

The Past and Future of Land Rights and Native Title

Native Title Representative Bodies Legal Conference

28-30 August 2001,
Southbank Hotel &
Convention Centre
Townsville

Day 1 Tues 28 August

COMMEMORATIVE PROGRAM

Ron Castan address

The role of the High Court and
the recognition of native title

Eddie Mabo address

The nature of native title

Nugget Coombs address

A national treaty

Judith Wright address

Reconciliation

*Stories from the 1981 conference
and the Mabo case*

Day 2 Wed 29 August

DEVELOPMENTS IN NATIVE TITLE

Running and settling trials

Framework agreements

Compensation

Heritage Amendment Bill

Consent determinations

Day 3 Thurs 30 August

JOINT SESSION WITH THE NATIONAL
ENVIRONMENTAL LAW ASSOCIATION

Indigenous heritage and the
environment

Sea rights

Heritage and planning

Land management

Native Title
Representative Bodies
Legal Network



Australian Institute of Aboriginal
and Torres Strait Islander Studies

letter from AIATSIS chairperson

Welcome to the program for the second Native Title Representative Bodies Legal Conference. The first conference was held in Melbourne last year and was attended by over 200 native title practitioners and others. This year commemorates the 20th anniversary of the 1981 conference *Land rights and the future of Australian race relations* out of which the *Mabo* case evolved. That conference was organised by the Townsville Treaty Committee, which demonstrates the close links between native title and claims for greater self-determination expressed in current calls to reinvigorate debates on a treaty process for Australia.

I would like to offer a special welcome to the National Environmental Law Association who will be sharing a joint-day with us when they hold their annual NELA conference. This collaboration recognises the relationship between environmental law and native title law in the management of our natural and cultural heritage.

We hope you can join us in Townsville.



Dr Mick Dodson

historical background

In 1981 the James Cook University Students Union and the Townsville Treaty Committee decided to organise a conference to examine why stated Federal government policies on land rights were not being implemented. As the then President of the JCU Students Union Erik Olbrei said, "We saw the conference above all as a working group which would survey all strategies which could conceivably lead to the full and uncompromising implementation of land rights throughout Australia and particularly in Queensland." At the 1981 *Treaty* conference potential strategies raised included the use of international pressure and the possibility of bringing about a definitive High Court decision on the question of land rights. Papers and discussion from the conference were published by James Cook University in the book – *Black Australians: the prospects for change*, Olbrei E. (ed.), 1982.

conference conveners

The Past and Future of Land Rights and Native Title is convened by Greg McIntyre and Lisa Strelein, with the organisational support of the Native Title Research Unit at the Australian Institute of Aboriginal and Torres Strait Islander Studies. The Native Title Research Unit is largely funded by an ATSIIC grant, which has provided the subsidy for this conference.

Native Title Representative Bodies Legal Network

The NTRBLN is an informal network formed out of a desire to create better links between the legal practitioners working for native title representative bodies. The intent is to achieve greater efficiency in running and settling native title claims by sharing knowledge and experience, gained separately, across the representative bodies.

Australian Institute of Aboriginal and Torres Strait Islander Studies

AIATSIS is an independent Commonwealth Government statutory authority. It is Australia's premier institution for information about the cultures and lifestyles of Aboriginal and Torres Strait Islander peoples. For more information see <www.aiatsis.gov.au>. AIATSIS has maintained a Native Title Research Unit since 1994.

Day 1 Commemorative Program

Ron Castan

The role of the High Court and the recognition of native title presented by

- Justice French, Judge of the Federal Court of Australia.
- David Bennett, Solicitor General for the Commonwealth.

Ron Castan AM QC (1940-1999) played a leading role in some of the most significant Australian litigation involving the rights of Indigenous peoples. In 1971, he became the founding secretary of the Victorian Aboriginal Legal Service. In 1982, the Mabo case was begun with Castan as senior counsel.

Eddie Mabo

The nature of native title

presented by

- Noel Pearson, Cape York Partnerships.
- Professor Marcia Langton AM (tbc), inaugural Chair of Australian Indigenous Studies at Melbourne University.

Koiki (Eddie) Mabo (1937-92) was one of five Torres Strait Islander people who in 1982 began legal proceedings to establish their traditional ownership of their land, gaining success in 1992. Eddie Mabo helped found Townsville's Aboriginal and Islander Health Service and the Townsville black community school. Eddie Mabo spoke at the 1981 *Treaty* conference about *Land rights in the Torres Strait*.

Nugget Coombs

A national treaty

presented by

- Dr Mick Dodson, Chairperson of the Australian Institute for Aboriginal and Torres Strait Islander Studies.
- Jenny Pryor (tbc), ATSIC Commissioner for North Queensland.

Herbert Cole (Nugget) Coombs (1906-1997) was an authoritative, influential and respected advocate for Indigenous rights. In 1968 he was appointed chairman of the Council for Aboriginal Affairs, he was also a founding member of the Aboriginal Treaty Committee and spoke at the 1981 *Treaty* conference on *The case for a treaty*.

Judith Wright

Reconciliation

presented by

- Jackie Huggins, Deputy Director of the Aboriginal and Torres Strait Islander Unit at the University of Queensland.
- Fred Chaney, President of the National Native Title Tribunal.

Judith Arundell Wright (1915-2000) was a celebrated Australian poet and activist. She campaigned on conservation and land rights issues, co-founding the Wildlife Preservation Society of Queensland and the Aboriginal

Treaty Committee. Wright spoke to *In defence of a treaty* at the 1981 *Treaty* conference.

Panel about stories

This session is planned as a reunion of some of the original participants of the 1981 *Treaty* conference and those involved in the *Mabo* litigation. Participants include Bob Collins (tbc), Trevor Graham (tbc), Barbara Hocking, Flo Kennedy, Bryan Keon-Cohen, Noel Loos, Greg McIntyre, Garth Nettheim, Dave Passi, Margaret Reynolds, and Nonie Sharp.

Day 2 Developments in Native Title

Running and settling trials

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Speakers and chairs include: David Ritter, Mark Love, Diana Smith, Chris Anthonisou (tbc), Greg McIntyre, Michael O'Donnell, Ross Howie (tbc), George Irving, John Sheehan, Paul Burke, and others to be confirmed. Parry Agius, Jocelyn Davies, and Richard Howitt will be speaking about the South Australian state agreement. Krysti Guest and Julie Melbourne will present 'Are native title applicants 'exceptional litigants?'

Issues arising out of recent High Court and Federal Court cases

A panel of speakers and commentators will address the use of 'tradition', conflict of laws, proof, and land and sea claims. The recent cases will include Ward/Miriuwung Gajerrong, Yorta Yorta, and Yarmirr/Croker Island.

Speakers and commentators include: Greg McIntyre, John Basten, Richard Bartlett, Andrew Chalk, Bryan Keon-Cohen, Ron Levy, Susan Phillips, Graeme Hiley, Ross Howie (tbc), Sarah Pritchard, Lisa Strelein and others to be confirmed. Andrew Chalk will be discussing the implications of the *Lardill/Wellesley* decision for the protection of native title. The panel will be chaired by Justice North.

Day 3 Joint session with the National Environmental Law Association

Indigenous heritage and the environment

Sea rights

Heritage and planning

Land management

Speaking about Indigenous heritage and the environment will be Senator Robert Hill, Peter Yu (tbc), and Lee Godden. Gary Meyers will present on land management issues. Other speakers include Dick Wells, Stephen Sparkes and others to be confirmed.



native title representative bodies

National Environmental Law Association

Since 1985 NELA has been Australia's pre-eminent environmental law association. NELA is interdisciplinary, non-political and non-profit, and draws its membership from the legal profession and other professional areas concerned with the environment. For information on the NELA conference (30-31 August), contact nela@spirit.com.au, tel: 02 6230 0803, fax: 02 6262 8567, or at GPO BOX 133, CANBERRA ACT 2601 or DX: 5601 City. Arrangements are available for attending the second day of the NELA conference.

social functions

From 5:30pm on Tuesday 28 August drinks will be provided to welcome speakers and participants to the conference.

The joint conference dinner, held with the NELA conference, will commence from 7pm on Wednesday 29 August at the Southbank Hotel and Convention Centre. Sir Anthony Mason will give an after dinner address on the international concept of equality of interest in the sea as it affects the conservation of the environment and Indigenous interests. The cost is included in the full registration price or \$70 (inc. GST) for each additional guest.

There will be an Aboriginal and Torres Strait Islander traditional feast on the evening of Thursday 30 August 2001 (venue to be confirmed) — an informal meal and drinks. The cost is \$25.00 per person (inc. GST).

destination Townsville

Townsville in August is in the dry season and temperatures range from 13–25 degrees Celsius. In August Townsville is on Eastern Standard Time. See for further information <www.townsvilleonline.com.au>.

travel

We are pleased to announce that Qantas has been appointed official airline for the NTRBL Conference 2001. A special conference fare has been negotiated for conference participants — a discount of up to 45 percent off the economy air fare (excluding taxes), subject to availability in Group Class. Please contact Qantas Association Sales (telephone number, toll-free: 1800 684 880), quote the Association Profile Number, **2985667**, and destination and date of the conference when making your reservation. The discount is available for domestic travel within Australia only and is subject to payment and ticketing conditions. International delegates can contact their local Qantas office for the best available fare.

accommodation

We have secured special rates for conference participants. Mention the conference when booking to receive the dis-

counted rate. Otherwise, contact Townsville Enterprise on 1800 801 902 for alternative accommodation. Make your reservation early to allow for the high season.

Southbank Hotel: Conference venue. Corporate rate is \$102 per room (single or double). Call 1800 355 143.

Quest executive apartments: Across the road from Southbank. Apartments from \$102 (price includes the 15% conference discount). See <www.questapartments.com.au> or call 07 4772 6477.

registration check-in times

The Registration Desk at the Conference will be open as follows:

Tuesday	9:00-10:00am	Foyer, 2nd flr
Wednesday	8:00-9:00am	Foyer, 2nd flr

venue details

Southbank Hotel & Convention Centre
23 Palmer Street
Townsville, Queensland
Phone: 07 4721 1474
Fax: 07 4721 2010
Reservations: 1800 355 143

cancellation policy

Cancellations must be made in writing to the conference co-ordinator. A refund of 50 percent off the registration fee will be made on or before 31 July 2001. No refund will be made after 31 July 2001.

for more information contact

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