The CLC has a proud history of empowering traditional owners with reliable knowledge around contentious issues. This paper discusses the multi-faceted approach being taken to enhance the professional knowledge of staff in unconventional oil and gas and to communicate in a balanced way to constituents the methods and risks of this developing industry.

Anthony Alexopoulos has an honours degree in mining engineering and a graduate diploma in mine ventilation. He has worked in the Queensland underground coal industry with experience in gas drainage and in the Western Australia gold fields. Before moving to central Australia he was an AusAID volunteer in the Philippines assisting Indigenous small scale miners in developing safety practices and advocating for the rights of traditional miners. Anthony now works in the mining section at the Central Land Council; ensuring traditional owners are informed and engaged in the implementation of exploration and mining agreements on their behalf.

Warrick Angus is the Manager of the Crocodile Islands Rangers. The Crocodile Islands Rangers (CIR) manage the land and sea country of the Crocodile Islands - an area of international conservation significance in remote north east Arnhem Land in the Northern Territory. Warrick is responsible for the overall coordination and management of the CIR program, and since 2011 he has helped it to grow from a handful of volunteers to a functional and successful ranger program.

Yulleroo due diligence: fracking

This paper will provide a case study of the practical application of the principle of free, prior and informed consent (FPIC) in the context of unconventional gas development in the Kimberley. Yawuru people had their say on the proposed fracking.

Warrick and Leonard will talk about the role and activities of the CIR, in particular their project with NT Fisheries to research establishing a community-based commercial fishing operation.

Leonard Bowaynu is an Executive Committee Member of the Crocodile Islands Rangers. Leonard is a Gurryindi man of the Maringa clan groups, and has been with the CIR since its inception. He is a traditional owner for the area and has been instrumental in the direction and success of the Ranger program. Leonard and the other Executive Committee Members have provided their full support to the CIR program, including their Fisheries research project.
Graham Atkinson is a Dja Dja Wurrung and Yorta Yorta man and an Aboriginal elder of national prominence. He serves on the Board of the Indigenous Land Corporation and is Deputy Chair of the National Centre for Indigenous Excellence. He is the Chairperson of both the Dja Dja Wurrung Clans Aboriginal Corporation and the Indigenous joint venture company Barpa Construction Services Pty Ltd. He is a Director of NTSV and the Federation of Victorian Traditional Owner Corporations. Graham was on the Steering Committee for the Development of a Victorian Native Title Settlement Framework, which was instrumental in the development of the Traditional Owner Settlement Act (Vic).

Matthew Storey is CEO of Native Title Services Victoria Ltd. He is also a Director and Executive Member of the National Native Title Council and a Director of the Federation of Victorian Traditional Owner Corporations. Prior to taking up the position as NTSV CEO in early 2012, Matthew lived in the Northern Territory for nearly 25 years. While there he worked primarily in the areas of Natural Resource Law and Aboriginal Land Rights for many years as a Senior Crown Law Officer with the Solicitor for the Northern Territory. He also worked as Associate Professor and Head of Law at the Territory’s Charles Darwin University.

THE HON. JUSTICE MICHAEL BARKER

Getting to yes; or no: thinking about how to better case manage native title proceedings in the Federal Court of Australia

The overarching purpose of the civil practice and procedure provisions of the Federal Court of Australia Act 1976 (Cth), that apply to proceedings under the Native Title Act 1993 (Cth) as they do to all other civil proceedings in the Court, is to facilitate the just resolution of disputes according to law and as quickly, inexpensively and efficiently as possible. While many such proceedings in the Court, whether claims for determination of native title or compensation, are resolved by consent determinations, some matters still go to a contested hearing. Either way the process of case management, and negotiation between parties, is not quick, or inexpensive, and the question is raised whether it is as efficient as it could be. In this paper the current profile of the Court’s caseload since 2010, when it instituted a national priority list of cases for resolution, through 2012 when it assumed full case management, including mediation, of native title matters, to the present, will be outlined. So too will be the various processes adopted in different parts of Australia by claimants and governmental parties in attempting to negotiate outcomes. The question will be asked whether it is not possible, by examining these processes, to discern the elements of a national “best practice” model of case management and negotiation that enables the just resolution of native title proceedings, more quickly, inexpensively and efficiently.

The Hon Justice Michael Barker is a judge of the Federal Court. Before that he was a judge of the Supreme Court of WA and President of the State Administrative Tribunal.

Justice Barker enjoyed a substantial native title practice at the Bar, including as counsel for the successful claimants in the Miriuwung Gajerrong (Ward) and Ngarluma Yindjibarndi (Daniel) claims. In the 1980s, as an academic, Justice Barker wrote extensively on the topic of Aboriginal land rights.

On the Federal Court, Justice Barker has decided a range of native title matters, including the trial in Banjima People v Western Australia (No 2) [2013] FCA 868; 305 ALR 1, and the appeals in Brown (on behalf of the Ngarla People) v State of Western Australia [2012] FCAFC 154; 294 ALR 223; 208 FCR 505 and State of Western Australia v Graham on behalf of the Ngadju People [2013] FCAFC 143; 305 ALR 452.
He is a member of the Court’s National Native Title Practice Committee, and the judge coordinating native title in WA.

TONI BAUMAN, SCOTT GORRINGE, CATH ELDERTON, TONY KELLY, TIM WISHART, JIM CYNGLER

How are we dealing with difference and conflict?

AIATSIS invites all conference delegates, whatever your role in native title, to a dialogue about your experiences in encountering and/or managing conflict in native title settings with disgruntled claimants, native title holders, respondents, board members, colleagues and others.

Discussion will address a number of these scenarios in greater detail including what worked and didn’t work and why from a number of perspectives. Participants will explore how tensions around particular issues can trigger default responses and set the scene for either meaningful conversations or conflict. The systemic and structural issues will also be identified. Examples may also be addressed in terms of their impact on consultations towards free prior and informed consent.

A number of alternative facilitated approaches such as the Engoori method (Murrimatters), Deep Democracy (the Lewis method), Open Space, and transformative mediation will be discussed. Time permitting, a short communication and decision-making tool in the Deep Democracy (Lewis) method will be practiced and some mapping will occur of what would be useful in any developing native title mediation and facilitation community of practice.

Toni Bauman is a Senior Research Fellow, Governance and Public Policy at AIATSIS. She is an anthropologist, mediator, facilitator and trainer who has published widely, made presentations to a range of national and international audiences and facilitated many workshops and forums. She has over thirty years of experience in Indigenous land and native title claims, governance, agreement-making, decision-making and dispute management processes, joint management of protected areas, government policy, art and craft, program evaluation, feasibility studies, tourism and training. The focus of her research is on engagement processes which achieve sustainable outcomes including Indigenous decision-making, dispute management, community engagement, building partnerships and relationships, alternative consensus building processes such as Deep Democracy and free prior and informed consent. Toni was the chief investigator on the Indigenous Facilitation and Mediation Project at AIATSIS (2003–2006) and subsequently for the Federal Court of Australia’s Indigenous dispute resolution case study project.

Scott Gorringe is a Mithaka man from far western Queensland. Scott’s approach is founded on the belief, that all groups of people bring a collective knowledge and strong value based ethics to address any complex challenge. He believes the challenge is to reconnect with self, others and environment. Scott has a Masters at The University of Queensland, studied at The University of British Columbia in Canada and is now undergoing a PhD with Heriot-Watt University in the UK. He is Director of Murrimatters Consulting. He is passionate about bringing people together around approaches to complex challenges. The National and International experiences broadened Scott’s knowledge and understanding of other Indigenous societies which places him at the forefront of articulating Aboriginal futures.

Cath Elderton is a facilitator specialising in the Lewis Method of Deep Democracy, a facilitation and conflict transformation method, and has trained in process oriented psychology. She has developed her facilitation skills working in community development with Indigenous communities since the 1980s in the Kimberley, and later with the NLC and government agencies in the Northern Territory. She is experienced in learning and development, social impact assessment and project design and management. She spent two years with the UN Transitional Administration in East Timor as a member of the team tasked with re-establishing the country’s land administration systems, and in 2005 moved to Sydney as a Program Coordinator for the Fred Hollows Foundation’s Africa programs. Cath has a Bachelor of Economics (Sydney University) and a Masters in International and Community Development (Deakin University) and currently works part time with Aurora’s Training and Professional Development team.

Tony Kelly recently took up a post as legal officer in Queensland South Native Title Services’ Mount Isa office, after five years at Native Title Services Victoria. Prior to becoming a lawyer in 2007, Tony had a long career in social work and community development and earlier still was a park ranger in the Northern Territory. Throughout his professional life Tony has sought to find creative and non-adversarial solutions to complex and emotionally charged problems. Of particular relevance is Tony’s recent involvement with the Right People for Country program, which has successfully brokered Indigenous led solutions to boundary disputes in Victoria.

Tim Wishart was admitted to practise as a solicitor in December 1991 and was appointed Principal Legal Officer of Queensland South Native Title Services in September 2011. Before joining QSNTS in 2010, Tim worked primarily as litigation lawyer representing both plaintiffs and defendants. Post admission Tim undertook mediation training with LEADR and QUT and has been involved in various ADR processes. Tim is passionate about achieving the best possible outcomes for traditional owners which includes advocating for change in the way governments approach native title and native title rights and the ways in which the inevitable disputes that arise in the native title continuum are managed and resolved.

Jim Cyngler is the founder of Jim Cyngler Consulting, a consultancy specialising in conflict management, mediation and training. Jim brings a rich experience and understanding of a range of approaches to dispute resolution and conflict.
management, including interest based mediation, transformative mediation, advanced communication, mindful mediation, and working with high conflict people. He is at the Victorian Bar and has been a practicing mediator since 1992.

His work includes the commercial and community sectors and he specialises in facilitating parties in decision making, often in complex and/or high conflict circumstances. In 2013 Jim worked with Native Title Services Victoria to provide training and accreditation in transformative mediation and dispute resolution to enhance their work with traditional owner groups in Victoria. Jim also works with Right People for Country in facilitating negotiation within and between traditional owners in Traditional Owner and Native Title Settlement Processes.

TONI BAUMAN, ROBYNNIE QUIGGIN

Untangling Indigenous governance: the need for coordination and collaboration

Effective Indigenous governance which matches capabilities and cultural priorities is the key to beneficial native title outcomes. At the ‘Indigenous Governance Development Forum: Mapping Current and Future Research and Resources’ convened by AIATSIS and the Australian Indigenous Governance Institute (AIGI) in 2014, one participant commented that Indigenous governance looked like the painting ‘Blue Poles’ with a range of scales, scopes, multiple partnerships and corporations, duplication of resources and rationale. This paper discusses a number of the issues raised at the Forum including:

- understanding governance as more than just compliance to regulations;
- the authorising environments, economies of scale and design of Indigenous governance;
- complexities in evaluating Indigenous governance;
- changing the public narrative of deficit which pervades government policies and the media to one based on self-determination;
- the governance of governments;
- the need for improved collaboration and coordination in the building of Indigenous governance including:
  - a clearing house for information;
  - national, state/territory and local communications strategies involving the sharing of what works, what doesn’t work and why;
  - research around a range of topics identified at the Forum and related production of tools and practical resources; and
  - the development of a governance framework or set of principles which inform and are informed by local interests and how to tailor them to local priorities.

Toni Bauman is a Senior Research Fellow, Governance and Public Policy at AIATSIS. She is an anthropologist, mediator, facilitator and trainer who has published widely, made presentations to a range of national and international audiences and facilitated many workshops and forums. She has over 30 years of experience in Indigenous land and native title claims, governance, agreement-making, decision-making and dispute management processes, joint management of protected areas, government policy, art and craft, program evaluation, feasibility studies, tourism and training.

The focus of her research is on engagement processes which achieve sustainable outcomes including Indigenous decision-making, dispute management, community engagement, building partnerships and relationships, alternative consensus building processes such as Deep Democracy and free prior and informed consent. Toni was the chief investigator on the Indigenous Facilitation and Mediation Project at AIATSIS (2003–2006) and subsequently for the Federal Court of Australia’s Indigenous dispute resolution case study project.

Robynne Quiggin is a Wiradjuri lawyer, based in Sydney. She is currently the inaugural CEO of the Australian Indigenous Governance Institute (AIGI). During the 2000s, Robynne ran a legal and consulting firm for seven years before commencing as senior manager of ASIC’s Indigenous Outreach Program. She worked previously as a senior policy officer (Human Rights Commission, Native Title Unit), senior researcher (Jumbunna IHL, UTS) and lecturer in Indigenous legal issues at a number of Sydney universities and solicitor with Terri Janke & Co. Robynne has served on a number of boards including the Arts Law Centre of Australia and Gadigal Information Services (incorporating Koori Radio). She is currently on the board of Bangarra Dance Theatre, is a Trustee of the Australian Museum, Chair of Westpac’s RAP Indigenous Advisory Committee and a member of the Indigenous Law Bulletin’s Editorial Panel.

DAMEIN BELL, DR MIRIAM JORGENSEN, DR ALISON VIVIAN

A reimagined future: Indigenous nations within the nation state

Research evidence from Australia, the US and Canada finds that that the ability for Indigenous nations to achieve their self-defined community goals is linked to effective and culturally legitimate governance. Numerous reports and studies — including those by the Australian Government — suggest that previous government policies have not succeeded, and that a new approach is needed. We think that Indigenous nation (re)building has significant potential be that new approach.

According to the research, the challenge for Indigenous communities is to strengthen their capacity to rebuild their societies through effective self-governance. Aboriginal nations like the Ngarrindjeri Nation and the Gunditjmara People are creating capable governing institutions of their own design, through which they intend to identify their
own governance priorities and bring them into effect. Indigenous nation governing systems also are being used to shape the nature of dealings with non-Indigenous governments.

A team composed of representatives from three Aboriginal nations (the Gunditjmara, Ngarrindjeri and Wiradjuri in Victoria, South Australia and NSW) and academics from Australia and the US is engaged in research to identify strategic and institutional innovations in Indigenous governance and nation-building. This team is investigating processes for sharing these approaches among Australian Indigenous communities, and techniques for commencing the process of Indigenous nation building in the absence of formal government recognition of Indigenous sovereignty.

Damein Bell is a Gunditjmara man and CEO of Gundit Mirring Traditional Owners Aboriginal Corporation where, under instruction from the community, he implements Gundit Mirring’s strategic plan, and advocates for Gunditjmara in native title and cultural heritage. In addition to his work with the Gunditjmara People, Damein has been a board member of the Victorian Equal Opportunity and Human Rights Commission, and of Parks Victoria, was the Strategic Project Manager - Advancing Country Towns Project for the Glenelg Shire and is currently a board member of Native Title Services Victoria. He has studied at the Kennedy School of Government at Harvard University.

Dr Miriam Jorgensen is Research Director of the Native Nations Institute for Leadership, Management and Policy at the University of Arizona and of the Harvard Project on American Indian Economic Development. She has also recently been appointed as Professorial Fellow in Indigenous Governance at the Melbourne School of Government at the University of Melbourne. During the last 25 years, Miriam has worked primarily with Native nations in North America with particular concentration on the ways individual tribes’ social and cultural characteristics affect development. Her research findings highlight that self-determined, culturally legitimate ways of performing any of the tasks of community development and Indigenous governance have dividends. Strikingly, she has been able to utilise these research findings to work directly with Indigenous ‘nation builders’ across the US, Canada and Australia to improve their realisation of community goals.

Dr Alison Vivian is a lawyer and Senior Researcher at Jumbunna Indigenous House of Learning at the University of Technology, Sydney. Alison’s primary research focus relates to Indigenous nation-building and governance as an exercise of Indigenous sovereignty and self-determination. She obtained degrees from the Indigenous Peoples’ Law and Policy program at the University of Arizona, where she studied principles of Indigenous nation building emerging from the research of the Harvard Project on American Indian Economic Development (Harvard Project) and Native Nations Institute for Leadership, Management & Policy (NNII). These principles strongly resonate with earlier Australian research findings and underpin her current research.

ROBYN BELLAFQUIH, PROFESSOR ALLAN DALE, BRUCE PRIDEAUX, JIM TURNOUR, PHIL RIST, SONYA JEFFREY, JOANN SCHMIDER

Celebrating the cultural values of this Australian Rainforest Region World Heritage area

NNTC2015 is convened in Sunrise Yalanji country, northern third of the Wet Tropics of Queensland World Heritage area (WTQWHA). Tourism has been this rainforest region’s fastest growing industry in the last 30 years, now involving 20% of the region’s jobs and 2.1 million visitors spending equivalent to $11,000 per resident annually. However, a generation after the Bicentenary 1988 inscription, resident Rainforest Aboriginal people (RAP) are able to name less than half a dozen TO-owned tourism enterprises or tour bus guides (2010–2014). Tourism use of the area was intended to contribute to understanding Aboriginal cultural heritage for all, and social and economic benefit to RAP (WTQWHA). Tourism has been this rainforest region’s fastest growing industry in the last 30 years, now involving 20% of the region’s jobs and 2.1 million visitors spending equivalent to $11,000 per resident annually. However, a generation after the Bicentenary 1988 inscription, resident Rainforest Aboriginal people (RAP) are able to name less than half a dozen TO-owned tourism enterprises or tour bus guides (2010–2014). Tourism use of the area was intended to contribute to understanding Aboriginal cultural heritage for all, and social and economic benefit to RAP (WTQWHA). Tourism has been this rainforest region’s fastest growing industry in the last 30 years, now involving 20% of the region’s jobs and 2.1 million visitors spending equivalent to $11,000 per resident annually. However, a generation after the Bicentenary 1988 inscription, resident Rainforest Aboriginal people (RAP) are able to name less than half a dozen TO-owned tourism enterprises or tour bus guides (2010–2014).

JOANN SCHMIDER

Bruce Prideaux is Professor of Marketing and Tourism Management in the School of Business, Law and Governance at the Cairns campus of James Cook University. Bruce has a range of interests including protected area, agricultural, Indigenous and urban tourism, recently authoring a book on climate change issues and global rainforest tourism.

Jim Turnour is an Adjunct Research Fellow at the Cairns Institute, James Cook University where he is undertaking Indigenous economic development PhD studies. Jim leads the Cultural Values project economic development core theme. He is now CEO of Jabalbina Yalanji AC RNTBC, the northern third RAP quorum party.

Phil Rist, Nywaagi people – Executive Officer of Girringun Aboriginal Corporation supporting nine of the region’s 20 tribal groups for over 15 years, and southern RAP Quorum party.
Sonya Jeffrey, Jirrbal people – is Managing Director, Ingan Tours and her father is senior Elder and well known educator, Dr Erine Grant.

Joann Schmider, Mamu people – is working with the RAP Cultural Values Project 2012-2015, a Director of Central Wet Tropics Institute for Country and Culture AC Rainforest Aboriginal peoples’ quorum party, and a Director of Mamu AC RNTBC which is also a Registered Cultural Heritage body.

ROBYN BELFAQUIH, JOANN SCHMIDER, EDWARD WATKIN, PROFESSOR ALLAN DALE

How is traditional owner cultural leadership different?

The Rainforest Aboriginal Peoples’ Alliance Bama Marrja Leadership Program 2013

Leadership is a connection of the hearts and minds of people. In 2013, the Rainforest Aboriginal Peoples’ Alliance conducted a leadership program reaching out to the hearts and minds of the 20 Rainforest Aboriginal people groups across Australia’s Wet Tropics rainforest country in far northern Queensland – The Bama Marrja Leadership Program (Bama Marrja: strong people for rainforest culture; country and kin). With support from social and economic development agencies of the Commonwealth and state governments and the regional NRM-related bodies, Terrain NRM and the Wet Tropics Management Authority, and through the northern plus central plus southern Rainforest Aboriginal peoples’ quorum parties, the 2013 Bama Marrja Leadership Program moved from an idea to a program that continues to impact the lives of Rainforest Aboriginal peoples. Gender-based and intergenerational leadership (ie female, male, Elder and youth) inspired and conducted the program: mindful of community development, native title governance, NRM and ecosystem services development opportunities, and the all-important cultural maintenance legacy.

The story of Bama Marrja will inspire others to find and act on their tribal/cultural leadership purposes, and will also serve as a way to build, strengthen and advance the unique leadership knowledges, sensitivities and wisdom that can be shared with others attending this conference. Ongoing question from Bama Marrja is: How to meet requests and connect heart + mind support for an ongoing and sustained regional traditional owner leadership program?

Robyn Belfaqquih is co-chair of the Rainforest Aboriginal peoples’ Cultural Values Project 2012-2015. Robyn is Sunrise Yalanji people and a Director of Jabalbina Yalanji Aboriginal Corporation AC RNTBC which is also a Registered Cultural Heritage Body.

Joann Schmider, Mamu people – as working with the RAP Cultural Values Project 2012-2015, a Director of Central Wet Tropics Institute for Country and Culture AC Rainforest Aboriginal peoples’ quorum party, and a Director of Mamu AC RNTBC which is also a Registered Cultural Heritage body.

Edward Watkin, Erub and Mabuiag peoples – mentor / coach for the Bama Marrja project male, female and youth presentation team; Eddie has been involved at local, state, national and international levels in Indigenous leadership development since the early eighties. He has over 30 years of serving on the national scene partnering with individuals, groups, organisations, businesses, governments and communities to be the best they can be through greater knowledge, equipping and the application of customised leadership programs.

Allan Dale is Professor of Tropical Regional Development from the Cairns Institute, James Cook University as core partner supporting Rainforest Aboriginal peoples. Allan has worked with traditional owners since Aurukun days in the early 1980s, and promotes traditional owner ecosystem services opportunities, leadership and governance.

WAYNE BERGMANN, ZOE RAMSAY, ROBERT HOUSTON

Lifting the bar: Benchmark Agreement making in the Kimberley

Native Title Agreements in the Kimberley continue to set new benchmarks for traditional owners both in terms of commercial value and also in terms of environmental and heritage protection. We look at some of the strategies that have underpinned this success and how the structure underpinning these strategies has developed through the establishment of KRED and KRED Legal.

The first part of the session will look at how the benchmarks in Kimberley native title agreements and the traditional owner rules for development have developed over time and how these are reflected in commercial agreements.

The 2nd part of the session will look at different strategies that have been used in the Kimberley to support these benchmarks and to supplement the fairly weak procedural rights that native title groups receive under the Native Title Act 1993 (Cth) and heritage legislation.

Wayne Bergmann is the current Chief Executive Officer (CEO) of Kimberley Region Economic Development (KRED) Enterprises, where his current focus is on helping Indigenous people get control of their future through providing increased business opportunities and economic independence. He is also a member of the Prime Minister’s Northern Australia Advisory Group and Managing Director of Aboriginal Maritime Pty Ltd.

Mr Bergmann previously spent 10 years as the head of the Kimberley Land Council. Through this role, Mr Bergmann prioritised securing the rights and interests of Kimberley Traditional Owners through the Native Title system. Mr Bergmann has also held significant roles in negotiating agreements between resource developers, industry and Government on behalf of Traditional Owners to secure long-term benefits for Indigenous people. He has also implemented land and sea management activities across the region, including the
Kimberley Indigenous Ranger Program and held the role of Chair at the Northern Australian Indigenous Land and Sea Management Alliance (NAILSMA).

Zoe Ramsay is ALP Director of KRED Legal and has extensive experience in commercial litigation and negotiation. Zoe currently works exclusively for Indigenous clients, primarily in relation to the future acts regime under the Native Title Act 1993 (Cth), corporate governance and compliance and the protection of Aboriginal Cultural Heritage. Zoe was the Kimberley Land Council’s Senior Commercial Lawyer in negotiations for the proposed LNG Hub at James Price Point and is the former General Counsel of KRED Enterprises.

Rob Houston also has extensive experience dealing with all aspects of native title and resource development law and is the current General Counsel of KRED Enterprises and a Director of KRED Legal. Prior to this, Rob worked at the Kimberley Land Council for 5 years and completed a Masters in Mineral Law and Policy at Dundee University, where he was awarded the Dean’s Medal. Before moving into practice as a native title lawyer, Rob worked for five years in Sydney and London in corporate finance and tax consultancy.

WAYNE BERGMANN, BRIAN WYATT, DR VALERIE COOMS, CRAIG CROMELIN, SHIRLEY MCPHERSON, MALUWAP NONA, MURRANDOO YANNER, DJAWA YUNUPINGU

COAG Investigation into Indigenous Land Administration and Use

On 10 October 2014, the Council of Australian Governments (COAG) announced an investigation into Indigenous land administration and use to enable traditional owners to readily attract private sector investment and finance to develop their own land with new industries and businesses, to provide jobs and economic advancement for Indigenous people. The Investigation will report to COAG in late 2015.

COAG is the peak intergovernmental forum in Australia, chaired by the Prime Minister. The other members of COAG are the state and territory Premiers and Chief Ministers and the President of the Australian Local Government Association.

This investigation presents an opportunity to put to these leaders of government a view about how the legislative, regulatory, administrative and operational frameworks that underpin Indigenous land use across Australia are affecting opportunities for Indigenous-led economic development.

A strong Indigenous voice is key to this investigation. An Expert Indigenous Working Group was established to provide guidance to the investigation. As Chair of this group, I want to talk about the investigation so far, and hear from you about where the current system is supporting, or not supporting, Indigenous-led economic development on Indigenous land.

Wayne Bergmann is the current Chief Executive Officer (CEO) of Kimberley Region Economic Development (KRED) Enterprises, where his current focus is on helping Indigenous people get control of their future through providing increased business opportunities and economic independence. He is also a member of the Prime Minister’s Northern Australia Advisory Group and Managing Director of Aboriginal Maritime Pty Ltd.

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Brian Wyatt is a Churchill Fellow who has had nearly 40 years of experience in administration of Aboriginal affairs.
He held the position of CEO with the Goldfields Land and Sea Council for 11 years and was the inaugural Chairperson of the National Native Title Council (an alliance of Native Title Representative Bodies and Native Title Service Providers from around Australia). Brian participates regularly in the United Nations Permanent Forum on Indigenous Issues as well as the Expert Mechanism on the Rights of Indigenous Peoples. This has led him being invited to represent the Pacific Region at various UN Permanent Forum Workshops on Mining and Indigenous Communities in Siberia and the Philippines as well as Conferences on Climate Change in Alaska and Copenhagen. He attended Rio+20 in Brazil in 2012 and the 2014 UN World Conference on Indigenous Peoples in New York representing the Indigenous People Network of Australia.

Brian took up the role as CEO with the National Native Title Council in March 2010. Among other committees, working groups and dialogues involving extractive industries, he is a member of the First Peoples Water Engagement Council, Chair of the Murray Darling Basin Commission National Cultural Flows Research Committee, and a member of the Indigenous Science Review Panel of the National Climate Change Adaptation Research Facility.

Since his appointment as CEO of the National Native Title Council he has also spread his network through to areas such as the National Congress of Australia First Peoples, Indigenous Water Advisory Council, Extractive Industry Transparency Initiative with the Department of Resources, and Indigenous Leaders Dialogue with the Minerals Council of Australia.

Dr Valerie Cooms belongs to the Nunukul people of North Stradbroke Island in Queensland. Valerie currently works as a full time Member of the National Native Title Tribunal. Valerie has had many years of experience in Government administration including the Royal Commission into Aboriginal Deaths in Custody and Regional Manager of ATSIC office in Brisbane. Valerie has three children and eight grandchildren. Valerie holds a Bachelor of Arts with Honours and a PhD from Australian National University in Canberra. Valerie has had a lot of experience in native title having worked as the Manager of the Native Title Unit in the ATSIC Western Australian State Office, the CEO of Queensland South Representative Body Aboriginal Corporation and Queensland South Native Title Services as well as serving as a Director and Chair of the Guandamooka Yoolooburrabee registered Native Title Body Corporate. Valerie holds adjunct professor appointments with Sunshine Coast and Griffith Universities.

Craig Cromelin is a descendant of Ngiyampaa & Wiradjuri people and has lived most of his life in and around Murrin Bridge. Craig is the current NSW Aboriginal Land Council (NSWALC) Chairperson and has been a Councillor for the Wiradjuri region since 2007. Craig says coming from a small community like Murrin Bridge, opportunities were few and far between. Craig, along with his community learnt that if opportunities didn’t exist, the best thing was to create them through commitment, passion, integrity and a good old dose of self-belief.

Craig’s priority as Chairperson of the NSWALC is to make sure that the organisation remains relevant through sound decision-making processes. It’s about how we use our resources to the fullest advantage. Not just dollar resources, not just land, but how our people can benefit.

Along with being the Chairperson of the NSWALC, Craig also represents the 21 Local Aboriginal Land Councils in the Wiradjuri region.

Craig is a member of the Murrin Bridge LALC and has chaired both the MBLALC and the former Wiradjuri RALC.

Shirley McPherson is a current director of Indigenous Business Australia (IBA). Ms McPherson previously held the position of Chair of the Indigenous Land Corporation.

Maluwap Nona is a descendant of the Gudamalulgal Nation in the Torres Strait. His clan is Dhamway, totem is the Thiturthabu and is a Naigai Gubalaig (Northeasterly Wind Person). Maluwap is an advocate for Native Title and land & sea programs, including CLCAC’s very successful Indigenous Ranger Program. He is known as a tireless advocate for Indigenous rights in the Gulf of Carpentaria and has campaigned on a range of local and national issues for more than two decades.

Murrandoo Yanner is a Gangalidda man from the Gulf of Carpentaria. As a Director of CLCAC, he has been instrumental in the development of native title and land & sea programs, including CLCAC’s very successful Indigenous Ranger Program. He is known as a tireless advocate for Indigenous rights in the Gulf of Carpentaria and has campaigned on a range of local and national issues for more than two decades.

Djawa Yunupingu is the Deputy Chairman of Gumatj Corporation, and is a founding member of the Dhimirru Land Corporation, which is responsible for looking after the land environment of north-east Arnhem Land. Since 2008 Mr Yunupingu has led the work of Marngarr Resource Centre which is a local resource agency that provides training and employment. Mr Yunupingu is also the Deputy Chair of the Yothu Yindi Foundation.
National Native Title Tribunal: building strong working relationships and agreements

The National Native Title Tribunal has been assisting native title parties, mining proponents and Government to come together to build strong working relationships and negotiate lasting economic agreements, through its future act mediation process, for over 20 years. The Tribunal has a large and diverse team of experienced mediators and facilitators, and assists its clients by mediating intra-Indigenous disputes, providing training and information and facilitating the negotiation of a wide range of agreements. This presentation will focus on the benefits to Indigenous parties that agreement making brings and cover the range of expertise and services the Tribunal offers.

Tribunal assistance in the form of mediation is beneficial for parties in that it provides the foundation for each party to talk about and understand each other’s interests and explore options for mutual gain; power imbalances, if present, are managed; and parties who may have a range of communication styles are supported to ensure everyone’s message is conveyed clearly. Having the Tribunal assist also ensures that the parties are kept accountable and negotiations stay focused.

The session will provide an outline of the financial and non-financial benefits which the NNTT frequently sees being discussed in mediations and ILUA agreement negotiations.

Clair Berman-Robinson holds a Bachelor of Laws from the Queensland University of Technology and a Graduate Diploma of Legal Practice from the College of Law. Claire has always had a passion for social justice and assisting others. She worked at Legal Aid Queensland as a Client Information Officer for three years while she was studying, providing legal information and assistance to financially disadvantaged Queenslanders. She also worked at the Queensland Public Interest Legal Clearing House, assisting with pro bono legal work on intellectual property matters.

Clair has worked at the Tribunal since December 2010. She has been accredited mediator under the Australian National Mediation Standards since November 2012, and regularly co-mediates with Tribunal Members between parties to future act negotiations. Clair is currently completing a Graduate Diploma in Dispute Resolution at Griffith University.

Kate Madden holds a Bachelor of Law/Arts from the University of Queensland and a Graduate Diploma of Legal Practice from the College of Law. Kate has worked in non-profit and Government sectors, focussing on community engagement and social justice. She worked for a number of years as a Case Coordinator for health services charity, delivering pro bono legal referral services. Following this, she has worked as a Case Manager with the National Native Title Tribunal in the areas of future act arbitration and mediation.

She assists Members and liaises with representatives and unrepresented participants on complex arbitral decisions and mediation matters relating to exploration and mining applications. Kate is an accredited mediator under the Australian National Mediation Standards and has co-mediated with Tribunal Members on matters involving proponents and Indigenous groups. She has built upon her Tribunal work studying a Masters of Law with a focus on native title.

Steve Edwards holds a Bachelor of Arts and Social Work (Honours) degrees from the University of Western Australia. Steve worked for 16 years as a departmental social worker in remote locations in Western Australia and in urban settings. A particular interest in child protection issues lead to Steve co-developing and co-authoring a book Sing of Safety: A solution and Safety Oriented Approach to Child Protection Casework. Through the ongoing work of the co-author the approach has been implemented in Western Australia and several countries including the USA, England and Canada.

Steve has worked at the Tribunal since December 2002 as a case manager in claims and is currently the senior coordinator of the future act mediation services in Perth. He is an accredited mediator under the Australian National Mediation Standards since 2010, and regularly co-mediates with Tribunal Members between parties to future act negotiations.

ANTHONY BEVEN

Independence in the boardroom

The corporate governance environment in Australia is changing with a particular focus on board composition, policy frameworks and professional skills to improve the governance of organisations.

To succeed in this landscape corporations must have the necessary corporate governance arrangements as well as skills on their boards to discharge their duties and meet obligations under corporate law and government funding agreements.

There is no doubt that native title corporations face unique challenges in serving their communities. Corporations need to manage the conflict between the issues of mission and cultural obligation, and practicalities of operational and organisational sustainability.
Those charged with the task of leading a corporation need to have the right mix of skills, integrity and personal fortitude. There are significant responsibility and pressure bestowed on these people in their role as a director.

They need to maintain a clear separation and an independent mind when performing their duties – which at times can be more difficult in an organisation embedded in a special cultural context.

The Registrar of Indigenous Corporations, Anthony Bevan will discuss:

- the increased focus on board performance and accountability,
- the challenges for corporations to find directors with appropriate corporate or business skills, and
- how corporations can leverage independence to strengthen governance, build capacity and improve board performance.

Anthony Beven, before his appointment as Registrar on 1 October 2007, served two years as the South Australian Regional Commissioner and six years as the Northern Territory Regional Commissioner and six years as the Northern Territory Regional Commissioner for the Australian Securities and Investment Commission. From 1995–1999 he worked in Papua New Guinea (PNG) as the Registrar of Companies and the Registrar of Business Groups (the PNG equivalent of the Registrar of Indigenous Corporations). He was the founding chairman of the PBC Securities Commission as well as for the PNG Accounting Standards Board.

ERIKA BLADES, ALBERT COX, LYNETTE SHAW, THOMAS DICK, DANIELLE MILLS, PHILLIP SIBOSADO, EUGENIA LESLIE-GEORGE, TONY FITZGERALD, CISSY GORE BIRCH

Implementing structures for supporting independence: PBCs and Rep Body collaborations, a Kimberley perspective

In the Kimberley there have been 23 Federal Court determinations recognising native title for 16 native title groups that are represented under 13 Registered Native Title Body Corporates (PBCs). These PBCs cover more than 75% of the Kimberley and are responsible for holding on trust approximately 353,809km² of land and waters. The Kimberley Land Council currently provides assistance to 10 of these PBCs. This presentation provides some insight into what support structures are currently in place between the KLC and PBCs. Three case examples are provided including: Gooniyandi, where a service agreement provides for the employ of an operations coordinator; Bardi Jawi where support structures have been developed through leveraging resources from projects which has been critical in providing the scaffolding for PBC support beyond the scope of the individual projects; and Balanggarra with setting up a contract for negotiating an ILUA and the practicalities of section 60AB, in particular how to formalise a contract - the issues, considerations and difficulties experienced by Balanggarra. The presentation will discuss the options considered to overcome some of the limitations, the outcomes and practical implications. The key themes that will be explored in these panel discussions include: strength of PBC Governance, capacity building, and breaking through barriers.

Erika Blades is the Native Title Services Unit Manager for the Kimberley Land Council. The Native Title Services team deliver a broad range of services for both Native Title Claimants and PBCs across the Kimberley Region. Services including support for the legal representation, project development, governance and anthropological research.

Albert Cox is a Project Officer in the Native Title Services Unit and is Director on the KLC board and on the Kimberley Regional board of Aarnja. Albert has 7 years of experience with the KLC on projects including the LNG Gas Hub research and consultations, native title claims in the East and Central Desert regions and PBC support and development.

Lynette Shaw is a proud Gooniyandi woman and the first Gooniyandi PBC Chairperson to take on the role since the PBC was established in 2013. Lynette along with her mother, Lorraine Shandley, has dedicated many years to assist Gooniyandi in achieving native title and is working even harder in the establishment phase of this new organisation.

Thomas Dick is a senior Gooniyandi elder and sits on the PBC as a cultural advisor. Thomas works tirelessly to promote the Gooniyandi PBC and is passionate in his desire to see GAC set up as an overarching group that looks after the interests of its 19 member communities. Thomas has also been instrumental in setting up the Gooniyandi Rangers group on country and has worked many years in on the healthy country committee which is the steering committee for the group. Like all the elders Thomas wishes to see opportunities develop for the young people in Gooniyandi and wants to do this at the same time as maintaining the Lore and culture of the group.

Danielle Mills is a Project officer with the Kimberley Land Council (KLC). Danielle has been working with PBCs for the past two years on various projects including heritage protection, governance and ILUA negotiations including for future acts arising from state government activities.

Phillip Sibosado is a Bard man from the remote community of Lombadina, on the Dampier Peninsula, where he has spent most of his life. Phillip works for and is a director of Lombadina Aboriginal Corporation, which is a successful self-sufficient community that runs tourism, accommodation, cultural tours and has an earth moving and concreting business. Phillip is also a director on the Bardi Jawi Nimidiman Aboriginal Corporation RNTBC bringing a wealth of experience in community development, community project management and tourism operations.
Eugenia Leslie-George is a director of the Bardi and Jawi Niimidiman Aboriginal Corporation RNTBC and is currently an Education Officer at the Department for Child Protection & Family Support. Eugenia has worked in child services for most of her career. Eugenia has two undergraduate degrees, a Bachelor of Community Development and a Bachelor of Education that she completed in 2007 at the Curtin University of Technology. Since 2007 Eugenia has been teaching in Fitzroy Crossing and Broome.

Tony Fitzgerald is the East Kimberley Region Manager of the Native Title Services Unit. Tony has over 15 years of experience working with native title groups in the Northern Territory and Kimberley regions. The last seven years Tony has been working with both the native title claimants and PBCs for the East Kimberley region.

Cissy Gore Birch has been a director of Balanggarra Corporation for the past four years, including in the position of Chairperson and is currently the Deputy Chairperson. Cissy is also the Balanggarra Indigenous Protected Area (IPA) Coordinator working in the Kimberley Land Councils Land and Sea Unit.

Eugenia Leslie-George is a director of the Bardi and Jawi Niimidiman Aboriginal Corporation RNTBC and is currently an Education Officer at the Department for Child Protection & Family Support. Eugenia has worked in child services for most of her career. Eugenia has two undergraduate degrees, a Bachelor of Community Development and a Bachelor of Education that she completed in 2007 at the Curtin University of Technology. Since 2007 Eugenia has been teaching in Fitzroy Crossing and Broome.

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Cissy Gore Birch has been a director of Balanggarra Corporation for the past four years, including in the position of Chairperson and is currently the Deputy Chairperson. Cissy is also the Balanggarra Indigenous Protected Area (IPA) Coordinator working in the Kimberley Land Councils Land and Sea Unit.

Rob Blowes SC is a barrister who for more than 30 years has represented Aboriginal people and Torres Strait Islanders in the preparation, litigation, negotiation and mediation of claims to have their traditional rights in land and waters recognised and protected in many parts of Australia.

GREG BROWN, LEAH CAMERON

Seventeen souls: the battle to repatriate our old people from overseas institutions

Many Aboriginal and Torres Strait Islander peoples see the repatriation of their old people of utmost importance and necessary path to healing the living and the land.

While there has been an increasing trickle of repatriations of Aboriginal and Torres Strait Islander human remains by overseas institutions, many powerful institutions continue to resist any returns.

Father and daughter discusses almost 35 years of the Tasmanian Aboriginal people’s campaign to repatriate ancestral remains. It discusses the legal veil that overseas institutions hide behind and the successful path taken from the Supreme Court of Tasmania to the British High Court lead by the formidable Geoffrey Robertson QC.

Greg Brown is the Deputy Director of the Local Government Division at the Department of Premier and Cabinet (Tasmania).

Greg has been a previous Manager of the Tasmanian Government’s Office of Aboriginal Affairs for a period of eight years. He is a member of the Tasmanian Aboriginal Centre and a committee member of the Aboriginal Land Council of Tasmania which has been established to hold title to lands returned by the Tasmanian Government. Greg represented the Tasmanian Aboriginal community in a mediation with the Natural History Museum in 2007 for the return of 17 sets of Tasmanian Aboriginal remains. Greg also had significant involvement in the development and implementation of legislation for the return of Cape Barren Island to the Tasmanian Aboriginal community and to compensate members of the Stolen Generations in Tasmania.

Leah Cameron is the Principal Solicitor and co-owner of Marrawah Law a Supply Nation certified Indigenous legal practice.

Leah’s primary areas are native title, cultural heritage, future acts and commercial law. Leah is a regular contributor to the National Talk Black radio program presenting on topical legal issues. The passion Leah has for her work in unwavering and has assisted her in achieving six native title consent determinations to date.

Leah’s efforts were recognised in 2008 when she was awarded the Tasmanian Young Achiever of the Year Award in the category of Trade and Career Achievement. Her commitment has also led to her being awarded the Centenary Medal of Australia and the Robert Riley Law Scholarship whilst studying at the University of Tasmania. Her greatest honour was being asked to negotiate and repatriate her ancestors’ remains from the British Museum in London on behalf of the Tasmanian Aboriginal community.

GEOFF BUCHANAN

Gender and generation in native title: director demographics and the future of prescribed bodies corporate

This paper explores gender and generational issues in native title governance. It focuses specifically on the gender and age of directors on the boards of Prescribed Bodies Corporate (PBCs); the corporations established to hold and/or manage native title rights and interests. In relation to gender, a predominant view persists of Aboriginal and Torres Strait Islander women as being excluded or marginalised in native title. Statistical data reveals that women’s representation on PBC boards is higher than that found in mainstream sectors while the literature
reveals a complex picture of cultural, historical, demographic, institutional and intercultural factors that influence men’s and women’s participation and power in the native title arena. In relation to generational issues, a key concern relates to the relatively low number of older people and the growing number of young people in the Aboriginal and Torres Strait Islander population. Viewed in relation to the Aboriginal and Torres Strait Islander population and projected changes, the pool of potential PBC directors looks likely to grow in coming years. Despite this, a failure to adequately invest in education, training, employment and the intergenerational transfer of knowledge might result in a demographic disaster rather than a demographic dividend for native title holders.

**Wayne Butcher** is a project officer at the Aboriginal Economic Policy Research at the Australian National University. For over a decade he has been engaged in multidisciplinary research that has combined qualitative and quantitative methods and drawn on anthropology, demographic, ecological, economic, geographical, Indigenous, legal and policy perspectives.

**Wayne Butcher**

**Kincha and the Council: decision making processes, the old and the new**

Kincha is the traditional lore and custom that underpins the principles of clan based decision making. At the core of kincha are the notions of respect and empowerment. Respect that Elders lead their respective clan and the decisions they make and empowerment in that the individual clan members know what to do and how they are responsible for their part in the greater communal good.

The principles of kincha have been eroded over time and a new hierarchical structure now stands in its place. The philosophy that a Council or an elected arm of community representation replaces kincha has led to a disempowerment of Elders and community people.

In the past Elders were responsible for their respective ‘villages’. All Elders lead their groups and decisions were made where traditional owners were on the same level playing field.

The basic principles of kincha – respect and empowerment - shouldn’t be forgotten in this day and age as it is all about the people. Kincha empowers people, empowered people develop good leaders.

The future of Lockhart and the key to its success is to rebuild that respect for kincha and the role of Elders and the bottom up approach.

Wayne Butcher was born and bred in Lockhart River. Wayne has been the Mayor of Lockhart River Aboriginal Shire Council since 2012.

Cr Butcher is focused on improving the educational and employment opportunities for the Lockhart community as he sees both as being integral to the continued development and long term success of the community as a whole. His qualifications and experience in the field of community development, make him well placed to work with the community to develop and implement new ideas and strategies to continue to strengthen the people and the shire so close to his heart.

Wayne is also an advocate for the continuity of Lockhart Language and Culture; he continues to thrive through the support of his Elders teaching the survival of Lockhart traditions to the younger people.

Education is a key priority and Wayne is committed to developing young leaders of the future.

**Rodney Carter**

**It may not be broke but it can still be fixed: Victoria’s Aboriginal Heritage Act**

The paper commences by examining the Aboriginal Heritage Act 2006 (Vic) (AHA) from a number of perspectives. Initially, the key concepts and processes of the Act such as the roles of a Registered Aboriginal Party, the Victorian Aboriginal Heritage Council, and Aboriginal Affairs Victoria, and the processes of the development of a Cultural Heritage Management Plan, are described and explained. Moving on from this introduction, the paper examines some of the legislative origins of the AHA with a particular focus on the relatively contemporary interaction between processes under the Native Title Act 1993 (Cth) and those under the AHA. The paper then moves on to consider the outcomes of some of the recent reviews of the AHA (the [Victorian] Parliamentary Inquiry into the Effectiveness of Registered Aboriginal Parties and the Review of the AHA undertaken by Aboriginal Affairs Victoria) and to assess the recommendations for change arising from these.

The paper concludes by suggesting that while the AHA may be one of the better pieces of Aboriginal cultural heritage legislation operating in Australia in key areas such as the resourcing of Registered Aboriginal Parties and the recognition of non-archaeological cultural heritage there is still significant scope for improvement.

**Rodney Carter** is a descendant of Dja Dja Wurrung and Yorta Yorta people and resides at Pental Island. He has extensive experience in cultural heritage management and a particular interest in linking ‘people to landscape’ through the integration of biodiversity and cultural heritage projects. Rodney has recently been appointed as the Chief Executive Officer of the Dja Dja Wurrung Group leaving his role as Game Manager at the Game Management Authority, and also worked with the Victorian Public Land Fire Management as a Heritage Specialist, he was also a Project Manager for the Bunjilaka Aboriginal Centre as part of the Melbourne Museum project and became the Bunjilaka’s Inaugural Centre Manager. Rodney is currently chair of the Victorian Aboriginal Heritage Council and has been
a member of Council since its inception in 2006. Rodney is passionate about passing on knowledge and practices to future generations. He has a keen interest in hunting, using techniques from traditional culture to modern methods. A defining moment for Rodney was negotiating for, and being a signatory to, the Dja Dja Wurrung people’s native title settlement under the Traditional Owner Settlement Act 2010.

DR DAWN CASEY

Securing the grand bargain for future generations

The Land Account and the ILC were established as key elements of the ‘grand bargain’ that underpinned the passage of the NTA in 1993 and provided partial compensation for the ‘vast majority of Indigenous Australians (that) have been dispossessed of that which is most precious to their sense of history and spirituality, that most essential component of their heritage—their land’. In return for certainty for non-Indigenous Australians regarding the security of land tenure provided by the NTA, Aboriginal interests were granted access to a Land Fund, implemented through the establishment of the Land Account and the ILC. Marking the 20th anniversary of the ILC, it is now a mature, experienced Indigenous controlled agency. As it continues to mature, the ILC is developing new program delivery arrangements that will have greater flexibility to work in partnership with Indigenous land owners to develop projects that deliver and maximize sustainable benefits. The ILC continues to be a key institution in the architecture of native title; so how do we communicate the history and ongoing significance of the Grand Bargain to young Indigenous Australians and ensure that the Land Account and the ILC are secure for future generations?

Dr Dawn Casey PSM FAHA, Indigenous Land Corporation Chairperson. Dr Casey has worked in a number of key Australian Government roles in Indigenous affairs management, including as Chair of Indigenous Business Australia for five years, in establishing the Council for Aboriginal Reconciliation, the arts and museum sectors, and in international development. She has received numerous accolades including three Commonwealth Public Service Australia Day Medals, a Centenary of the Australian Public Service Medal, and a Centenary Medal for service to Australian society through Aboriginal affairs and the National Museum of Australia. Dr Casey is an honorary fellow of the Australian Academy of the Humanities and currently an Adjunct Professor to the University of Queensland and Griffith University. Dr Casey was appointed Chairperson of the ILC in October 2011 for a term of four years.

THE HONOURABLE FRED CHANEY AO, HARVEY MURRAY, IAN RAWLINGS

The social economic and cultural opportunities of native title

This paper will look at some of the more difficult issues of the post determination world that Central Desert has been grappling with and for a number of years now. While we may not have solutions to these issues we do have some good experience to draw on to open a wider discussion on where they are leading us. The issues the paper will explore are:

- Achieving social economic and cultural gains though native title.
- The high cost of a technical and adversarial approach.
- The difficult task of aiding independence and Aboriginal control.
- The moral hazards in corporate structures.

The exploration will include examples of things we find are working and some of the obstacles and challenges we have met along the way. This paper is an invitation to engage in an ongoing discussion.

The Honourable Fred Chaney AO has been a director on the board of Central Desert Native Title Services Limited since its incorporation in 2007. He has served as a member and Deputy President of the National Native Title Tribunal, Co-Chair and director on the board of Reconciliation Australia Limited, Chair of Desert Knowledge Australia and Chair of the Consultation Committee on a Human Rights Act for Western Australia. In 2008 he was awarded the Sir Ronald Wilson Leadership Award for “Exceptional leadership in the fields of social justice, human rights, equality and anti-racism”. Fred is a co-founder and Deputy Chair of the Graham (Polly) Farmer Foundation, which currently supports the efforts of 1000 Indigenous students in state schools to achieve year 12. In 2011 he was a member of the Expert Panel on the Constitutional Recognition of Indigenous Australians. Most recently, Fred was the recipient of the Senior Australian of the Year for 2014.
Harvey Murray is the registered applicant for the Yilka Native Title Claim, in Western Australia. Harvey is also the Chairperson of Cosmo Newberry Aboriginal Corporation and he has been for the last 25 years. He is employed as the community’s Project Officer. Harvey has been a Director of Ngaanyatjarra Council and its entities for the last 21 years. Harvey has been at ATSIC Regional Councillor for 12 years, and was also a member of the Western Australia Aboriginal Advisor Council for three years. Harvey worked for Western Mining in the early 1980s at Windarra and as a Store Manager at Mount Margaret in the late 1980s. In 1989 Harvey returned to Cosmo Newberry, where he has run his own remote community for the past 26 years. Harvey has a lot of experience in Aboriginal affairs; he is a strong leader and role model for his family, his community and his people.

Ian Rawlings is the Chief Executive Officer and Company Secretary for Central Desert Native Title Services Ltd. Ian has had extensive experience working with Indigenous organisations across Western Australia. Since the early 1990s he held community development and administration roles in remote communities and worked as a field and project officer with ATSIC. Ian was the Administration Manager for the Ngaanyatjarra Council Native Title Unit and Unit Manager prior to taking on the role of Chief Executive Officer at Central Desert Native Title Services at its inception in 2007. Ian is also the Chairman of Carbon Neutral Charitable Fund Ltd.

**SHAMAL DAAS**

**Future proofing Indigenous investment**

Since its founding in 1840, the JBWere story is one of integrity, innovation and relationships. Over the last 18 months, we have been engaged in many conversations across a gamut of topics: fundraising, governance, board regeneration, advocacy, impact investment, collective impact, sector collaboration, and consolidation, as a start. A common thread has arisen: measuring effectiveness, outcomes and impact.

You are the leaders. You make decisions on behalf of for-purpose organisations. Do you have the much-needed information required to make the right strategic choices? This is a fundamental concern of the ‘for-purpose’ sector. As management guru Dr. H. James Harrington stated, ‘Measurement is the first step that leads to control and eventually to improvement. If you can’t measure something, you can’t understand it. If you can’t understand it, you can’t control it. If you can’t control it, you can’t improve it.’

In this session we will explore the importance of measurement for non-profit organisations, and the current state of measurement in the sector. In addition, some insight will be provided regarding how you, as leaders, should be thinking about measurement in your own organisations. My hope is that this session provides clear insight into the challenges and opportunities associated with measurement so that you may lead your organisation in a positive and focused manner to deliver better social outcomes.

Shamal Daas joined JBWere’s Philanthropic Services team in November 2012. His responsibilities include the provision of specialist advice to both non-profit organisations and private clients in areas ranging from the structuring of philanthropic giving to governance structures and organisational strategy. Shamal works in partnership with JBWere advisers to develop tailored investment management solutions that allow clients and non-profit organisations to fulfil their mission.

Prior to joining JBWere, Shamal worked within the financial services and trustee industries where he has significant experience in advising high net worth individuals on their philanthropic structures, managing trusts and foundations (including PAFs), and constructing charitable foundation investment portfolios. Shamal is a member of the Cure Cancer Australia Foundation Youth Advisory Committee.
Foundations, building blocks and structures: ethical and governance considerations in native title outcomes

The term ‘governance’ is used to describe different concepts in the native title context in relation to NTRBs, regulators, Indigenous corporations and claim groups. Governance is a spectrum within and beyond the native title context. What is good governance? What are key considerations relevant to corporate accountability and board member conduct?

NTRBs have statutory functions that lawyers can sometimes take part in. Lawyers are also bound by a legal ethical framework. Additional requirements for the NLC and CLC, which have functions under ALRA, can create further complications for lawyers. How can lawyers manage competing requirements?

The Torres Strait is largely a post-native title determination environment. Twenty one registered native title bodies corporate operate in the region, with only a handful of active claims remaining. The successful determination of native title in the Torres Strait Sea Claim (the Akiba decision), lead to the formation of Malu Lamar PBC, with membership open to the chairmen of each Torres Strait Island PBCs. The Gur A Baradharaw Kod Torres Strait Sea and Land Council was also formed, with membership open to Island PBCs. How do these bodies work from a governance and practical perspective?

This panel will explore developments and relationships, key to sustainable outcomes.

Lui Ned David has been the Chair of the Torres Strait Sea and Land Council since its incorporation in 2012. Mr David has extensive experience as a Chair of Magani Lagaulag PBC, which holds native title over Lama Island. He also has significant experience as the Chair of TSI Regional Education Council (TSIREC).

Doug Passi is a Director and Working Group member for the Torres Strait Sea and Land Council. He has been Chair of Mer Gedkem Le (TSI) Corporation, which holds native title over Mer (Murray) Island for seven years. Doug oversaw the transfer of trust land at Mer over the Mer Gedkem Le (TSI) Corporation as Torres Strait Freehold land.

Megan Brayne is an independent legal professional specialising in native title and land rights. Previously of Allens Author Robinson, she has worked for / advised a range of NTRBs including the Torres Strait Regional Council, Northern Land Council and Kimberley Land Council. Megan has extensive experience with agreement making and post agreement and determination governance issues, as well as native title claims work. She received the University Medal for her Masters from the School of Natural Resources Law, Policy and Management at the University of Dundee in 2009. Megan is a contributing author to the Lexis Nexis Native Title Looseleaf Service and teaches at the School of Management within the College of Business at RMIT University, Melbourne.

Emily Gerrard is Senior Associate at Allens law firm and is an environment and native title law specialist. She regularly advises clients on land use and development approvals, land access arrangements, environmental impact assessments, native title agreements and participation requirements in relation to a range of environmental markets (water, native vegetation and carbon). In addition to her role at Allens, Emily works with Indigenous leaders and communities in relation to climate change issues and carbon offset opportunities.

Emily recently led a team in preparing an issues and options paper relating to possible implementation of cultural flows and proposals under national and state law frameworks.
FRANKIE DEEMAL, TERRY PIPER

Using the levers. Native title, the environment and economic development on Cape York

Over the last 20 years Cape York Indigenous people have effectively used native title and the considerable environmental assets of Cape York to leverage Aboriginal freehold land outcomes and legislative reform as a platform for economic development and jobs. For many native title holders, their biggest asset is the conservation value of their land, which must not be traded too cheaply. This presentation will set out the rationale and history of the Cape York Tenure Reform program and the issues involved in achieving the return of land and balancing Indigenous control, economic development and conservation.

Frankie Deemal is a traditional owner and Elder from Hope Vale, an Aboriginal community on the East coast of Cape York Peninsula. He is of the Dhiidharr clan, of the wider Guugu Yimidhirr Nation. He has worked actively in advancing and protecting Aboriginal rights and was mentored by some of the Movements great fighters including Mick Miller, Clarrie Grogan, Joe McGuinness, Joe Morgan, the O’Shanes etc. He is the co-founder of the Cape York Land Council and a founding member of many key organisations including Balkanu - Cape York Development Corporation. He loves Languages and Philosophy.

Terry Piper is currently Chief Operating Officer with Balkanu Cape York Development Corporation that supports Indigenous groups on Cape York. Part of the functions of Balkanu is the Cape York Tenure Reform program, economic development and the negotiation of joint management arrangements over existing and new national parks. Terry has previously worked as park manager of Uluru National Park, as manager of Aboriginal Land Interests with the Queensland Department of Environment and various positions working with traditional owners on development projects.

LUDGER DINKLER

Outcomes from a workshop on managing information in native title

This presentation will draw on finding from the Managing Information in Native Title (MINT) workshop, held in March 2015 at AIATSIS.

The workshop brought together 42 delegates from native title organisations to discuss the current state, the challenges and some possible solutions to the culturally and legally appropriate management, storage, and use of the enormous legacy of materials and information collated and created in the field of native title over more than 20 years.

Ludger will present on the findings of the survey or participating native title organisations that shed light on the information holdings of those organisations and their information management capabilities, capacities and needs.

Ludger will also provide an overview of workshop outcomes on participating native title organisations’ information management aspirations, their major challenges in achieving those aspirations, some initial lessons learned and approaches towards overcoming those challenges, as well as what support and advice AIATSIS might be able to provide to native title organisations for sharing experiences and establishing processes and guidelines for managing information in native title.

Ludger Dinkler is currently the Senior Project Manager at the Native Title Research Unit at AIATSIS. He holds a Masters Degree in Anthropology and Sociology and has been working with Aboriginal people in different regions of Australia since 1998, focussing mainly on land management, native title, cultural heritage and Indigenous leadership.

Before coming to AIATSIS in 2013, Ludger worked for four years as a consultant anthropologist in the Pilbara and Gascoyne regions of WA. Prior to that he was employed as an anthropologist at two Western Australia native title representative bodies and lived and worked for two years with Aboriginal Rangers in Central Arnhem Land.

ZOE ELLERMAN, HAROLD LUDWICK

Indigenous constitutional recognition: reform to guarantee the Indigenous voice in Parliament’s law-making with respect to Indigenous affairs

This paper will argue for, explain and discuss the proposal to amend the Constitution to create an Indigenous body to consult with and advise Parliament on matters affecting Indigenous interests. It will argue that a procedural amendment to the Constitution to guarantee the Indigenous voice in Parliament’s law and policy making for Indigenous affairs would establish a pre-emptive and proactive process for Indigenous consultation and engagement with Parliament. This may be an alternative way of constitutionally preventing and addressing racial discrimination against Indigenous peoples through government laws and policies. The paper will discuss some legal and political pros and cons of the procedural approach compared to other legal and justiciable approaches, and will offer the Cape York Indigenous perspective on why having a platform to have a voice and be heard by Parliament is so important in the struggle for Indigenous equality, responsibility and empowerment.

Zoe Ellerman joined Cape York Institute in January 2013 as Head of Policy and Research. Zoe has been fortunate to have had the opportunity to listen to, talk with and work for Aboriginal and Torres
Strait Islander people in Queensland, South Australia, the Northern Territory and Western Australia. She has held key policy and research roles previously within government and in private practice, including as a lawyer.

David Evans MBA, Bcom, FAICD, FCPA, FIN is a management consultant and an accredited facilitator for the Australian Institute of Company Directors delivering corporate governance, Indigenous governance, strategy and risk training programs for board directors and executives throughout Australia and the Asia Pacific region. He has also been active in the not-for-profit sector for a number of years holding positions as President and Board director for the National Heart Foundation, President Fiji-Australia Business Council and Trustee of Murdoch University Veterinary Trust. He is currently an Independent Director of Ngarluma Yindjibarndi Foundation Limited in the Pilbara, a Non-Executive Director of Aboriginal Hostel Ltd in Canberra and an Independent Member of the Queensland Police Service Audit & Risk Committee. As a career banker and consultant, David has worked throughout Australia and the Asia Pacific region. He has held executive roles as the Chief Manager Westpac Fiji Islands, Chief Credit Officer Westpac, Senior Manager Indigenous Banking Westpac and Director, Risk Advisory KPMG.

ROWAN FOLEY

Carbon farming agribusiness on Aboriginal lands

Carbon farming has now been demonstrated to be a multi-million dollar agribusiness on Aboriginal lands, largely involving savanna burning in Cape York, Top End and the Kimberley. The success (or failure) of savanna burning projects has largely been due to Aboriginal ranger groups engaging in this new form of agribusiness through producing and selling their carbon credits into a market to cover the cost of production and make a small profit.

As we enter the new carbon farming framework involving the Emissions Reduction Fund and secondary markets as well as the voluntary market, a number of considered decisions will need to be made and improved level of cooperation by the Aboriginal ‘primary producers’.

There are also a number of industry overheads that need to be addressed such as audit costs, legal advice, AFSL requirements, contractual make good provisions, membership of the CMI and liaison with the Clean Energy Regulator.

Rowan Foley comes from the Wondunna Clan of the Badtjala people traditional owners of Kgari (Fraser Island).

Rowan is the General Manager of the Aboriginal Carbon Fund a not-for-profit company specialized in working with traditional owners, Aboriginal organisations and Land Councils in carbon farming on Aboriginal lands. Rowan has played a leadership role in the area of carbon farming for the last five years and has over 25 years of experience in the conservation and land management sector.

Legal obligations regarding native title litigation materials

The functions of a native title representative body (NTRB) include assisting native title groups to achieve native title determinations by the Federal Court. NTRBs do so, in part, by instructing employed solicitors, anthropologists and other staff to collect information from group members and from public
ADRIADNE GORRING, POLLY GRACE

Cultural Conservation Enterprises as a pathway for PBC autonomy

Native title is determined over more than 70% of the Kimberley region. In this context, the challenge facing native title holders is how to leverage native title rights to achieve beneficial outcomes for economic development, community resilience and healthy country.

One pathway for facilitating economic opportunities for native title holders and their Prescribed Body Corporates (PBC) is the establishment of social enterprises based on cultural and conservation management services. Cultural conservation enterprises provide a model for pursuing economic development that aligns with cultural values, promotes healthy country and supports the transmission of traditional knowledge, while fostering the autonomy of PBCs.

The Kimberley, recognised for its natural and cultural values and high biodiversity, provides a unique setting for showcasing the establishment of cultural conservation enterprises. This panel will explore how cultural conservation enterprises support economic development opportunities for PBCs, drawing on the experience of the Kimberley Ranger Network and North Kimberley Fire Abatement Project.

Cultural conservation enterprises, like the Kimberley Ranger Network, deliver a multitude of benefits including: increased employment, fostering community leadership and youth engagement, and enhanced biodiversity outcomes. Cultural conservation enterprises simultaneously face a number of challenges, including offering competitive services within a market that externalises costs associated with the delivery of cultural and environmental activities.

Ariadne Gorryng is currently the Land and Sea Unit Manager at the Kimberley Land Council (KLC). Ariadne has worked at the KLC for more than 10 years in a variety of positions, including coordinating the National Heritage Project which resulted in the successful listing of the Kimberley for its Indigenous cultural values. Ariadne completed a Sustainable Development and Entrepreneurship degree at Murdoch University and has a particular interest in the implementation of traditional owner aspirations in a post native title setting.

Polly Grace is the legal officer with the Land and Sea Management Unit of the Kimberley Land Council and advises on a range of matters affecting the delivery of cultural and environmental services in the Kimberley. The Land & Sea Management Unit works with Indigenous land managers in the Kimberley region to achieve the cultural and environmental outcomes they want to see happen on the ground.

Polly holds a Masters of Environmental and Natural Resource Law from the University of Oregon and LLB specialising in International Law from the University of Queensland.

She has particular expertise in climate change law, advising native title holders on the establishment and registration of carbon projects as an opportunity for sustainable enterprise development.

Prior to the KLC, Polly worked with the Australian Government, most recently as a negotiator on climate change policy focused on the land sector and the measurement and reporting of emissions. She has also worked on the former Government’s Clean Energy Package, with a particular knowledge of the Carbon Farming Initiative.

JACKY GREEN, SEÁN KERINS

Pursuing sustainable development in the face of careless mining

In the southwest Gulf of Carpentaria region of the Northern Territory Aboriginal landowners are attempting to build a sustainable future for both their country and future generations. They are doing this by developing ranger programs, Indigenous Protected Areas, eco/cultural tourism, carbon farming and maintaining ecosystem services. However, some of these long-term sustainable development initiatives are at great risk from careless mining activity across the region.

In this presentation Jacky Green and Seán Kerins use Jacky’s artwork to show the environmental and social problems that mining, especially in the McArthur River region, is having on sustainable Indigenous development initiatives. They also briefly outline what Aboriginal landowners are attempting to do to counter these significant environmental and social problems caused by mining so they can secure a sustainable economic future.
Kings return to Grass Castles: the future of Aboriginal pastoralism

Commonly, native title (NT) is ‘non-exclusive’, ancestral lands are shared with (usually non-Indigenous) pastoralists. Two questions: First, if the Prescribed Body Corporate (PBC) takes over from a pastoralist at the end of his lease, how does that affect NT? Second: Can a PBC in fact take over? Or has the pastoralist some sort of ‘right’ to a renewal?

If the PBC takes the lease, exclusive NT flows back; this means that the lease is very likely to stay with the PBC for ever. If the lease were not renewed, the PBC would get major compensation.

Until recently, the PBC could apply for a pastoral lease when it expired, and might have succeeded. ‘Heritage’ was important. However, in 2014 Queensland changed the law to allow existing pastoralists to ‘roll over’ leases indefinitely, thus shutting out PBCs for ever. Also, Queensland encourages pastoralists to turn leases into freehold, suggesting that the pastoralists ‘buy out’ NT rights.

Not all hope is lost. The provisions locking a PBC out can be repealed. Also, they may be unconstitutional. As the non-Indigenous can always obtain complete ownership of their land held by (leased to) another, the Indigenous must, under law, enjoy the same privilege.
Dr Sharon Harwood

Statutory land use and planning in Cape York: the make or brake of the local and regional economy

Land use planning should be a collaborative project between government, industry and community that culminates in a map with a set of strategies to describe the appropriate location, type, scale and intensity of land uses within a defined area. These plans can make or put a brake on an economy. This presentation will review the permitted land uses in Wujal Wujal, Hopevale and Mapoon Aboriginal Shire Councils and the state interest overlays that define their respective economic future. The review then describes the Cape York Regional Plan (2014) outcomes to highlight the relationship between the levels of planning and the economic future for the region as a whole.

The results of the review illustrate how land use planning for local government, and the Cape York Region pays scant attention to the relationship between the permitted land uses; state interests; and the roles and responsibilities of the RNTPBC/PBC. It is this lack of attention that impairs economic development. The presentation concludes that a place based approach to planning be pursued that focuses on the creation of strategic plans for NTBC/PBCs as the foundation of development as opposed to the dysfunction of the prevailing top down approach.

Dr Sharon Harwood is a qualified and practicing planner with more than 20 years of experience working with rural and remote communities on natural resource planning, community planning and development projects. Sharon is a lecturer at James Cook University in Cairns, she initiated and co-ordinates the Graduate Certificate Planning and Indigenous Communities and is the Chair of the TNQ branch of the Planning Institute of Australia.

Sharon specialises in the implementation of community based planning processes and techniques in remote areas to guide sustainable development outcomes. Her experience includes social impact assessments within the resources sector; community planning; development planning in remote areas; planning and development on Aboriginal and Torres Strait Island land and managing social planning and research projects.

Simon Hawkins

Evolving Native Title Services

Native title groups in the Pilbara and Yamatji regions of Western Australia have seen dramatic change over the last decade through the growth and decline of iron ore mining and the resulting intergenerational native title agreements.

Traditional owners are now moving forward to implement these complex agreements and are highly sophisticated of service delivery.

To respond to these evolving needs, the Aboriginal Directors of Yamatji Marlpa Aboriginal Corporation are exploring the next stages of service delivery to traditional owner groups.

This includes:

- Safe and appropriate return of cultural research materials to traditional owners.
- Anthropological and legal expertise to assist with trust management.
- Governance assistance in the establishment of Aboriginal Corporations, including constitution and rule book design.
- Skills-audits to support employment and training opportunities.
- Environmental and biodiversity projects, including establishing Indigenous Protected Areas.
- Acting as a central point for regional approaches, connecting networks and advocacy.

These services are particularly important for groups who have agreements in place, but due to the delays in native title recognition, don't yet have a Prescribed Body Corporate to manage their business.

The evolution of land councils is critical to ensure the accountability, knowledge and understanding built over the decades stays accessible to traditional owners as a not-for-profit service.
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 resource-rich 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 officers in Geraldton, South Hedland, Tom Price and Perth. As CEO, Simon has also overseen the largest native title negotiations in Australia’s history, including the multi-billion dollar agreements between Pilbara traditional owners and Rio Tinto Iron Ore. In addition to this, YMAC has negotiated hundreds of agreements with national and international bodies, on behalf of the traditional owners represented by the organisation, including securing a National Heritage Listing and Indigenous Protected Area partnerships.

Before joining YMAC in 2003, Simon worked for the Department of Indigenous Affairs as a director, where he managed a regional network of officers across the state. He has also held senior positions in local and state government.

NOLAN HUNTER, BRIAN WYATT, SIMON HAWKINS

The Closure of Aboriginal Communities

Since late 2014 there has been much confusion and debate about the future of funding for Aboriginal communities and homelands/outstations, particularly in Western Australia and South Australia. Arguments over the financial responsibilities of Commonwealth and state/territory governments has occurred alongside ideological arguments over the rights of Aboriginal and Torres Strait Islander peoples to reside on or near their country and to have access to basic services there. This represents the latest episode in a long-running debate in Australian Indigenous Affairs about homelands/outstations and the movement of Aboriginal and Torres Strait Islander people into larger, centralised communities. The recent debate around the closure of Aboriginal communities raises important questions in relation to native title. Living on and having access to traditional country is fundamental to maintaining an ongoing connection to country which is central to native title. Rather than a lifestyle choice, Aboriginal and Torres Strait Islander people’s presence on country is often described as a cultural commitment or obligation and it may also be a legal necessity in terms of native title. This session provides an opportunity for an open discussion about the past, present and future of Aboriginal communities and their importance to Aboriginal people exercising and maintaining their native title rights and interests.

Nolan Hunter is the CEO of the Kimberley Land Council – a not-for-profit organisation that assists Aboriginal people to secure land rights. He is also the Chairman of the National Native Title Council and a member of the Western Australian State Government Kimberley Regional Planning Committee. The Kimberley Land Council, as the representative body of Kimberley Aboriginal people, works with Traditional Owners to look after country through conducting strategic conservation and land management activities while creating sustainable cultural enterprises to promote social change and build positive futures.

Mr Hunter is a Bardi man with strong links to his people and culture across saltwater country in northern Western Australia. In keeping with Aboriginal traditions, Mr Hunter has been taught by his senior elders the stories of, and knowledge about his people, language, law and culture. His expertise in traditional knowledge has been further advanced in his role as CEO of the KLC, which represents and brings together about 25 different Aboriginal tribal groups from across the region. Mr Hunter has a professional background in strategic management and staffing operations and has more than 23 years of experience in this field. He spent 14 years with different Commonwealth agencies specialising in Indigenous Affairs and has worked extensively in Indigenous communities in Australia. Mr Hunter has worked with the Australian Consulate in Manchester, focusing on immigration and humanitarian programs as well as the Australian embassy in Vienna, Moscow, Edinburgh and Dublin. On returning to Australia, Mr Hunter has worked as the Director of several Indigenous organisations. Through his role with the Kimberley Land Council, Mr Hunter is an active campaigner for Indigenous native title rights and management of country. He strongly supports the development of sustainable business enterprises based on Aboriginal cultural values as a way to generate wealth in remote communities, ignite social change and create positive futures for Kimberley Traditional Owners. Mr Hunter has recently presented at a number of International conferences on the development of environmental and cultural enterprises and the KLC’s work to connect Indigenous land managers from across the world. He has presented at both the Thirteenth and Fourteenth United Nations.

Brian Wyatt is a Churchill Fellow who has had nearly 40 years of experience in administration of Aboriginal affairs. He held the position of CEO with the Goldfields Land and Sea Council for 11 years and was the inaugural Chairperson of the National Native Title Council (an alliance of Native Title Representative Bodies and Native Title Service Providers from around Australia). Brian
participates regularly in the United Nations Permanent Forum on Indigenous Issues as well as the Expert Mechanism on the Rights of Indigenous Peoples. This has led to him being invited to represent the Pacific Region at various UN Permanent Forum Workshops on Mining and Indigenous Communities in Siberia and the Philippines as well as Conferences on Climate Change in Alaska and Copenhagen. He attended Rio+20 in Brazil in 2012 and the 2014 UN World Conference on Indigenous Peoples in New York representing the Indigenous People Network of Australia.

Brian took up the role as CEO with the National Native Title Council in March 2010. Among other committees, working groups and dialogues involving extractive industries, he is a member of the First Peoples Water Engagement Council, Chair of the Murray Darling Basin Commission National Cultural Flows Research Committee, and a member of the Indigenous Science Review Panel of the National Climate Change Adaptation Research Facility.

Since his appointment as CEO of the National Native Title Council he has also spread his network through to areas such as the National Congress of Australia First Peoples, Indigenous Water Advisory Initiatives, legislative and policy reviews, and implementing their rule books.

Michael also represents a number of ongoing native title and compensation claims and is regularly involved with the negotiation of land access, cultural heritage and community development agreements. Prior to joining SANTS, Michael was a solicitor at DLA Piper (formerly DLA Phillips Fox). He holds an Honours degree in Law and Legal Practice and a degree in International Studies from Flinders University.

DAVE JOHNSTON

Addressing Australia’s Indigenous Cultural Heritage Site Management Crisis: stop the destruction!

Indigenous Australian’s, are increasingly speaking out in anger and exasperation in attempting to exert our right to manage and protect our significant heritage sites and places in this era of deliberate weakening and ‘dumbing down’ of the nations’ Indigenous cultural heritage site management policies and legislation. With no public debate nor adequate Indigenous consultations occurring in this era of Indigenous heritage policy and management erosion, the situation has become a national travesty, with internationally recognised Indigenous core human rights issues, very much, at the fore.

This paper explores some key management issues that have become clearly identifiable in this national heritage crisis.

DR TOM JENKIN, MICHAEL PAGSANJAN

Tips and traps for PBC rule books

Prescribed Body Corporates (PBCs) are an essential part of the structures for native title communities post determination. However, a number of key structural issues persist for PBCs in their efforts to achieve sustainable nations. This presentation will seek to address one of the legal framework issues that PBCs will need to overcome, focusing on rule books.

The presentation will firstly provide context of the status of PBCs in South Australia and identify some of the key issues for those structures. Second, the discussion will attempt to unpack some of the regulatory frameworks that PBCs need to navigate, focussing on some of the traps that PBCs in South Australia have needed to overcome in drafting and implementing their rule books. Third, the presenters will propose some practical tips in address issues with PBC rule books.

Dr Tom Jenkin is the Manager for Capacity Development at South Australian Native Title Services Ltd (SANTS). Tom joined SANTS (then the Native Title Unit of Aboriginal Legal Rights Movement) in 2005 to undertake a review of the South Australia state-wide 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, and heritage and caring for country project. Tom is a human geographer with applied research interests in achieving just and sustainable outcomes through building on native title.

Michael Pagsanjan is a Senior Legal Officer at SANTS. Michael represents several Aboriginal Corporations and Prescribed Body Corporates throughout South Australia and has assisted with the development of corporate and trust structures for Aboriginal communities.
The paper also promotes base level Indigenous cultural heritage management considerations that could apply to a future National Indigenous Heritage Policy Charter – one based on internationally recognised best practice cultural heritage policies and one also adhering to the ‘United Nations’ Declaration on the Rights of Indigenous Peoples’. Such a Charter would particularly need to recognise and respect the rights of Indigenous Australian’s to speak for and protect our important heritage sites as well as to ensure economic aspirations don’t cloud decision making regarding the protection of the nations’ significant heritage.

Dave Johnston is an Indigenous archaeologist and Director of Aboriginal Archaeologists Australia and a Director of the Boon Wurrung Foundation. For over 20 years Dave has worked as the community appointed archaeologist for many Traditional Owner groups throughout Queensland, NSW, Victoria and the ACT. He is Chair of the Australian Indigenous Archaeologists Association a member of the AIATSIS Research Ethics Committee.

FIONA JOSE

Empowered communities: creating a structure for Indigenous empowerment

The fundamental challenge we face in closing the gap on Indigenous disadvantage is our extreme minority status as Indigenous peoples within the Australian nation. Being only three% of the population, we hardly get a say in the democratic processes of Parliament.

We cannot effectively influence the government decisions which affect our lives. We are the three% ‘mouse’ struggling to be heard by the 97% ‘elephant’. Others continue to devise and implement ‘solutions’ to our problems largely without our input and absent any accountability to Indigenous people. We live the Indigenous predicament. No one is better placed to solve the challenges that confront our people. We have the knowledge, but not the power. Government have all the power, but little of the knowledge. This paper will discuss the Empowered Communities initiative: collaboration between Indigenous leaders nation-wide to develop recommendations for national structural and institutional reforms aimed at enabling Indigenous empowerment, responsibility and self-determination. Our aim is to create a structure and system which allows Indigenous people to take responsibility for our economic, social and cultural determination.

Fiona Jose is an Indigenous leader dedicated to education, reform and empowering change for Indigenous Australia.

A proud Aboriginal and Torres Strait Islander, Fiona’s love for her family, culture and heritage shaped her career in empowering local change in Indigenous communities.

Fiona first joined the Cape York Institute in 2010 and has since held a number of executive positions as Director of Leadership for the Cape York Leaders Program, Chief Executive Officer of Cape York Institute, and now, General Manager of Cape York Partnership.

Hands-on in a number of Indigenous-led organisations, Fiona is a Leader of Empowered Communities, Board Member of Bama Services and Djarragun College, and Chairperson of Jawun Advisory Group.

Fiona’s enthusiasm, dedication and expertise were recognised when the Australian Institute of Management named her Queensland Not-for-profit Manager of the Year in 2012. Fiona was also a State Finalist in the Telstra Business Women’s Awards.

JENNIFER JUDE, MARTIN DORE

Is the non-claimant process unfair to native title holders when used to freehold pastoral and agricultural term leases in Queensland

Changes to the Land Act 1994 (Qld) permit the conversion of agricultural and pastoral term leases to freehold. Government fact sheets have informed Queensland term lessees that they can proceed down the non-claimant path if their leases are not subject to a registered claim.

A non-claimant application permits the lessee to seek s24FA protection under the Native Title Act 1993 (Cth) (“NTA”) which provides validity for the conversion of the term lease to freehold, or alternatively to proceed to a determination that native title does not exist.

If native title holders oppose the conversion to freehold of the term lease

and wish to make an application for a determination of native title in response to the non-claimant application they have four months from the date of notification of the non-claimant application to become registered.

Three months or less is a totally inadequate time to prepare an application for a determination of native title in cases where there has not been any anthropology carried out, which will be most cases, and it may be unknown which group is the correct applicant. Although the non-claimant process is available under the NTA in these circumstances it works very unfairly against native title claimants which will be elaborated upon.

Jennifer Jude is a senior solicitor at the NQLC and was formerly the Director Crown Lands Legal, Native Title and Aboriginal Land Claims, at the Department of Lands (NSW) and its successors in title, prior to taking up the position with the NQLC. Jennifer has worked in native title since its inception.

Martin Dore commenced practice as a solicitor in Port Augusta, South Australia in 1981 and has wide experience in various fields of law including native title. Martin joined the NQLC as Principal Solicitor (PLO) in 2000.
Learning from an evaluation of the CLC’s Community Development Program

Since 2005 the CLC has supported Aboriginal people in Central Australia in developing an innovative community development model which has achieved lasting community benefits from income from land use agreements.

This presentation will focus on the findings and broader implications of an independent evaluation of the CLC model for applying royalties, rents and affected area payments for sustainable community benefit. The 2014 evaluation built on four years of annual monitoring to review this $33 million program.

Key findings include that CLC supported projects has produced a diverse range of social, cultural and economic outcomes valued by Aboriginal people; empowered Aboriginal people within a broader policy context of disempowerment; and, generated greater longer term collective benefits that individual payments. The model was also found to be cost effective.

Francis Jupurrula Kelly is a Warlpiri man who was born on Mt Doreen Station near Yuendumu. He has been a health worker, mechanic, machine operator, council supervisor and community advisor. A former deputy chair of the CLC, as well as a CLC delegate for 12 years, Mr Kelly became the CLC chair in 2014.

He is well known for co-directing the documentaries Coniston and Aboriginal Rules, as well as the Bush Mechanics television series. Mr Kelly has been a strong voice for Aboriginal media since 1984. There is hardly an Aboriginal media initiative in Central Australia that he has not helped set up or run.

He currently chairs Pintubi Anmatjere Warlpiri (PAW) Media and sits on the board of Imparja TV, another media success story he helped to start. He is also a member of Yuendumu’s Granites Mine Affected Areas Aboriginal Corporation (GMAAAC) committee which uses compensation income from Newmont Australia’s Granites mine for community benefit projects.

David Ross was born in Alice Springs and is of Arrernte/Kayteye descent. Mr Ross joined the Central Land Council in 1979 and undertook an Associate Diploma in Business Management at the South Australian Institute of Technology in 1986-87. From that time Mr Ross progressed rapidly to the position of Deputy Director in 1988 and Director (CEO) of the CLC in 1989.

Mr Ross left the CLC in 1994 when he was appointed to the Aboriginal and Torres Strait Islander Commission (ATSIC). The following year Mr Ross was appointed the inaugural Executive Chairman of the Indigenous Land Corporation (ILC). After a four year term as Executive Chairman Mr Ross returned to Alice Springs and was once again appointed Director of the Central Land Council in 2000. Mr Ross remains in that role today.

In addition to running one of the most respected and long-standing Aboriginal organisations in Australia, Mr Ross has played a significant role on national Indigenous issues, particularly those relating to land rights, native title, and economic development. More recently his leadership at the CLC has resulted in the rapid expansion of the community ranger program and the creation of the CLCs innovative community development unit.

Danielle Campbell joined the Central Land Council in 2005 when the Community Development Unit was established. Danielle came to the CLC with experience in facilitating, researching and evaluating community development processes in Aboriginal Australia communities and in Sri Lanka. As the CLC’s Community Development Manager she oversees the organisation’s innovative CD Program in Central Australia and works at a national and territory level to share lessons learned on effective development practice.

Among a number of significant milestones in community development at the CLC, she has played a critical role in the design and implementation of the CLC’s Community Development Framework, managed the rapid expansion of the CD program since 2010 and coordinated the establishment of partnerships with a substantial number of Government and Non-Government Organisations which are now involved in supporting Aboriginal-led development in Central Australia.

The CLC’s experience over the last 10 years highlight the importance of Aboriginal control and informed decision-making on local issues and solutions. It points to the significant role Land Councils can play in supporting strong governance arrangements that assist groups to allocate resources to development initiatives and in building the capacity of Aboriginal groups in development planning and management. The importance of ongoing reflection, adaptation and context specific approaches is also highlighted.

GLEN KELLY

Nation Building through the Noongar Native Title Settlement: reflections on the agreement how and why it came about, what’s in it and what it will do

The Noongar people recently approved a global Noongar Native Title Settlement through 6 ILUA Authorisation meetings worth in excesses of $1.3 billion in land, programmes and funds. First discussed in the late 1990’s, the Noongar Native Title Settlement is a vision and strategy almost 20 years in the making. Based on the ideas of nation building for the Noongar nation, the agreement is constructed in a way that maintains the important cultural and recognition aspects of native title while overcoming it’s very serious limitations as a type of title. It creates a substantial Noongar land estate and what is in effect a Noongar bank, both of which are aimed at providing a host of opportunities for Noongar people be it through cultural, social or economic means. This presentation reflects on the strategies, the processes, the moments of joy and the extreme difficulties of bringing the agreement together.
Glen Kelly is a Wardandi Noongar whose family’s country is the lower south west of WA. Glen comes from a farming background, given that his Grandfather was one of the very few Noongar people to secure a war settlement property near Pemberton after his service in WWII.

Glen possesses a Bachelor of Environmental Science and first worked in the Noongar community in 1994 in National Park management and has since worked in a number of land management and rights based capacities. Glen has gained much local, national and international experience in these fields.

Glen has held the position of Chief Executive Officer of the South West Aboriginal Land and Sea Council since 2006. Since this time, he has successfully guided the organisation and native title claimants through a series of Federal Court trials and subsequently into a negotiation with the Government of Western Australia aimed at resolving all native title claims in the south west of WA, a settlement that has the potential to make significant changes for both the Noongar people and the community at large.

IAN KUCH, BRAD FOSTER, CLAIRE STACEY

Prescribed Bodies Corporate (PBC) Toolkit Program Partnership

The North Queensland Land Council Native Title Representative Body Aboriginal Corporation (NQLC) has more Native Title (NT) Determinations than any other region in the country, with a total of 27 Prescribed Bodies Corporate (PBC) operating in the NQLC region of varying capacity levels.

It became imperative for the NQLC to develop innovative strategies to address capacity development issues for Registered Native Title Bodies Corporate (RNTBC) and improve their ability to manage their often complex responsibilities.

The NQLC has commenced a partnership with AIATSIS to develop 20 Modules that will assist PBCs in all areas of their RNTBC operations. It is further proposed to have these modules accredited for delivery to PBCs in our region, via an alliance with Queensland TAFE.

Although these modules were primarily developed to address capacity issues within the NQLC’s region, the NQLC is happy to share the materials nationally after a suitable trial in our own region.

Ian Kuch has had over 20 years’ experience working in Aboriginal Communities in North Queensland from the Gulf, the Cape and to Yarrabah Community near Cairns.

He has a solid track record of success in achieving goals on a broad range of policy and service delivery areas to Aboriginal people. Ian has acted as an advisor to Indigenous Local Governments.

Former CEO of NQLC 2005. Ian was the Transitional Manager for the NQLC to merge central Qld Land Council area into NQLC 2008-2009. Previously CEO of Djunbunji Aboriginal Corp before re-joining NQLC where has been the CEO of the Land Council since August 2012 to present day.

Brad Foster is the PBC Coordinator at the NQLC, and has been in this role since 2013. Previously Brad worked at CLCAC as a Project Officer (1995 – 2000) and as the CEO (2000-2005).

Claire Stacey has a background in community development and anthropology and holds a Masters in Applied Anthropology and Participatory Development from the Australian National University. Claire has worked in the private, not-for-profit and government sectors, and has experience working on community development projects in both urban and remote areas of Australia, as well as internationally.

Claire has worked at AIATSIS since 2010 across a number of research projects focused on the post determination landscape for native title holders. This has included joint management, caring for country, and community development and housing. Claire manages the PBC Support Project, which aims to support the growing number of native title holders to manage their traditional land and waters, and also contributes to a range of research projects.

BILLY LANDY, LINDSAY ROBINSON, MCLEAN WILLIAMS, SLIM WILLIAMS, ANDREW MINYARDIE, STEWART WATSON, TIM SCHNEIDER

Marti Leadership Program

This program operates in remote Martu communities in the Western Desert. It builds on the Martu Ranger Program. It is designed for everybody, not a select group. The program combines parallel learning streams: learning in the whitefella world and learning in the Martu world.

The first of these aims to build confidence and capacity in essential areas of technical Western knowledge: government, corporations law, native title law, trust law, criminal law and sentencing, and the operations of for-profit and not-for-profit companies. This includes coursework and study trips to meet with, present to, learn from and form networks with government staff, companies, lawyers and other professionals as well as with other Aboriginal communities.

The learning in the Martu world is cultural advancement in the law. There is a limited extent to which this can be discussed, but it is critical.

The two streams make people and communities strong in the contemporary world.
Billy Landy (Butler) is a Martu man residing in Nullagine community, Western Australia. Language group Warnman/Manyjilyjarra. Butler was formerly the chairman of the Martu Prescribed Body Corporate. Nowadays he is the Martu mentor for the Kanyirrnipa Jukurrpa (KJ) Martu Leadership Program.

Lindsay Robinson (Lefty) is a Martu man residing in Parngurr (Cotton Creek) Community, Western Australia. Language Group Manyjilyjarra. Lindsay is currently a board member for Kanyirrnipa Jukurrpa (KJ) and a director for the Puntukurnu Aboriginal Medical Service (PAMS). He is a former Chairman of Parngurr Community. He is also currently a participant in the KJ Martu Leadership Program.

Mclean Williams is a Martu man residing in Kunawarritji Community (Well 33), Western Australia. Language Group Manyjilyjarra. Mclean is currently a board member for Kanyirrnipa Jukurrpa (KJ) and a director for the Puntukurnu Aboriginal Medical Service (PAMS). He is a former Chairman of Parngurr Community. He is also currently a participant in the KJ Martu Leadership Program.

Stewart Watson is a Martu man residing in Newman, Western Australia. Language group Warnman/Manyjilyjarra. Stewart is currently a board member for Kanyirrnipa Jukurrpa (KJ) and a participant in the KJ Martu Leadership Program.

Tim Schneider is currently residing in Newman, Western Australia and has been working in partnership with Martu for the past five years. Nowadays Tim is the coordinator of the Martu Leadership Program that works with Martu men from across the desert region.

EMMA LEE

From boardroom to kitchen table: shifting the power seat of Aboriginal governance

Aboriginal governance is nested in the commonality of recognising that the individual is unique, has agency and contributes key reflective moments to the collective (Graham 1999). This agency is often ignored, not well understood or badly handled when government Aboriginal consultation policies, particularly for native title, have entry points at the organisation level, such as boards of management and local statutory corporations. Policy shifts are required to understand that the legitimacy and durability of Aboriginal governance is located within the family and not organisations.

Aboriginal family resilience is the shield against generational government policy failure and the spear through colonising bureaucratic structures. Understanding this agency, and generating new thoughts about the spaces where Aboriginal governance is created and vested, will build towards reasonable western policy shifts for Aboriginal benefit.

An Indigenous talking circle will lead discussion around concepts, issues and experiences of demonstrating Aboriginal governance through family structures.

The paradox of the Tasmanians

There are critical knowledge gaps in native title and cultural heritage protection in Tasmania that contributes to exclusion for Tasmanian Aboriginal people to enjoy the benefits of legislative mechanisms, such that there are no native title claims, ILUAs or formal joint management agreements. A chronology of native title attempts and cultural heritage protection has been developed to highlight the historical and contemporary spaces that Tasmanian Aboriginal people have occupied to negotiate rights in.

The seat of legitimacy for Tasmanian Aboriginal people (within the confines of the Western view) is revealed through an analysis of Tasmanian government policy, Aboriginal land holdings and cultural activity rights. Unfortunately, government views of land return and cultural heritage have been a duplication of colonial policies aimed at shifting the places and terms of Aboriginal engagement away from the centre to the margins.

While legitimacy is conferred to certain forms of Aboriginality against others, one truth is that the Tasmanians have shifted from being ‘extinct’ to recognised people. Rights have been hard fought for, but Tasmanian Aboriginal people are formally acknowledged through land returns and traditional activity exemptions. There are positive threads to weave through new spaces of engagement for the next generation of rights.

Emma Lee is a trawlwulwuy woman from tebrakunna country, now known as Cape Portland, north-east Tasmania. Emma is studying a PhD at the University of Tasmania, looking at how Aboriginal and other Tasmanians can jointly manage protected areas such as National Parks. Emma’s experience is informed by working as an archaeologist in NSW, Vic, Tasmania and the NT. Emma has been a Natural and Cultural Resources Manager at Uluru-Kata Tjuta National Park and has served on several boards and advisory councils for land management and the environment in NSW and Tasmania. Emma has authored several papers and an award-winning book on Sydney Aboriginal culture and heritage, and has recently begun the long journey in learning how to string the iconic Tasmanian shell necklaces.

ADAM LEVIN, GLEN KELLY

Noongar Boodja Trust: a historic settlement

The southwest native title settlement of the combined Noongar Boodja native title claims represents the single largest native
title settlement in Australia’s history. The settlement requires governance structure capable of embracing many challenges including:

- large land holdings including cultural lands,
- 20,000 Noongar people,
- six distinct regions with distinct groups and unique composition,
- one central services corporation delivering a common platform with a unique capacity building requirement build around programed redundancy, and
- cultural governance and corporate governance structures.

As the lead author of the governance documents, working closely with the state of WA and the SWALSC, I’d like to share the common governance challenges within the governance documents that constitute the NBT [www.noongar.org.au].

Adam Levin is a partner at Jackson McDonald with over 20 years experience in commercial and taxation law. Jackson McDonald is a leader in the WA market for many years in the native title space. The firm has been invited to work closely with various stakeholders on the majority of major native title settlement packages in Western Australia. Adam is well regarded nationally for his expertise and forward-thinking on tax effective trust structures for managing native title benefits.

The focus for native title has shifted towards the successful management of financial benefits within new Aboriginal controlled organisations, and capitalising on economic and business opportunities. Adam is ranked in Chambers & Partners for his native title expertise, with sources praising his combination of legal expertise and commercial perception and his ability to provide clients with ‘thoughtful, sensible and helpful’ advice. Adam has also been recognised by Best Lawyers for his work in corporate law, trusts and estates, tax law and wealth management/succession.

Glen Kelly is a Wardandi Noongar whose family’s country is the lower south west of WA. Glen comes from a farming background, given that his Grandfather was one of the very few Noongar people to secure a war settlement property near Pemberton after his service in WWII. Glen possesses a Bachelor of Environmental Science and first worked in the Noongar community in 1994 in National Park management and has since worked in a number of land management and rights based capacities. Glen has gained much local, national and international experience in these fields.

Glen has held the position of Chief Executive Officer of the South West Aboriginal Land and Sea Council since 2006. Since this time, he has successfully guided the organisation and native title claimants through a series of Federal Court trials and subsequently into a negotiation with the Government of Western Australia aimed at resolving all native title claims in the south west of WA, a settlement that has the potential to make significant changes for both the Noongar people and the community at large.

**DR ILLISAPECI LYONS, DR ROSEMARY HILL**

**Making sense of climate change and its impacts with Indigenous people in the Mackay Whitsunday region**

Increasing scholarship in the Indigenous field of research on climate change confirms that environmental change is impacting livelihoods on country. Despite this, climate change is not the immediate concern for many Indigenous peoples whose lives are impacted by other ongoing environmental and socio-economic concerns that are deeply embedded in a colonial history, and that frame how climate change is considered. This research, undertaken with the Yuwibara and Kommerburra Aboriginal groups, on climate adaptation planning, adopted an Indigenous-driven process that involved: mapping sites of value and knowledge recording; discussions of climate projections and considerations of risk; and development of response strategies. Observations and semi-structured interviews were conducted throughout the research. Key considerations for the traditional owner groups in planning for climate adaptation were capacity building and access to country to: speak for country and strengthen their knowledge and management of country; protect connection to country and the socio-cultural fabric of the groups; and be recognised and involved in decision-making about their country as custodians. This research with traditional owners in the Mackay—Whitsunday highlights the importance of considering climate change within wider institutional arrangements where impacts of historical legacies of dislocation and disruption to Indigenous custodianship can also be addressed.

Dr Ilisapeci Lyons (Pethie) is a post-doctoral social scientist with CSIRO. Her research title is ‘Scientific and Indigenous knowledge integration: testing conditions for effective biodiversity management’. Prior to joining CSIRO she worked with state government on natural resource management programs and undertook research in the Pacific and South East Asia on community level governance and community engagement and development.

Dr Rosemary (Ro) Hill is a human geographer dedicated to collaborative environmental governance, Indigenous peoples and social-ecological sustainability. Ro is a principal research scientist Australia’s national applied science organisation CSIRO and an Adjunct Associate Professor with James Cook University. She has experience in cross-cultural collaborative research with Indigenous people and with other transdisciplinary research partnerships, and has received numerous awards. Ro leads social science teams in CSIRO investigating issues of adaptation and transformation in landscape conservation, Indigenous-managed areas and through multiple knowledge platforms. She has more than forty peer-reviewed publications on these topics. She is a Member of the IUCN Commission on Environment Economic and Social Policy, the World Commission on Protected Areas, the Expert Taskforce for Indigenous and Local Knowledge of the Intergovernmental Platform on Biodiversity and Ecosystem Services.
TROY MALLIE, DAMEIN BELL, DR TOM JENKIN, JOANN SCHMIDER

Protecting and managing native title information for traditional owners

These presentations outline from different perspectives the experiences and issues of managing, storing and appropriately sharing cultural information for traditional owner groups. This involves the use of technologies and surrounding methodologies to assist native title representative bodies and native title groups manage a range of information including site locations and characteristics, oral histories, native title reports, personal biographies and language. These technologies are also being utilised to drive other business and work flow practices to assist these organisations to better manage corporate responsibilities and deal and communicate with external parties including mining companies and government. This presentation will be divided into four parts. Part one will provide a brief overview of projects aiming to map cultural information; in part two Gunditj Mirring provide a Victorian perspective; part three will see South Australian state-wide negotiation process, implementation initiatives, legislative and policy reviews, and heritage and caring for country projects. Tom is a human geographer with applied research interests in achieving just and sustainable outcomes through building on native title, including in the areas of natural and cultural resource management.

Troy Mallie is an Eastern Kuku Yalanji and Mualgal man and is a consultant with Environmental Systems Solutions. Troy has a background in geographical information systems (GIS) and information technology and has worked with many Indigenous groups and other organisations in Australia and overseas for over 12 years. Troy has extensive experience in the development and implementation of technical solutions for the storage and protection of cultural and natural heritage information. Troy has worked on some major heritage projects including the World Heritage nomination of the Chief Roi Mata’s Domain in Vanuatu and Wet Tropics WHA cultural mapping project. Additionally Troy has experience in native title through his time as PBC board director for Jabalbina Yalanji Aboriginal Corporation.

Damein Bell is part of the Gunditjmara nation in the south west of Victoria. Damein has nearly 25 years of experience in native title, cultural heritage and Aboriginal land management and is the CEO of the Gunditj Mirring Traditional Owners Aboriginal Corporation RNTBC. Damein is a former member of the Parks Victoria Management Board, the Indigenous Advisory Committee for the EPBC Act 1999 and the Victorian Human Rights and Equal Opportunity Commission Board.

Dr Tom Jenkin is the Manager Community and Corporate Development at South Australian Native Title Services Ltd (SANTS), where he has worked since 2005. Tom currently works with PBCs to assist them to manage native title and develop and implement initiatives to achieve their aspirations. Tom has also worked across a range of native title related matters including reviewing the South Australian state-wide negotiation process, implementation initiatives, legislative and policy reviews, and heritage and caring for country projects. Tom is a human geographer with applied research interests in achieving just and sustainable outcomes through building on native title, including in the areas of natural and cultural resource management.

Joann Schmider is a Millaa Millaa rainforest, Waribara clan woman of the Mamu native title holder group. She is a member of the Rainforest Aboriginal peoples, which comprise eight language families, 20 tribal groups, over 120 clans and hundreds of family groups across the region recognised in 1988 as the Wet Tropics of Queensland World Heritage Area. She is working with the RAP Cultural Values Project 2012–2015, a Director of Central Wet Tropics Institute for Country and Culture AC Rainforest Aboriginal peoples’ quorum party, and a Director of Mamu AC RNTBC which is also a Registered Cultural Heritage body.

DEAN MATTHEWS, DR BRUCE DORAN

Yawuru IPA: linking cultural and biodiversity management with pastoral objectives

Case study of multi-tenured Indigenous Protected Area, including as a precedent, parts of a commercially viable cattle station. Yawuru are Native Title Holders – Broom and surrounds. Yawuru Agreement established Yawuru Conservation Estate (YCE) – joint management

Yawuru hold exclusive possession native title over the viable Roebuck Plains Station, adjacent to the YCE. The Indigenous Land Corporation (ILC) divested the 280,000 ha lease to Yawuru in 2014. The lease carries 20,000 head and is a key West Kimberley integrated cattle business. ILC will continue business for some years.

Due to the cultural/ecologically significant springs and shallow freshwater wetlands on parts of Roebuck Plains Station, Yawuru are developing an Indigenous Protected Area (IPA) over areas of lease including adjacent YCE. Planned IPA dedicated mid-2015.

Presentation focus

• Zoning system of the IPA on Roebuck station including the logic and application of the IUCN Cat 4 and Cat 6 to differentiate management approaches.

• Applying Grazing Land Management principles and Rangeland Condition Monitoring to the IPA, with reporting and integration into decision making process.

• Development of monitoring sites to establish baseline data for pastoral and biodiversity/cultural values for mapping and analysis over the Yawuru seasons.

• Develop tools and spatial outputs to support decision making across the IPA, allowing for ongoing evaluation and adaptive land management balancing cultural, biodiversity, pastoral objectives.
Dean Matthews, Yawuru traditional owner with over 20 years of experience working in the Kimberley including as a Natural Resource Management Officer (Department of Water) and Indigenous Water Facilitator (Kimberly Land Council and NAILSMA). Dean has been employed with the Land and Sea Unit at Nyamba Buru Yawuru since September 2010 and is also a Yawuru PBC Director. His current position is Senior Project Officer with a key role to monitor and contribute to the strategic direction and development of the Yawuru Protected Areas.

Dr Bruce Doran is a Senior Lecturer in Geographic Information Systems (GIS) at the Fenner School of Environment and Society, Australian National University (ANU). Over the last 10 years, he has established a reputation as a recognised expert in the social applications of mapping technology. Dr Doran started working with Nyamba Buru Yawuru (NBY) on mapping issues in 2011 when he coded and mapped elements of the Community Demographic Survey. Since that time he has worked closely with NBY staff to develop mapping techniques and outputs for different management issues across the Yawuru estate.

ADAM MCLEAN, MICHAEL ROSS

Single native title claim for Cape York and the Cape York Framework

In December 2014, after an exhaustive authorisation process, lodged one of the largest single native title claims in Australia that covered the entire land and inland waters of Cape York Land Council’s representative body area.

The claim was registered in February 2015 and means that the entire representative body area of Cape York is either covered by a determination or a registered claim.

The claim enables the CYLC to engage with the state of Qld and other peak bodies to develop a comprehensive framework agreement. The framework is integrated with the regional agreements being developed by other Cape York Regional Organisations (who are also presenting complementary presentations at the conference) and will enable one of the most comprehensive settlements in Australia to date. The common theme of the integrated regional agreements is to empower traditional owners to make decisions concerning their own land and management.

Adam McLean is a barrister and the current Principle Legal Officer of the Cape York Land Council. Adam has represented traditional owners over many years in native title and related matters. Adam has negotiated numerous agreements on behalf of traditional owners including the first Indigenous Land Use Agreement in Australia which also secured part-ownership of a mining company (Tumut Brungle Area Agreement), the first ILUA securing a national park for traditional owners (Bundjalung People of Byron Bay (Arakwal)), the first comprehensive agreement under the Victorian Framework process (Dja Dja Wurrung), and is responsible for lodging one of the largest native title claims over the entire Representative Body Area of Cape York Land Council.

Michael Ross is an Olkola man from the Cape York Peninsula region whose traditional lands go along the Great Dividing Range from Alice River to Lukin River in far North Queensland and to the North of the Mitchell River and South of the Palmer River. Michael is also a Native Title holder for the Strathgordon Native Title Claim.

Michael was born in Coen in far North Queensland and spent his schooling years there until he left the area as a young teenager. Michael now spends most of his time in the dry season at Kalpowar cattle station and encourages Aboriginal youth to become involved in caring for their traditional lands.

ADJUNCT PROFESSOR GREG McINTYRE SC

What does it take to occupy and exclude?

This paper will address the issues raised in the appeals relating to the Banjima Peoples case, in particular issues of the proof of exclusive occupation and occupation for the purposes of section 47B of the Native Title Act 1993 (Cth). A Full Court bench of five members of the Federal Court sat to consider whether the previous Full Court decision in Griffiths v Northern Territory on exclusive possession was correct and whether the Full Court decision of Moses relating to the issue of occupation was correctly applied.

Greg McIntyre SC, Barrister, John Toohey Chambers, Western Australia was appointed Senior Counsel in 2002 and has been an Adjunct Professor of Law at the University of Notre Dame, Fremantle since 2001, teaching Indigenous Peoples and the Law. He was the Solicitor for John Koowarta in the 1982 High Court Case of Koowarta v Bjelke Petersen which held that the Racial Discrimination Act was valid as an exercise of the external affairs power, and solicitor for the Meriam People in Mabo v Queensland from 1981 to 1992, appearing as Counsel for Eddie Koiki Mabo in the High Court in 1991. He has appeared as Counsel in several native title cases, Racial Discrimination Act cases and Aboriginal Heritage protection cases in the High Court, Federal Court and Supreme Court.

MATTHEW MOHARICH, CHARLES GREGORY

The SA Royal Commission into nuclear: has the nuclear door been opened and what does it mean?

In February 2015 South Australian Labour Premier Jay Wetherill announced the Nuclear Fuel Cycle Royal Commission. The draft terms of reference focus on aspects of the nuclear fuel cycle other than mining — enrichment (although not for military purposes), storage of waste and power generation. The Royal Commission is being conducted by South Australia but the impacts may be far wider.

From the moment it was announced the Royal Commission has gained attention from people across the political spectrum. Liberal Prime Minister Tony Abbott
described it as ‘a gale of common sense’. Former Labour Prime Minister Bob Hawke called the Royal Commission a ‘hell of a good idea’. Scott Ludlam a Greens Senator from Western Australia said ‘[l] the Royal Commission brings a genuine spirit of independence and rigour, and is willing to take evidence on the nuclear sector’s performance in Australia and overseas, the report will provide a valuable contribution to domestic energy and industry policy’.

This talk will look at the risks and opportunities for native title holders (and the holders of Aboriginal Land) arising from the Commission. Which areas of the country might be impacted, by what parts of the nuclear fuel cycle and what say might native title holders have?

Matthew Moharich is a solicitor with the Goldfields Land and Sea Council Aboriginal Corporation. Matthew has worked in the native title field since 1999 including at the Cape York Land Council, and the Northern Land Council. While at Cape York Land Council he was the instructing solicitor for the ultimately successful challenge to Queensland’s Wild Rivers Act and has had carriage of native title claims which have been determined in both the Northern Territory and Queensland. Matthew has also advised Aboriginal people on substantial mining and major infrastructure agreements.

Charles Gregory is a Barrister in Sixth Floor Windeyer Chambers in Sydney. Previously a solicitor Charles worked at DLA Piper, the Cape York Land Council, McCullough Robertson Lawyers and the NSW Aboriginal Land Council.

In those roles Charles worked across administrative, native title, cultural heritage, resource and mining, discrimination, and carbon on environment law, and appears in the Local, District, Supreme and Federal Courts and in the Land and Environment Court. Charles completed a Masters in International Law and International Relations from the University of New South Wales in 2011.

KADO MUIR

Sandalwood horticulture in the desert

One of the many challenges facing Indigenous people, especially in remote areas, are creating culturally and environmentally sustainable enterprises that align with traditional responsibilities and that build livelihoods. Regaining control of land through native title and similar means provides a resource base but innovation, hard work and the ability to negotiate complex market and regulatory environments are required for success. The sandalwood industry in the western desert provides a good example of balancing traditional responsibilities with complex contemporary realities to generate livelihood options in remote areas.

Kado is currently Chair of the Ngalia Foundation which manages a number of community based research projects, including the Goldfields Aboriginal Languages Project, Goldfields Indigenous Heritage project and Traditional ecological knowledge projects through the Walkatjurra Rangers.

Kado operates a number of businesses including an Aboriginal tour business, a heritage research and community development consultancy business. He is a long-time activist, currently engaged in campaigns to stop uranium mining and promote alternative community based businesses. He brings to AIATSIS a strong community-based Indigenous research perspective and is interested in private sector funding for public collections and research.

DALE MUNDRABY, DEWAYNE MUNDRABY, VINCENT MUNDRABY

Creating environmental economy & sustainable land development

The Mandingalbay Yidinji people through its Prescribed Body Corporate, has over the past two years laid the foundations for its emerging enterprise business to enhance the vitality and protection of its country, people and culture.

This presentation is geared towards exposure for producing viable outcomes that translate into reality, such as securing ILC funding to complete Eco Infrastructure Management Planning on MY exclusive native title lands, partnering with industry and Qld government to deliver workforce development, commercial authority over tenure and the launch of the MYAC Eco Tourism enterprise which encapsulates a combination of cultural and natural values as pathways for socio economic enhancement. Flexing autonomous ambitions, deployment of partnerships with industry and government, creating investment, activity generated income, delivering sustainable environmental economy that translates into tradable equity.

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 10 years. He has been previously employed as a primary teacher, having gained a Bachelor of Education in 1998, and has worked for the Wet Tropics Management Authority. Dale is currently working as Executive Director of Djinbujni Ltd, Land and Sea Program for the last 3 years. Dale assists the Mandingalbay Yidinji Aboriginal Corporation Prescribed Body Corporate in developing projects on country with the goal of looking after country. To assist in improving the wellbeing of the Mandingalbay Yidinji people and developing economic development from country.

Dewayne Mundraby is a Mandingalbay Yidinji man, a traditional owner, and native title holder following the Mandingalbay Yidinji’s Determination (2006) and Gunggandji/Mandingalbay Yidinji Determination (2012) in the Federal Court of Australia. Dewayne has twelve (12) year’s experience in representative
VINCENT MUNDRABY, ELVERINA JOHNSON, SUE ANDREWS

Our future, Yarrabah way

Yarrabah is a discrete north Queensland community of 2409 residents; although current attending clients at the health centre far exceed the most recent census data at 4200. The traditional owners are the Gunggandji for the Northern part of Yarrabah and jointly Gunggandji Mandingalby Yidinji peoples for the Southern part of Yarrabah.

We welcome the organisation of our people for political, economic, social and cultural advancement. Yarrabah people will drive our community developments in accordance with our aspirations and needs.

Today a group of like-minded community people are committed to putting a new arrangement in place which will contribute to long term “Essential Service Delivery” to create a healthy, smart, safe, sustainable, employed and economically participating community.

The intent is to build a stronger, resilient community through a resurgent of invested social capital, market economy and individual economic independence. A Reciprocal Accountability Framework will define shared responsibility across service providers and Government Departments to achieve common goals in a Yarrabah Community Model.

Stakeholders involved must be responsible for their commitments and for their part of the process, recognising that each part is interdependent and interconnected and that the decisions we make and actions we take have an impact on one another and the process as a whole.

Stakeholders are to affirm mutual respect, recognition and support of one another and formalise a cooperative working relationship to politically represent the interests of our People and develop the strategies and actions to bring positive change in our Community.

Vincent Mundraby is employed by the Djunbunji Ltd/Mandingalby Yidinji People (PBC).

Vincent has been involved with Native Title/Land and Sea Management for some years now, having experienced community consultations regarding rights and interests of the rightful people or Traditional Owners since 1994.

Serving as Mayor of Yarrabah 2004-2008, being instrumental in transiting from the Deed Of Grant In Trust Act To the Local Government Act Queensland whilst Mayor of Yarrabah.

More recently Vincent has been working on the Yarrabah DOGIT Transfer of Title Deeds to the Gunggandji Mandingalby Yidinji People Prescribe Body Corporate. This will be finalised by December 2015.

Elverina Johnson is a Kunganji Woman of Yarrabah, and her parents are from the Murgha and Fourmile families. A writer, artist, curator, researcher, and community leader, Elverina is currently curator for the Yarrabah Museum and also manages the Dirringhi Aboriginal Corporation, which she co-founded, and specialises in developing arts and education activities within schools and health.

She has made a commitment to showing leadership within Indigenous communities to inspire and motivate young people through music, art and drama and to embrace education and life affirming opportunities.

Elverina has reached many of her goals but says ‘I still have a lot more I want to achieve and work towards. I am my biggest competitor. If I can overcome what ME has to deal with, then that’s good for me. I want to have an impact at all levels possible for change to make things better for my people, my community, my nation. I am here to impact the world.’

Sue Andrews was appointed CEO of Gurriny Yealamucka Health Services in early November 2013. Previous to this role she was the Finance Manager for many years. Her first appointment as a director for QAIHC began with her nomination through the Northern Aboriginal and Torres Strait Islander Health Alliance (NATSIHA).

Sue is a proud Aboriginal woman with a rich & valued Christian upbringing. Her family connections are from Western Australia’s North West Kimberley area as well as the North Queensland region.

She grew up in Yarrabah after her family moved back there when Sue was in her early teens. She has held numerous jobs within Yarrabah and Cape York as well as several executive Board positions on organisations within Yarrabah & the Cairns area.

Sue is a firm believer in our people having a greater say and responsibility over the management of their health and says it is only then we will be able to see improved health outcomes for the people of Yarrabah.
MALUWAP NONA,
JERRY STEPHEN,
NAZARETH FAUID

Torres Strait Native Title Sea Rights and Malu Lamar

1.1 Native Title and Torres Strait Sea: The Torres Strait is the home of native title in Australia. Although many Australians think that native title began with the High Court’s Mabo decision on 3 June 1992, native title is in fact the traditional laws and customs of Australia’s Indigenous people. Those traditional laws and customs have existed since time immemorial.

1.2 The Akiba Case: How the ‘Torres Strait Regional Sea Claim’ commenced and proceeded through the Court process to the High Court’s Akiba decision in 2013.

1.3 Post Determination: Many people think that when a native title claim in the Courts is finally decided, that is the end of the matter. Nothing could be further from the truth. Overview of the whole world of opportunities as well as some disappointment which often follows.

1.4 The Future: Working through the challenges of turning aspirations into reality. Real outcomes involve the following:

(a) How traditional laws comprising native title can be exercised with minimal restriction from outside laws and authorities.

(b) How traditional laws can be exercised to protect sites of cultural significance in the seas.

(c) Most importantly, how traditional laws can be used to achieve economic development outcomes for Torres Strait Islanders.

Maluwap Nona is a descendant of the Gudamaluilgal Nation in the Torres Strait. His clan is Dhamway, totem is the Thiturthabu and is a Naigai Gubalaig (Northeasterly Wind Person).

Maluwap is an advocate for Native Title with 22 years’ experience volunteering his time in various roles in the Torres Strait. He is a member of the Expert Indigenous Working Group through COAG who is conducting an investigation into Indigenous land administration and use.

Maluwap was instrumental in the Court case of Queen v Nona & Gesa 1999 Qld DC (CJ), where it was determined that traditional owners of the Torres Strait had the customary marine rights as well as rights under the Torres Strait Treaty. This resulted in major changes in policy and law in the Torres Strait.

Maluwap was active in the Torres Strait Sea Claim Determination which was historic in recognising Native Title rights including commercial rights over the seas in the Torres Strait. Maluwap continuously advocates for positive change in the Native Title sphere.

Maluwap is Chair of the Malu Lamar RNTBC.

Jerry Stephen (Jnr) is an Ugaram Le from Ugar (Stephen Island) was born and educated on Thursday Island. Jerry identifies as both Aboriginal and Torres Strait Islander, as his Grandfather was traditionally adopted by the Wuthathi Tribe.

Mr Stephen has over twenty years of experience working delivering various programs throughout the Torres Strait, Papua New Guinea, Indonesia and Australia. Mr Stephen has been volunteering his time working within the native title sphere advocating for fisheries reform and funding for PBCs.

Mr Stephen is a member of the Torres Strait Regional Authority Board. As an elected representative of the region, Mr Stephen has the opportunity to directly address issues affecting Aboriginal and Torres Strait Islanders to Government.

'Since Colonisation of Australia our First Nations people have been struggling for their rights and after numerous battles and resilience we now have many opportunities to implement those Rights.'

Jerry Stephen 2015

Nazareth Fauid lives on Poruma (Coconut Island) and is a Kulkalgal woman. Her clan group is Samu (cassowary) and blood ties stretch to Mua, Mabuiag and the Kaurareg nation.

Nazareth has strong cultural knowledge and values which instil her with the aspiration to represent her people in Torres Strait.

Nazareth has worked at the Australian Quarantine and Inspection Service (AQIS) and the Poruma Island Local Council. Nazareth is currently in the position of Child Health worker at the Queensland Health Department where she has been for 7 years. She has a strong passion for improving the health of her people.

Nazareth has volunteered in the position of PBC Chair of Garboi (TS) RNTBC Corporation as well as a Treasurer of Porumalgal (TS) RNTBC Corporation since 2008.

GARRY PAPPIN,
CYNTHJA PAPPIN

Consistent failure: why an ever changing government policy is detrimental to native title

So it began in the early days with Mabo anos winning their inherent birth rights for their people... And so began the native title surge right across the country by all traditional owners to attempt to win their birthrights and country back from the colonisers. They still refuse to yield and recognise the traditional rights and the sovereign rights of all tribal groups of the First Nations people.

This paper will address the issues faced from that period of time up to the present and the failure of those policies and of the failure of those government instruments that were designed to assist and further native title claims/applications. This paper presents an overview of the native title recognition process through the examples of the Muthi Muthi people #1, #2, and #3 as well as other nearby claims. These are the people from whose recognition and birthrights continue to be denied and for whom valuable resources squandered.
Gary Pappin is a Muthi Muthi traditional owner from outback New South Wales. His traditional lands encompass Lake Mungo and the Willandra Lakes World Heritage Area as well as the Nimmie Caira wetlands and everywhere in between. Gary has long been an advocate for the rights of people both in Australia and overseas. Gary was instrumental in the WHIPCOE foundation of the United Nations and has represented Indigenous Australia at UNESCO and other international forums. Gary has been an applicant on all three Muthi Muthi native title claims extending from 1996 to the present day.

Cynthja Pappin is an archaeologist and environmental scientist who has a long history of working with Indigenous communities across Australia. Cynthja has lived and worked in remote north-eastern Western Australia and western New South Wales. Cynthja is currently undertaking historical and archaeological research for the Muthi Muthi People #3 Native Title Claim.

TREVOR PEARCE, CHRISTIAN GERGIS

The FSC Standard: cultural capability in Native Title Services

First Nations Foundation (FNF) is a not-for-profit organisation that works to empower First Australians to achieve financial independence through education and leadership. We operate from a strength-based community development approach, promoting the values of social justice, collaboration and self-determination.

FNF works with both the community and the financial services sector by developing and leading, evidence-based policy frameworks to guide community, corporates and government. FNF has partnered with the Financial Services Council (FSC), who represents Australia’s retail and wholesale funds management businesses, superannuation funds, life insurers, financial advisory networks, trustee companies and public trustees. FSC promotes best practice for the financial services industry by setting mandatory Standards for its members and providing guidance notes to assist in operational efficiency.

The FSC Standard: Cultural Capability in Native Title Services has been developed with Indigenous leaders in order to promote good practice in the provision of tailored, culturally appropriate native title services to communities. The Standard will only be mandatory for FSC full members who are licensed trustee companies or public trustees with other FSC members encouraged to adhere to the Standard, where appropriate.

Key issues covered by the Standard include: appropriate plain English disclosure of services/fees; supporting capacity-building; strengthening FSC trustee members’ cultural capability; and promoting inclusive decision-making and values.

Trevor Pearce, CEO, First Nations Foundation. A Kamilaroi man from north-western New South Wales, Trevor has strong ties to both the New South Wales and Victorian Aboriginal communities. He comes from a strong Aboriginal family that have always contributed to the development and strengthening of Aboriginal society in south-eastern Australia. Trevor brings over 30 years of experience working for and within the Aboriginal community at local, state and national levels. Committed to achieving excellence his various roles have required a high level of responsibility for the social and cultural development of the Aboriginal community and have given him the opportunity to be an active member on a number of boards and committees. In 2006 Trevor received the Victorian Indigenous Leadership Fellowship, Emerging Leader Award [previously the Sir Douglas Nichols Fellowship] for outstanding contribution to Indigenous community capacity building within Victorian Indigenous communities.

Christian Gergis is Senior Policy Manager, Trustees & Legal Counsel at the Financial Services Council (FSC). He leads the FSC’s policy agenda and advocacy to Commonwealth & state and territory governments on issues affecting trustee companies and public trustees. Christian also has carriage of matters before the FSC’s Standards, Oversight & Disciplinary Board Committee, and engages with key financial services regulators on behalf of all FSC members. Prior to joining FSC, Christian worked at the Department of Foreign Affairs & Trade (DFAT) in Canberra and served as a diplomat in the Middle East. Before DFAT, Christian was a commercial lawyer at Freehills (now Herbert Smith Freehills). Christian has also worked as Senior Policy Officer, Department of Attorney General & Justice, NSW Government. Christian holds Bachelor of Economics (Social Sciences) and Bachelor of Laws (First Class Honours) degrees from the University of Sydney, and a Master of Laws (International Law) with Merit from ANU.

DARREN PERRY

Victorian Traditional Owner Water Policy Framework

Victorian traditional owners have invested significant effort to engage government on water reform in recent years. Our vision is for an equitable and sustainable water management regime which recognises the rights of Victorian traditional owners to use, develop and control water resources on and under our country. In practice this means having access to the consumptive and non-consumptive pools, enabling us to fulfil our cultural responsibilities and to provide cultural, spiritual, social and economic well-being for current and future generations, while at the same time promoting the conservation of water resources and delivering benefits to the wider community.

Whilst we understand that overcoming current inequities will take time, we believe that a focus on the following four core and two supporting policy areas will be critical in making progress towards our vision. The outcomes we are seeking in each of these areas area as follows.

- Legislative recognition of Aboriginal rights and values.
- Water allocation and use: water for culture and development.
- Physical access to water.
- Participation in water resource governance.
- Capacity building and resources.
- Research and community education.

Water Policy Framework

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- Research and community education.
Darren Perry is a traditional owner from north-west Victoria. He has affiliations with the Ngintait, Jardwajali and Gunditjmara Peoples of western Victoria and eastern South Australia. Darren has been involved in the field of Cultural Heritage Management for the last 24 years. He is a member of the Federation of Victorian Traditional Owner Corporations Natural Resource Management Committee, a Director of Native Title Services Victoria and the Chair of the Murray Lower Darling Rivers Indigenous Nations.

DR TIMOTHY PILBROW

Reflections on research practice: implications of the Victorian Traditional Owner Settlement Act

The Traditional Owner Settlement Act 2010 (Vic) provides Victorian traditional owner groups a framework for negotiating an out-of-court settlement of native title without the need for the lengthy and costly processes that are usually required under the Native Title Act 1993 (Cth). The process is initiated by the traditional owner group lodging a Threshold Statement. This is structured around the traditional owner group’s explanation in their own voice of their association with their country. Research findings have a key but structurally separate place in this. Implications of the Settlement Act for research practice include a heightened focus on methodological rigour and documenting the research process. Reflecting on this prompts exploration of methodological questions relevant to the practice of anthropology (and other research disciplines) in the native title arena, particularly in relation to developing attestable findings from limited data.

Dr Timothy Pilbrow is Research Manager at Native Title Services Victoria Ltd, and was Senior Anthropologist there from 2006–2014. Prior to that, Timothy taught anthropology at tertiary institutions in the USA, including the University of Illinois, George Washington University, and Georgetown University. Timothy received his doctorate from New York University for ethnographic research on the negotiation of cultural identities under rapid social change in Bulgaria.

ROBYNNE QUIGGIN, DAVID MURRAY

Indigenous investment principles

The Indigenous Investment Principles (Principles) are an Indigenous led initiative developed to support greater economic participation, development and resilience for Indigenous Peoples. The Principles draw on the Santiago Principles, international voluntary guidelines for Sovereign Wealth Funds (SWFs).

Development began at the ‘Growing with Governance’ Forum hosted by IBA in June 2014. Over 40 attendees including representatives of 22 Indigenous organisations formed an Indigenous led Working Group and Drafting Group to develop an agreed a set of voluntary investment principles specifically designed for Indigenous circumstances. David Murray AO, Chair of the International Forum of Sovereign Wealth Funds has provided invaluable support for this process.

The Principles are presented in two parts. The first articulates the key design elements of the Principles and a summary of their development. The second sets out the principles and explanatory across three primary themes:

(a) Community Circumstance and Purpose;
(b) Mandate and Governance; and
(c) Investment and Risk Management Framework.

Robynne Quiggin is a Wiradjuri lawyer, based in Sydney. She is currently the inaugural CEO of the Australian Indigenous Governance Institute (AIGI). During the 2000s, Robynne ran a legal and consulting firm for seven years before commencing as senior manager of ASIC’s Indigenous Outreach Program. She worked previously as a senior policy officer (Human Rights Commission, Native Title Unit), senior researcher (Jumbunna IHL, UTS) and lecturer in Indigenous legal issues at a number of Sydney universities and solicitor with Terri Janke & Co. Robynne has served on a number of boards including the Arts Law Centre of Australia and Gadigal Information Services (incorporating Koori Radio). She is currently Deputy Chair of the board of Bangarra Dance Theatre, is a Trustee of the Australian Museum, Chair of Westpac’s RAP Indigenous Advisory Committee and a member of the Indigenous Law Bulletin’s Editorial Panel.

David Murray joined the Commonwealth Bank in 1966, was appointed Chief Executive Officer in June 1992, and retired from this position in 2005.

In November 2005 the Australian Government announced that Mr. Murray would be Chairman of the Future Fund. His statutory term ended in April 2012.

In November 2013, Mr Murray was appointed to head the Government’s inquiry into Australia’s financial system. The inquiry made recommendations to foster an efficient, competitive and flexible financial system, consistent with financial stability, prudence, integrity and fairness.

Mr Murray is a member of the Oliver Wyman Senior Advisory Board and Senior Advisor to Credit Suisse, Sydney. He has previously served as a member of the Finance Sector Advisory Council and was the inaugural Chair of the International Forum of Sovereign Wealth Funds.

In 2001, he was awarded the Centenary Medal for service to Australian Society in banking and corporate governance and in 2007 he was made an Officer in the Order of Australia (AO).

Mr. Murray holds a Bachelor of Business from Macquarie University and the University of Technology, Sydney.

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In 2014 the state of Western Australia and the Esperance Nyungars negotiated an Indigenous Land use Agreement (ENILUA) as a component of the consent determination package. The ENILUA provides benefits that include land holdings for economic, cultural and residential purposes. This paper, presented by the Co-Chairs of the newly formed Esperance Nyungar PBC, considers how traditional owners were involved in the negotiations and sets out their aspirations for how land exchanged under the ILUA can be used for community and economic development.

Gail Reynolds-Adamson is the Co-Chair of the Esperance Tjaltjraak Native Title Aboriginal Corporation.

Annie Dabb is the Co-Chair of the Esperance Tjaltjraak Native Title Aboriginal Corporation.
followed by a second joint determination with their Karajari neighbours in 2012. The findings of the case study are a compelling illustration of both the amount and nature of the corporate work Nyangumarta people undertook to get their rights recognised, and what work has since been necessary in order for them to manage these rights through their two PBCs. The findings also highlight the constantly changing identity of the outsiders whom the Nyangumarta people engage with as part of their corporate work, and point to some of the impacts of the ‘kaja karti marnti’ (long walk) of native title on Nyangumarta people’s everyday lives.

Nyaparu Margaret Rose is a proud Nyangumarta woman who is committed to improving the health and wellbeing of her people and her country. She has worked for Yamatji Maritpa Aboriginal Corporation (YMAC) for many years and is currently the Deputy Regional Manager for the Pilbara Region. She played a key role in the positive determination of native title for the Nyangumarta people in 2009, is a Director of the Nyangumarta Warrarn Aboriginal Corporation (NWAC), and volunteers in the role of NWAC CEO.

Dr Pamela McGrath is a Research Fellow with the Native Title Research Unit at AIATSIS. She is an anthropologist and historian and has had an ongoing involvement with native title research for 15 years. In 2010 she helped established the Centre for Native Title Anthropology at the Australian National University, where she worked as a Research Fellow until her appointment to the AIATSIS team in late 2012. Her current research projects are focussed on the social impacts of native title policy, Indigenous Cultural Heritage Management and native title information management strategies.

**PROFESSOR TIM ROWSE**

**Imagining the Indigenous land owner: a history of sympathetic speculation since 1966**

My paper is about the history of the arguments for creating an Indigenous land and sea estate, since the 1960s. I will illustrate the variety of ways that those advocating land rights and native title have evoked the figure of the ‘traditional owner’. All the projects to legislate forms of Indigenous land title have had to say something about the Indigenous entity (whether individual or group) in whose interests the law seeks act. My paper would start with Dunstan in 1966 and finish with the Senate debate on the ILC in 1995. From these and intervening debates, my paper will draw attention to the diverse terms in which the ‘traditional owner’ has been evoked.

**Professor Tim Rowse** is a Professorial Fellow in the Dean’s Unit, School of Humanities and Communication Arts and a School-based member of the Institute for Culture and Society, at the University of Western Sydney. He has been writing about Australian Indigenous Affairs since the early 1980s and teaching on these themes since 2003. His books include: *After Mabo* (1993), *White flour, white power* (1998), *Obliged to be difficult* (2000), *Indigenous futures* (2002), *Divided Nation?* (2007, co-author Murray Goot) and *Rethinking Social Justice* (2012). He is writing a book about Australia’s relationships with Indigenous Australians since 1900 and his paper to this conference will report some work in progress.

**GAVIN SINGLETON**

**Dawul Wuru enterprise development**

At the conference, we hope to provide an insight into our programs including issues and challenges, strategies, aspirations and exploring other economic development opportunities for our people, country and community.

**Gavin Singleton** is from the Yirrganydji (Djabugay) Traditional Owner Group of the coast between Cairns and Port Douglas, North Queensland. I am currently employed as a Project Officer for the Dawul Wuru Aboriginal Corporation and we are administering the Yirrganydji Traditional Use of Marine Resources Agreement (TUMRA) as well as the Department of Environment and Heritage Protection’s Crocodile Management service for the Cairns Region.

**GRAEME SMITH, GORDON NOONAN, DR STUART PHILLPOT, PROFESSOR KERRY JACOBS**

**Who minds the miners**

An analysis of the events, stakeholders, roles and responsibilities and outcomes associated with the desecration of the Sacred Site at Bootu Mine in 2012 from an Aboriginal Corporations perspective. The paper will analyse the implications of the successful prosecution in 2015 of a mining company for breaching the Northern Territory Sacred Sites Protection Act 1978.

As part of this analysis the paper will examine the roles, responsibilities and duties of the various stakeholders to the Approval to a Mining Lease Agreement for the Bootu Creek area, the obligations of specific parties under the NT Sacred Site Protection Act 1978 and assess to what extent the desecration of the site at Bootu Mine breached the Approval to a Mining Lease.

As part of this examination the paper will chronicle development a chronology the events that led up to the desecration of the sacred site at Bootu mine and the responses of the various stakeholders including those who were signatories to the Approval to the Mining Lease Agreement. The paper will conclude where policy and policy implementation that may have prevented the desecration of the Sacred Site may have been flawed and identify legal, policy and administrative options for ensuring that such incidents are prevented in the future.
KEVIN SMITH

Good Indigenous governance and effective native title management: travelling companions on the road to Self Determination

For many traditional owners, the arduous pursuit of securing native title recognition has focused predominantly on the determination with a common refrain at the court ceremonial hearing being ‘what do we do now?’ This refrain echoes as a capacity issue that has been heard at a macro level in the Deloitte Review into Native Title Organisations, the Australian Treasury Taxation of Native Title and Traditional Owner Benefits and Governance Report and the ALRC’s Review of the Native Title Act. As native title determinations increase and economic development becomes more pressing, this capacity issue will gain even greater prominence. PBC governance is thus clearly a national priority, as failed governance adversely impacts upon ‘fragile’ native title rights and interests; and conversely, good governance can assist in securing, managing and leveraging native title rights and interests for the benefit of current and future generations of traditional owners and their aspirations of self-determination. Regrettably, however, PBCs compete for governance resources within a system that is straining under the diverse and complex workload associated with claims resolution.

This presentation explores the need for:

- A paradigm shift where sound Indigenous governance principles and design are embedded at key points along the native title continuum – from claim formulation, to determination and beyond – and not as an after-thought whilst the ‘ink is drying’ on the court order.
- Appreciating that PBC governance involves a complex interrelationship between three dimensions – the individual, the PBC and the community – and the need to build capacity through integrated strategies cognisant of those dimensions.
- Utilising NTRB/NTSP and broader support to build PBC capability in terms of compliance and performance.

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 and the National Native Title Tribunal. Kevin is currently the Deputy Chair of the National Native Title Council and the Chairman of Aboriginal Hostels Limited (AHL). Since 2008 Kevin has held the position of Chief Executive Officer of Queensland South Native Title Services, an organisation providing statutory services to Aboriginal traditional owners in the southern half of Queensland. Kevin holds a Bachelor of Laws degree from The University of Queensland and was admitted as a solicitor to the Supreme Court of QLD in 1994.

LEAH TALBOT, DR ROSEMARY HILL, PROFESSOR HURRIYET BABACAN

Knowing rights, knowing country using Indigenous research methodologies

Increasing numbers of Aboriginal and Torres Strait Islander researchers are using and promoting Indigenous research methodologies to strengthen and promote Indigenous peoples’ roles, rights and interests.

This presentation focuses on a novel application of these methods in doctoral research aimed at understanding the influences of Indigenous governance on the application of Indigenous ecological knowledge in land management. We highlight three important outcomes of using Indigenous research methodology. First, our Aboriginal and Torres Strait Islander communities and researchers are able to apply our own ways of doing, knowing and believing about land, overcoming the past ignorance from western research thinking. Second, Indigenous research methodologies
empower Indigenous people to build our own deeper understanding about why, how and when to successfully engage. Such understanding builds opportunities for appropriate collaboration to emerge from engagement with external agencies. Third, Indigenous research methodologies reflect our priorities and therefore ensure a central role for research in supporting sustainable pathways for our businesses on and for our country. We argue that wider application of Indigenous methods in environmental research, applying a critical Indigenous lens perspective, will highlight the deep impact of colonisation and empower the larger decolonisation process, restoring both justice and the land.

Leah Talbot is a descendant of the Kuku Yalanji People from Far North Queensland, Australia. She is currently supported by CSIRO to undertake her PhD, in the integration of conservation and Indigenous knowledge, governance systems, rights and interests. Leah has experience in conservation and environmental management, high level Indigenous negotiations and developing collaborative Indigenous research methodologies, participative planning with Indigenous communities. She also has experience in international forums particularly in environment policy, community engagement and Indigenous involvement. Generally, her interests have always included social justice issues, Indigenous peoples rights and responsibilities, environmental issues, protection of cultural and natural resources, and finding ways and methods to develop a better future for our planet and people. Leah is also a Board Director with the Wet Tropics World Heritage Area.

Leah has a Masters of Science (with an Indigenous Land Management Techniques Thesis) and a Bachelor of Science in Environmental Studies.

Dr Rosemary Hill is a human geographer dedicated to collaborative environmental governance, Indigenous peoples and social-ecological sustainability. Ro is a principal research scientist Australia’s national applied science organisation CSIRO and an Adjunct Associate Professor with James Cook University. She has experience in cross-cultural collaborative research with indigenous people and with other transdisciplinary research partnerships, and has received numerous awards. Ro leads social science teams in CSIRO investigating issues of adaptation and transformation in landscape conservation, Indigenous-managed areas and through multiple knowledge platforms. She has more than forty peer-reviewed publications on these topics. She is a Member of the IUCN Commission on Environment Economic and Social Policy, the World Commission on Protected Areas, the Expert Taskforce for Indigenous and Local Knowledge of the Intergovernmental Platform on Biodiversity and Ecosystem Services.

Professor Hurriyet Babacan is a social scientist who has taught, researched and published extensively on cultural diversity, identity, racism, sustainability, community development and governance. She has held senior roles in government responsible for whole of government key policy areas including cultural diversity, access and equity and community outcomes. Prof Babacan has collaborated with Indigenous researchers and organisations over the last 20 years across Australia relating to a range of issues. Her recent work has included community and environmental sustainability, cultural heritage, community resilience in the face of climate change and natural disasters and human security. Hurriyet’s work has been recognised in a number of ways including the Bicentennial Medal by the Prime Minister, Telstra Businesswomen’s Award, Premier’s Multicultural Award. Hurriyet has been a member of numerous ministerial advisory bodies. She has been a member of a joint OECD/Council of Europe expert working group on well-being and has published to invited papers for UNESCO.

KELLY THOMAS-GREER, CRAIG REICHER

Native title decisions under the PBC regulations: unshackling the constraints imposed upon PBCs

Regulation 8 of the Native Title (Prescribed Body Corporate) Regulations 1999 requires a prescribed body corporate (PBC) to consult with and obtain the consent of common law native title holders before making a decision that would affect their native title rights or interests.

Regulation 8 aims to ensure that native title rights are not detrimentally affected by decisions made by the PBC without the full understanding and consent of the common law native title holders. But the regulation has the potential to make it unnecessarily time consuming and costly for PBCs to deal with some low-level future acts.

Although consultation by the PBC and obtaining of consent of common law native title holders is justifiably mandated by the PBC Regulations in circumstances involving high level future acts, the time required and cost of complying with Regulation 8 is overly burdensome when the project is of low value.

This paper critically examines the PBC Regulations as they apply to native title decision-making by PBCs in relation to low level future acts; discusses ways in which PBCs and their legal representatives have dealt with the constraints imposed upon them in practice; and proposes amendments to the PBC Regulations to address the issue.

Kelly Thomas-Greer is a Legal Officer with QSNTS, the native title service provider for the southern half of Queensland. Kelly has recently been working with QSNTS’s PBC Support Unit providing legal support to PBCs. In addition to assisting PBCs, Kelly is also the managing legal officer for the QSNTS Future Acts Unit. Kelly has worked in native title for five years, representing native title claimants in claim work, future act negotiations, and future act arbitration. Kelly holds a Bachelor of Laws and a Bachelor of Business (Management) from Griffith University, and a Graduate Diploma in Legal Practice from the College of Law.

Craig Reicher is a solicitor with Queensland South Native Title Services where he assists a number of native title claim groups in Southern, Central and Northwest Queensland. Over the past three years, Craig represented the Gunggari People, Yulluna People, Pitta Pitta People in their respective native
title consent determinations. In addition to claim work, Craig is also engaged in the negotiation of future act agreements. Craig holds a Bachelor of Laws (Honours) from the University of New England, a Bachelor of Arts (Economics) from Queen’s University in Canada and a Graduate Diploma in Legal Practice from the College of Law.

JOHN TREGEA

Places and pathways: capturing and sharing stories of who we are using mobile apps

The search for our ‘Place of Belonging’ in the world is intrinsic to human nature. The tools we have available to communicate place and value have changed over time and now include mobile phones, apps and computerised maps. This presentation discusses the use of mobile phones and mobile apps and mapping tools to enable the recording of place and associated value, by Indigenous communities and the subsequent sharing of selected parts of the stored knowledge with wider audiences. The software being shown establishes a data exchange standard for saving, communicating and mapping Indigenous place and value. The software architecture will, in time, also provide a governance (security) model for rights management including appropriate access control and access management based on cultural principles. Set in the domain of tourism, the software being developed will enable any Indigenous community to create and share stories and experiences about their places with people of other cultures through maps and journeys.

John Tregea joined AIATSIS in 2013 as the Director of Knowledge Management. With more than 30 years of experience as a software and database designer and developer, John has been involved in many world leading projects including developing the language learning software at Sydney University. John is undertaking a Master of Information Sciences focused on the research and design of a new mobile app framework that will allow Indigenous Communities to create and share tourism profiles for sites with non-Indigenous people, publish them through the Apple and Android stores and potentially create revenue streams. For example, the mobile app would be able to advise visitors when a permit or guide is required to visit a particular site and direct them to contact the appropriate person/office. Indigenous communities can access the software for free and the app can accommodate specialist audiences such as fishing advice, off-road/4WD visitors and international tourists.

DR LEON TERRILL

Indigenous land reform: when is freehold better than leasehold?

Over the last decade, several Australian governments have been engaged in Indigenous land tenure reform. The recent Aboriginal and Torres Strait Islander Land (Providing Freehold) Act 2014, however, is unique in that it is the first reform that results in the partitioning of Indigenous land into parcels of ordinary freehold. Other reforms have instead involved the leasing and subleasing of Indigenous land. This includes earlier Queensland reforms, and leasing remains an alternative option for communities on Indigenous land in Queensland.

How should the people who will be called upon to implement these reforms (the trustees, native title holders) decide when freehold is preferable to leasing? One issue is that freehold extinguishes native title.

This paper considers the matter from the perspective of residents and communities. It draws on land reform theory from overseas to set out a framework for considering whether freehold or leasehold is preferable in a given situation. This is a complex issue, and the paper concludes by arguing that there is a need for more published research of a technical nature, to help native title holders decide whether to agree to the extinguishment of their title.

Dr Leon Terrill is a lecturer in the University of New South Wales Law School and a Fellow of the Indigenous Law Centre. He previously worked for several years as a senior lawyer with the Central Land Council. He has published widely on native title and leasing remains an alternative option for communities on Indigenous land in Queensland.

Since 2011 the project has engaged Aboriginal youth to undertake rock-hole rehabilitation, using both cultural/traditional and Western/science methodologies. Applying an asset based approach the project identified feral goats as the primary threat, and has since implemented management through an innovative and strategic trapping regime in partnership with Thurlga Pastoral Station. Funded through the Australian
Traditional owners on Cape York Peninsula and the Queensland Government have been converting state-owned properties to Aboriginal freehold and creating national parks (Cape York Peninsula Aboriginal land) (CYPAL) and nature refuges over areas of high conservation significance.

In addition, existing national parks are being converted to national parks (CYPAL), with Aboriginal freehold as the underlying tenure. Aboriginal landholders – that is, Aboriginal Corporations or Land Trusts – and the Queensland Parks and Wildlife Service are jointly managing the national parks (CYPAL).

These tenures and land management arrangements are negotiated and agreed through Indigenous Land Use Agreements, Indigenous Management Agreements for national parks (CYPAL) and Conservation Agreements for nature refuges.

To date, there have been:
- 21 Aboriginal freehold land transfers outside national parks (nearly 1.3 million hectares);
- 16 existing national parks converted to national park (CYPAL) (nearly 1.4 million hectares);
- 5 new national parks (CYPAL) (approximately 560,000 hectares); and
- 17 nature refuges on Aboriginal freehold (nearly 260,000 hectares).

This paper outlines the legal framework, the agreements, and the outcomes to date, some challenges and some practical strategies to address these challenges.

Eric Wason is an Indigenous man from the Kuku Djungan and Bar-Barrum groups of North Queensland.

Eric started working with Queensland Parks and Wildlife Service (QPWS) in 1990 through a contract with the Aboriginal and Torres Strait Islander Commission, and then as a casual Ranger working directly with QPWS. He gained a permanent position with QPWS in 1991 as a Ranger working in national parks in the Cairns region. Eric’s skills progressed when recruited to an Indigenous Liaison/Operation Ranger position in the QPSW Cairns region.

Eric’s current role is Senior Project Officer with the Cape York Peninsula Tenure Resolution Program (CYPTRP) with the Department of Aboriginal and Torres Strait Islander Partnerships. His role is to liaise with and understand the needs, issues and concerns of traditional owners involved in the national parks transfer process. Eric has been part of a team that has successfully transferred many National Parks to National Park (Cape York Peninsula Aboriginal Land) or (CYPAL).

Carol Kinnaird grew up on a sheep farm in Western Victoria where she developed a strong interest in native plants and managing habitat for wildlife. After studying in Melbourne she headed for the bush, embarking on a park management career that has thus far spanned 30 years and three states. From the wetlands of the Bellarine Peninsula to outback Central Australia, to Top End of the Northern Territory and Cape York Peninsula, Carol has relished the opportunity to work alongside traditional owners to conserve our natural and cultural heritage. This work has involved everything from controlling weeks and catching crocodiles to writing park management plans with Indigenous partners.

Carol currently leads the Queensland Parks and Wildlife Service (QPWS) Northern region Joint Management team. In this role she supports QPWS and Aboriginal Land Trusts/Corporations in the management of national parks (Cape York Peninsula Aboriginal land).

ERIC WASON, CAROL KINNAIRD

Cape York Peninsula Aboriginal freehold and national parks: agreements and achievements

Historic tenure and native title: sharing the knowledge, sharing the future

The High Court of Australia first recognised the existence of native title in Australia in 1992, many years after it was first acknowledged in some other settled colonies. The slow progress of claims for native title since that time has continued to frustrate native title parties, as well as governments and third parties.

It is well documented that recognition of native title and tenure certainty are essential steps to empowering Indigenous groups to participate in economic activities to accord with their native title rights and aspiration.

This paper discusses a collaborative project which allows access to historic tenure and other information relevant to land rights and land use, to allow knowledge to be shared, providing the opportunity for meaningful and
Mark has presented at professional events in Australia and abroad, and has been a member of a variety of national and international working groups dealing with interoperability and exchange of geospatial information. Mark is an advocate of the use of open data and standards to deliver effective outcomes for the public good, and in using accessible collaboration tools to assist in developing common understandings of the nature of information about the world around us.

Lisa Eaton has practiced as a solicitor in New South Wales, Queensland and Western Australia, and is currently admitted to practise in Western Australia and the Federal and High Courts of Australia.

In her present role as Principal Advisor, practice and legislation with the National Title Tribunal, Lisa works closely with the President and members providing expert legal advice and support to the Tribunal.

Lisa is a diversely experienced native title practitioner having acted for various native title claimants (particularly through her former role as Deputy Principal Legal Officer of Yamatji Marra Aboriginal Corporation (YMAC)), grantee parties (including for example Woodside Energy Limited) and Government parties in relation to a wide range of native title matters.

MURRANGO YANNER, TERRENCE TAYLOR, PAUL RICHARDSON

From ranger to tour guide: the Gulf experience

CLCAC has developed a plan that will assist in the implementation of a range of Aboriginal tourism initiatives in the Gulf to deliver new visitor experiences that provide insight into and an appreciation of culture and country. In practice this plan has had to rely heavily on the skills and cultural knowledge of Indigenous Rangers. The transfer of existing skills and the additional specific training required for Rangers to develop a successful tourism product will be discussed, together with the challenges of developing a commercial product without also turning culture into a commodity of reconstructed ethnicity.

Murrando Yanner is a Gangalidda man from the Gulf of Carpentaria. As a Director of CLCAC, he has been instrumental in the development of native title and land & sea programs, including CLCAC’s very successful Indigenous Ranger Program. He is known as a tireless advocate for Indigenous rights in the Gulf of Carpentaria and has campaigned on a range of local and national issues for more than two decades.

Terrence Taylor is a Gangalidda native title holder and a Ranger Coordinator with CLCAC based in Burketown. Terrence has played a key leadership role in the development of the Gangalidda & Garawa ranger program and is working to implement a plan for the growth of sustainable Indigenous tourism in the region.

Paul Richardson is a Gkuthaarn man and a Ranger Coordinator with CLCAC based in Normanton. Paul’s work with shorebirds recently led to the Delta Downs coast (South-East Gulf of Carpentaria) being accepted into the Flyway Site Network of the East Asian–Australasian Flyway Partnership.

DAVID YARROW

The extinguishment of native title: a revolution in principle

In the seven month period between August 2013 and March 2014, the High Court of Australia delivered three important judgments about the extinguishment of native title. Each altered the prior understanding of extinguishment in significant ways. The law of extinguishment is now different in important respects from that applied in 2002 by the High Court. The paper will identify how the law of extinguishment has changed, and what that means for the convention thinking of the past.

David Yarrow is a member of the Victorian Bar, and has extensive experience in native title matters throughout Australia. He is also adjunct research fellow at the Monash University Faculty of Law, where he was a lecturer before coming to the bar.