyse the impact of native title processes within the indigenous domain; yet others are concerned to assess the implications of research analysis for native title claimants, indigenous organisations and for policy makers seeking to utilise those insights to achieve broader outcomes. Calls by the authors for anthropology to be more critically self-regulating, more publicly communicative, more policy attentive and politically astute in its various research endeavours will only add to its credible contribution to native and other related research.