



Annual Conference Centre for Native Title Anthropology



CULTURE AND NATIVE TITLE: MAKING THE MOST OF EMERGING OPPORTUNITIES

QUEENS COLLEGE, UNIVERSITY OF MELBOURNE

6-7 February, 2020



Australian Government
Attorney-General's Department



Australian
National
University

Day 1: Where does culture fit?

- 8.30-8.50 Registration
- 8.50-9.00 Welcome/Acknowledgement to country
- 9.00-9.10 Julie Finlayson: Research Fellow CNTA. Housekeeping.
- 9.10-9.30 Nic Peterson: Director CNTA. Introduction

Native title has had a focus on the law and customs of claimants, but after the High Court's judgement in the Timber Creek compensation case, the broad concept of 'culture' and 'cultural loss' has been introduced. How are anthropologists to understand the concept of culture as used in this legal case?

In Part 1 we examine how diametrically opposed uses of the concept of 'culture' and 'agency' were interpreted by High Court judges in a consumer affairs case.

In Part 2 we look at how differently positioned parties/stakeholders interested in native title compensation claims approach the notion of 'cultural loss'.

- 9.30-10.00 **Chair: Sue Donaldson**
- Part 1:** The concept of 'culture' at the intersection of anthropology and the law the ASIC case (David Martin)
- 10.00 -10.30 Open discussion
- 10.30- 11.00 Morning tea**
- 11.00-11.40 **Part 2:** Where does 'culture' fit in compensation? **Chair: Mick O' Kane**
- Di Smith: Anthropology's Law
- Sue Meaghan: Cultural loss: Issues for negotiation of compensation settlements
- 11.40-12.30 Open discussion
- 12.30-1.30 Lunch**
- 1.30-2.00 **Creating value in post-determination contexts. Chair: Trinity Handley**
- 2.00-3.00 Attracting and working with private investment for regional development (Bruce Martin)
- 3.30-4.00 Afternoon tea**
- 4.00-4.30 Women in Native Title Anthropology (Cameo Dalley)

End of Day 1.

7:00 Conference dinner at Naughton's Hotel at 43 Royal Parade.

*The cost is \$45.40 for a two-course set menu of entre and main. **Attendees are expected to cover their own costs and pay for the dinner by 29 January 2020.** Drinks and desert can be purchased in addition on the night. All the usual dietary requirements can be accommodated within their set-menu. If you have any particular concerns about catering to your needs, please contact Jacqui Keene at: jacqueline.keene@anu.edu.au*

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Day 2: The landscape for new opportunities

8.50-9.00	Housekeeping
9.00-9.30	Chair: Adele Millard Mapping resources to manage Country in a post-native title determination context: drawing upon the synergies of People, Place and Partnerships (Kevin Smith)
9.30-10.00	Chair: John Morton Re-drawing the regions: opportunities and challenges in the current federal policy landscape (Kevin Keeffe)
10.00-10.30	What do dangerous ideas look like? Group work... which idea to pitch? Post-determination contexts (treaty; economic development; compensation)
10.30-11.00	Morning Tea
11.00-11.30	Interview with an entrepreneur: Ophelia Rubinich interviews Wayne Denning (Carbon Creative, Brisbane)
11.30-12.30	What do dangerous ideas look like? <i>Group work in preparation for the pitch from your designated speaker</i> Key challenges? Roles and Processes?)
12.30-1.30	Lunch
1.30-3.00	Chair: Diane Smith Are dangerous ideas workable? – Panel Appraisal. <i>Pitch your dangerous idea followed by commentary from Panel members</i>
3.00-3.30	Afternoon Tea
3.30- 4.00	Summary of key issues: 3 speakers

End Day 2.

Conference Speakers

Cameo Dalley is a sociocultural and economic anthropologist whose work focuses on the politics of belonging, indigeneity, and land. She has extensive industry experience and networks in native title and cultural heritage. From 2012 to 2015 she ran the Centre for Native Title Anthropology at the Australian National University, through funding awarded by the Australian Government Attorney-General's Department. Working variously for Aboriginal corporations, the Queensland State Government and developers, she has undertaken consultancy work in south-east Queensland, Central Queensland, Cape York and the Northern Territory. She is a Research Fellow at the Alfred Deakin Institute for Citizenship and Globalization at Deakin University on an ARC-funded project titled 'Beyond Recognition: Strengthening relationality across difference in postcolonial contexts'.

Wayne Denning is a Birri Gubba man and the Managing Director of Carbon Creative www.carbon-creative.com.au a social change creative agency with impact. Determined to give a positive voice to Indigenous Australians, Wayne set about creating innovative engaging design, content and strategy that put storytelling and creativity front and centre with the goal of changing hearts and minds on a grand scale.

Today and every day Carbon makes good by shaping and sharing stories and ideas, not only for First Australians but for a diverse audience from the mainstream to the marginalised. Carbon takes great pride in our authentic, creative and strategic approach to whatever the challenge. Beyond the creative agency, Wayne embraces his role as the Deputy Chair of the National Film and Sound Archive of Australia (NFSA), and as a board member of the Australian Indigenous Mentoring Experience (AIME) and Queensland South Native Title Services (QSNTS).

Julie Finlayson has been the Research Fellow at the Centre for Native Title Anthropology since September 2016. She is a social anthropologist with an interest in applied anthropology and has worked at the Centre for Aboriginal Economic Policy Research at the ANU, the National Native Title Tribunal, La Trobe University, and the Australian Public Service (in various Indigenous portfolios). She has also worked as a consultant in cultural tourism and native title.

Kevin Keefe is an honorary lecturer in the Centre for Native Title and Anthropology at ANU. He came to the Centre after working as Chief of Staff to Senator Patrick Dodson, Shadow Assistant Minister for Indigenous Australians. His long career in Indigenous Affairs included work as a senior official in Prime Minister and Cabinet and the Environment Department, working on issues including native title, reconciliation and heritage. Before leaving the Australian Public Service, he was State Manager in Queensland for Families, Housing, Community Services and Indigenous Affairs. He moved to the Australian Red Cross as Queensland Executive Director. He has been an adviser to Ministers Tickner and Wong in the Australian Parliament. His career began as a school teacher in remote communities in Cape York and Central Australia, before he studied anthropology and linguistics at ANU. He has written two books on indigenous issues.

Bruce Martin is a Wik Ngathan man from Aurukun on western Cape York Peninsula. He was an appointee to the inaugural Prime Minister's Indigenous Advisory Council in 2013 and is currently a Director on the board of the Indigenous Land and Sea Corporation. He recently completed the Australian Institute of Directors (AICD) course and is participating in the 15-month Australian Rural Leadership Program.

Bruce is committed to fostering economic and community development in rural, regional and remote Australia. He is focused on promoting economic empowerment by linking engagement to

opportunity. A practical example of this approach is the recent creation of *Yamanah Investment*, poised to invest in a pilot project in the Murray Darling Basin. Bruce believes that the underlying principles in this pilot have wider application to change regional Indigenous socioeconomic opportunities.

David Martin is Director of Anthropos Consulting whose work has focused on the ‘anthropology of the engagement of Aboriginal people with the wider society. He has extensive experience with Aboriginal groups in rural and remote areas, including eight years in community development/outstation work in Aurukun.

David has published on a range of native title issues, including a major co-authored book on prescribed bodies corporate (PBCs). He has also published on issues such as accountability, corporate governance, and developing effective organisational structures for service-delivery bodies which take account of Aboriginal political and economic values. He has expertise in working with Aboriginal groups to develop effective corporate structure, including PBCs and trusts.

Sue Meaghan has worked in native title since 1996 and is currently Manager, State Agreements at the WA Department of the Premier and Cabinet. Sue has a legal background and has worked in both legal and policy roles in the area of native title. She has held various roles at the National Native Title Tribunal, primarily in future act and arbitral matters, and has also worked as a lawyer at the Northern Land Council representing traditional owners in native title determinations and land use agreements in the Northern Territory. During her time in Canberra Sue worked in the Department of Prime Minister and Cabinet, and later as a consultant for Government agencies and non-government organisations. In her current role, Sue is working on comprehensive native title settlements to resolve claims and leverage community defined opportunities.

Nicolas Peterson has been the Director of the Centre for Native Title Anthropology since its inception in 2010. His interests are wide ranging from Aboriginal land and sea tenure, native title, social change and development, Indigenous governance, economic anthropology, and photography of Aboriginal Australians. He was an advisor to Justice Woodward on the development of the Northern Territory Aboriginal Land Rights Act and has worked on several native title claims.

Ophelia Rubinich is Director of OCR Consulting and an anthropologist with over sixteen years of research experience with urban, rural and remote Aboriginal communities.

Her anthropological career started as an assistant curator at the Berndt Museum of Anthropology at the University of Western Australia; before working as a staff anthropologist with the South West Aboriginal Land and Sea Council for the Single Noongar Claim (SNC) research, and the subsequent Bennell Hearing.

As a consultant, Ophelia has provided expert anthropological advice in Native Title and related matters throughout Australia, including to the Kimberley Land Council, Kimberley Sustainable Development Trust, Queensland South Native Title Services, Central Queensland Land Council, Goldfields Land and Sea Council, Native Title Services Victoria, and the National Native Title Tribunal.

She has presented papers at the annual conferences of the Australian Anthropological Society and the Canadian Anthropology Society. She has been a chair, presenter and facilitated various workshops with AIATSIS, Aurora, Yamatji Marlpa Aboriginal Corporation and the Centre for Native Title Anthropology (ANU).

Diane Smith is an anthropologist, Senior Research Fellow at the Centre for Aboriginal Economic Policy at the ANU, and gained her PhD in Anthropology, '*Cultures of Governance and the Governance of Culture: Indigenous Australians and the State*' at ANU. Diane was a Chief Investigator for the national 'Indigenous Community Governance Research Project' 2002-2008), and a co-editor of the project volume *Contested Governance: Culture, Power and Institutions in Indigenous Australia* (co-edited by J. Hunt, D. Smith, S. Garling and W. Sanders, ANU E-press, 2008).

Diane is a Board Director of the Australian Indigenous Governance Institute and wrote the content for the AIGI's comprehensive online resource: *The Indigenous Governance Toolkit*. She was a Mediation Member of the National Native Title Tribunal and wrote on early native title compensation and agreement-making matters. She has published extensively over several decades on applied research topics of Indigenous governance, development, households, welfare economy, resource agreements, native title and land rights, land and gender-based knowledge, Indigenous Studies and research methodologies, Indigenous Affairs policy.

Diane is lead editor of a forthcoming publication on '*The Indigenous Governance of Development: An International Conversation*' (eds. D. Smith, A. Delaney, A. Wighton, S. Cornell. Publishers: Rowman and Littlefield).

Kevin Smith (Chief Executive Officer, QSNTS) is a descendant of the Meriam Peoples of the Torres Strait with traditional connections to Ugar (Stephen Island) and Erub (Darnley Island). Kevin has over 20 years of 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, the National Native Title Tribunal, the National Native Title Council and Aboriginal Hostels Limited (AHL).

In 2008, Kevin successfully led the amalgamation and incorporation of the former Gurang and Greater Mount Isa Native Title Representative Body areas into Queensland South Native Title Services (QSNTS). Kevin holds qualifications in both law and business management from the University of Queensland. He was admitted as a solicitor in 1994.