



Faces behind the Cultural Pathways

Honing and Homing the Normative Society


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A Project Officer's Perspective

- 3 years as a Project Officer, responsible for 7 groups of different sizes and complexity.
- Part of a team comprising of Legal Officers, Project Assistants, Staff Historian, Administrative Support Staff and Contract Anthropologists.
- Work closely in the field with the Traditional Owners and Anthropologists.




Pathways for Native Title Cases in Queensland

- Mediation via Connection Report
 - Litigation – *not preferred* – stress for Traditional Owners and dollars.
 - Resolving overlaps with neighbours
 - Strike Outs
 - Withdrawals
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Mapping the Pathways

- The team members have to be travelling with the Traditional Owners on the same paths and the same road.
 - The Traditional Owners have their paths and their tracks.
 - The lawyers have their paths & tracks.
 - Anthropologists have their paths & a road.
 - My Job – Merge these paths and tracks together into one lane for the Native Title process.
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Managing the Travellers

- *Vision* – big picture of the big map and the goal and the outcome.


- *Communication and Consultation* – team meetings; Traditional Owners information sessions with team; mail outs; teleconferences; newsletters; phone calls; promote the applicants to network.

- *Self-Awareness* – for each group re its track and how its track joins the main path.



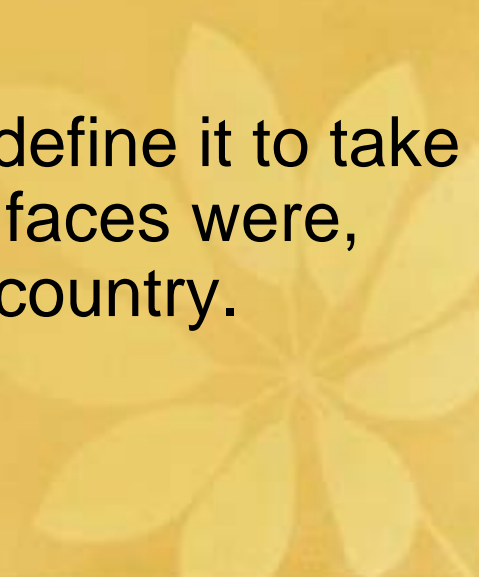


Managing the Paths

- Acknowledge & Listen (TO, lawyer, anthropologist, developer and others).
 - Locating them – where they are in the process.
 - Identify their issues
 - Address issues
 - Assign matter to appropriate the team member
 - Follow up during team consultation – are we all on the same page?
 - Build trust and respect within the team and between the team and the Traditional Owners
 - Open and transparent with our process
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Project Officer Basics

- When is all not enough - explain to the Traditional Owners that the evidence of their Law & custom with respect to their country might not be sufficient to meet the requirements of Native Title Act (NTA).
 - How far back do we have to go ? - the sovereignty concept – western time frame for matters that are based on concepts always being there (the faces were, faces are, and faces will be there in country).
 - Interruption is a legal concept – how do we define it to take into account the Aboriginal concept that the faces were, faces are, and faces always will be there in country.
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Problems that Affect our Traditional Owners

- Inadequate consultation.
- Limitations of resources and time and professionals.
- The standard of proof required for Native Title is uncertain – goal posts change as the law develops.
- Legal Profession not consulting with Traditional Owners with respect to their expectations & aspirations (compensation, USL, ILUAs, recognition, joint governance, co-existing management).
- Anthropologist needs to be part of Project Team.
- Breakdowns within the Project Team can affect Traditional Owners outcomes and aspirations.


Cultural Heritage v Native Title

- *Different Acts – different requirements*

1. Under the *Aboriginal Cultural Heritage Act 2003* (ACHA), stakeholders deal with registered native title applicants as the *Aboriginal Party* for the area and for the purposes of the ACHA.
2. Under the Native Title Act, those who assert native title rights & interests are those registered by the NNTT as Native Title applicants.

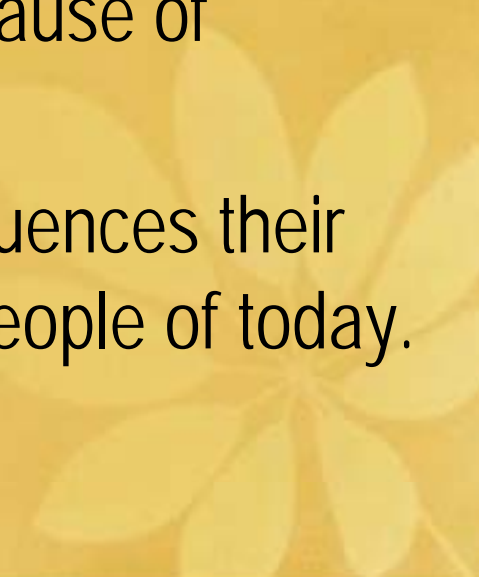


Cultural Heritage Issues

1. Too much focus on compensation
 2. Not enough focus on education, traineeships, apprenticeships, management roles, equity
 3. Takes time from Native Title Projects
- *Cultural heritage is part of the native title process and should be recognised as part of the process.*
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Destinations

- As project officer – get the various groups on the one path and the same but – WHERE TO?
 - Qld Legislation to protect Aboriginal people from abuse *“interrupted connection”* [as the Law interprets this concept].
 - Qld Government is responsible for any perceived interruption to connection – that the State was and is the cause of interruption to social and cultural continuity.
 - They should take steps to address the consequences their 1897 Legislation has had for their Aboriginal people of today.
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Change of Path

- The Law should stop challenging the Aboriginal People to meet legal requirements that have developed in a vacuum - that have not taken into consideration Qld's previous legislation
 - In many cases, the State caused interruption to social and cultural continuity.
 - Now it's time for the State to appreciate how Aboriginal People retained and maintained connection in the face of opposition.
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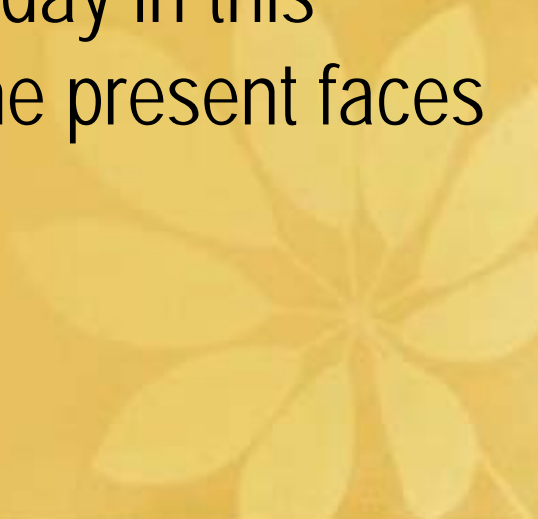


Roads to History

- Archibald Meston was architect of the 1897 *Aborigines Protection and Restriction of the Sale of Opium Act*. And he referred to Queensland Aboriginal People as *“that unhappy race”*.
 - Does Qld want to be remembered in history as the state that did not act to rectify the circumstances of its Aboriginal People?
 - Will Qld Aboriginal People continue to be known as that *“unhappy race”* and will Qld become known as that *“unhappy place”*?
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Meeting of the Pathways

- Vision is the issue - Our Traditional Owners have pride in their culture and history.
 - They want their history and culture to be part of the *"mainstream curriculum"*. They want acknowledgement and respect.
 - What outcomes Land Councils achieve today in this process is for the past faces, as well as the present faces and those to come.
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