

The Future of Native Title Anthropology: a Representative Body Perspective

I'll start with what I see as the present situation for YMAC - the representative body for the Pilbara, Murchison and Gascoyne regions of WA:

- To date we've had 7 consent determinations; 3 of these connection reports were authored by in-house anthropologists, and the remainder by consultants. There are further upcoming determinations: of these reports, one was written by a staff anthropologist, one by a consultant, and another was co-authored between an in-house and a consultant anthropologist.
- Most connection reports have now been submitted and a number are presently with the State. Of these, one was written in-house, and the remainder were authored by consultants whose research was well-supported by in-house anthropologists.
- YMAC seek to attract and retain staff who can gain deep experience working with the groups we represent for several years. We aim to develop senior anthropologists through authoring or co-authoring reports. Although not all in-house staff are suited to this task, a number of our in-house staff have authored supplementary reports submitted to the State, and have developed specialties in areas such as archival research, remote fieldwork, conflict workshopping, community consultation, preservation evidence and litigation. These skills enable consultants to work in short timeframes and enhance the overall quality of our research.

Some general comments that apply to the future of all the regions YMAC represents:

- I think collaborative anthropological work involving in-house and consultant anthropologists will continue into the future. This combination allows for both breadth and depth: rapid ethnography by the consultant who brings wide experience, coupled with detailed knowledge from longer-term ethnographic research by in-house anthropologists. At YMAC we've used this approach for over a decade.
- That said, our preference is still to use experienced consultant anthropologists as expert witnesses. Whilst some of our in house anthropologists have authored targeted expert reports based on their long-term experience with certain groups, consultancy enables wider exposure, which establishes greater credibility in court settings. One of the challenges facing native title anthropology and the system in general is how to simultaneously retain quality in house anthropologists and provide them with broader experience as they progress, so they can take the place of the small pool of retiring quality consultants, and gain the expertise and confidence to take the stand.
- One recent change likely to continue to have impacts is the increased pressure being imposed by the Federal Court: implementing work plans to complete research in dramatically reduced timeframes, and moving more matters to trial. In WA this is coupled with an increasingly litigious approach by the State, resulting both in more trials, and in the bar constantly being raised in terms of the level of information required, both of claimants and anthropologists: for example, in relation to restricted evidence and claimant meetings with the State.

- These trends are already having significant impacts, both financial and in terms of staff burnout. The pressure to resolve all claims simultaneously means that work briefed to consultants will be more targeted, but tight timeframes and budget constraints do not allow for this work to be fully outsourced. I believe there is a real need to retain senior anthropologists in the rep-body system to enable greater efficiency and provide high quality analysis.
- To this end, YMAC has run a professional development program for anthropologists over the last three years through the AG's funding. It's aimed at intensively training the next generation of senior anthropologists in the rep body system and has resulted in over 20 days of intensive training for each of the 12 in house YMAC anthropologists. This has been extremely cost effective as otherwise our training budget only allows for a few anthropologists to attend a short training typically in the eastern states and often at training that is not relevant to our current needs. Bringing training in-house through the AG's grant has meant that confidentiality issues can be avoided, and that themes relevant to YMAC's regions and current issues affecting our particular claims can be addressed. The program has also facilitated more effective use of senior anthropologists' time, reducing the one-on-one training they previously provided for all new staff. It will be a significant loss to the native title system in terms of a professional training program for the next wave of in house senior anthropologists at YMAC if the funding is cut or reduced.

To finish by identifying some developing fields of work into the future:

- In WA there is a potential for fruitful work in areas of alternative settlements. At this stage scope is relatively limited due to the State's preference for trial over exploring other options.
- Furthermore, with the finalisation of some major native title negotiations, there is growing demand from newly established Aboriginal Corporations for assistance with developing robust processes around rules, membership, decision making and dispute resolution. This area of work is well suited to in-house anthropologists with targeted work by consultants if required. This is because of the complex nature of these enquiries and the necessity for deep understanding of the regional genealogical picture, history of genealogical research, the status of that claim, and continuity of service provision.
- Over the last 5 years work is also increasing in terms of non-core funded projects: return and ongoing management of research materials, ranger programs, TEK, films and service agreements. These projects require a different anthropological skill set than native title research which we've also been developing at YMAC. Small project work is a growing field for consultants and can also provide in-house staff with a sense of satisfaction and task diversity to balance prolonged work on native title claims; another part of our retention and development strategy.