



3rd Annual Native Title Law Summit 2011

Managing indigenous relationships plus legislation, policy and commentary

13 – 14 July 2011, Stamford Plaza Brisbane

Program highlights

- Applicants and ILUAs. A Barrister's overview of the Bygrave ruling
- Implications of *Bygrave vs QGC*: discussion panel
- Anthropological issues arising from succession claims
- Strategies for dealing with disaffected traditional owner groups and sub groups in Native Title negotiations
- Future Acts Regime and its application. An update from the bench
- Recent cases in the High Court, the Federal Court, and the State Supreme Courts regarding Native Title and Native Title holders
- Developing broader outcomes for Native Title claim settlements
- Native Title and the GST with income tax implications of Indigenous Land Use Agreements (ILUAs) and compensation payments to Native Title parties

Speakers

- **The Hon. Justice John Logan RFD**, Judge, **Federal Court of Australia**
- **Kevin Murphy**, *Director of Claims Resolution, Aboriginal and Torres Strait Islander Land Services, Department of Environment and Resource Management*
- **Professor David Trigger**, Professor of Anthropology, Program Head, Anthropology, Deputy Head, School of Science, **University of Queensland**
- **Richard Abraham**, Senior Lawyer, **Crown Law**
- **Shaz Rind**, Principal Legal Officer, **Queensland South Native Title Services**
- **Graham Hiley QC**, Barrister, **Queensland Bar**
- **Darryl Rangiah SC**, Barrister, **Queensland Bar**
- **Raelene Webb QC**, Barrister, **Northern Territory Bar**

Claim up to 12 CPD/MCLE points

Early bird discount expires 17 June 2011

Register Today!

Visit: www.lexisnexis.com.au/pd

Product of:



3rd Annual Native Title Law Summit 2011

Managing indigenous relationships plus legislation, policy and commentary

Day one: 13 July 2011

Managing indigenous relationships

8:30 Registration

8:50 Introduction from the Chairperson

Perry Russell, *Partner, Creevey Russell Lawyers*

9:00 Applicants and ILUAs

- The Applicant and its members – functions and duties
- Registration of duly authorised area ILUA where one member of the registered Native Title claimant refuses to execute the ILUA (*QGC v Bygrave*)
- Replacement of recalcitrant or deceased member of Applicant under Federal Court Rules or s 66B NTA? (*Butchulla, Sambo, Lennon, Gudjala*)
- Standing of registered Native Title claimant to seek declarations (*Edwards v Santos*)

Graham Hiley QC, *Barrister, QLD Bar*

1 CPD/MCLE point in professional skills

10:00 Morning tea

Discussion Panel

10:30 Implications of the *Bygrave vs QGC* decision

The *Bygrave vs QGC* decision has already made an indelible mark on Native Title law practise in Australia. You will hear from the two leading barristers who fought the case plus further input from Shaz Rind from the Queensland South Native Title Services. A descendant of the Yamatji Peoples of the Murchison region of Western Australia, Shaz has more than 10 years' post-admission experience in New South Wales and Western Australia in Native Title, commercial law, criminal law and anti-discrimination litigation. Barristers Graham Hiley and Darryl Rangiah are leading Native Title practitioners. Graham Hiley has appeared in many leading Native Title cases including *Wik*, *Yarmirr*, *Yorta Yorta*, *Ward* and *Larrakia*. Darryl Rangiah has a burgeoning Native Title practice, to which he brings his extensive experience in many high-profile administrative law and commercial cases.

Graham Hiley QC, *Barrister, Queensland Bar*

Darryl Rangiah SC, *Barrister, Queensland Bar*

Shaz Rind, *Principal Legal Officer, Queensland South Native Title Services*

1.5 CPD/MCLE points in professional skills

12:00 Networking lunch for speakers and delegates

Discussion Panel

1:00 Anthropological issues arising from succession claims

Native Title and cultural heritage are inexorably linked. This discussion will augment your understanding of Native Title law, lifting it from the purely legal to the anthropological. Succession claims are not mere legal processes and need to be understood in the context of the continual connection of indigenous Australians to their land.

Professor David Trigger, *Professor of Anthropology, Program Head, Anthropology, Deputy Head, School of Science, University of Queensland*

Richard Abraham, *Senior Lawyer, Crown Law*

Raelene Webb QC, *Barrister, Northern Territory Bar*

1.5 CPD/MCLE points in practical legal ethics

2:30 Afternoon tea

3:00 Strategies for dealing with disaffected traditional owner groups and sub groups in Native Title negotiations

- Is compulsory acquisition of Native Title rights and interests an option?
- S31 agreement or ILUA?
- Meeting requirements for Registration of an Area ILUA
- Reviewing and reconciling legal authorities on the method of authorisation of ILUAs
- Proponents obligations after registration

Colin Hardie, *Owner, Just us Lawyers*

1 CPD/MCLE point in professional skills

4:00 Negotiating agreements and good practice skills

- There is no simple template
- Negotiating for mutual benefit
- Understanding cultural heritage management
- Common errors in approaching negotiation

TBA

0.75 CPD/MCLE point in professional skills

4:45 Closing comments from the Chair

5:00 Close of day one

Who should attend?

- Native Title law practice groups
- Indigenous representative bodies
- Indigenous law practice groups
- Mining law practice groups
- Planning and environment law
- Government lawyers, local and regional councils
- Civil & human right lawyers
- Mining, resources & energy company executives and in-house Counsel

Claim CPD/MCLE points with all LexisNexis Professional Development events

13 – 14 July 2011, Stamford Plaza Brisbane

Day two: 14 July 2011

Legislation, policy and commentary		12:30	Networking lunch for speakers and delegates
8:30	Registration	1:30	Native Title, the GST and income tax implications of Indigenous Land Use Agreements (ILUAs) and compensation payments to Native Title parties
8:50	Welcome from the Chairperson		
	Scott Singleton, Partner, Minter Ellison		<ul style="list-style-type: none">How compensation payments are structured – setting the sceneTax and GST implications of ILUAs and compensation payments to Native Title partiesRecent guidance from the ATOImpacts on the structure of your agreements
9:00	Future Acts Regime and its application		
	<ul style="list-style-type: none">What is and is not a future act?Interaction between future acts and Native Title both before and after a Native Title determinationRights, remedies and responsibilities of registered Native Title claim groups and other land users.		
	The Hon. Justice John Logan RFD, Judge, Federal Court of Australia		
	0.75 CPD/MCLE point in professional skills		
9:45	Recent cases in the High Court, the Federal Court, and the State Supreme Courts regarding Native Title and native title holders	2:15	Authorisation of ILUAs – alternative settlement processes and emerging partnerships
	<ul style="list-style-type: none"><i>Edwards v Santos</i> [2011] HCA 8<i>FQM Australia Nickel Pty Ltd v Bullen</i> [2011] FCAFC 30<i>Queensland Construction Materials Pty Ltd v Redland City Council & Ors</i> [2010] QCA 182		<ul style="list-style-type: none">Considerations relevant to the process for identifying people who may hold native title when authorising an ILUAILUAs as part of alternative or ‘broader’ native title settlementsThe role of ILUAs in emerging carbon market opportunities (Carbon Credits (Carbon Farming Initiative) Bill 2011 (Cth))
	Gim Del Villar, Barrister, Queensland Bar		
	0.75 CPD/MCLE point in professional skills		
10:30	Morning tea		
11:00	Developing broader outcomes for Native Title claim settlements		
	<ul style="list-style-type: none">What is a broader settlement of a Native Title claim?What role do the interests of the parties play?Some examples of broader settlementsOpportunities, constraints and making it happen		
	Kevin Murphy, Director of Claims Resolution, Aboriginal and Torres Strait Islander Land Services, Department Environment and Resources Management		
	0.75 CPD/MCLE point in professional skills		
11:45	Recent developments in the law regarding extinguishment of Native Title	3:00	Afternoon tea
	<ul style="list-style-type: none">Legislation – regulation v prohibition (<i>Akiba v Queensland</i> (2010), in relation to the right to take resources (of the sea) for commercial purposes)Public works and adjacent areas (<i>Akiba v Queensland</i> (2010))Mining leases (<i>James (on behalf of the Martu People) v Western Australia</i> (2010) and <i>Brown (on behalf of the Ngarla People) v Western Australia</i> (2010))Reserves (<i>Western Australia v Sebastian</i> (2008))Sections 47, 47A and 47B of the Native Title Act 1993 (Cth)		
	Helen Bowskill, Barrister, Queensland Bar		
	0.75 CPD/MCLE point in professional skills		
			Discussion Panel
		3:30	Indigenous employment schemes: making them work Indigenous employment schemes are often spoken of in ILUAs but rarely acted on. This discussion will pull apart the processes and analyse the short fallings of previous schemes and provide practical solutions for successful follow through. Our Native Title experts will bring their collective experience and wisdom to this complex problem.
			Dr. Jonathan Fulcher, Partner, Hopgood Ganim Margarita Escartin, Principal, Red Cliff Project Consultants Craig Jones, Principal Adviser, Indigenous Affairs, Santos
			1.25 CPD/MCLE points in professional skills
		4:45	Closing comments from the Chair
		5:00	Close of conference

To register now visit: www.lexisnexis.com.au/pd or ph: 1800 772 772 or fax: 02 9422 2338

Priority registration form 3rd Annual Native Title Law Summit 2011

4 easy ways
to register

Online: www.lexisnexis.com.au/pd
Phone: 1800 772 772
Fax: (02) 9422 2338
Mail: Conference Co-ordinator, LexisNexis
Locked Bag 2222,
Chatswood Delivery Centre, Chatswood NSW 2067
or: DX 29590 Chatswood

Please complete sections A, B, C, D

TAX INVOICE

Conference code: PD3311 ABN: 70 001 002 357

A

Delegate 1 details

Mr/Ms/Dr: _____
First name Last name

Position: _____

Organisation: _____

Postal address: _____

Suburb Postcode State

Telephone: _____

Fax: _____

Email (required**): _____

Delegate 2 details

Mr/Ms/Dr: _____
First name Last name

Position: _____

Telephone: _____

Fax: _____

Email (required**): _____

Delegate 3 details

Mr/Ms/Dr: _____
First name Last name

Position: _____

Telephone: _____

Fax: _____

Email (required**): _____

** to send conference confirmation

B

PLEASE SEND ME MORE INFORMATION ON:

- Native Title Service – Online
 Native Title Service – Looseleaf
 Native Title News – Newsletter
 Lawyers Weekly – Magazine

For more information on these products call 1800 772 772

Earn CPD Points:

Lawyers can earn up to 12 CPD points.

Where did you hear about this event? _____

- Please add me to the LexisNexis Monthly Professional Development email list

C

Event pricing (please tick your selection)

GROUP BOOKING

Register 3 or more people from the same organisation at the same time and book at the advanced price per person.

EXAMPLE

One day conference	1	\$900 + GST = \$990	\$990
--------------------	---	---------------------	-------

Advance price (register and pay before 13 May 2011)

Please Select	Options	Qty	Price	Subtotal
	Two day Conference		\$1800 + GST = \$1980	
	One day Conference only*		\$900 + GST = \$990	

Early bird price (register and pay after 13 May 2011 and before 17 June 2011)

Please Select	Options	Qty	Price	Subtotal
	Two day Conference		\$1950 + GST = \$2145	
	One day Conference only*		\$1050 + GST = \$1155	

Standard price (register and pay after 17 June 2011)

Please Select	Options	Qty	Price	Subtotal
	Two day Conference		\$2050 + GST = \$2255	
	One day Conference only*		\$1150 + GST = \$1265	

Conference Resources (I am unable to attend but please send me conference papers)

Please Select	Options	Qty	Price	Subtotal
	3rd Annual Native Title Law Summit 2011 conference papers		\$360+ GST = \$396	

* Early Bird, team discounts and any other discount cannot be taken concurrently TOTAL

*I would like to attend:

- Day 1 or Day 2

D

Payment details

Payment is due upon registration. This document will be a Tax Invoice/Receipt for GST upon completion of payment.

- Enclosed is my cheque for: \$ _____ made payable to LexisNexis

- Pay by credit card: Please charge \$ _____ to

- Mastercard Visa American Express

Card number: _____/_____/_____/_____

Expiry: ____/____

Name of cardholder: _____

Signature of cardholder: _____

PROGRAM CHANGES

Details regarding this conference were confirmed and correct at the time of printing. LexisNexis reserves the right to cancel or amend the conference details at any time if required.

CANCELLATION

Your registration will be confirmed in writing when full payment has been received. LexisNexis' cancellation policy applies as follows. If cancellation is notified in writing:

- One calendar month or more prior to the first day of event: LexisNexis will refund your registration fee less \$165.00 administration cost.
- Between one calendar month plus one day and 14 days prior to the first day of event: LexisNexis will refund 50% of the fee paid by you and provide you with a copy of event papers.
- 13 days or less prior to the first day of the event: LexisNexis will not refund any part of your fee. However, you may nominate a replacement delegate to attend in your place.

IMPORTANT PRIVACY NOTICE:

The information you provide on this form is collected by Reed International Books Australia Pty Limited for the purposes of processing your registration or enquiry and keeping you informed of upcoming products, services and events. The information is disclosed from time to time to our related bodies corporate for these purposes. The provision of this information by you is voluntary but if you do not provide some or all of the requested information we may be unable to properly process your registration. You have both a right of access to the personal information we hold about you and to ask us to correct it if it is inaccurate or out of date. Photographs/audio visual content may be produced at this event and might be used for future LexisNexis Professional Development collateral. Please direct your enquiries to privacyau@lexisnexis.com.au

Please note, delegate information will be provided to sponsors.

- Please tick here if you do not want sponsors to receive your information

- Tick here if you DO NOT wish to receive information about upcoming events