

15 July 2009 Summit • 16 July 2009 Workshops

Stamford Plaza, Brisbane

National Native Title Law Summit

**Achieving constructive outcomes
when negotiating and settling
native title claims**

Not-for-
profit fee
assistance

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Points

Don't miss this opportunity to:

- Analyse how the Federal government's proposed amendments will impact current law and native title policy and practice
- Understand native title litigation through the decisions of the Federal Court
- Consider legal measures for future acts applicable under s 29
- Examine the use of anthropologists as expert witnesses in native title claims
- Determine compensation over the extinguishment or impairment of native
- Explore the factors affecting the pace and outcomes of negotiations

First 25 registrations receive a complimentary copy of LexisNexis Butterworths *Native Title Casenotes 1971-2007*



Expert speakers include:

- The Hon John Alfred Dowsett, *Judge*, Federal Court of Australia
- Graeme Neate, *President*, National Native Title Tribunal
- Graham Hiley QC, *Barrister*, QLD Bar
- Robert Orr QC, *Deputy General Counsel*, National Practice Leader for Government Practice Group, Australian Government Solicitor
- Dr Jonathan Fulcher, *Special Counsel*, HopgoodGanim Lawyers
- Dominic McGann, *Partner*, McCullough Robertson Lawyers
- Tony Denholder, *Partner and Joint Head of Native Title Practice*, Blake Dawson
- Scott Singleton, *Special Counsel*, Minter Ellison Lawyers
- Marshall McKenna, *Partner*, Hunt & Humphry
- Dr Edward Christie, *Barrister-at-Law*, QLD Bar
- Garth Nettheim, *Emeritus Professor*, University of NSW

Workshops by leading experts:

- Ian Hanger AM, *QC*, QLD Bar
- Patrick Cavanagh, *Co-Director*, Dispute Resolution Centre, Bond University
- Therese Ford, *QLD State Manager*, National Native Title Tribunal

Official publications:

LexisNexis Native Title News

LexisNexis Butterworths Native Title Service

Product of:



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National Native Title Law Summit

Day One, 15 July 2009

8.30	Summit Registration	12.40	Networking Lunch for Speakers and Delegates
8.50	Acknowledgement of Country and opening remarks from the Chair Dominic McGann, <i>Partner</i> , McCullough Robertson Lawyers	1.40	Remarks from the Chair Garth Nettheim, <i>Emeritus Professor</i> , School of Law, University of NSW
9.00	Legislative Update: <i>Native Title Act</i> and future direction How will the Federal government's proposed amendments reform current law and to what effect will it change current policy and practice? Dr Jonathan Fulcher, <i>Special Counsel</i> , HopgoodGanim Lawyers	1.50	Expert evidence in native title claims <ul style="list-style-type: none">• Preparing and litigating claims through the use of admissible evidence in the courts• Establishing the admissibility of expert opinion in accordance with the Evidence Act• The use of anthropologists as expert witnesses in native title claims• Conferences of experts Graham Hiley QC, <i>Barrister</i> , QLD Bar and <i>Co-Editor</i> , LexisNexis Native Title News
9.50	Keynote Address from the Federal Court of Australia Beyond Mabo: Understanding native title litigation through the decisions of the Federal Court <ul style="list-style-type: none">• Examining the role of the Federal Court in determining and settling native title claims• Determining the inter-jurisdictional nature of native title• The implications of decisions in:<ul style="list-style-type: none">- <i>Quall v Northern Territory of Australia</i> [2009]- <i>Worimi Local Aboriginal Land Council v Minister for Lands for the State of NSW (No 2)</i> [2008]- <i>Taylor v State of Western Australia</i> [2008]- <i>Christina George & Ors on behalf of the Gurambilbarra People v State of Queensland</i> The Hon John Alfred Dowsett, <i>Judge</i> , Federal Court of Australia	2.40	Determining compensation over the extinguishment or impairment of native title <ul style="list-style-type: none">• Determining financial compensation over land• Dividing compensation between claimants• Understanding taxation law as it applies to the taxation of native title benefits• Developing models for future use agreements: negotiating and structuring payment agreements for accountable and efficient use• Accommodating Indigenous interests in the valuation of native title rights Robert Orr QC, <i>Deputy General Counsel</i> ; <i>National Practice Leader for Government Practice Group</i> , Australian Government Solicitor
10:40	Morning Tea		
11:00	Setting standards for future acts affecting native title <ul style="list-style-type: none">• Effectively negotiating between native title parties, the Government and proponents in finalising grants• Satisfying the registration test conditions and fulfilling the conditions required to register a native title claim• Examining the procedures which should be followed to ensure that the act is valid• Conducting a fair assessment of the effect of the act on native title• Determining the right to compensation if the act is carried out• Considering legal measures for a proposed future act applicable under s 29 Marshall McKenna, <i>Partner</i> , Hunt & Humphry and <i>Co-Editor</i> , LexisNexis Native Title News	3:20	Afternoon Tea
11.50	Negotiating comprehensive settlements of native title claims <ul style="list-style-type: none">• Native title claims in context<ul style="list-style-type: none">- What claimants have to prove- Where native title has been extinguished• Options for settlement<ul style="list-style-type: none">- Determinations of native title- Associated or alternative outcomes (including Indigenous land use agreements)- Regional agreements• Factors affecting the pace and outcomes of negotiations• Adopting an interest-based approach to settlements<ul style="list-style-type: none">- Issues for native title claim groups- Issues for governments and other parties- Issues for the National Native Title Tribunal- Issues for the Federal Court Graeme Neate, <i>President</i> , National Native Title Tribunal and <i>General Editor</i> , LexisNexis Butterworths Native Title Service	3.40	Panel Discussion – Native Title Law and Indigenous Legal Rights <p>Panellists will each present a 10 minute overview after which delegates will have the opportunity to discuss their thoughts and questions with the speakers.</p> <ul style="list-style-type: none">• The interface between native title, environmental protection and cultural heritage such as ATSIHPA (Cth) in considering alternative regulatory regimes for preparing and negotiating claims Dr Edward Christie, <i>Barrister-at-Law</i> , QLD Bar
			<ul style="list-style-type: none">• Considerations regarding the structure and content of benefits packages in agreements between mining companies and Indigenous communities Tony Denholder, <i>Partner and Joint Head of Native Title Practice</i> Blake Dawson
			<ul style="list-style-type: none">• Project risk in the context of changes to State future act policies Scott Singleton, <i>Special Counsel</i> , Minter Ellison Lawyers
			<ul style="list-style-type: none">• Negotiation frameworks when dealing with registered and unregistered native title claims; and• Governance frameworks for benefits provided under native title agreements Dominic McGann, <i>Partner</i> , McCullough Robertson Lawyers
		5.00	Closing remarks from the Chair
		5.10	Close of Summit

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Day Two, 16 July 2009

Workshop A Developing effective Indigenous dispute resolution and conflict management methods

- 8.30 **Workshop Registration**
- 9.00 **Considering practice issues when mediating disputes involving Indigenous parties:**
- Effectively managing relationships with and between parties before the mediation stage
 - Formulating an integrated approach to dispute resolution by involving Indigenous parties in the establishment of Indigenous-specific dispute resolution methods
- 10.30 Morning Tea
- 11.00 **Workshop continued –**
- Choosing the practitioner
 - Intake, preparation and follow up
 - Time and place
 - Determining who attends the ADR session
 - Process and ground rules
- Workshop Facilitators
Ian Hanger AM, QC, QLD Bar and Fellow, International Academy of Mediators
and
Patrick Cavanagh, Co-Director, Dispute Resolution Centre, Bond University
- 12.00 **Close of Workshop A and Lunch**

Workshop B Negotiating outcomes

- 1.30 **Workshop Registration**
- 2.00 **Exploring key issues affecting outcomes:**
- Understanding what 'outcomes' mean in terms of agreement making
 - The various agreement-making options available
 - Reviewing the preparatory phase and improving the people-to-people aspect of negotiating
 - Best-practice negotiation
- 3.30 Afternoon Tea
- 4.00 **Workshop continued –**
- Resolving land use and ownership issues through negotiation rather than litigation
 - Negotiating sustainable intergenerational benefits
 - Achieving certainty to all parties around land and water use
- Workshop Facilitator
Therese Forde, Queensland State Manager, National Native Title Tribunal
- 5.00 **Close of Workshop B**

Who Should Attend?

- Native Title Law Practice Groups
- Indigenous Representative Bodies
- Indigenous Law Practice Groups
- Mining Law Practice Groups
- Planning & Environmental Law Practice Groups
- Civil & Human Rights Lawyers
- Mining Company Executives and In-house Counsel

Limited to the first 25 registrations only.

Casenotes on native title from the *Native Title Service*, from *Mabo* to 2007, collated and bound. This valuable resource is being made available to conference delegates and is not for sale separately.

Plus: each attendee will receive 2 past copies of *LexisNexis Native Title News*.



Community & Not-for-Profit fee assistance*

20% discount off all event registration options for community and non-for-profit organisations. Please provide details when registering to be eligible for this offer.

* Not applicable to conference paper purchases

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 Chatswood NSW 2067
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Please complete sections A, B, C, D

TAX INVOICE Conference code: PD6609 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 tick as many practice areas you work in which apply:

- | | |
|--|---|
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| <input type="checkbox"/> Commercial Litigation and ADR | <input type="checkbox"/> Insurance and Risk |
| <input type="checkbox"/> Corporate and Commercial Law | <input type="checkbox"/> Property |
| <input type="checkbox"/> Criminal Law | <input type="checkbox"/> Wills and Estates |
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| <input type="checkbox"/> Environment and Planning | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Family Law | |

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Your registration will be confirmed in writing when full payment has been received. LexisNexis will refund your registration fee in full less a \$165.00 administration cost if a request to cancel the registration is received in writing up to but not including 1 month prior to the event. If written notification is received any time up to but not including 2 weeks prior to the event, you will receive a 50% refund of your registration fee and seminar documents. No cancellation requests will be accepted after this time. You may nominate a replacement; however, no refund will be issued.

C Group Booking Price

Register 3 or more people to be eligible for the group discount price below until the event

Event Pricing (please tick your selection)	
Advance Price (register and pay before 10 April) + 3 or more Group Booking Price - (Per Person)	
<input type="checkbox"/> Summit + 2 workshops	\$1675.00 + GST = \$1842.50
<input type="checkbox"/> One Day Summit only	\$895.00 + GST = \$984.50
<input type="checkbox"/> Day Two - 2 Workshops only	\$895.00 + GST = \$984.50
Early Bird Special* (register and pay after 10 April & before 5 June 2009)	
<input type="checkbox"/> Summit + 2 workshops	\$1950.00 + GST = \$2145.00
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<input type="checkbox"/> 1 Workshop only#	\$650.00 + GST = \$715.00

If attending only one workshop: Workshop A Workshop B

Yes I would like more information on these products:

- LexisNexis Native Title News LexisNexis Butterworths Native Title Service

CONFERENCE RESOURCES

- I am unable to attend but would like to purchase a set of conference papers for National Native Title Law Summit \$360.00 + GST = \$396.00

D Payment details

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

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