

9.00-10.30am OPENING PLENARY

STRATEGIC DIRECTIONS FOR NATIVE TITLE AND NATIVE TITLE ORGANISATIONS

Brian Wyatt, Chair National Native Title Council

Brian Wyatt has more than 30 years experience in community and government administration of Aboriginal affairs. He has worked as a senior adviser to government ministers, regional manager with the WA Aboriginal Affairs Department, assistant general manager of Aboriginal Hostels Ltd, and director of the Eastern Goldfields Aboriginal Council. Brian has been Executive Director of the Goldfields Land and Sea Council (GLSC) since 1999. The GLSC is the peak representative organisation for the region's more than 3000 Indigenous people, and is the Federal Government-recognised native title representative body for the region. He is the current Chairman of the recently established National Native Title Council of Australia and also participates in the MCA Indigenous Leadership Forum.

Brian is a strong advocate of land justice for Aboriginal people and of using negotiated agreements, instead of litigation, to resolve native title claims, protect Indigenous heritage, and provide economic and employment opportunities. In 2001 he attended the UN Conference on Racism in South Africa and in 2002 his speech to a national forum in Canberra led to the Human Rights Commission inquiry into racism in the Goldfields, which reinvigorated the push for reconciliation across the region. In 2003 Brian was awarded a Churchill Fellowship to research land rights and economic development in South Africa, Canada and North America.

11.00am-12.30pm BREAKOUT SESSIONS

DESIGNING CORPORATE STRUCTURES FOR NATIVE TITLE GROUPS

Discussion Leaders:

Kym Elston, NQLC

Michelle Cohen (with Cordell Scaife), CYLC

Susan Phillips, Barrister

The establishment of corporate structures for the management of native title and benefits flowing from native title agreements and settlements is becoming a more complex and complicated corporate design challenge. This panel discussion will explore some of the emerging issues such as: multiple title holding bodies, for example under different legislative regimes; the separation of land holding and economic development bodies; the challenge of agreement specific corporations and the proliferation of corporate structures; the role of cultural values in corporate design; the relationship between the rules, functions and aspirations of native title corporations and the exercisable rights and interests under native title determinations; and the challenge for NTRB/NTSs in advising native title clients on appropriate and optimal solutions.

Michelle Cohen is a Legal Officer with the Cape York Land Council.

Kym Elston is a Senior Legal Officer with North Queensland Land Council.

Susan Phillips is a barrister at the Sydney bar specializing in native title. She has published and worked in that field since the *Mabo* decision was handed down in 1992. Susan has been counsel to many Indigenous groups from the Kimberley and Cape York to the south and eastern parts of Australia representing them in the Federal Court and in mediations and



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negotiations with government, mining companies, pastoralists and other parties. Susan teaches courses about Indigenous people and the law at UTS.

Cordell Scaife is a Legal Officer with the Cape York Land Council.

A ROAD MAP OF OUR OWN: THE NATIVE TITLE PROCESS FROM AN NTRB PERSPECTIVE

Mishka Holt & Natalie Rotumah, NSWNTS

The negotiating strategy adopted by a native title claim group is a key aspect to achieving a successful and positive outcome with any respondent party. This presentation will consider various aspects of developing such a strategy. It will also discuss the need to ensure that outcomes achieved from negotiations reflect the desires of Traditional Owners and is conducted within a framework of cooperation and equality. This presentation will consider three broad areas comprising:

- *Community Protocols and Governance Structures*
This will cover various points regarding the importance of knowing community protocols and the need to develop an effective governance structure which will support and compliment these protocols.
- *Defining Objectives and Assessing the Future Acts*
The success of any agreement is assessable against its ability to deliver the desired outcomes of the claim group. It is therefore imperative to establish the aspirations of a claim group and ensure that they are achievable and substantive, as well as reflected in any final agreement.
- *Negotiating Framework*
This will discuss aspects of ensuring that the framework for any negotiations reflects and compliments the needs and practices of participants within the negotiations.

Mishka Holt is a Legal Officer at NSW Native Title Services Ltd ('NSW NTS'). Over the last 2 years, Mishka has worked extensively with Aboriginal communities in coastal and western NSW on the prosecution of their native title claims, including in future acts negotiations with proponents and in negotiations with the State Government. Mishka has formed part of the team which has successfully negotiated the Central Ranges Pipeline Employment and Cultural Heritage agreements and the wharf development agreement between Yaegl People and the Clarence Valley Council.

Prior to joining NSW NTS, Mishka worked with the National Native Title Tribunal as a Case Manager, supporting Members in the mediation of native title claims and future acts negotiations. Mishka also has an extensive background in mediation, having been a Mediator for 6 years and a Project Officer with the NSW Community Justice Centre, who are responsible for the mediation of a wide range of disputes including community, family and Court referred matters and for developing statewide projects in relation to dispute resolution.

Natalie Rotumah is an experienced Community Facilitator at NSW Native Title Services Ltd ('NSW NTS') responsible for facilitation and dispute resolution processes on the North Coast of NSW. Over the last 5 years, Natalie has formed part of the team which has successfully negotiated the Githabul and Byron Bay Bundjalung Indigenous Land Use Agreements and has facilitated the negotiations between Gumbayngirr People, Local Aboriginal Land Councils and the Department of Environment and Conservation in relation to land scheduled for handback in Nambucca Heads.



Prior to joining NSW NTS, Natalie worked with ATSIC as a Sports Development Officer, working with individuals and communities to access funding and training and participated in negotiations for the construction of sporting infrastructure and facilities. Natalie also has an extensive background in land rights, having been the Regional Chairperson of the Far North Coast Regional Aboriginal Land Council. In this position Natalie was a member of the NSW Aboriginal Land Council's Think Tank for Talking Treaty. Natalie is a Minjungbal woman from South Tweed.

NEGOTIATING NATIVE TITLE SETTLEMENTS

Discussion Leaders:

Michael Ross, CYLC Chairperson

Peter Wallace, Eileen Walker, Doreen Ball & David Solomon, members of the Eastern Yalanji negotiating team

This session takes the format of a facilitated discussion with members of the Eastern Kuku Yalanji negotiating team, and Michael Ross, Chairman of the Cape York Land Council. Panellists and participants will discuss the negotiation process by which agreement was reached on the recent, significant Eastern Kuku Yalanji land/native title package.

The session will draw out issues raised in a detailed review Cape York Land Council has commissioned as part of its commitment to best practice.

Issues will include native title holder perspectives on:

- Native title holder expectations, and the extent to which they were met;
- Communication issues, including language and legal/technical terms;
- Socio-cultural issues including meeting locations, recognition of traditional owners;
- Unity of the native title holder group, and what sustained them during negotiations

The Eastern Kuku Yalanji people lodged a native title application in 1994. In 1997, The Cape York Land Council on their behalf proposed a tenure resolution package to the State to resolve native title, land and land management issues within their traditional land area. About 80% of the agreement area is located within the Wet Tropics World Heritage Area. Respondent parties included The State, 3 local government authorities, graziers, and others.

After intense negotiations, which commenced in 2000, a package of 15 Indigenous Land Use Agreements was completed in March this year. The package appears to be the most detailed and comprehensive native title package yet negotiated.

The agreements provide for recognition of native title, creation of new national parks, participatory management in national parks, transfer of extensive freehold to the traditional owners, and a greater role for traditional owners in land management.

The package secures some opportunities for housing and business development on traditional lands, with an area of 48,000 hectares transferred to the traditional owners as freehold. The package represents a compromise responsive to traditional owner aspirations, current native title outcomes, environmental values, and the prevailing negotiating climate.



ANTHROPOLOGY AND MEDIATING CONNECTION

A panel of anthropological practitioners will discuss of the assessment of connection reports by State Governments as part of the mediation process defined in the NTA, and an examination of the criteria used to assess connection reports, with particular emphasis on the requirement for normativity and societal labels.

Imagined societies: Towards an understanding of Statecraft and 'tribal' labels in North Queensland

Dr Sandra Pannell, Anthropologist

Sandra Pannell has a doctorate in anthropology from the University of Adelaide and currently holds the position of Adjunct Senior Principal Research Fellow in the Discipline of Anthropology and Archaeology at James Cook University. Previously, she held lecturing and research positions at the University of Adelaide, James Cook University, and the Centre for Resource and Environmental Studies at The Australian National University. In Australia, Sandra works as a consultant anthropologist, researching native title, undertaking cultural heritage assessments, and recording Indigenous cultural values with respect to World Heritage listing. To date, she has prepared connection materials for more than a dozen native title claims and has acted as an expert witness in the Federal Court of Australia. She has also undertaken extensive research in Indonesia, which has resulted in two books, one on resource management, and the other on violence, society and the state in Indonesia. She has also authored articles on kinship, intellectual property rights, native title, and marine tenure. For the past several years, Sandra has worked on a number of projects in East Timor concerned with past and contemporary land use, contact between Papuan and Austronesian language speakers, and memory, landscape and violence.

Rights and interests, law and culture and the requirement for normativity

Dr Jimmy Weiner, Anthropologist

Discussants:

Diana McCarthy, NTSV

Mike Wood, Anthropologist

Diana McCarthy is currently the Research Coordinator at Native Title Services Victoria. She has a first class Honours degree in anthropology from the University of Sydney and over ten years experience as an anthropological consultant in native title claims in WA, NSW and QLD.

INDIGENOUS TALKING CIRCLE: LAND & SEA MANAGEMENT

Discussion Leaders:

John Andy, Giringun

Chicka Turner, GBRMPA

Mick Harding, Taungarung

This Indigenous only session will begin the discussion that will continue throughout the three days of the conference, on the role of native title holders, and traditional owners more generally, in the management of land and sea country. It will touch on some of the successful programs that have given people back access and control over country in ways that native title has been unable to achieve directly, as well as reflecting on the conflict of interest issues that can emerge working to different land management regimes.



1.30pm-3.00pm BREAKOUT SESSIONS

MANAGING BENEFITS FLOWING FROM NATIVE TITLE

Maximising the benefits flowing from native title agreements and settlement is an important aspect of native title practice. Native title is not the economic windfall for Indigenous peoples that some might suggest, in large part due to the constraints imposed by the Native Title Act and the way in which native title rights and interests are defined. It is imperative therefore that greater attention is paid to developing and sharing best practice in the management of native title benefits. This panel will examine different perspectives on the management of large scale, rapid economic development currently taking place in the Pilbara, efforts by the Central Land Council to maximise the long term impact of benefits across a region and a specific case example of the implementation of the heralded Western Cape Communities Agreement

Managing the Mining Boom

Simon Hawkins & Michael Meegan, Yamatji Marlpa

Aggregating Benefits

James Nugent & Danielle Campbell, CLC

Western Cape Communities Agreement

Darryl Cronin, WCCCA

FACES BEHIND THE CULTURAL PATHWAYS: PANEL DISCUSSION

Discussants:

Chris Royan, Gurang LC

Natalie Rotumah, NSWNTS

Margaret Saunders, NQLC

Kevin Fitzgerald, SWALSC

Jade Johnson

Community liaison staff within NTRB/NTSs play a pivotal role in providing cultural pathways for the flow of information to and from the claimant groups, interpreting complex processes and structuring engagement through cultural appropriate meeting and communication strategies. This session explores the work of the field officers/community liaison staff, their role and importance in the system and identifies pathways more effective use, recognition and development of these roles within the native title system.

MANAGING THE NATIVE TITLE PROCESS TO GET RESULTS

From Claim to Self Sufficiency: the three stages of land ownership

James Fitzgerald, Chalk & Fitzgerald Lawyers

James Fitzgerald is a principal of Chalk & Fitzgerald Lawyers. James graduated from the University of New South Wales with a Bachelor of Arts and a Bachelor of Laws. In 1994 he joined the Cape York Aboriginal Land Council in far northern Queensland as a legal officer and was appointed Principal Legal Officer the following year.

James joined Melbourne law firm Arnold Bloch Leibler in 1997. During that period, together with the ex-director of Cape York Land Council, Noel Pearson, James advised and



represented the Cape York Land Council for several Aboriginal communities and traditional owner groups in a successfully concluded agreement with Alcan South Pacific Pty Ltd for the development of a bauxite mine and associated infrastructure in the western Cape York Peninsula. From 1995 to 2000 James was closely involved in negotiations with the aluminium company Comalco Limited, in respect of Comalco's Weipa bauxite mine.

During 1997, James was retained by the Department of the Senate to draft the minority report of the Joint Parliamentary Committee on Native Title. James was seconded as advisor to former Deputy Leader of the Opposition, the Hon. Gareth Evans QC MP, and former Shadow Attorney General, the Hon. Senator Nick Bolkus, for the Senate debates of the Commonwealth Native Title Amendment Bill between November 1997 and July 1998.

During 2002 James was instructed by Yamatji Land and Sea Council as Lead Negotiator to advise and assist the Ngarluma and Yindjibarndi People in their negotiations with the State of Western Australia concerning the State's compulsory acquisition of land on and around the Burrup Peninsula in the Pilbara Region. The negotiations led to a ground-breaking, comprehensive agreement with the State in terms that have since been the subject of a number of academic papers. From 2004 to 2007 James was instructed by Yamatji Land and Sea Council to advise and to represent numerous native title claim groups in regional negotiations with Rio Tinto Iron Ore, to modernise the relationship between the company and affected native title claim groups. Those negotiations are still in progress, but have already resulted in agreement between Rio Tinto and six affected native title claim groups.

MAPPING CONNECTION

This session draws together diverse perspectives on the idea of 'mapping connection', including the geospatial mapping of family networks, the mapping of spiritual connection and the role of anthropology in mediating connection within communities where connection is difficult to establish or is contested

Mapping Family Networks and Traditional Land Tenure in Northern NSW

James Rose, NSW NTS

This paper will draw attention to new developments in computer-based GIS and statistical modelling of Indigenous family networks across space and time and the relationship between these networks and traditional land tenure.

For the past 18 months NSW Native Title Services researchers have been collecting and cataloguing publicly-available marriage certificates documenting marriages between Indigenous communities in northern NSW over more than 150 years. The resulting spatial and temporal patterns highlight recurrent marriage networks between Aboriginal communities dating back to the first wave of British colonization. We believe that these patterns show a highly conservative preference for marriage between certain communities and not others.

Based on consultations with native title claimants in this area and existing anthropological, linguistic and ethnographic research, NSW Native Title researchers have been able to compare these long-term marriage patterns with community members' assertions about which families hold traditional tenure over which areas on a community-by-community basis. We now believe that we have begun to identify networks of marriage-based associations between specific sets of communities that reflect language group boundaries and traditional tenure areas previously based solely on the assertions of individuals.

We believe that the capacity to reinforce these assertions using large bodies of statistical and geospatial data spanning long periods of time and wide geographic areas adds significant weight to anthropological and historical evidence submitted in support native title claims.



James Rose is a Research Officer with NSWNTS. For 10 years between 1983 and 2004 James Rose lived and worked with numerous Central Australian communities stretching from Tennant Creek in the north to Finke and Angatja in the south. Before working for NSW Native Title Services he worked as Research Officer for the Aboriginal Areas Protection Authority in Alice Springs. Since 2005 James has worked as Research Officer for NSW Native Title Services on several major native title projects for central and northern NSW communities. James studied social anthropology at the Universities of Adelaide and Sydney.

Supernatural Connections?

Caroline Daniell, Yamatji

The supernatural, in general, is associated with phenomena that cannot be rationally explained and which go against western ideas of the laws of nature. In anthropology the supernatural is linked to concepts of magic, sorcery and witchcraft. For the purposes of this paper I shall focus on the concept of 'magic'.

According to Barfield's *Dictionary of Anthropology*, magic can be described as: 'supernatural actions done to achieve instrumental ends' and 'seems to rely on causal connections that a rational observer would describe as irrational; that is, it asserts causal connections that have no demonstrable existence in the natural world' (1997: 298).

In western-educated and scientifically driven cultures, the concept of magic has been highly problematic to philosophers and anthropologists who cannot accept as 'rational' culturally opposing cosmologies that include beliefs in magic and the supernatural.

In Indigenous communities around Australia, the concept of the supernatural is generic to understandings of the world and the universe. There are very strong supernatural beliefs and customs held and maintained contemporaneously by Aboriginal people in many parts of Australia.

This paper will focus on how this fact may be utilised more extensively and efficiently by anthropologists writing and researching for connection reports.

Caroline Daniell was born and brought up in Kenya, immigrating to Australia in 1985. Africa instilled in her a fascination for non-western cultures, particularly the kaleidoscopic and vibrant array of societies that make up the African continent: the art, craft, music, dance, costumes, jewellery, food, languages, rituals and customs. In Australia, her interest in Aboriginal culture became inspired.

Lured by the tropics, Caroline travelled to Cairns and subsequently studied anthropology at James Cook University. She graduated with a BA Hons (1st class), as well as a university medal, and went on to do a PhD for three years which she has deferred. For the next three years, she worked at the Cape York Land Council, conducting fieldwork in Indigenous communities around Cape York. Currently, she is working for the Yamatji Land & Sea Council, as their in-house anthropologist, in the Geraldton office. She travels up and down the western coast carrying out research for a number of claims.

Mediating Connection

Kim Barber & Wendy Asche, NLC



INDIGENOUS TALKING CIRCLE: NATIVE TITLE AND YOUNG TRADITIONAL OWNERS

Discussion Leaders:

Alfred Gray, Yarrabah

Shawn Martens, Gungandji

Many people involved in the native title process today would be surprised to be reminded that a large number of young traditional owners don't remember a time when native title did not exist. After 15 years of recognition in the courts, how much do young traditional owners understand about native title, how are they involved in the claim process, how much do they value the struggle that their families and communities are engaged in? Has the bureaucratisation of native title divorced the process from the underlying imperative for access to and return of lands. This Indigenous only session will provide an opportunity for young people to articulate what native title means to them, and what getting back on country means for them, their parents and their children, particularly in terms of building cultural and personal strength and wellbeing.

Shawn Martens is the youngest of four sons to knowledgeable and respected Gungandji elder, Mrs Jennifer Martens. Shawn graduated Year 12 in 1991 from Saint Augustine's Marist Brothers College Cairns Qld Australia. He has studied Physical Education and has certificates in Health Fitness and worked as a personal trainer. Shawn has worked in the performing arts area where he coordinated dance, drama and physical and cultural performances at Australia's only Youth Performing Arts Centre based in Adelaide.

Shawn now holds a degree in Australian Government Contract Management and currently resides in Canberra and is studying a Double Degree, Bachelor Laws & Bachelor Commerce, whilst working as Senior Project Officer for the Australian Government Department Health and Ageing, in their Social Marketing (Advertising) Unit - Central Office in Canberra. Shawn's work team is the Physical Activity and Nutrition team, of which his work is focused on creating behaviour change in the Australian population so that they may adopt lifestyle changes to exercise more and consume healthier foods to reduce the rate of obesity and other chronic diseases relating to being overweight and obese.

An active sportsman, Shawn is an avid campaigner for healthy living and positive lifestyle choices for himself and other indigenous Australians and the Australian population as a whole. Despite all the frustrations of independently assisting his clan group with the native title claims his family is involved in, Shawn has stayed true to his dream of acquiring the required capital to setup business and infrastructure to help members of his community in their pursuits.

Shawn strives to be a role model to motivate other young indigenous people into realising their dreams, whatever they may be. Shawn is in the process of working with various Department of Health and Ageing Senior Managers and Ministers and is very focused on holistically improving the wealth and health of indigenous people and indigenous communities.



3.30pm - 5.00pm BREAKOUT SESSIONS

NATIVE TITLE TRUSTS AND TAXATION

Discussion Facilitators:

Lisa Strelein, AIATSIS

As part of an ongoing project to investigate taxation models for native title payments, AIATSIS have joined with the Aurora project to draw together pro-bono coordinators to assist native title parties in resolving complex taxation and corporate design questions. This workshop is designed to elicit the major tax issues, whether GST, Capital gains income tax or stamp duty questions, confronting NTRB/NTSS in advising clients on the optimal structuring of agreements.

Lisa Strelein is the Director of the Native Title Research Unit at AIATSIS. Lisa's research and publications have focused on the relationship between Indigenous peoples and the state, and the role of the courts in defining Indigenous peoples' rights. Lisa has made a significant contribution to academic debate on native title in Australia, including her recent book *Compromised Jurisprudence: Native Title Cases since Mabo*, which was heralded by members of the judiciary and Indigenous community alike. She also writes for a wide variety of audiences and has worked with teams in creating a catalogue for a native title art exhibition and an award winning multi-media package on native title. Lisa maintains strong networks within the native title system, conducting research projects in partnership with or in response to the needs of native title representative bodies and claimants as well as government departments. Lisa is the convenor of the annual National Native Title Conference. Lisa has degrees in Commerce and Law and was awarded a PhD, for her thesis examining Indigenous sovereignty and the common law, from the ANU Research School of Social Sciences in 1998.

PBCs & NTRBs: RELATIONSHIPS POST-DETERMINATION

Feedback from AIATSIS PBC Workshops

Toni Bauman & Jess Weir, AIATSIS

The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) has embarked on a research project to develop greater understanding of the Prescribed Bodies Corporate (PBC) environment including native title holder aspirations and the resources which might be available to PBCs. It also aims to assist in the development of networks that may be of benefit. The first of a series of workshops focused on PBC issues was held with relevant staff of NTRBs and NTSS by the Native Title Research Unit (NTRU) at AIATSIS in Canberra on 5-6 December 2006. A second workshop was held for PBC members in Canberra on 11-13 April 2007. Participants at both workshops included government representatives from the Department of Families, Community Services and Indigenous Affairs (FaCSIA) and Attorney General's Department (AGD) who gave presentations on proposed changes to PBCs within the Australian Government's broader native title reforms. One of the reforms envisages that limited assistance to PBCs, including potential funding, will be provided through NTRBs and NTSS and there were discussions at both workshops about issues which such a proposal raises.

This workshop will report on and discuss issues arising out of the two previous workshops and the recent PBC funding guidelines which have been prepared by FaCSIA. The workshop will be interactive. It will aim to formulate protocol guidelines concerning the roles and responsibilities of PBCs and NTRBs/NTSS in relation to each other and the range of processes by which PBCs might access funding through NTRBs/NTSS.





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Toni Bauman is a Visiting Research Fellow in the Native Title Research Unit at the Australian Institute of Aboriginal and Torres Strait Islander Studies. She is an anthropologist, mediator, facilitator and trainer. She has over twenty-five years experience in a wide range of Indigenous matters including land and native title claims, agreement-making, decision-making and dispute management processes, National Parks and Indigenous Protected Areas, government policy, art and craft, evaluation, social impact, feasibility studies and tourism. She has worked as a staff member and consultant for a range of organisations such as Land Councils, Native Title Representative Bodies, the Aboriginal and Torres Strait Islander Commission, and the Aboriginal Areas Protection Authority in Darwin. Toni is a Director of Dodson, Bauman and Associates, and ran the Indigenous Facilitation and Mediation Project in the NTRU between 2003 and 2006.

Jessica Weir is a Visiting Research Fellow in the Native Title Research Unit at AIATSIS and a PhD Candidate at the Fenner School of Environment and Society at The Australian National University. Jessica is a human geographer whose research focuses on ecological and social issues in Australia, and the relationship between Indigenous representative structures and natural resource management institutions and planning. Jessica's research focus is the management of country, especially native title lands, with a particular focus in south-east Australia. Jessica is also currently working on the final draft of her PhD thesis 'Cultural flows: negotiating water with traditional owners from along the Murray River'. This project is supported by a research agreement with the Murray Lower Darling Rivers Indigenous Nations.

MANGING THE INSTITUTIONS OF NATIVE TITLE

This session will examine some recent experiences and reflections on the management of institutions and processes of native title to achieve the best results in terms of the recognition and protection of native title. Sharing tools and strategies for successfully managing institutional constraints and intransigence may provide much needed circuit breakers or momentum where negotiations become bogged down.

Managing the Institutions of Native Title

Matthew Moharich, NLC

Matthew Moharich is a solicitor employed by the Northern Land Council. Matthew worked at the Central Queensland Land Council from February 1999 until commencing work at the Northern Land Council in August 2003. Matthew has had and continues to have carriage of a wide range of native title matters including day to day responsibility for the case management of native title proceedings within the Land Council's region. Matthew was the instructing solicitor for the applicants in the Newcastle Waters matters which were heard by Moore J in 2006 and the solicitor with carriage of a number of major mining and other commercial agreements.

The fight to achieve the Gunditjmara consent determination in Victoria

*Eileen Alberts & Denise Lovett, Gunditjmara
Anne Daniel & Belinda Guest, NTSV*

The Gunditjmara people are the Aboriginal traditional owners of Far South West Victoria. On 30 March 2007 the Gunditjmara achieved a consent determination, eleven years after lodging their first claim. This presentation will discuss the path of achieving the consent determination from a traditional owner and representative body perspective with particular focus on managing group coercion, recalcitrant applicants, reviewing aspirations and managing demands within a representative body context.



Eileen Alberts is a Gunditjmara Native Title Holder from south-west Victoria. She has six years experience as a Community Liaison Officer in native title and worked as the Community Liaison Officer at Native Title Services Victoria on the Gunditjmara Native Title Applications. Eileen was one of two Gunditjmara witnesses to give evidence on-country during the three day Early Evidence Hearing in 2005. She also has experience working with Winda Mara Aboriginal Corporation to set up Budj-Bim Aboriginal Tours to Lake Condah to explore the remains of Gunditjmara stone huts and fish traps. Eileen is secretary of the Gunditj Mirring Traditional Owners Aboriginal Corporation, the PBC responsible for managing the Gunditjmara native title rights and interests.

Denise Lovett is a Gunditjmara Native Title Holder from south-west Victoria. She has six years experience as the Aboriginal Cultural Heritage Officer for the South West and Wimmera Cultural Heritage Program and has been responsible for brokering agreements between the Gunditjmara people, developers, local government, individual land owners, and stakeholders such as Telstra and VicRoads. She has been involved in negotiating agreements on high profile projects including the Portland Wind Towers and the Glenelg Water Pipeline. In October 2006, Denise was appointed a member of the new Victorian Aboriginal Heritage Council, as part of a group of Victorian Indigenous people who will advise the Victorian State Government on cultural heritage.

Belinda Guest is a Senior Research at Native Title Services Victoria. She is a historian who has been conducting native title research in Victoria since mid 2000. Belinda has conducted research for the Gunditjmara native title applications for the last 7 years. She is currently also working on native title applications in the north and east of Victoria.

Ann Daniel is a lawyer who has previously worked for the New South Wales Government and Cape York Land Council. Since January 2005 she has been working on the Gunditjmara Native Title Applications at Native Title Services Victoria which achieved a consent determination in March 2007. Ann is currently completing her Masters of Law and Development at the University of Melbourne and has an interest in the process of negotiation as a means of empowering people.

INFORMATION MANAGEMENT AND ACCESS PROTOCOLS

Discussion Leaders:

Jenny Bolton, KLC

Justine Twomey, legal consultant

Linda Dean, Rubibi claimant

Native Title Representative Bodies are amassing large quantities of connection reports, maps and other materials generated by their work. After a general introduction to the topic and a progress report on the Future of Connection Material project, this session explores information management and access protocols from three viewpoints: collection management, legal issues and Indigenous users. The Kimberley Land Council is developing a set of access protocols and procedures, and the panel, will discuss the issues raised by the exercise. All panellists are or have been employed by the Kimberley Land Council and have had major roles in forming the draft protocols.

Jenny Bolton has been responsible for the Kimberley Land Council's Library and Archive Services since 1996. In that time the Library has grown from a small room and a few shelves to a collection that is held in a modified house and a sea container. Jenny was also asked, in 2001, to lead a small team to develop a Records Management system and database for the Land Council. Since 2005 Jenny has been working with the Library Executive Subcommittee to give direction and make policy on access and preservation issues.





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Justine Twomey was a legal officer with the Kimberley Land Council from 2004 to 2006. In that time she worked on a number of native title claims and negotiated agreements. She also contributed to the development of policies by the KLC Executive Subcommittee and KLC Librarian for the control of access to material held by the KLC.

Linda Dean is a Yawuru woman and represents the Rubibi Claim Group members on the Kimberley Land Council's Executive Committee. In 2005 Linda was elected by the Full Executive to be one of four members on the KLC's Library Executive Subcommittee who meet regularly to make decisions about access requests and formulate policy on a range of issues. Linda's special interest area is in looking at ways to establish Library and Archive Management training for local people, to ensure that the KLC will always have people to look after their information, as well as other significant regional collections.

INDIGENOUS TALKING CIRCLE: NATIVE TITLE BASICS: Q & A

Dale Mundraby, NQLC

Jason Behrendt, Chalk & Fitzgerald Lawyers

Tony McAvoy, Barrister

Claiming native title involves complex ideas and complicated processes that emerge from the legal context in which Indigenous people must assert their rights to traditional lands. This session for Indigenous delegates only provides an opportunity to take time out from the technical sessions of the Conference and get back to basics. Indigenous legal experts, Jason Behrendt and Tony McAvoy and community liaison for the North Queensland Land Council, Dale Mundraby will be available to answer questions about the native title process from application, through to final determination.

Jason Behrendt is an Aboriginal person and has a variety of experience in Aboriginal legal issues. Jason graduated from the University of New South Wales with a Bachelor of Arts/Bachelor of Law degree in 1994 and a Master of Laws degree at the University of New South Wales in 1998. He was admitted to practice as a Solicitor in 1994. He has been employed at Chalk & Fitzgerald (formerly Andrew Chalk Associates) since 1996.

From 1990-1993 he was a trainee editor and later a co-editor of the Aboriginal Law Bulletin which is published by the Aboriginal Law Centre at the University of New South Wales. From 1994-1995 he was employed as a Legal Officer in the Native Title Unit, Office of the Aboriginal and Torres Strait Islander Social Justice Commissioner at the Human Rights and Equal Opportunity Commission. There he assisted Commissioner Michael Dodson to report on the operation of the Native Title Act 1993 (Cth) through the Native Title Report: January - June 1994, HREOC, 1995 and Native Title Report: July 1994 - June 1995, HREOC 1995.

After joining Andrew Chalk Associates in 1996 Jason had carriage of a variety of matters involving a number of Aboriginal organisations including the New South Wales Aboriginal Land Council, Birrigan Gargle Local Aboriginal Land Council, Deerubbin Local Aboriginal Land Council and Carpentaria Land Council Aboriginal Corporation. He has had carriage of litigation involving the Native Title Act 1993 (Cth) and the Aboriginal Land Rights Act 1983 (NSW). Jason had principal carriage of the Wellesley Islands sea claim in the Gulf of Carpentaria and the Githabul Native Title Claim in New South Wales.

Tony McAvoy born and bred in Brisbane, Tony's traditional country is the Clermont area of Central Queensland. In 1983, Tony commenced work as an articled clerk with a Brisbane law firm. In 1988, Tony graduated in law from QUT and was admitted as a solicitor. He practised as a solicitor in general practice until 1992 when he went overseas. Returning to Brisbane in early 1994 he worked as a solicitor at the Brisbane Aboriginal Legal Service. In late 1994 he went to Sydney to work for the Department of Aboriginal Affairs. In 2000 he was admitted as a Barrister in NSW. He currently works in the areas of native title and land rights and also specialises in resource law, criminal law, human rights and planning law.

