



4th Annual Native Title Summit

Focused updates: Policy, legislation & crucial decisions

11-12 July 2012, Marriott Hotel Brisbane

Program highlights

- Receive insights into reform proposals from two of Australia's greatest and most respected silks.
- Negotiate with integrity – understand the impact of recent developments in anti-bribery laws.
- Examine new uncertainties in securing indigenous land use agreements.
- Appreciate risks of directors' liability for pre-determination of funds management.
- Know when applicant authority is taken away from the claim group and what the consequences are.
- Comprehend the various, multifaceted statutory responsibilities of Representative Body lawyers.

Claim up to 12.5 CPD/MCLE points

2 points in Practical Legal Ethics

1 point in Practice Management

9.5 points in Professional Skills

Product of:



Speakers

- **The Honourable Justice John Reeves**, Federal Court of Australia
- **Graeme Neate**, President, National Native Title Tribunal
- **Dr Bryan Keon-Cohen AM QC**
- **Charles Sweeney QC FAICA**, International Australian Arbitrators and Counsel, Gibbs Chambers
- **Tony Denholder**, Partner, Ashurst
- **Tim Wishart**, Principal Legal Officer, Queensland South Native Title Services
- **Mark Geritz**, Partner, Clayton Utz
- **Scott Singleton**, Partner, Minter Ellison
- **Dr Jonathan Fulcher**, Partner, HopgoodGanim Lawyers
- **Susan Casey**, Special Counsel, Ashurst
- **William Oxby**, Senior Associate, Freehills

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4th Annual Native Title Summit

Focused updates: Policy, legislation & crucial decisions

Wednesday, 11 July 2012

Considerations of policy shaping the future

8:30 Registration

8:50 Opening address from the Chair

9:00 20 years after the *Mabo* judgment: Reflections on trials, touchstones and trends for the future

- What has been achieved since the judgment in *Mabo* (No. 2) – in relation to native title claims, ILUAs and other agreements, future acts
- What lessons have been learned?
- What are the challenges ahead and how should they be met?

Graeme Neate, President, National Native Title Tribunal

■ 1 CPD/MCLE point in Professional Skills

10:00 Applicant authority – when is it taken away from the claim group and what are the consequences?

- *Wullli Wullli People v State of Queensland* [2011] FCA 1158
- Can “jointly” mean “by majority” or must there be complete conformity for a decision to be valid?
- Should sections 61(2)(c) and 251B be interpreted to remove autonomy from the native title claim group?
- An analysis of the views of Collier J and Logan J
- Practical considerations and alternative views

Dr Jonathan Fulcher, Partner, HopgoodGanim Lawyers
Band 1 Native Title – Chambers Asia-Pacific, 2012

■ 1 CPD/MCLE point in Professional Skills

11:00 Morning tea

11:15 Post *QGC Pty Limited v Bygrave* [2011] FCA 1457: More questions and uncertainty

- Who has to be identified to participate in ILUA negotiations and what is the test for identification?
- Are the identified parties the same as the parties required to authorise the ILUA?
- Potential problem scenarios arising from the decision
- Can ILUAs be authorised where there are no registered claimants?
- Solutions for creating native title certainty in the face of uncertainty

Mark Geritz, Partner, Clayton Utz

Band 1 Native Title – Chambers Asia-Pacific, 2012

■ 1 CPD/MCLE point in Professional Skills

12:15 Networking lunch for speakers and delegates

1:15 Native Title 20 years on: Rights, responsibilities and reform

Dr Bryan Keon-Cohen AM QC has practised at the Victorian Bar for 30 years, principally in native title, human rights and civil liberties. His High Court appearances include *Dams Case*, *Chan, Mabo No 1 & 2*; *Waanyi, Wik and Lange & Levy*. This paper will focus on rights to traditional country won and lost; government responsibilities discharged and avoided; and proposed reforms to the *Native Title Act*.

Dr Bryan Keon-Cohen AM QC

■ 1 CPD/MCLE point in Professional Skills

2:15 NTA: Time for change?

A leading commercial silk considers the textual and policy uncertainties and infelicities, their transactional and predictive costs, and possible resolutions.

Charles Sweeney QC FAICA, International Australian Arbitrators and Counsel, Gibbs Chambers

■ 1 CPD/MCLE point in Professional Skills

3:15 Afternoon tea

3:30 Discussion forum: Impacts of currently proposed reforms to the NTA and its administration

A discussion and mini-debate that focusses upon the proposed reforms. The panellists will explore whether the reforms will get closer to achieving balance between assisting claimants to achieve some “land rights justice” from a currently very “unjust” commercially driven system. The commercial impacts and new challenges created will be explored, followed by a Q&A session through which delegates will be invited to contribute to the discussion.

Dr Bryan Keon-Cohen AM QC

Charles Sweeney QC FAICA, International Australian Arbitrators and Counsel, Gibbs Chambers

■ 0.75 CPD/MCLE point in Professional Skills

4:15 Indigenous peoples and rights to consultation and consent: Examining state obligations and recent trends in the global energy and resources sector

In the late 1990s, Australia was subject to significant criticism and ‘early warning procedures’ by the UN’s Committee on the Elimination of Racial Discrimination (CERD) in relation to the 1998 amendments to the *Native Title Act 1993* (Cth) (NTA). Among the various issues raised by CERD were concerns over restrictions on the right of indigenous title holders to negotiate non-indigenous land uses under the future act regime. A decade or so on, this paper:

- Revisits the international criticism levelled at Australia’s future acts regime
- Examines developments in the rights of Indigenous Peoples to be consulted about the exploitation of natural resources on their lands and the obligations on States to obtain their consent through the lens of international human rights norms
- Provides an analysis of recent international trends in crystallising the obligation on States and resources companies to consult with and/or obtain the consent of Indigenous Peoples before undertaking exploration or extraction activities
- Considers the significance of international developments for the resources sector in Australia

Brett Harley, Associate, Minter Ellison Lawyers

■ 1 CPD/MCLE point in Professional Skills

5:15 Close of day one

Claim CPD/MCLE points with all LexisNexis Professional Development events



11-12 July 2012, Marriott Hotel Brisbane

Thursday, 12 July 2012

Legislation, cases and thinking ethically

8:30 Registration

8:50 Welcome from the Chair

Scott Singleton, Partner, Minter Ellison
Up and Coming, Native Title – Chambers Asia-Pacific, 2012

9:00 Keynote address from the Federal Court of Australia

- Insights from the bench
- Native Title claims from the Judge's perspective
- Typical delays in Native Title litigation
- Circumstances where claims may be struck out

The Hon Justice John Reeves, Judge, Federal Court of Australia

■ 1 CPD/MCLE point in Practice Management

10:00 Building critical national rail, port and energy infrastructure – native title implications

- Native Title processes to enable new rail and port infrastructure to be built
- Pre-conditions to the compulsory acquisition of native title by Government so as to confer rights on private infrastructure developers
- Allocation of native title compensation liability
- Case study on recent infrastructure projects in Queensland

Tony Denholder, Joint Global Practice Head – Native Title, Ashurst
Band 1 Native Title – Chambers Asia-Pacific, 2012

■ 1 CPD/MCLE point in Professional Skills

11:00 Morning tea

11:15 Practical experiences and the respondent's perspective

- Negotiation of land access rights, future acts and compensation payments
- Policies, strategies and perspectives
- Case studies
- Trends in negotiating native title agreements

William Oxby, Senior Associate, Freehills
Associate to Watch, Native Title – Chambers Asia-Pacific, 2012

■ 1 CPD/MCLE point in Professional Skills

12:15 Negotiating with integrity

- Impact of recent developments in anti-bribery legislation on your native title negotiation strategy
- Why anti-bribery developments may affect your dealings with government, private individuals or corporate enterprises in these negotiations
- Risks surrounding certain categories of payments
- Suggested approaches to ensure integrity of your negotiation processes

Susan Casey, Special Counsel, Ashurst, former Global Practice Leader - Compliance, Rio Tinto

■ 1 CPD/MCLE point in Professional Legal Ethics

1:15 Networking lunch for speakers and delegates

2:15 The multifaceted statutory responsibilities faced by Representative Body lawyers and what this could mean for you

- Preliminary questions and an analysis of recent WA & QLD single Judge decisions
- The 2009 NTA amendments and looming challenges for Traditional Owners
- Comparing statutory definitions; analysing conflicts
- Casting the spotlight on your role and your *Legal Profession Act* Responsibilities

Tim Wishart, Principal Legal Officer, Queensland South Native Title Services

■ 1 CPD/MCLE point in Professional Legal Ethics

3:15 Afternoon tea

3:30 Directors' liability for pre-determination of funds management

- An examination of relevant legislation
- Implications following Court's recent decision in *Dunhutti* not to award costs against the directors personally
- What constitutes reasonable expenditure of compensation and advising your clients
- Methods of regulation of expenditure

Michael Henry, Barrister, International Australian Arbitrators and Counsel, Gibbs Chambers

■ 1 CPD/MCLE point in Professional Skills

4:30 Close of conference

Who should attend?

Solicitors and Barristers of all experience levels practicing in:

- Native Title
- Indigenous law
- Mining law
- Energy and resources
- Mediation and ADR
- Local, State and federal government
- Civil and human rights law
- In-house counsel roles or in-house advisory roles

Related professionals, including:

- Legal Officers from local and regional councils
- Mediators and negotiators
- Indigenous representative bodies
- Mining, resources & energy company executives and In-house Counsel

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

Priority registration form

4th Annual Native Title Summit
11-12 July 2012
Mariott Hotel Brisbane
515 Queen Street
Brisbane QLD 4000

5 easy ways to register

Online: www.lexisnexis.com.au/pd
Email: registration@lexisnexis.com.au
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: PD2712

ABN: 70 001 002 357

A Delegate 1 details

Mr/Ms/Dr: _____
First name Last name
Organisation: _____
Address: _____
Position: _____
Telephone: _____
Fax: _____
Email (required**): _____

Delegate 2 details

Mr/Ms/Dr: _____
First name Last name
Organisation: _____
Address: _____
Position: _____
Telephone: _____
Fax: _____
Email (required**): _____

Delegate 3 details

Mr/Ms/Dr: _____
First name Last name
Organisation: _____
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Position: _____
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B Please send me more information on:

- National Mining Law – 16 May 2012 – QLD
 Practice Management NSW – 24 May 2012
 9th Annual Family Law Summit – 6 & 7 June 2012 – QLD
 6th Annual Industrial & Workplace Relations National Conference
– 12-14 June 2012 – NSW

For more information on these products call 1800 772 772

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Lawyers can earn up to 12.5 CPD/MCLE 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

WEB

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

EXAMPLE

<input checked="" type="checkbox"/>	Conference	1	\$1800 + GST = \$1980	\$1980
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Advanced price (register and pay before 18 May 2012)

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

Standard price (register and pay after 18 May 2012)

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



Conference resources

I am unable to attend but please send me the 4th Annual Native Title Summit conference papers

Qty	Price	Subtotal
	\$360 + GST = \$396	

*I would like to attend:

- Day one Day two

Advanced price, team discounts and any other discount cannot be taken concurrently. Member discounts do not apply to Conference resources.

TOTAL

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

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- 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.

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