

National Native Title Conference 2011



Speakers' Abstracts and Biographical Notes

Parry Agius

Dialogue Forum—Do we have to choose between country and development, or can we have both?

Parry Agius is the Chief Executive Officer of South Australian Native Title Services (SANTS). Parry was born in Maitland, SA and is a Narungga man, with a lifetime's experience in dealing with Aboriginal issues. As a leader in the Aboriginal community for many years, Parry has had a substantial impact in building partnerships and bridging the gap of understanding between Indigenous and other Australians. In relation to native title, his work over the last 15 years has been instrumental in achieving an organised, consistent approach to native title resolution in South Australia and delivering genuine social, cultural and economic benefits for Aboriginal people. Parry has received a number of awards and holds a number of other appointments including the Chairperson of the South Australian Aboriginal Advisory Council, the Chairperson of Aboriginal Enterprises Mining Exploration Energy Limited and Presiding Member of the Alintjara Wilurara Natural Resource Management Board.

Tjaruwa Mary Anderson

Living with Native Title

I would like to talk about my experience working as an interpreter on the first litigated Native Title claim in South Australia. Though I was employed as the interpreter, I was also used as a cultural broker between the claimants and the staff of the Native Title Unit and the many lawyers and professionals that claimants had to deal with before and during early stages of the claim process and the long trial. I want to share the frustrations of the claimants and myself and how hard it was for them to go through with this. This claim was lodged in November 1993 and it was not until June 2005 that it was granted Native Title. I am currently the Chairperson of the Ipalka Aboriginal Corporation which is from the Native Title Claim. I also want to share what the people thought they were getting and how they feel today. Even though the claim is over, people still ask me questions on what is happening, so we are still explaining the process today.

Tjaruwa Mary Anderson is a Yankunytjatjara woman, born and raised on the land, grew up in the Northern Territory place called Finke, a Railway Siding township, which later became

an Aboriginal Community now known as Aputula Community. I went to school at Finke and for high school went to Yirara College and attended Alice Springs High School and a bit in Adelaide, but got homesick for the bush and dropped out of school at 14. Most of my experience I've gotten through employment. I have worked at various organisations starting with Central Australian Aboriginal Congress, Central Land Council, Aputula Housing Association, NT Dept. Education, NPY Women's Council, PY Media, APY Umuwa, SA Premier and Cabinet and back to APY Umuwa, where I am now. I have represented my people in many different forums, starting with ATSIC. One of the first graduates for Indigenous Women's Leadership Program, SA Women's State Gathering, State Rep. for International Gathering in Hobart, SA Aboriginal Advisory Council.

Donald Banu and Kate Whitton

Towards Autonomous and Self-Sustaining Prescribed Bodies Corporate – An Overview of TSRA's Capacity Building Project

Mr Donald Banu is the Torres Strait Regional Authority Board Member for Boigu and also the Portfolio member for Native Title. Mr Banu holds a Diploma in Environmental Health, a Certificate IV in Local Government and Administration, and a Certificate IV in Environmental Health. Mr Banu has specialist communication, negotiation and relationship management skills that relate to 'Ailan Kastom' and is able to develop productive working relationships across all of the communities in the region. In addition, Mr Banu has a demonstrated ability to work with government and non-government agencies to achieve outcomes for the Aboriginal and Torres Strait Island people throughout the region. One of Mr Banu's key areas of focus is to increase the capacity of the Torres Strait Prescribed Bodies Corporate so that people in the region can participate in economic activities, such as lease agreements. Mr Banu is also concerned about the effects of climate change and coastal inundation in the Torres Strait region and will continue to work with all stakeholders towards finding short and long term solutions to address environmental issues.

Kate Whitton is the TSRA's Prescribed Bodies Corporate Support Officer and delivers the PBC Capacity Building Project within the TSRA's Governance and Leadership Program. This project is intended to provide the capacity for the 20 PBCs in the Torres Strait region to become autonomous and self sufficient. Miss Whitton holds a Bachelor of Arts (Development Studies) and an Advanced Diploma in Legal Practice. Miss Whitton has previously worked at the Northern Land Council, and undertook an internship in Micro Credit Finance in Ecuador as part of her undergraduate studies, prior to commencing work with the TSRA in October 2009.

Toni Bauman, Valerie Cooms, Tim Ellis, Gary Howell, Jade Miller, Dale Mundraby, Bruce Rose, Dermot Smyth with:

Specialist participants for Part 1 and 2: Richard Ledger, Helen Ross, Nigel Hedgcock, Rosemary Hill, Dean Matthew, Joann Schmider, Michael Ross, Maxine Naden, Jessie Brown, Larry Johns, Arturo Izurieta.

Joint Management Workshop Part 1: Towards Equity in Native Title and Joint Management of National Parks: What harms and what helps?

Negotiations between native title holders and Commonwealth, State and Territory governments for joint or co-management agreements over national parks and other conservation or protected areas are a major component of native title agreement-making. Joint management is not only about the structural more formal relationships that are negotiated between the partners; it is also about communication, the business of decision-making and dispute management processes and building relationships on the ground. One does not necessarily reflect the other. There are obvious power imbalances between the partners: one as government with significant material resources, and the other as native title holders or claimants with little or no resources to ensure the good governance which is essential to success. There are also questions as to: the appropriateness of arrangements; relationships between IPAs, native title, national parks and joint management; and issues around the diversity in arrangements which have arisen in native title negotiations within and across State and Territory jurisdictions - notwithstanding that parameters are limited by existing state and territory legislation and by land tenure.

This workshop over two conference sessions aims to highlight some of the issues across and within State and Territory jurisdictions, practices in evaluation and monitoring, and to identify 'what harms' and 'what helps' in joint management and native title processes. It will also consider possible benefits in arriving at a national principled framework and work to identify what might be included in such a framework. Panel discussions will be facilitated as dialogue to also include participants in the audience including a number of specialists, rather than as formal presentations.

Toni Bauman: *Setting the Context: Joint management as structure and process.*

Panels:

Valerie Cooms: *Getting it Right, Training for non-Aboriginal Rangers in preparation of Joint Management of National Parks: the Quandamooka Stradbroke Island example.*

Tim Ellis: *Response to Valerie Cooms.*

Dermot Smyth and Dale Mundraby: *Native Title, IPAs, Joint management and national park.*

Bruce Rose: *Response to Dermot Smyth and Dale Mundraby*

Gary Howell: *Issues in negotiating and implementing joint management: a Victorian perspective*

Jade Miller: *Traditional Owner Yorta Yorta Response to Gary Howell.*

Toni Bauman is a Research Fellow and an anthropologist, mediator, facilitator and trainer. She has over thirty years experience in a wide range of Indigenous matters including: land and native title claims; agreement-making; governance including decision-making and dispute management processes; cultural heritage; negotiation and partnering; National Parks and joint management; 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, and Government Departments. Between 2003 and 2006, Toni ran the Indigenous Facilitation and Mediation Project in the NTRU; and in 2008, advised the Federal Court on its Indigenous dispute resolution and conflict management case study project. She also undertakes a range of speaking engagements and facilitates a wide range of workshops.

Valerie Cooms belongs to the Nunukul people of Minjerriba or North Stradbroke Island. Valerie has 6 grandchildren. Valerie has a Bachelor of Arts Degree majoring in Political Science and History from ANU and a Bachelor of Arts Degree with Honours from the University of New England. She is finishing her PhD in Queensland Political History at ANU. Valerie has worked in various positions including the CEO of Queensland South Representative Body Aboriginal Corporation and later Queensland South Native Title Services. Valerie is a board member of Indigenous Business Australia and a member of the Closing the Gap Clearing House in the Australian Institute of Health and Welfare.

Tim Ellis is the Director of the North Stradbroke Island Strategy with the Queensland Department of Environment and Resource Management. Tim has a background of over 25 years public service in land administration in Queensland and over 20 years experience in delivering landscape changing projects to small communities. Tim has been involved in conservation movements, campaigned for the cessation of harvesting native forests, and been involved in policy development and implementation of the rural leasehold land review in Queensland. As a member of the State negotiating team for the Quandamooka Peoples Indigenous Land Use Agreement and Indigenous Management Agreement, Tim has played an active role in the process of initiating a joint management agreement and legislation for Stradbroke Island, the first outside of the Cape York region, which is even more significant being for land within 40km of the State's capital city, Brisbane.

Gary Howell is the Director of Forests and Parks Strategy at the Department of Sustainability and Environment. Gary has a Science Degree with Honours in Zoology, a Master of Environmental Studies and a Master of Public Administration. Gary has worked in local, state and national government in Australia as well as spending two years working in Botswana. Gary has been involved in water reform and river management at both the state and national level. Over the last two to three years he has been working on strategic management of Victoria's forest and parks. This includes Traditional Owner access and involvement in the management of land. Gary and his team led the department's involvement in the development of the Traditional Owner Settlement Bill and negotiations that have led to Victoria's first two agreements to jointly manage public land with the Gunakurnai and Yorta Yorta people.

Jade Miller is the CEO of the Yorta Yorta Nation Aboriginal Corporation and an author, business builder, marketer, and respected influence in the non-for-profit industry. He has authored books, worked with well-known non-for-profit organisations, and is a speaker that has addressed many people. His combined experience in business, philosophy, and social science gives him a unique knowledge that enables him to help non-for-profit organisations and people working in the industry achieve their goals. He has been the Chief Executive Officer of Yorta Yorta Nation Aboriginal Corporation for 3 years, holds a Bachelor in Health

Social Science and is presently studying his Masters in Health and Social Science. He has been a key part to delivering Victoria first traditional owner jointly managed national park.

Dale Mundraby is a Traditional Owner of the Mandingalbay Yidinji People, from the Far North Queensland Wet Tropics Region who has worked for the North Queensland Land Council for the last 8 years. He has been previously employed as a Primary School teacher, having gained a Bachelor of Education in 1998, and has worked for the Wet Tropics Management Authority. Dale is a board member of the Djunbunji Ltd Land and Sea Program and assists the Mandingalbay Yidinji Aboriginal Corporation Prescribed Body Corporate in developing projects on country with the goal of looking after country.

Bruce Rose is the Acting Assistant Secretary, Parks and Protected Area Programs in the Department of Sustainability Environment Water Populations and Communities. He has a long involvement with the Commonwealth's Indigenous Protected Area Program.

Dermot Smyth trained as a biologist and has undertaken field research in northern Australia, PNG, Indonesia and West Africa, developing a strong interest in the relationship between Indigenous peoples and their environments. For the last 20 years Dermot has worked as a consultant in Indigenous environmental management in Australia, with a particular interest in protected areas. Dermot helped develop the concept of Indigenous Protected Areas (IPAs) in the mid 1990s and is currently assisting several Traditional Owners groups to establish IPAs over national parks and marine parks where native title has been determined. Dermot is an Adjunct Principal Research Fellow at Charles Darwin University.

Toni Bauman, Natasha Stacey and specialist participants

Joint Management Workshop Part 2: Evaluating management or joint management? What harms and what helps?

This session will raise issues around evaluation and monitoring of joint management, finding out what works and what doesn't work. The session will be interactive. Depending on numbers the audience may be involved in working in small groups to identify 'what helps' and 'what harms' in joint management arrangements and practices, services and policies which might inform a national framework. Responses will be reported and discussed.

Toni Bauman: *Evaluating Management or joint management as the business of process and relationship?*

Natasha Stacey: *Participatory monitoring and evaluation of joint management in the NT: challenges and lessons.*

Natasha Stacey holds a PhD in anthropology and has 15 years experience in research and development projects in natural resource management across the Pacific Islands, Indonesia, Timor Leste, northern Australia and Malaysia. She has been employed as a Community Assessment and Participation Specialist on the GEF-funded Pacific International Waters Project based at the Pacific Regional Environment Programme in Samoa and spent most of

the 1990s researching the social, cultural and economic drivers of Bajo and other Indonesian traditional fishing activity in Australian waters. She currently works as a Senior Research Fellow at the Research Institute for the Environment and Livelihoods, Charles Darwin University. She is involved in a diverse portfolio including building local capacity for whale shark conservation in eastern Indonesia; designing a participatory monitoring framework to support joint management of Parks in the Northern Territory, and improving coastal and marine livelihoods and fisheries management in the Arafura-Timor Seas region.

Joint Management Workshops Specialist participants

Professor Helen Ross is Professor of Rural Community Development in the School of Agriculture and Food Sciences, the University of Queensland. She is an interdisciplinary social scientist (environmental psychologist and anthropologist) specialising in community roles in environmental management. She works on co-management, Indigenous natural resource management, resilience, social-ecological systems, social impact assessment and public participation in partnership with a range of communities and/or management organizations. Her recent projects include a series of studies assisting Aboriginal communities and government agencies to explore their opportunities for co-management of the Great Barrier Reef Marine Park and a study of Moreton Bay (south east Queensland) as a social-ecological system, to assist in monitoring of the marine park use and management. Helen is also the Editor of the *Australasian Journal of Environmental Management*, and a member of the Australian Psychological Society's Climate Change Expert Reference Group, and a member of HealthyWaterways Partnerships's Scientific Experts Panel.

Nigel Hedgcock has worked for over 25 years for the Queensland Government in environmental management in far north Queensland, including marine and national parks and World Heritage Areas. He engaged with the Indigenous communities of Cape York and Torres Straits during the establishment of the Great Barrier Reef Marine Park management regime; initiated participation of Traditional Owners in National Park management; and represented the State in claims under the *Aboriginal Land Act 1991* for national park lands. During the last decade Nigel has lead engagement policy and planning for the Wet Tropics Management Authority facilitating the Wet Tropics Regional Agreement 2005 and negotiating and implementing Native Title determinations and associated ILUAs, including Eastern Kuku Yalanji. A basic tenet of his work is to achieve practical and beneficial well-being outcomes for Traditional Owners.

Dr Rosemary Hill is a human geographer and senior research scientist with CSIRO Ecosystem Sciences in Cairns. She specialises in environmental governance and planning research with communities at multiple scales to foster sustainability in natural and cultural resource conservation, with a particular focus on Indigenous peoples' knowledge and planning systems. Rosemary recently co-authored the first National Guidelines for Indigenous Protected Area Management Plans in Australia, and the Miriuwung-Gajerrong Cultural Planning Framework. She is a member of the Australian Landcare Council, the World Commission on Protected Areas, the IUCN Commission on Economic, Environmental and

Social Policy and sits on the Boards of the Australian Conservation Foundation and Ecotrust Australia.

Arturo Izurieta holds a PhD in natural and rural systems management at the University of Queensland and has over 15 years of experience in management effectiveness evaluation and planning of protected areas. He is a former Director of the Galapagos Islands National Park and Marine Reserve and was Senior Officer for the WWF Central America Programme which involved bioregional planning and coordinating conservation activities in the Mesoamerican Caribbean Reef Ecoregion. Before coming to Australia in 2003, Arturo was managing a GEF-UNDP project on Introduced Species in the Galapagos Islands and was a member of a 'task force' of the World Commission on Protected Areas supporting the development of a framework to assess management effectiveness of protected areas. Arturo's research interests in Australia have focused on providing tools to engage community leaders and stakeholders in the management of natural resources, particularly within protected areas in Queensland and the Northern Territory.

Richard Ledger has been involved in natural resource management in northern Australia for nearly 30 years. He has worked with Traditional Owners on land management, community development and joint management projects in Arnhem Land, Kakadu, Cape York and the Kimberly. He is currently employed in the Northern Territory as the Joint Management Government Coordinator responsible for developing the governance arrangements for the 27 Framework parks over which the NT Government has entered into long term partnership arrangements.

Dean Matthew is a Yawuru man who is a project officer in the Land and Sea Management Unit at the Nyamba Buru Yawuru Aboriginal Corporation in Broome. He is currently working on a 6 month cultural management plan for joint management of Yawuru Conservation Reserves within the Yawuru native title determination including Broome and surrounding country.

Maxine Naden is the co-ordinator of the New South Wales Aboriginal Co-management Unit Protected Area, Policy and Planning, Parks and Wildlife Group (PWG), Office of the Environment and Heritage, Department of Premier and Cabinet (previously known as Department of Environment, Climate Change and Water). Maxine has worked for the Office of the Environment and Heritage, Department of Premier and Cabinet over the past 13 years in regulation and planning, Aboriginal cultural heritage management and protection and Aboriginal partnership co-ordination roles on the NSW National Parks Estate. Maxine has extensive experience in and commitment to the NSW Aboriginal Joint management program. Recently, Maxine finalised the development of the DECCW Aboriginal Park Partnership Manual to provide guidance for DECCW staff and Aboriginal communities in NSW who are, or will be engaging in joint management and is currently drafting the Aboriginal Park Partnership Policy.

Michael Ross is a member of the Cape York Land Council Board of Directors and a previous Chairman of the Board. He has been involved in joint management negotiations in Cape York.

Joann Schmider is a Millaa Millaa rainforest, Waribara clan woman of the Mamu native title claimant group centred around Innisfail in Far North Queensland. Joann is a Traditional

Owner Director at local level with her own people, at sub regional level with 6 Traditional Owner groups through a TO organisation and at regional level with the 18 Rainforest Aboriginal peoples including as Director for Indigenous Women's Interests with the natural resource management body (TerrainNRM). Through this, Joann participates in Traditional Owner networks at state and national level. Mamu people have 25 terrestrial and marine national parks in their custodial footprint, including within the central Cairns to Tully Wet Tropics World Heritage Area, and protected area management is a core agenda across all Rainforest Aboriginal peoples' country. In this work Joann draws on 30 years' state, national and international Indigenous affairs experience in social and economic development.

Larry Johns is a Ngarinyman/Ngaliwurru Traditional Owner who is currently the Chairman of the Judbarra/Gregory National Park Joint Management Committee. Larry has had a long career (37yrs) as a Regional Weeds Officer working on his country for the department of NRETAS (Natural Resources, Environment, The Arts and Sport).

Jessie Brown is a Wardaman Traditional Owner who is a member of the joint management committee for the eastern sector of Judbarra/Gregory National Park and also sits on the Steering Committee of the proposed Wardaman Indigenous Protected Area. Jessie worked as a ranger at Nitmiluk National Park for a number of years. She has also contributed significantly to the Wardaman Ethnobiology project and resulting publication.

Andrew Beckworth and Tom Jenkin

Emerging post-native title landscapes in South Australia: Some opportunities and challenges

The forecast settlement of native title claims across much of the pastoral country of South Australia offers many opportunities for change beyond the immediacy of native title. The recognition and establishment of regional Aboriginal organisations defined by cultural affiliations and responsibilities to country represents a shift away from residency. The determination of native title and negotiation of agreements are positioning native title groups within a web of legal, economic and socio-cultural relations. Significant opportunity arises from this new found positionality – for native title groups, for governments, and for the private sector. This includes restructuring regional Aboriginal community affairs, redirecting and coordinating government service provision, developing new public and private sector relationships and partnerships, engaging in wealth creation and building lasting regional futures. However, after fighting for recognition, such geo-political changes are not certain for native title groups.

While procedural rights are secured, the lack of investment in the post native title environment at individual, board and regional levels may place such opportunities beyond the reach of native title groups as they focus on coming to terms with governance, compliance and administrative requirements. This paper considers some of these opportunities and challenges and calls for the under-investment in start-up native title corporations to be addressed to enable corporations to not only effectively govern, but also engage in geo-political change and more development-orientated pursuits.

Andrew Beckworth is the Principal Legal Officer at SANTS. Andrew is responsible for the Client Services team at SANTS and is a member of the Executive Team. Andrew is also the Solicitor on record for the Gawler Ranges, Yandruwandha/Yawarrarrka, Ngadjuri Nation and Eringa 3 native title claims.

Tom Jenkin is the Manager of Implementation and Projects at SANTS. Tom joined SANTS (then NTU) in 2005 to undertake a review of the South Australian statewide negotiation process which formed part of his doctoral research entitled *Negotiating Indigenous-Settler Geographies*. Tom has since worked across a range of native title related matters including implementation initiatives, legislative and policy reviews, heritage and caring for country projects, and supporting the Aboriginal Congress of South Australia and the Aboriginal Foundation of South Australia. Tom is a geographer with applied research interests in achieving just and sustainable outcomes and geo-political change from native title.

Michael Bennett

Research, evidence, and tenure

Since 2002, NTSCORP has adhered to a policy of sharing research material with native title claimants. Individuals have been able to request a personal genealogy (showing only direct ancestors) based on the archival and anthropological research conducted by NTSCORP staff. Copies of publicly available supporting documents (such as birth, death and marriage certificates, and newspaper articles) are also provided. The policy has assisted NTSCORP to build an extra layer of trust with many of the communities we work with. For the most part, the genealogies are gratefully received and the feedback helps us to improve the accuracy of our records. But there are drawbacks to the policy, too. There is a tendency for some claimants to focus solely on genealogical evidence to the exclusion of questions about law and custom. There is also pressure on NTSCORP staff to break confidentiality and provide information on relatives other than direct ancestors. Despite these problems, the process of sharing information with claimants has been a success with over 1,100 personal genealogies sent out in the last five years alone. It is a policy worthy of consideration by other Native Title Representative Bodies and Service Providers, although it is unclear whether it would work outside a mediation environment.

Michael Bennett is the research historian with NTSCORP in Sydney. He has conducted archival research on numerous claims in NSW since 2002. His other research interests include the history of police trackers in NSW since 1862 and the impact of missionaries on Aboriginal patterns of movement in colonial NSW.

Sheila Begg

Dialogue Forum—Is the pressure of proactive case management worth it?

Sheila Begg started her native title career at the Solicitor for the Northern Territory in 1995, and was involved in the Kenbi land claim under the *Aboriginal Land Rights (Northern*

Territory) Act 1976 (Cth), and in the first instance and Full Federal Court appeal hearings of the Miriuwung Gajerrong and Croker Island (*Ward and Yarmirr*) native title claims. She also assisted Parliamentary Counsel with amendments to Northern Territory legislation following the 1998 amendments to the *Native Title Act 1993 (Cth)*. In 1999 she moved to Perth to what was then the Crown Solicitor's Office and was involved in a number of matters involving challenges to registration test decisions, and in native title litigation in the Kimberley (Karajarri and Rubibi claims) and in the South West. In 2003 she accepted a job with the Australian Government Solicitor (AGS) in Canberra, supervising all native title litigation in Australia to which the Commonwealth was a party including the Yulara proceedings. In 2004 she returned to her job at the State Solicitor's Office. Currently she is involved with the negotiations over the South West of Western Australia and with mediations in the Kimberley.

Simon Blackshield

Facilitator - Emerging issues in native title law

Simon has been working as a lawyer in native title since before the commencement of the NTA. At the NSW Aboriginal Legal Service, he developed the process for dealing with unopposed non-claimant applications which was subsequently codified as section 24FA protection. At the NSW Aboriginal Land Council, he had conduct of the Dunghutti Crescent Head claim, which produced the first determination of native title on mainland Australia. As In-House Counsel for the South West Aboriginal Land and Sea Council ("SWALSC"), he developed a model for conducting authorisation meetings which successfully put the Noongar claims back on a proper footing, and which was subsequently followed by a number of other representative bodies. He currently divides his time between his duties at SWALSC, and working on claims in New South Wales, the Kimberleys, the Pilbara and north-west and south-east Queensland. Earlier this year, he collaborated on a multimedia project with legendary artist/composer/actor John Lurie.

Barbara Bond

'My Country is My House'

Cultural Heritage Management Plans form the basis of an agreed approach between traditional owners and mining companies, to ensure important sites and places are respected. As part of the work I do in cultural awareness training, I explain how important it is to respect country by describing "my country" as "my house." However, after the Cultural Heritage Management Plan is agreed upon I have seen problems arise - not with the mining companies, but with the contractors who undertake the work on country. I will be talking about these difficulties, as well as the importance of involving younger people in this cultural heritage work.

Ms Barbara Bond is a member of the Boonthamurra people from south-western Queensland. As part of the Boonthamurra Native Title Negotiating Team, Ms Bond has negotiated with mining companies for the inclusion of Cultural Heritage Management Plans in Indigenous Land Use Agreements. Ms Bond is an Arts/Law graduate of the University of New England (UNE). She teaches and tutors students in Aboriginal studies and law at UNE and New England TAFE. Ms Bond also delivers cross-cultural and other short workshops to TAFE staff and government departments.

Josephine Bourne

Dialogue Forum— Constitutional reform: can it support land justice?

Josephine Bourne is the Co-Chair of the National Congress of Australia's First Peoples Ltd. She is a mainland Torres Strait Islander born in Townsville North Queensland. Her mother's ancestry is from Mabuiag Island and the Murray Islands and her father's ancestry is from Mabuiag Island and Moa Island (Kubin). Ms Bourne is currently Co-Chair of the National Congress of Australia's First Peoples and was an inaugural Board member. She has also worked with the National Indigenous Representative Body Steering Committee Chaired by Dr Tom Calma and Ms Jackie Huggins. Ms Bourne has made a significant contribution to many local, regional, state and national agencies through committees and working groups dealing with community capacity building, multi-media development and youth leadership.

Sean Brennan

Dialogue Forum—Constitutional reform: can it support land justice?

Sean Brennan is a Senior Lecturer at the UNSW Faculty of Law and Director of the Indigenous Legal Issues Project at the Gilbert + Tobin Centre of Public Law. He teaches and writes mainly about native title, land rights and constitutional law. He is a co-author of *Treaty* (Federation Press, 2005), *Indigenous Legal Issues* (Thomson Reuters, 4th ed, 2009) and the forthcoming 5th edition of Blackshield and Williams' *Australian Constitutional Law and Theory* (Federation Press, 2013) and is currently writing a book on native title law. He has worked with Cape York Land Council, Central Land Council, the Queensland and National Indigenous Working Groups on Native Title and Tharpuntoo Aboriginal Legal Service, as well as Inner City Legal Centre, the Commonwealth Parliament's research service and as a judge's associate in the Federal Court.

Doug Bruce

Dialogue Forum—Is the pressure of proactive case management worth it?

Doug Bruce is a Senior Kalkadoon man and applicant for the Kalkadoon people's claim covering a large territory centred around the city of Mt Isa in North West Queensland. Mr Bruce has been a leader amongst his community and has been involved in the leadership of Kalkadoon corporations as well as being an instrumental part of negotiating agreements

with developers on behalf of his people. Doug brings to the conference his wealth of knowledge gained from his roles as a leader within his community.

Ned David

PBCs and capacity development

Ned David is was instrumental to the determination for the Magani Lagaugal People and is the current chair of the Magani Lagaugal PBC. In May 2010 he was selected by the ethics committee to join the interim executive committee of the National Congress of Australia's First Peoples. Ned resides on Thursday Island and works for the Department of Education and Training.

Mick Dodson

Dialogue Forum—Constitutional Reform: can it support land justice?

Mick Dodson, AM is a prominent advocate on issues affecting Australian Aboriginal and Torres Strait Islander peoples as well as other Indigenous peoples around the world. He is currently Chair of the AIATSIS Council, Director of the National Centre for Indigenous Studies at the Australian National University, and the Special Rapporteur for the United Nations Permanent Forum on Indigenous Issues. He is also a Director of Dodson, Bauman & Associates Pty Ltd, legal and anthropological consultants. He holds a Bachelor of Jurisprudence and a Bachelor of Laws from Monash University, an honorary Doctorate of Letters from the University of Technology and an honorary Doctorate of Laws from the University of New South Wales. Professor Dodson was named Australian of the Year, 2009

Pat Dodson

Dialogue Forum—Constitutional reform: can it support land justice?

Patrick Dodson is a Yawuru man from Broome in Western Australia. He has dedicated his life work to advocating a constructive relationship between Indigenous and non-Indigenous people based on mutual respect and understanding. He is currently adjunct Professor at Notre Dame University Australia and founding Director of the Indigenous Policy & Dialogue Research Unit at University of New South Wales. He was the Inaugural Chair of the Council for Aboriginal Reconciliation, a former Director of Central Land Council, the Kimberley Land Council and Royal Commissioner into Aboriginal Deaths in Custody. Patrick lives in Broome with his family, where he is involved in matters linking communities with a focus on social, cultural, economic and environmental sustainability through his roles as Chair of the Kimberley Institute Ltd. and Director of Nyamba Buru Yawuru Ltd. In May 2008, Patrick was awarded the Sydney International Peace prize for his courageous advocacy of the human rights of Indigenous people and his significant contribution to peace and reconciliation.

Phil Duncan

First Peoples Water Engagement Council: Native title and Indigenous engagement in Water Planning

There is currently limited recognition of Indigenous peoples' needs, rights, interests and contributions in relation to Australia's fresh and salt waters. However, through the National Water Initiative, all Australian governments have committed to improving this situation. The First Peoples Water Engagement Council (FPWEC) is a new body that has been established to provide advice to the National Water Commission on Indigenous water issues. This group is committed to building Indigenous engagement in water planning, allocation of cultural water flows, and Indigenous access to the consumptive water pool for economic purposes.

This presentation introduces the work of the FPWEC, with a particular focus on the complex relationship between native title processes and water management. The National Water Initiative focuses on native title rights as a mechanism to address Indigenous water interests. However, some have argued that native title rights are only part of the picture, given that these rights are already existing, non-exclusive, non-commercial and are not available to all Indigenous peoples. This presentation addresses the possibilities and limitations of native title as part of the broader process of building Indigenous peoples' role in mainstream water planning.

Phil Duncan is a member of the Gamilaroi Nation from Moree, North Western New South Wales. He is currently a Senior Policy Officer for the New South Wales Aboriginal Land Council, and a member of the First Peoples Water Engagement Council. He brings an extensive background and membership on many committees and councils including the Murray Darling Basin Authority's, Native Fish Strategy and the Demonstration Reach Steering Committee, and was the inaugural Chair of the NSW Department of Environment, Climate Change and Water's, Aboriginal Cultural Heritage Advisory Committee. In 2002 Phil was involved in the negotiations to establish the NSW Aboriginal Water Trust and has represented the interests of Aboriginal people in NSW on a range of other committees.

Kym Elston

Dialogue Forum—Is the pressure of proactive case management worth it?

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

Dianne Evans, Pamela Hegarty, Christine Royan and Tim Wishart—Panel Discussion

Woorabinda Social Housing ILUA—in the shadow of 24JAA

Woorabinda is a Deed of Grant In Trust (DOGIT) community situated in central Queensland about 2.5 hours south west of Rockhampton. There has not been a native title determination in relation to the land and waters in the area of the community. There are two native title claim groups (the Gangulu Nation and the Wadja People) who assert native title rights and interests over the area. It is presently not known which group

may ultimately seek a determination. Residential overcrowding is an issue in the Woorabinda community. The State of Queensland obtained funding for the provision of social housing on the community through the *National Partnership Agreement on Remote Indigenous Housing*. Before subdivisional works or construction could be undertaken for the provision of housing it was necessary for the State to secure land for public housing purposes. The State proposed to seek the agreement of those who may assert native title rights and interests over the land to the granting of a lease and consent to consequential works. Discussion commenced in September 2010. Section 24JAA of the *Native Title Act* received Royal Assent on 15 December 2010. The session will examine the way in which the State and the native title parties responded to the passage of s24JAA and the outcomes achieved to ensure that land was made available for the provision of much needed housing on the Woorabinda Community.

Dianne Evans was born in Woorabinda and has lived for a substantial part of her life in the Woorabinda Community. She is an Elder of the Wadja People and has represented her People on the Woorabinda Social Housing Negotiation team. Dianne is a passionate cultural heritage advocate and assists with cultural heritage programs in schools and the broader community. Dianne is a strong advocate for improving conditions for all residents of the Woorabinda Community and hopes to continue and strengthen the working relationship that has been forged between the native title parties and the Woorabinda Council during the ILUA negotiation.

Pam Hegarty was born at Cherbourg and lived in the mission. Pam left Cherbourg after the 1965 referendum and spent time in Victoria and NSW before returning to Queensland. Pam is a passionate advocate for Aboriginal human rights and participates in forums relating to the rights of Aboriginal people in the A.C.T and Victoria. After graduating from the Australian National University with qualification in archaeology Pam has assisted traditional owners with archaeological assessments. Pam is a Traditional Owner in Gangulu, Iningai, Bindal Juru Wulgurukba and Koa country and is heavily involved in the fight to achieve Native Title recognition for her people. Pam represented the Gangulu Nation as part of the negotiation team for the Woorabinda Social Housing ILUA.

Christine Royan is a Community Relations Officer with Queensland South Native Title Services and has worked with the Gnagulu nation and Wadja People throughout the negotiations for the Woorabinda ILUAs. Chris is a Butchulla woman. Her traditional homeland includes K'gari (Fraser Island) and surrounding mainland from the Cooloola Coast to Burrum Heads and inland to Bauple Mountains. Chris was born in the Childers and raised with strong traditional values and aboriginal cultural and brought up to appreciate the essential need to protect land and sea country. Chris worked in the public health sector for 25 years and for the last 7 years in the Native Title, working with Gurang Land Council and now working with QSNTS helping her people to achieve their native title aspirations.

Tim Wishart

Tim Wishart is Deputy Principal Legal Officer at Queensland South Native Title Services. He was the project lawyer for the Woorabinda ILUA project. He was admitted as solicitor of the Supreme Court of Queensland in 1991 after undertaking his degree at Queensland University of Technology as a part-time external student. Tim has primarily worked in small

firms as a generalist commercial lawyer and litigator. He joined QSNTS as a senior legal officer in August 2010. Tim enjoys the continuing challenges of native title law and relaxes in his garden or at the 'Gabba where he is a passionate Brisbane Lions supporter.

Rowan Foley, Ariadne Gorrington, Annabelle Nilsson, Maya Stuart-Fox, Justine Twomey

The New Market in Carbon—Panel Discussion

Rowan Foley

Indigenous Carbon Markets and Standards

The emergence of an Indigenous carbon market will be greatly influenced not only by government regulation but the development of Indigenous industry standards. The debate so far has largely been focussed on issues around land tenure and the barriers to Indigenous participation contained in the Australian Government's Carbon Farming Initiative. Once these hurdles have been overcome, the main dangers faced by Indigenous land holders will be the failure of commercial markets to engage with Aboriginal carbon producers due to the risks and lack of standards. This paper will outline the necessity of developing Indigenous carbon industry standards and the advantages the standards will bring for selling co-benefits in the market place. The option of buying Indigenous carbon credits with co-benefits is a concept that has commercial value only when the social, cultural and environmental co-benefits can be guaranteed. Indigenous land owners, corporate Australia and the general public all require a relatively high level of certainty to supply and acquire genuine carbon credits. The potential for carbon projects to not deliver the commercial or social outcomes anticipated are high and need to be carefully evaluated. Getting it right will bring long term benefits to regional and rural Indigenous Australians.

Rowan Foley comes from the Wondunna clan of the Badtjala people traditional owners of Fraser Island (Kgari). Rowan has worked in the conservation and land management sector for over 20 years, starting off as a ranger at Uluru shortly after 'hand back' and later becoming the first Aboriginal Park Manager. He was the first Land Management Officer employed by the Kimberley Land Council, who now hosts a significant Land and Sea Management Unit. More recently Rowan has worked in the area of Indigenous carbon and climate change facilitating Indigenous participation and negotiations.

Ariadne Gorrington and Justine Twomey

Breaking Down the Barriers—Traditional Owners Engaging in the Carbon Market

Emerging carbon commodities have been identified as one market in which traditional rights and practices have the potential to deliver economic outcomes for native title holders. Legislative arrangements are now being developed for these new commodities and associated markets: particularly the Carbon Farming Initiative (CFI) bills. This paper considers the extent to which they put native title holders in a position to participate, and therefore economically benefit. Kimberley Traditional Owners living in remote communities and outstations undertaking traditional management practices see this new market as an opportunity to create local businesses that support people living on country. However the complexity associated with entering the market and the treatment of native title rights in

the CFI bills may create barriers for Traditional Owners seeking to establish carbon businesses. With industry partnerships and support for social and biodiversity co-benefits associated with Indigenous carbon projects, the time to get this right is now.

Ariadne Goring has worked with the Kimberley Land Council for over 10 years in numerous positions. She managed the Land and Sea Management Unit for three years before returning to study Sustainable Development and Entrepreneurship at Murdoch University in 2006. Her most recent role as KLC Policy and Engagement Manager has a focus on implementation of Traditional Owner aspirations in a post native title setting. Ariadne's practical experience of working on cultural governance and conservation economies at the grass roots level is reflected in an applied approach to community engagement.

Justine Twomey is currently the Kimberley Land Council Acting Principal Legal Officer. She has worked with the Kimberley Land Council in various capacities since 2004, providing advice on matters including native title claims, negotiations for agreements between native title claimants/holders and third parties (private industry and government), heritage protection, environmental management, and impact assessment.

Annabelle Nilsson

Indigenous Rights and participation in carbon markets

The Federal Government's Carbon Initiative suggests a creative avenue for increasing economic development by Indigenous Australians, by participating in a carbon market. Activities included in the initiative include reforestation and vegetation, savannah fire management, avoided deforestation and a number of agricultural activities. The proposed framework raises issues of concern relevant to Indigenous Australians such as security of tenure, resource ownership and management and access to an emerging carbon market. This paper will highlight the limitations for native title holders to participate in the Carbon Initiative as they exist in the proposed framework and will explore alternative considerations to guarantee increased access to the Carbon Initiative. Additionally, the paper will compare the participation of Indigenous stakeholders under the United Nation's REDD+ program which promotes reducing emissions from deforestation, forest degradation, conservation, sustainable resource management and enhancement of carbon stocks.

Annabelle Nilsson was admitted as a lawyer in April 2006 and currently works with p&e Law in the Cairns office. Annabelle's early professional experience involved contentious and non-contentious intellectual property matters followed by a role with the Torres Strait Regional Authority for two and a half years. During her time in the Torres Strait, Annabelle worked closely with native title holders negotiating Indigenous Land Use Agreements focusing on infrastructure development, preparing law reform submissions and assisting with the preparation of evidence for the Torres Strait Native Title Sea Claim. In 2010, Annabelle worked in the Americas analysing implications for indigenous communities arising from carbon markets stimulated by the developing United Nation's Reducing Emissions from Deforestation and Forest Degradation collaborative program. Annabelle also assisted in a traditional land rights appeal in Belize. Annabelle continues to work within the native title context in addition to exploring solutions to land rights in other forms, such as human rights and environmental law.

Maya Stuart-Fox

Maya Stuart-Fox is Director, Offsets Policy, in the Forestry, Offsets and Reporting Branch. Ms Stuart-Fox was previously responsible for the developing the forestry and offsets components of the Carbon Pollution Reduction Scheme.

Therese Forde and Jeff Harris

Don't Forget Your Tenure: Geospatial Support for Effective Agreement-Making

This paper looks at 4 key areas in which the presentation of geospatial information can assist with native title agreement-making. Tenure: how much of the land/waters inside the external boundary is claimable anyway? What is the likely tenure history of the area? Respondents: who has an interest which will be affected by a determination of native title? What is the interest? Do all the current respondents have interests within the claim area? Are they all going to be affected by a determination of native title? Do we have all the respondents we need (mitigating late arrivals who are joined). Connection: explaining the connection material to the claim group and/or others, facilitating disputes within the claim group and mediation with indigenous respondents. What's the deal? Mapping the outcome— presentations which assist to explain the proposed settlement to the claim group at the end of the process (can assist to support authorisation processes).

Therese Forde is currently the Queensland State Manager with the National Native Title Tribunal, based in Brisbane. Therese was formerly based in Cairns, as the Regional Manager of the Tribunal's North Queensland office. Therese first started working in native title in 1996 as a historian for a Native Title Representative Body, and has worked in various capacities in the native title system over the past 15 years.

Jeff Harris is a Senior Geospatial Specialist with the National Native Title Tribunal, and is currently manages the Tribunal's national geospatial operations. Jeff has had extensive experience in native title throughout the country, having started his work in native title for the State in Western Australia when the Native Title Act commenced in 1994. Jeff has completed mapping and tenure analysis on native title matters in all States and Territories of Australia.

Sturt Glacken SC

Native Title as Compensable Property

The paper will examine two related themes on compensation for the loss or impairment of native title. One involves the characteristics of native title as recognised at common law, and the conferral by the *Racial Discrimination Act 1975* (Cth) on native title holders of the same immunity from legislative interference as is enjoyed by the holders of other titles. The result is to remove whatever doubts there may have been about whether certain aspects of native title can be identified as property within the scope of s 51(xxxi) of the Constitution.

The other concerns the overriding requirement to provide just terms compensation for the divestiture of native title wrought by the validation of past acts under the *Native Title Act 1993* (Cth). Neither compensatory nor restitutionary general law principles will be controlling, and the latter may have little place where the statutory premise is that a past act that affects native title is taken always to have been valid. Of importance will be events since the common law recognition of native title, and its statutory protection, which throw light on the real value of native title at the time of an impairing act.

Sturt Glacken SC has extensive native title litigation experience, having appeared in a range of reported leading cases in native title, environmental law, judicial review and related areas. The leading reported cases in which Sturt has been involved in the High and Federal Courts include the cases of *Ward*, *Yarmirr*, and *Wurridjal* (regarding the northern Territory Intervention). He also has a general commercial and public law practice. Sturt was admitted to legal practice in 1988, signed the bar roll in 1991 and was appointed Senior Counsel at the Victorian Bar in 2008. He is also admitted to practice in the Northern Territory courts. He is a member of the Victorian Bar's Human Rights Committee.

Simon Hawkins, Margaret Rose, Samantha Rosenfeld and Peter Windie, — Yamatji Panel Discussion

Aboriginal heritage in WA: the past is still present

Aboriginal heritage protection regimes vary widely from state to state. In WA, the *Aboriginal Heritage Act 1972* (AHA) has not been substantially updated since the introduction of the *Native Title Act 1993* (NTA), and so has not been modified to take into account recognised native title rights and interests. The weakness of the AHA becomes even clearer when it is compared to legislation protecting non-Indigenous heritage places. Heritage protection has long been a flash point, particularly in WA, where mineral wealth places pressure on government, Traditional Owners and developers to make decisions quickly about land access and operations. Much success in Aboriginal Heritage protection has been the result of cooperative approaches taken by Traditional Owners and developers, rather than any legal imperative. The panel will explore the tensions between the AHA and the NTA, and the differences in approach to Indigenous and non-Indigenous heritage protection. Through different perspectives, questions will be addressed on the value we place on Indigenous heritage, the difficulties in operating under the current WA legislation for native title holders, and the unintended effects the AHA has on native title negotiations.

Simon Hawkins is Chief Executive Officer of the Yamatji Marlpa Aboriginal Corporation (YMAC), the native title representative body covering almost one million square kilometres, across the Pilbara, Murchison and Gascoyne regions of Western Australia. YMAC is run by an Aboriginal Board of Directors and represents 24 native title claims through its five offices in South Hedland, Karratha Tom Price, Geraldton, and Perth, employing over 100 staff. As CEO, Simon has also overseen four native title determinations and some of the largest land access negotiations in Australia's history, on behalf of the Traditional Owners represented by the organisation. Before joining YMAC in 2003, Simon worked for the Department of Indigenous Affairs as a director, where he managed a regional network of offices across the state. This position followed his time as Local Government CEO.

Mrs Margaret Rose is currently the Senior Community Liaison Officer based in the Yamatji Marlpa Aboriginal Corporation's Port Hedland office. A proud Nyangumarta woman, she played a key role in the positive determination of native title for the Nyangumarta people in 2009. She is active in the Nyangumarta people's pursuit of protection and conservation of country within their traditional lands. She participates in a huge number of initiatives to improve the health and well being of Aboriginal people in the Pilbara region of Western Australia. Some of the programs and organisations in which she has been most active include the Aboriginal Communities Charitable Organisation, the Pilbara Meta Maya Regional Aboriginal Corporation, the Pilbara Indigenous Women's Aboriginal Corporation, the board of the Jinparinya Aboriginal Community, the Strong Women, Strong Babies, Strong Culture Program, and the Country Health Service.

Samantha Rosenfeld has worked as a future acts officer at the Yamatji Marlpa Aboriginal Corporation, in an area where the *Native Title Act*, the *WA Aboriginal Heritage Act 1972* and State Government land access policy intersect. She has studied anthropology and native title at McGill University and the University of Western Australia.

Peter Windie is the current Chairman of the Yamatji Regional Committee, of which he has been a member since 2007, and Co-Chair of the Board of Directors of the Yamatji Marlpa Aboriginal Corporation. The Board of Directors oversees the operations of the corporation, which include a range of native title and non-native title services. He is a Thudgari man, and was instrumental in helping his people's native title claim achieve a positive determination in November 2009. He is currently the Chairman of the Thudgari people's corporation, Windi Mia. Peter has lived and worked throughout the Gascoyne region of WA, combining pastoral and horticultural work with management of on-country education and rehabilitation programs. He serves as a community liaison officer for the Shire of Upper Gascoyne.

Graham Hiley QC

Dialogue Forum—How do we reform the proof of native title?

Graham Hiley QC has practised law since 1972 when he was admitted as a solicitor in Sydney. He moved to Darwin in 1976 and joined the bar there in 1978. He was appointed Queens Counsel in 1987. He has practiced in most areas of the law, including Aboriginal land claims under ALRA (NT) since 1978 and native title since 1994. He has served on a number of professional bodies, committees and tribunals. Graham has appeared in numerous native title cases including Yarmirr, Ward and Yorta Yorta, and has appeared for and advised Aboriginal claimants, governments (local & state), mining and gas companies, pastoralists, and commercial fishing organisations. Graham has been an editor of Lexis Nexis 'Native Title News' since 1997 and has presented papers and written articles on native title issues. In 1994 Graham moved from Darwin to Brisbane, where he still lives and practices.

Jackie Huggins

Dialogue Forum—Constitutional reform: can it support land justice?

Jackie Huggins is of the Bidjara (central Queensland) and Birri-Gubba Juru (north Queensland) peoples. She has several publications to her name, including *Auntie Rita* (with her mother Rita Huggins, 1994) and *Sister Girl* (1999).

In 2001 Jackie Huggins was awarded an Order of Australia for her services to the Indigenous community. In 2000, she had been honoured with the Queensland Premier's Millennium [sic] Award for Excellence in Indigenous Affairs.

Jackie was awarded an Honorary Doctorate from the University of Queensland in 2006. She is an Adjunct Professor for the Centre of Indigenous History, Australian National University (2010) Canberra and member of the Australian Heritage Council.

In 2008 Jacky co-chaired the Indigenous stream of the 2020 Summit. She was also formerly co-chair of Reconciliation Australia, former Executive member of the Council for Aboriginal Reconciliation; Commissioner for Queensland for the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (1997); and a member of the ATSIC Review Panel (2003). Jacky is a former Council member of AIATSIS. She has also worked in the area of family and domestic violence, criminal justice, and literacy and education.

Nolan Hunter

Dialogue Forum—Do we have to choose between country and development, or can we have both?

Nolan Hunter, Born in Broome, is a Bardi man with strong links to his people and culture along the Dampier Peninsula. Nolan has a professional background in strategic operations and staff management which spans more than 20 years. During this time he has been employed as WA State Regional Manager for Indigenous Community Volunteers in WA, NT & SA and Eastern States. Nolan has also had extensive Commonwealth Public Service experience over a total of 14 years with the Department for Aboriginal Affairs, Aboriginal Development Corporation, Department of Social Services and Dept Immigration in the Kimberley and Northern Territory. Through working with the Australian Consulate in Manchester and the Australian Embassy in Vienna, Moscow, Edinburgh and Dublin, Nolan experienced the many rich and diverse cultures found overseas. Through his experiences Nolan discovered a greater appreciation and understanding of his own culture and tradition. Nolan has also worked previously as Director of the Mamabulanjin Aboriginal Corporation in Broome for three and a half years and is the Deputy Director of the Kimberley Land Council and newly appointed Chairman of the National Native Title Council (NNTC). He is heavily involved in the fight for native title and is passionate about Aboriginal rights and interests in relation to water.

Dave Johnston

Facilitator - Indigenous Talking Circle: Country, heritage and culture

Facilitator – Heritage and water

Dave Johnston is an Indigenous archaeologist and Director of his company, Australian Archaeological Survey Consultants which he and colleagues set up in 1994. Born in Brisbane, Dave grew up in Far North Queensland and the Torres Strait. In the last 10 years he and his colleagues have worked on over 300 Indigenous heritage projects across the eastern states. Dave is passionate about ensuring Indigenous peoples heritage values are adequately recorded, assessed and managed. Dave was recently awarded an Indigenous Visiting Research Fellowship at AIATSIS to pursue research and writing project on Indigenous archaeology and tourism. Dave also works as the community appointed archaeologist for many Traditional Owner groups throughout Queensland, NSW, Victoria and the ACT. He also sits on the ACT Heritage Council and is the Chairman of the Willandra Lakes World Heritage Area Three Traditional Tribal Groups Elders Aboriginal Corporation.

Kate Jones

Dialogue Forum—Do we have to choose between country and development, or can we have both?

Kate Jones is the Queensland State Minister for Environment and Resource Management, and the Local Member for Ashgrove. Before running for State Parliament, Kate was a Senior Media Advisor to the Queensland Minister for Public Works, Housing and Racing, Robert Swarten and also worked as a Media Advisor to the Queensland Treasurer David Hamill. Active in the local community, Kate is a member of the Ashgrove Historical Society, The Gap Community Association, Ashgrove Meals on Wheels, Ashgrove Climate Change Action Group and environmental group Save Our Waterways Now. She is also Patron of The Gap State High School P&C Committee, The Gap Little Athletics, Everton Wolves Juniors AFC and Ashgrove Rangers Athletic Club, as well as being an Ambassador for Asperger's Syndrome. Kate is a member of Amnesty International, The Fred Hollows Foundation, World Vision and the 1 Million Women campaign.

Glen Kelly

Dialogue Forum—Do we have to choose between country and development, or can we have both?

Glen Kelly is the Chief Executive Officer (CEO) of the SWALSC. Glen is a Noongar man and brings to SWALSC 15 years of experience in Indigenous Affairs, much of it in native title and Indigenous land related issues. Glen has held a number of senior positions in Indigenous organisations, both as a manager and as an advocate of Indigenous interests, as well as positions within Government agencies. Glen sits on a number of high level committees and statutory authorities at a State and Commonwealth level that relate to Indigenous land interests. Glen is a keen advocate of Noongar interests, and in his role as the CEO, seeks to ensure that SWALSC is able to provide an efficient and effective service to Noongar people

and their native title claims. The CEO is appointed by the Executive Committee and acts in accordance with the policies determined by that committee. He attends the Executive Committee meetings and provides regular reports in reference to the operations of the organisation.

Anoushka Lenffer

Dialogue Forum—How do we reform the proof of native title?

Anoushka Lenffer works on native title policy with the Victorian Department of Justice. She has 15 years experience in native title in Australia's south east, beginning as a case manager with the National Native Title Tribunal in NSW in 1996. In her current position she was part of the team that developed the Victorian Native Title Settlement Framework in 2008 and 2009. She was involved with drafting Victoria's alternative settlement legislation, the *Traditional Owner Settlement Act 2010* (TOS Act). Anoushka is on the Right People for Country Project Committee that recently recommended to the new Victorian Government the establishment of an Indigenous-lead agreement-making project that addresses issues of group composition and extent of country. She is currently focussed on developing thresholds for the recognition of Traditional Owners who seek settlement under the TOS Act, in collaboration with Native Title Services Victoria and the Victorian Traditional Owner Land Justice Group.

Ron Levy

Dialogue Forum—Is the pressure of proactive case management worth it?

Ron Levy is the Principal Legal Officer of the Northern Land Council, where he has been employed as a solicitor since 1994. Ron completed an Arts/Law degree at the Australian National University in 1985, and his previous employment includes as a solicitor with the Victorian Aboriginal Legal Service.

Jonathan Malone

Lumbarra Bimbi Corporation cultural heritage management

Jonathan Malone comes from Western Central Queensland and is also a Nunukul man from North Stradbroke Island. Jonno has had extensive experience working for Queensland South Representative Body Aboriginal Corporation, Gurang Land Council and Queensland South Native Title Services with various traditional owner groups in both native title and cultural heritage areas.

Jonno is currently the co-ordinator of Lumbarra Bimbi Pty Ltd which deals specifically with Cultural Heritage rights of his traditional owner group. Jonno has a lot of experience negotiating cultural heritage within the mining industry.

Sharon McAvoy

Indigenous Talking Circle: PBCs and capacity development

Sharon McAvoy is a descendant of the Wiri people of Central Queensland. Her ancestors come from the Wangan Country surrounding Clermont and Jagalingou country surrounding Alpha. She works as the Capacity Development Coordinator at Queensland South Native Title Services, and has also held positions as the Community Relations Officer and the Senior Finance Officer. Sharon commenced her working career with Salvation Army, for several years she ran her own business. She has also worked with different Aboriginal Corporations in and around Brisbane. Her passion is to assist Aboriginal people to one day have control of their own economic and sustainable structures and businesses to stand strong in the current and future economy.

Tony McAvoy

Dialogue Forum—How do we reform the proof of native title?

Tony McAvoy was born and bred in Brisbane, and his 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.

Miriam McDonald

Yawuru Native Title Holders—a commercial corporate structure for social and economic development

Following native title determination in 2006, the Yawuru native title holders of Broome negotiated a land and financial compensation package with the WA State Government in the order of \$200 million. Concurrent with the compensation negotiations, work was undertaken on a suitable corporate structure to manage and exploit a compensation package of this magnitude. Recognising there is no 'one size fits all' corporate structure, this paper provides a practical example of the principles, processes and considerations in settling a distinctly commercial corporate structure. Governing principles considered include: the wishes of native title holders for a structure that promotes sustainable social and economic development and the Yawuru culture; the need for efficient, cost effective, accountable, adaptable structures; the need for tax effective but not tax driven structures; appropriate risk management; building on the strengths and capacities of the native title holders. Governance issues considered include: structure, systems, processes, policies and people. The key features of each entity in the group are considered, including: its purpose; corporate form; governing legislation; membership/governing body; funding source; and tax implications.

Miriam McDonald has practised as a commercial lawyer for 13 years. She has a particular focus on corporations law and corporate structuring, corporate governance, charitable trusts, tax concessions for not for profit organisations and development and implementation of regulatory compliance programs in the public and private sectors. During 2007 – 2010, Miriam headed the Maddocks Lawyers' pro bono project working on corporate structure and a range of other corporate and commercial issues with the Yawuru. Prior to studying law, Miriam spent 14 years in human services in the Victorian public sector in various roles including children and youth services program development, management of client facilities and human resource management.

Betty McGrady

Indigenous talking Circle: PBCs and capacity development

Betty McGrady is a Gunggari Woman, respected elder and passionate advocate for social justice for Aboriginal & Islander people. She is a chairperson of the Gunggari Property Association, Chairperson of Murri Gunyah Aboriginal Women's Corporation, Secretary of Aboriginal & Torres Strait Islanders Logan Elders. She aspires to engage with other cultural groups to create an understanding and to work together for an improved lifestyle for Aboriginal & Torres Strait Islander People.

Greg McIntyre

Dialogue Forum—Do we have to choose between country and development, or can we have both?

Greg McIntyre SC practices at the Bar, based in Western Australia. He is an Adjunct Professor of Law, has taught Indigenous peoples and the Law at Notre Dame University since 2000 and is engaged to teach a native title course at Murdoch University in 2010. He was the solicitor for the Meriam people from 1981 to 1993 and appeared as counsel for Eddie Mabo in the High Court in 1993 and been counsel in many native title cases since. Greg was also the Solicitor for John Koowarta in the case which established the constitutional validity of the *Racial Discrimination Act* and has in recent times provided advice to Cape York people on the impact of Wild Rivers legislation. He has also been involved as counsel in numerous cases in the High Court and Federal Court involving the protection of Aboriginal heritage and racial discrimination, including *Bropho v WA* (2009), *Bropho v WA* (1990) and *Tickner v Bropho* and, on the basis of the history described, was presented with the 2009 Human Rights Law Award by the Australian Human Rights Commission.

Warren Mundine

Dialogue Forum—What is a native title benefit and who should benefit?

Warren Mundine is from the First Australian Nations of Bundjalung and the Gumbaynggirr people on the North Coast of New South Wales (NSW). Mr. Mundine is a highly respected and influential businessman, political strategist and Indigenous advocate for empowering

First Australians to build a sustained Indigenous economy. His life and career have been shaped by a deep-seated personal commitment to community, both Indigenous and non-Indigenous, and he has more than 26 years experience working in the public, private and community sectors. Mr. Mundine is currently Chief Executive Officer of NTSCORP Ltd., a company in NSW that assists Traditional Owners to achieve social justice and promote economic, environmental and cultural development through Native Title and other avenues. Also, as Chairman of the Australian Indigenous Chamber of Commerce, Mr. Mundine provides national leadership for initiatives to help Indigenous people break the welfare cycle, such as the Australian Employment Covenant.

Jodi Neale, Simon Correy, Bill Kruse and Pamela McGrath

Supporting a professional community of native title anthropologists: Part 1

In the current climate of rapid and intense resource development, particularly in areas where native title remains uncertain and undetermined, securing a good “anthro” is not always easy. Typically, experienced consultants are booked up months or years in advance and NTRB researchers are overwhelmed by the demands of attending to multiple claims. In addition, pressing heritage research associated with development often draws attention away from researching the evidentiary demands of connection. In the native title sector a frequently heard view is that there are not enough native title anthropologists to meet demand and that this has impacted on the quality of some research and on outcomes for claimants. Organising the profession of native title anthropology in such an environment is not a straightforward proposition. In this session, hosted by the Centre for Native Title Anthropology (CNTA), we present three papers investigating options for supporting professional development, including accreditation, and examine the success and failures of similar efforts in the past.

The session chairs for Part 1, Jodi Neale and Simon Correy, will provide a short introduction to the Centre for Native Title Anthropology at the ANU, which aims to enhance the practice of native title anthropology in Australia through a series of innovative programs and academic placements. CNTA’s programs provide opportunities for early career anthropologists to build the kinds of skills, confidence and professional networks that support quality native title research. As part of our interest in professional practice, CNTA is conducting scoping research into views on accreditation and ways of supporting a professional community of native title anthropologists

Bill Kruse will discuss whether accredited native title anthropologists would deliver better results for claimants and the native title system. In such an expensive and highly legalised environment where good anthropology is crucial for timely and appropriate outcomes it is remarkable that the practice of native title anthropology remains largely unregulated and to a degree disorganised.

Finally, Pamela McGrath will give a short history of the ‘professionalisation’ debate among Australian anthropologists. Drawing on a range of historical records, this paper explores the substance of previous ideas, models and arguments so as to better understand the current

state of applied anthropological practice in Australia and the value of once again attempting to organise ourselves in new ways.

Simon Correy is a Senior Research Anthropologist at NTSCORP (NSW) where, among other things, he has undertaken research contributing to the achievement of a number of native title consent determinations. He has held this position since 2002 following several years of consultancy including work for the Indigenous Land Corporation and anthropological research on the Wiradjuri Wellington native title determination application, which was the first such application in Australia lodged under the *Native Title Act* 1993. He has ongoing academic research interests into the social effects of the native title phenomenon particularly the constitutive role of the *Native Title Act* and its contingent processes on contemporary Aboriginal social realities.

Bill Kruse has worked in the native title field since 1997. He has worked on native title claims and projects related to native title in Western Australia, Queensland, New South Wales, Victoria and the Northern Territory. Bill has been a Senior Anthropologist at Ngaanyatjarra Council, Central Desert Native Title Services and Yamatji Land and Sea Council. He is currently working on a native claim in Western Australia, as well as several native title related heritage projects. In addition to his experience with Native Title Representative Bodies Bill has provided advice to government and industry on native title and heritage. Bill also works in the field of corporate social responsibility and social impact assessment in Australia and overseas.

Pamela McGrath is the Research Officer for the Centre for Native Title Anthropology at the ANU. She recently completed a PhD at the Research School of Humanities and the Arts exploring the history of photographic encounters between Aboriginal families and others in the Western Desert. Pam has practised native title anthropology in various capacities in Western Australia and Victoria since 2000, and currently continues this work as an independent consultant.

Jodi Neale is Canberra-based consultant anthropologist of Aboriginal and British descent who specialises in native title and cultural heritage. Jodi was previously employed as the coordinating anthropologist at Yamatji Marlpa Aboriginal Corporation in the Pilbara region of Western Australia. During her six years in the Pilbara her work included claim research, claimant liaison, strategic planning, managing research staff, and culminated in the authorship of a successful Connection Report.

Jodi Neale, Simon Correy, Sally Babidge, Toni Bauman, Doris Eaton, Malcolm O'Dell, Lee Sackett and Colin Sheehan

Part 2: 'Q & A' forum discussion exploring options for supporting and growing a professional community of practice among native title anthropologists

Facilitated by Jodi Neale and Simon Correy, this panel of 6 experienced individuals involved in different aspects of native title research will discuss various options for enhancing professional practice for native title anthropologists. Panel members will speak to their own experiences of research, their view of the current state of native title anthropology, and

what they consider to be the advantages and disadvantages of particular approaches or models.

The panel includes representatives from native title representative bodies, native title claimants, state government, academic and consultant anthropologists, and industry. The discussion will focus on options for improving quality of research and best practice; identifying incentives for participation; pros and cons of accreditation; funding and implementation of various strategies; and legal and ethical considerations. The floor will be open to allow members of the audience an opportunity to raise issues, make comments, and direct questions to members of the panel.

Sally Babidge is a lecturer in anthropology at the University of Queensland and undertakes consultancy in native title. She has worked in native title in Western Australia and Queensland in a range of capacities since 1997. Sally recently published a book, *Aboriginal Family and the State: The Conditions of History* (2010), which in part examines the practice of Aboriginal family in the native title era.

Toni Bauman is Research Fellow in the Native Title Research Unit. She is an anthropologist, mediator, facilitator and trainer. She has over thirty 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, joint management, 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 and was a member of the Community Living Areas Tribunal in the Northern Territory.

Mrs Doris Eaton was winner of NAIDOC Female Elder of the Year award in 2009, Mrs. Eaton is a Nyamal woman and an active leader in her community. She plays an important leadership role in the fight for native title recognition as the Pilbara Chairperson of Yamatji Marlpa Aboriginal Corporation (YMAC), the NTRB for the Pilbara and Mid-West regions of Western Australia. Mrs Eaton is a working group member for the Njamal native title claim and was involved in the anthropological research undertaken to establish its evidentiary basis. She achieves change in the community by generously giving her time and knowledge, as well as her expertise in advocating, organizing, inspiring and mentoring. Mrs Eaton is ceremonially qualified and respected for her role as a law woman in the eastern Pilbara. Her father was a Nyamal law man and a leading figure in the 1946 Pilbara Aboriginal Pastoral Worker's Strike while her mother is a respected law woman of the Western Desert Martu people.

Lee Sackett lectured in the Anthropology of Aboriginal Australia at Adelaide University for 20 years. Following this, he for three years was Manager of Land Tenure at the Central Land Council, Alice Springs. There he researched and reported on three Aboriginal Land Claims. For the past 13 years he has worked as a Consultant Anthropologist, specialising in Native Title Claim research. He has worked on Native Title Claims in: the Pilbara, the Western Desert of Western Australia and South Australia, Central Australia, Northwest Victoria, the Gulf Country, the Mount Isa Region and South East Queensland. He has reviewed claim

materials for a number of Representative Bodies and for the states of Western Australia, South Australia, Queensland and New South Wales.

Colin Sheehan was born in Mudgee NSW. He has taught in community education programs, lectured in higher education and conducted research in Aboriginal communities, since 1979. Norm recently completed a Postdoctoral Fellowship at the University of Queensland that addressed the Social and Emotional Well Being of Aboriginal and Torres Strait Islander citizens in Queensland. This work proposed Aboriginal cultural strengths as a framework for Social and Emotional Well Being in Aboriginal communities. In 2009 Norm was awarded the South East Queensland NAIDOC award of excellence for the contribution his teaching and scholarship has made to the Aboriginal and Torres Strait Islander community. He is currently a Director of Link Up Queensland and Associate Professor at Swinburne University of Technology.

Michael Neal

Dialogue Forum—What is a native title benefit and who should benefit?

Michael Neal graduated from UNSW in 1983, left for the wilds of the Northern Territory in 1984 and started working in the area of Aboriginal land rights the following year. After working with the Northern Land Council including settling arrangements for joint management of national parks and negotiating exploration and mining agreements, Michael moved to Cairns as the founding lawyer of Cape York Land Council in 1994. Michael is one of the most experienced solicitors practising in Native Title law in Australia. He is a partner of p&e Law, based in Cairns. Michael's professional achievements include many "firsts": negotiating Australia's first Indigenous Land Use Agreement; acting for the applicants in Australia's first determination of native title over pastoral lands; acting for the Commonwealth in negotiating two of its first ILUAs, for Defence purposes, with the agreement of traditional Aboriginal groups; acting for the Jawoyn People in Australia's first post *Mabo* mining agreement, including a joint venture for contract mining; and acting for all of the Miriuwung Gajerrong and Kitja groups in the well regarded Argyle Diamond Mine ILUA.

Graeme Neate

Dialogue Forum—Is the pressure of proactive case management worth it?

Graeme Neate has been President of the National Native Title Tribunal since 1999. Mr Neate was a part-time member of the Tribunal from 1995 until he became its President. Before joining the Tribunal, Mr Neate was the Chairperson of the Aboriginal and Torres Strait Islander Lands Tribunal in Queensland and a member of the Land Court of Queensland. Mr Neate is admitted to practise as a lawyer in various Australian jurisdictions. He has had 30 years' experience in various aspects of Indigenous land and cultural heritage matters. He has published a book and numerous articles, chapters and conference papers on indigenous land and cultural heritage matters. Mr Neate is an accredited mediator under the Australian National Mediation Standards.

Doug Passi and Jackson Wailu

Living with Native Title—PBC perspectives

Mr Doug Passi will present on how far Mer Gedkem Le (TSI) Corporation, RNTBC, has come as a PBC in the past 12 months. This will follow up from the presentation Mr Passi made with my late colleague Mr Bon last year. This will primarily be a discussion of the challenges they face as a PBC, and the steps they are taking to overcome these difficulties.

Doug Passi is the Chair for the Mer Gedkem Le (TSI) Corporation RNTBC, the Prescribed Body Corporate responsible for Murray Island. This is Mr Passi's second term as PBC Chair. Mr Passi is a member of the Meuram tribe, and has been involved with the PBC since its inception. Mr Passi, like all members of Mer Gedkem Le, works voluntarily, and fights tirelessly for greater rights for Meriam people, particularly in obtaining better rights and benefits to the community through the negotiation of ILUAs. Mr Passi has played a role in all key infrastructure projects on Murray Island, since the handing down of the Mabo decision.

Jackson Wailu is a Piadram man from Murray Island in the Torres Strait. He is a board member for the Mer Gedkem Le PBC. He was born in Central Queensland, and has been living on Murray Island for the last 17 years. He currently works for the Torres Strait Regional Island Council responsible for bio-diesel mechanics and waste management.

Matt Patterson and Madonna Thomson

Native Title and Urban Land

Because native title can be extinguished by valid government acts that are inconsistent with the continued existence of native title rights, such as the grant of freehold estates, native title has delivered few benefits to Traditional Owners of urban lands. Due to the value of land in urban areas in Australia, when benefits are delivered by the native title system they can be significant. This paper will examine the Federal Court's varied approach to native title claims to urban land (the Single Noongar Claim including Perth, Rubibi determination in and around Broome, Larrakia claim to Darwin) as well as the success or otherwise of measures designed by government to address past extinguishment in urban areas such as the establishment of the Indigenous Land Corporation.

Matt Patterson is a solicitor based in p&e Law's Maroochydore office. For the past 10 years he has practiced exclusively as a native title, planning and environment lawyer working with Traditional Owners, Native Title Representative Bodies and other Aboriginal representative organisations. Matt has extensive native title and cultural heritage experience and negotiated the hand-back of Queensland's first Aboriginal-owned and jointly managed National Park. p&e Law acts for the Jagera, Yuggerah and Ugarapul peoples of South East

Queensland. p&e Law regularly assist clients to negotiate native title agreements involved in mining, gas, electricity, water and other infrastructure projects.

Madonna Thomson is a Jagera native title claimant.

Rob Powrie

Trespass and Nuisance: Protecting rights to country

Native Title Determinations, even those made by consent, are mostly hard won after many frustrating years of struggle. What then? Too often the rights and interests recognized by the Federal Court are ignored by all levels of government and by society generally. Whether it is through ignorance or arrogance the fact is that the rights and interests recognised in a determination are being trampled on a daily basis. How do Native Title Holders protect Country against the incursions of non – Traditional Owners? In our common law, Trespass is a direct interference on land without lawful authority, such as entry upon the land without express or implied licence (tourists, droving pastoralists, 4WD ‘enthusiasts’ etc), or an infringement of a right of possession, such as an invalid licence issued by a Government agency. Nuisance may be founded on substantial and unreasonable interference with a property right: pastoralists locking gates, road works causing flooding, run-off from pastoral lease, oil spills from vessels. The purpose of this paper is to examine common law actions for Trespass or Nuisance against those who fail to observe Native Title Rights. The paper will also consider what compensation or other redress may be available.

Rob Powrie has been a lawyer for 24 years and worked in a range of legal environments. He spent 17 years in private practice before joining the Australian Government Solicitor’s office in Canberra. During that time Rob was seconded to ATSIS to assist in the re-structure of the ATSIS Legal Branch. Whilst there Rob was asked to be Acting General Counsel, which he did for approximately 8 months before ATSIS was wound up and functions transferred to other Agencies. In June 2006 Rob was appointed Principal Legal Officer at the Kimberley Land Council where he worked until December 2010. Rob is now undertaking work as a private practitioner/consultant in Native Title matters.

Shaz Rind

Dialogue Forum—What is a native title benefit and who should benefit?

Shaz Rind is a descendant of the Yamatji Peoples of the Murchison region of Western Australia. Shaz has 10 years’ post admission experience in NSW and WA in native title, commercial law, criminal law and anti-discrimination litigation. Shaz was formerly the Deputy PLO of the Yamatji Marlpa Aboriginal Corporation (NTRB for the Pilbara region) where he has had carriage of some very complex future act negotiations and large native title claims. Shaz was also a solicitor with NTSCorp and was involved in the Githabul consent determination in NSW as well as the Crescent Head ILUA (Dunghutti Peoples).

Shaz has a breadth of native title experience from across the country in all the various functions under the Native Title Act. As an Aboriginal lawyer, he brings his personal and professional experiences to QSNTS to assist the Traditional Owners of this region to achieve their native title objectives.

Damian Roe

Facilitator - Urban native title

Damian is a Solicitor in HopgoodGanim's Resources and Energy practice. He advises on all aspects of energy and resources law and specialises in native title, cultural heritage and land access issues for ordinary land tenure.

Damian has expertise in mining and exploration law and tenement management issues, and has a sophisticated understanding of the drivers and considerations necessary in cross cultural negotiations. He strives to deliver innovative and inventive solutions to the often complex issues faced by clients in both resources and native title matters.

Before joining HopgoodGanim, Damian worked as a Senior State Negotiator with Indigenous Services at the Queensland Department of Environment and Resource Management. His experience includes advising on indigenous land use agreements and representing the State in native title negotiations and at National Native Title Tribunal mediations.

Mark Rumler

Dialogue Forum—What is a native title benefit and who should benefit?

Mark Rumler is the Principal Legal Officer at the Torres Strait Regional Authority on Thursday Island. He is also currently completing a MSc in Development Management at the London School of Economics. He previously spent 9 years at the Northern Land Council, representing traditional owners in the negotiation of complex conjunctive exploration and mining agreements. He was the recipient of the Aurora Project's Rio Tinto NTRB Scholarship in 2006 and completed an LLM in Minerals Law and Policy. As part of this degree, he also spent 6 months in Peru as an intern for Rio Tinto, an experience which gave him an appreciation of the importance of the principle of free prior and informed consent.

Bradley Saunders

Aboriginal culture – can it be defined or explained practically?

Governments across Australia are aware of the importance of understanding Aboriginal culture in an effort to improve access to services. The Northern Territory Government clearly states that its own cultural security policy is a commitment to strengthen Aboriginal people's access to services especially health. However whilst this same policy directs government agencies to identify those elements of Aboriginal culture that affect the delivery of services it does not identify these cultural elements. All governments in Australia support the development and implementation of Aboriginal cultural awareness programs. All policy documents cite advice to respect, identify and utilise local Aboriginal culture to

support their staff to deliver more accessible or appropriate services. However as you read successive policies non take the bold step to try and identify what is the make-up of Aboriginal culture.

Bradley Saunders throughout a 20 year career in Indigenous affairs, has been contributing to Indigenous policy development and implementation in Queensland, focussing for the past seven years on the areas of education, training and community partnerships. He has served in a number of Queensland Government departments, leading the development of employment and equity policies for Indigenous people working in the public service and leading complex teams to improve Aboriginal and Torres Strait Islander peoples' access to government services

Benson Saulo

Hope, Positivity and Native Title

Benson Saulo is determined to promote positive messages about Aboriginal Australia and encourage an inclusive, progressive society. He was appointed the 2011 Australian Youth Representative to the United Nations, and is the first Indigenous Australian in this role. Benson sees his appointment as a reflection on the aspirations of young Australians who want to see a more progressive and inclusive Australia

Benson is 23 years old and lives in Melbourne. His Grandmother is Wemba Wemba (Swan Hill) and Grandfather is Gunditjmara (Warrnambool). He grew up in Tamworth (Gomileroi Country). He completed an Indigenous Traineeship with ANZ in 2005, then moved to Sydney to study at UTS and work as an Assistant Manager in Business Banking.

He sits on 3 boards: Reconciliation Victoria, Aboriginal Advisory Board to the Victorian Electoral Commission and EastWeb; a youth lead philanthropic board. Over the coming months Benson will be travelling throughout Australia attending and hosting various youth forums in preparation for attending the United Nations General Assembly in September.

Kathy Seton

Helping to Fit the Pieces Together: Community and Personal Histories and their role in evidence production for Native Title Claims

The tracing of descent from traditional land owners and the analysis of records and data relevant to the collection of 'forensic evidence' are some of the most important aspects of native title processes. The growth in more recent years of native title research processes within Community and Personal Histories (CPH) mirrors the growing demand for more historically grounded and comprehensive genealogical and ethnographic information to support native title claims. The services offered by, and types of records (predominantly government) accessed via, CPH can contribute valuable information relative to these endeavours. Discussions about CPH's native title research processes raises questions (not

least about interpretation) and issues pertinent to the production and consumption (by differing audiences) of this data and research. CPH have more recently developed new access guidelines for native title researchers which aim to balance and maintain client integrity, with regards to often sensitive records, while appreciating the time constraints imposed upon researchers during native title processes.

Kathy Seton is currently a Senior Research Officer and Native Title Co-ordinator at Community and Personal Histories (CPH) (ATSIS, Department of Communities). Prior to joining CPH she worked as a support consultant anthropologist on native title claims in central Queensland and as in-house anthropologist at the Carpentaria Land Council (before its partial amalgamation with QSNTS). The last few years have seen an ever increasing demand for CPH research services and records from both claimants and researchers associated with Native Title claims. Kathy's experience with claims processes and data collection helps inform CPH's engagement with both the research process and records interpretation, particularly with regards to the collection of historical and anthropological 'forensic evidence' produced for use in Native Title claims.

Norm Sheehan

Toward a cultural strengths framework

The background of cultural strengths movements in Canada, USA, New Zealand and Australia will be used to inform the presentation of a framework for Aboriginal cultural strengths. The origin of this principle-based framework will be presented and the potential uses of the framework for community well being, community organisation and participant led research will be discussed.

Norm Sheehan was born in Mudgee NSW. He has taught in community education programs, lectured in higher education and conducted research in Aboriginal communities, since 1979. Norm recently completed a Postdoctoral Fellowship at the University of Queensland that addressed the Social and Emotional Well Being of Aboriginal and Torres Strait Islander citizens in Queensland. This work proposed Aboriginal cultural strengths as a framework for Social and Emotional Well Being in Aboriginal communities. In 2009 Norm was awarded the South East Queensland NAIDOC award of excellence for the contribution his teaching and scholarship has made to the Aboriginal and Torres Strait Islander community. He is currently a Director of Link Up Queensland and Associate Professor at Swinburne University of Technology.

Kevin Smith

Dialogue Forum—Is the pressure of proactive case management worth it?

Kevin Smith is a descendant of the Meriam Peoples of the Torres Strait with traditional connections to Ugar (Stephen Island) and Erub (Darnley Island). Kevin has nearly twenty

years' professional experience in Indigenous affairs including senior positions with the National Secretariat of Torres Strait Islander Organisations, the Brisbane Aboriginal and Torres Strait Islander Legal Service, the National Native Title Tribunal, the National Native Title Council and Aboriginal Hostels Limited (AHL). In 2008, Kevin successfully led the amalgamation and incorporation of the former Gurang and Greater Mt Isa native title representative body areas into Queensland South Native Title Services (QSNTS) operations. He is now Chief Executive Officer of QSNTS, an organisation providing native title legal representation for Aboriginal Peoples in an area covering around half the state.

Lisa Strelein

Dialogue Forum—How do we reform the proof of native title?

Lisa Strelein is the Director of Research – Indigenous Country and Governance, including the Native Title Research Unit, at AIATSIS. Lisa has made a significant contribution to academic debate on native title in Australia, including her book 'Compromised Jurisprudence: Native Title Cases since Mabo', now in its second edition. Lisa is on the Executive Board of AIATSIS and takes a strong interest in the internal governance of the Institute. Lisa is the convenor of the annual National Native Title Conference, which remains the leading annual Indigenous policy conference in Australia. She 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. Lisa is an Adjunct Professor with the College of Law and National Centre for Indigenous Studies at the Australian National University.

Austin Sweeney

Dialogue Forum—How do we reform the proof of native title?

Austin Sweeney is a lawyer and mediator who has practised in the area of land rights and native title for almost 20 years. As the Principal Legal Officer for Native Title Services Victoria he oversees the resolution of Victorian native title claims both under the *Native Title Act* and under the recent *Traditional Owner Settlement Act (Vic)*. Previously, as a consultant he worked with native title holders in the Northern Territory, Queensland and Victoria, to develop their capacity to manage their PBCs, resolve disputes, and negotiate native title agreements. He also worked for many years as a lawyer for the Central Land Council on land rights and native title claims in the Northern Territory.

Richard Weston

The Healing Journey – A key to social and emotional wellbeing

The objective of the Aboriginal and Torres Strait Islander Healing Foundation is to build capacity and support the development of successful models for healing. To achieve this goal, the Foundation is focused on the following three areas: Support and Capacity Building, Healing Promotion, Education and Training and Research & Evaluation. The impacts of

colonialisation on Aboriginal and Torres Strait Islander communities have been profound and far reaching, having been passed down generations. The psychological issues facing many Indigenous people will not resolve easily in the short term, in fact they will remain with people affected for their whole lives; which is why we refer to the process of healing as a journey. The reason the Healing Foundation exists is to address the impacts of this trauma amongst Aboriginal and Torres Strait Islander people. One part of addressing trauma in our communities is working with communities to break the cycle is to support work to prevent trauma. This work needs to support all members of communities. Many men carry a lot of pain that has gone unacknowledged and until men can work through these issues on their own healing journey then our communities will not be fully restored to a place of strength and functionality.

Richard Weston is a descendant of the Meriam people of the Torres Strait. He has lived and worked for 27 years in urban, regional and remote settings where he gained a unique insight into grass roots Indigenous issues. The last 14 years he has worked in Indigenous Health spending 8 of the last 9 years leading the successful Maari Ma Health Aboriginal Corporation in Far West NSW. He more recently spent 12 months with the Indigenous Health Service in Brisbane. Richard took up his appointment as CEO of the National Aboriginal and Torres Strait Islander Healing Foundation in September 2010. He is based in Canberra.

George Williams

Dialogue Forum—Constitutional reform: can it support land justice?

George Williams is the Anthony Mason Professor, a Scientia Professor and the Foundation Director of the Gilbert + Tobin Centre of Public Law at the Faculty of Law, University of New South Wales. He has written and edited 26 books, including *Treaty, Australian Constitutional Law and Theory* and *People Power: The History and Future of the Referendum in Australia*. As a barrister, he has appeared in the High Court in cases including the Hindmarsh Island Bridge Case. In 2005 he chaired the Victorian Human Rights Consultation Committee that led to the enactment of the Victorian Charter of Human Rights and Responsibilities. In 2007 he chaired a NSW Government inquiry into Options for a New National Industrial Relations System, and was also a member of the High Level Advisory Group on Federal-State Relations to Kevin Rudd. He writes a fortnightly column for the *Sydney Morning Herald*.

Kiah Woodall

A Young Murri's Perspective on Practical Reconciliation

Reconciliation Australia has invited all Australians to engage in a national conversation about *recognition* in Reconciliation. Recognition includes acknowledgement, willingness to understand and mutual respect. Eddie Mabo's fight for Native Title highlights the success of Decisions, Actions and Results which has provided an opportunity for mobs and Traditional Owners to be reunited with sacred land, meeting places and grounds of significance. The importance of land is a fundamental aspect of Aboriginal and Torres Strait Islander Culture

with emphasis on culture, spirituality, history, Dreaming and stories. Brisbane has been the only capital city in Australia without a prominent meeting ground or cultural centre on sacred ground for Aboriginal people. After a 26 year debate of dispute and a loss of millions of dollars it has finally been confirmed that sacred land of Brisbane, Musgrave Park will now be home to a cultural centre with a focus on Aboriginal culture and education. Even before colonisation Musgrave Park has been a historical meeting ground and land of significance to Aboriginal people, not only for Jaggera and Turrbal mobs, but for Aboriginal people nation wide. Native Title has provided the foundations for movements like this to happen, movements that will provide opportunities, education and a culturally safe meeting place for our First Australians. It is the Decisions, Actions and Results of those fighting for Musgrave Park that has created practical Reconciliation through recognition, working together and respect. To get to this stage, we Individual Mobs need to be united as one front, speaking from one voice.

Kiah Woodall is a Kabi-Badtjala woman of Aboriginal, South Sea Islander and Caucasian decent. I am a third generation descendent of the Australian Slave Trade where my family was blackbirded from Lifou Island in New Caledonia. I was raised in Rockhampton where I developed my passion for social justice and founded and began a youth conference and a Rockhampton program called Buddies Day, working with children and families experiencing disadvantage. After high school I spent four months in Argentina working with communities experiencing extreme poverty. I am a third year student of Criminology, Criminal Justice and Psychological Science at Griffith University. I am a team member of UnitingCare's Centre for Social Justice with my focus areas being on the Criminal Justice system and its injustices, Reconciliation and developing Reconciliation Action Plan for UnitingCare QLD.

David Yarrow

First alternative or second best: settling without a native title determination

Settlements of native title claims in Australia are typically associated with consent determinations of native title. But what if they weren't? What are the strengths and weaknesses of a settlement that includes no determination of native title, or even a negative determination of native title? This paper will consider the practice applicable to the settlement of Indigenous land claims in New Zealand, the United States and Canada in comparison with that of Australia. A key feature of international practice is the facility with which other jurisdictions give legislative endorsement to settlement agreements – providing security for Indigenous owners and the public, and permitting the alteration of statutory schemes for resource management, social programs and governance. This, in turn, begs the question of why Australian native title settlements are so rarely, if ever, backed by legislative action. The paper will conclude with an outline of the factors that make for a successful Indigenous land claim settlement without a court determined outcome.

David Yarrow is a Barrister practising extensively in the native title field and is junior counsel for the applicants in the Koowarta matter.