



Native Title Internship Program

Handbook for Interns

A guide to student placements



June 2007



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Acknowledgments

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Disclaimer

The views expressed in this document are those of the individual authors and do not necessarily represent the views of Monash University, the Australian Government or the Aurora Project. The information supplied in this document is intended to provide a general overview of some areas of native title and to provide you with information that may assist you in your internship. You should not rely on any legal information provided in this Handbook to take action or make decisions about any specific situation or circumstance. No liability is accepted for use of, or reliance upon, any information in this document.



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Congratulations!

Congratulations on your placement as part of the Aurora Project Native Title Internship Program.

Please read this publication carefully – it is the culmination of the first few years of student internships and contains insights into working in the native title system. We hope this publication will go a long way to help you not only adjust to your new surroundings but also help you to get the most out of your experience.

Remember that wherever you are placed, the program is not about you but about the organisation, and about your role in helping them in any way possible. Try to go with as few expectations as possible. We have found that those who go out on the placement without expectations and ready to roll up their sleeves and pitch in wherever needed, have had the best time, whereas those who have gone out with a certain expectation of how the experience ought to be, have sometimes returned disappointed. Most importantly, be professional, be safe and have a positive and enjoyable time!

Richard Potok
Director

Kim Barlin
Student Placements and
Scholarships Manager

About the Aurora Project

The Aurora Project is the collective name for a number of programs (mostly conducted through the Castan Centre for Human Rights Law at Monash University) that work with Australia's Indigenous communities and organisations, facilitating prosperity through capacity building. To achieve this, the Aurora Project focuses on professional development in law, anthropology, management and other disciplines.

The Aurora Project was established following the launch in April 2005 of the *Report into the Professional Development Needs of Native Title Representative Body Lawyers* (the April 2005 Report), which is available at: www.auroraproject.com.au. The Project is located at the University of New South Wales, which is providing office space and other administrative support.

The Project team is working with the Commonwealth Department of Families, Community Services and Indigenous Affairs (FaCSIA) and Rio Tinto to implement many of the recommendations in the April 2005 Report. Specifically, FaCSIA has engaged Monash University to deliver staff development, support and other services to Native Title Representative Bodies (NTRBs). The Aurora Project is working with Monash to deliver these programs.

One of the recommendations in the April 2005 Report was the establishment of a student placement program, which introduces law students to career opportunities in native title and Indigenous affairs, and primarily provides assistance to NTRB lawyers. This program was initially funded by Rio Tinto and is now also funded in part by FaCSIA under the contract with Monash. Other partners in the student placement program include Allens Arthur Robinson, Gilbert + Tobin, the Australian Indigenous Studies Program at the University of Melbourne, Australian National University Law School and the University of New South Wales.



Intern Obligations

The form below has been included in your pack which you need to read, sign and fax or send to the Aurora Project. We have included a copy in this handbook for your reference.



THE AURORA PROJECT

Native Title Internship Program

Intern Obligations

Your internship brings with it a number of obligations. Please read this document, sign it, date it and fax it back to us. (There is a copy of this document on page (v) in your *Handbook for Interns* for your reference.)

As part of the requirements of the internship program, I _____, undertake to:

- Provide weekly written emails on the progress of the internship to: placements@auroraproject.com.au**
Half a page is sufficient. Please put in the 'subject' field of your emails: CONFIDENTIAL.surname.first name.name of placement organisation.week of internship - e.g. CONFIDENTIAL.Smith.Jane.CYLC.week3. DO NOT include any confidential information in your reports. (Refer to page 49 of the *Handbook for Interns*.)
For placements longer than 6 weeks, please provide fortnightly emails.
- In the final week of the internship, write an article for an appropriate university publication.** This piece must first be approved by the supervisor at your placement organisation. Once approved, please send a copy to Richard Potok at: placements@auroraproject.com.au before publication.
- Complete an overview questionnaire at the completion of the internship, reflecting on the experience and evaluating it.** (Guidelines and examples will be provided to you.)
- Commit to arranging and speaking to classes or interested students at my university and other local career-based events. This will be done within the semester following my return.**
This does not apply to those students who have already graduated.
- Continue my internship to the agreed end date.** In the event of extraordinary circumstances, interns can discuss alternative arrangements with Richard Potok.

In the past, interns have found it useful to keep in touch with each other during and after their placements. Do you authorise Aurora Project staff to disclose your email address to other interns?

☐ YES ☐ NO (please tick)

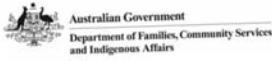
I understand that I must not disclose any confidential or private information during or after my internship. I also understand that as an intern I have similar obligations to that of an employee. I undertake to comply with all lawful directions of my supervisor or manager.

Signed: _____ Date: _____

If you have any queries or do not fully understand your obligations before you leave for your internship, please contact one of our placements staff on (02) 9385 9045.

PLEASE FAX BACK TO:
(02) 9385 9059

OR POST TO: The Aurora Project
University of NSW
Cliffbrook Campus
NSW 2052


Glossary of terms and abbreviations used in native title

Some common abbreviations

ACA Act	<i>Aboriginal Councils and Associations Act 1976 (Cth)</i>
ALRA	<i>Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)</i>
ASIC	Australian Securities and Investment Commission
ATSI	Aboriginal and Torres Strait Islander
ATSIC	Aboriginal and Torres Strait Islander Commission; abolished in 2005
CATSI Act	<i>Corporations (Aboriginal and Torres Strait Islander) Act 2006 (Cth)</i>
CEO	Chief Executive Officer
DOGIT	Deed of grant in trust – a land grant made to Indigenous people under the <i>Land Act 1994 (Qld)</i> .
FaCSIA	Department of Families, Community Services and Indigenous Affairs
ICN	Indigenous Corporation Number (under the CATSI Act)
ILUA	Indigenous Land Use Agreement (see below for explanation)
NTA	<i>Native Title Act 1993 (Cth)</i>
NTBC	Native Title Body Corporate
NTRB	Native Title Representative Body
NTSP	Native Title Service Provider
OIPC	Office of Indigenous Policy Coordination (Cth) – now a part of FaCSIA
ORAC	Office of the Registrar of Aboriginal Corporations
PBC	Prescribed Body Corporate
PLO	Principal Legal Officer (at NTRBs)
Registrar	Native Title Registrar
Representative body	Representative Aboriginal/Torres Strait Islander body
RNTBC	Registered Native Title Body Corporate
RTN	Right to negotiate (see over for explanation)
RO	Research Officer
SPO	Senior Professional Officer (at an NTRB)

Commonly used acronyms for NTRBs and other organisations are listed in Chapter 11 (see page 81).



Glossary of terms used in the native title context

common law	Judge made law – that is, the law made by the accumulated decisions of courts as opposed to statute law- that is, the law made by Acts of Parliament.
compensation application	An application to the Federal Court to assess compensation for the impairment or extinguishment of native title, where the <i>Native Title Act</i> provides for compensation.
consent determination	A native title determination that is made when all parties to the native title determination application agree that a particular determination should be made.
future act	A ‘Future Act’ is a proposed act or development that may either impair or alter the native title rights of an Indigenous claimant group. If a native title application has passed the Tribunal’s Registration Test, or where native title has been successfully determined, the Indigenous claimant group or holders of the native title will then be entitled to negotiate with the government and the developer about the proposed (future) act on the land before it takes place. This negotiation process is called the ‘right to negotiate’ (see below).
future act application	An application to the Tribunal that can be made by any party to a negotiation, under the right to negotiate provisions, where negotiation about a proposed future act has not resulted in an agreement. The Tribunal can make a future act determination that a proposed act (such as a mining activity) cannot go ahead, or that it can go ahead, with or without conditions imposed.
Indigenous Land Use Agreement (ILUA)	A specialised form of agreement between native title holders and other parties about how land and waters are used. These agreements may be made between native title groups and mining companies, farmers, government and others. They can contain terms dealing with a range of matters including compensation to native title holders for the land use, employment, services, and recognition of native title. ILUAs may be registered on the Register of Indigenous Land Use Agreements held at the National Native Title Tribunal. A registered ILUA binds all native title holders in an area, even where they do not sign the agreement personally.
native title	The rights and interests in land and waters under the traditional law and custom of Indigenous people that are recognised by the common law. Some rights and interests are not recognised where ‘connection’ with land has been lost, or where native title has been ‘extinguished’.
native title determination	A decision by the Federal Court that native title does, or does not exist for a particular area of land or waters.



native title determination application	The formal name for a native title claim. This is an application to the Federal Court made by or on behalf of a native title claimant for a determination that native title exists (a claimant application), or an application by a non-claimant party for a determination about whether or not native title exists in relation to a particular area of land or waters (a non-claimant application).
Native Title Representative Bodies (NTRBs)	NTRBs are organisations recognised under the <i>Native Title Act</i> and perform functions and provide native title services to Indigenous people in that area. These organisations are referred to as 'representative bodies' under the NTA. NTRBs are obliged under the NTA to satisfactorily perform their representative body functions. These obligations include to; satisfactorily represent native title holders and applicants, effectively consult with Indigenous people living in the area, act in a timely manner, and have fair processes and structures. NTRBs are funded by the Commonwealth government.
Native Title Service Providers (NTSPs)	NTSPs are similar to NTRBs and also perform native title functions and provide services under the NTA for Indigenous people in that area. In the past, NTSPs were constituted differently to NTRBs and, prior to the 2007 reforms to the NTA, NTSPs were unable to perform all of the functions of an NTRB. Under the 2007 amendments, NTSPs are now equivalent to NTRBs. They are also funded by the Commonwealth government.
prescribed bodies corporate (PBC)	A PBC is a corporation formed to hold native title and to manage native title rights and interests. PBCs act as the main channel for communication between native title holders and other persons and groups, such as mining companies, farmers or the government. Under the <i>Native Title Act</i>, the Indigenous owners of native title land must establish a PBC once the Court has determined that native title exists. The PBC must receive approval as a PBC from the Federal Court, at which point the PBC is placed on a register maintained by the National Native Title Tribunal. The PBC then becomes a Registered Native Title Body Corporate (RNTBC).
Registered native title body corporate (RNTBC)	The name for a PBC after it has been placed on the register maintained by the National Native Title Tribunal.
registration test	The test applied by the Registrar of the Tribunal to all native title determination applications to decide whether to register an application. The test involves content and merits requirements. A registered application is entitled to the 'right to negotiate', whereas an application that is not registered does not get the benefit of the right to negotiate.



representative Aboriginal/Torres Strait Islander body (representative body)	The name given to organisations recognised under the <i>Native Title Act</i> to perform native title functions and provide native title services to Aboriginal and Torres Strait Islander people living in the area. These organisations are commonly referred to as NTRBs.
right to negotiate	A mandatory procedure under the <i>Native Title Act</i> that applies when a party proposes to undertake a future act – typically mining activities – over areas where a native title claim is registered or where there has been a determination that native title exists. It involves a specified period of mandatory negotiation. If agreement is not reached during this period, a party may apply to the Tribunal for a determination about whether to permit the activity.
statutory body	A corporation or entity created by legislation for public purposes, distinct from a private business corporation or an individual.
Tribunal	The National Native Title Tribunal.





Chapter 1: Native title

Jennie Clarke
Senior Lecturer, Australian National University

(i) Keeping 'Mabo' in perspective

Many non-Aboriginal people talk and write about *Mabo and Ors v Queensland (No 2)* (1992) 175 CLR 1 (*Mabo (No 2)*) as a watershed — a line dividing Australia's racially discriminatory past from its non-discriminatory present. This is a mistake, for a number of reasons, besides the obvious ones that history, like a battleship, cannot be turned around so rapidly, that courts as institutions are never in the vanguard of social change, and that they are poorly equipped to deliver moral reform on such a scale. These reasons include:

- a) *Mabo (No 2)* confirmed all pre-1975 Indigenous dispossession, upholding Crown-granted titles and treating any inconsistency between native title and those titles as extinguishing native title without compensation. (There have also been two extensions of this dispossession under the *Native Title Act 1993* (Cth) (the NTA or the Act), although these have tended to suppress native title indefinitely rather than extinguish it.¹ The original NTA ensured that titles granted between 1975 and 1993 trumped native title, by repealing for those years the protection offered to native title as a property right by the *Racial Discrimination Act 1975* (Cth).² The 1998 amendments to the NTA extended this treatment to new Crown titles granted over pastoral leasehold or public works land between 1994 and 1996.³ Thus the 'discovery' of native title has not disturbed existing property interests or questioned the legitimacy of Indigenous dispossession.
- b) The courts now treat native title as a statutory concept only partly influenced by the common law laid down in *Mabo (No 2)*.⁴ What native title can deliver depends on the NTA, not on prior case law.
- c) Native title's capacity to deliver land to Aboriginal people and Torres Strait Islanders has varied considerably Australia-wide, in part because of factors such as the willingness of governments to negotiate, but also because the courts have often limited it to a weak or incomplete set of rights over land.⁵ The content of native title reflects the traditions that Indigenous Australians are able to

1. See the 'non-extinguishment principle' in section 238 of the NTA.
2. These provisions relating to 'past acts' are contained in Part 2, Div 2 of the present NTA. The need for these 'validating' provisions was discussed by the High Court in *Western Australia v Ward* [2002] HCA 28, (2002) 213 CLR 1 at [101]-[134].
3. These provisions relating to 'intermediate period acts' are contained in Div 2A of the NTA. They were necessary mainly because some state governments had declined to follow the mining 'right to negotiate' provisions of the original NTA in relation to pastoral leasehold land, arguing that it could not be subject to native title. The High Court ruled in *Wik Peoples v Queensland* (1996) 187 CLR 1 that native title could potentially co-exist with pastoral leasehold.
4. See, for example, *Western Australia v Ward* above n 2 at [16], *Commonwealth v Yarmirr* [2002] HCA 56, (2001) 208 CLR 1 at [7].
5. In some claims to pastoral leasehold land, the rights obtained as a result of a native title claim have been inferior to those already held by claimants under statute: see Riley, M, "Winning" native title, AIATSIS Native Title Research Unit, 2002. See: <http://ntru.aiatsis.gov.au/ntpapers/IP19v2.pdf>



prove in court, or convince governments and other land users to agree that they hold in negotiated settlements. A great deal, therefore, depends on the circumstances in which native title is 'determined', including the approach of the judge and the other parties, and how well the evidence is presented.⁶

- d) 1998 amendments to the NTA allow native title land to be used without the consent of its holders in ways which freehold land and land under many other forms of Crown title cannot be used. For example, a neighbouring farmer can use land in which native title holders hold incomplete or undetermined rights for grazing or irrigation without the holders' consent, provided she doesn't prevent them from having reasonable access to it⁷, and it may even be possible for a government to locate a road, pipeline, sewerage plant or other 'facility for services to the public' on native title land if it could not do so on other privately owned land.⁸
- e) Unlike some land granted under Aboriginal 'land rights' statutes (see Chapter 3 of this Handbook on pages 33-36), native title land is open to mining and amenable to ordinary compulsory acquisition processes (both of which can normally be visited on freeholders under state and territory law).⁹ However, 'ordinary' compulsory acquisition processes have changed significantly since native title was 'discovered': contrary to public perceptions, many state laws now authorise the compulsory acquisition of land for any purpose, not just a public purpose as was previously the case. In theory, this means that anyone's land can be taken and given to someone else. In practice, it means that land subject only to native title can be taken and granted to a neighbour or sold on the open market by the Crown,¹⁰ continuing Indigenous dispossession.
- f) The 'Indigenous Land Use Agreement' (ILUA) provisions of the NTA interfere with freedom of contract by allowing native title holders who are not parties to be bound by them, but not so

6. For example, one Federal Court judge has decided that native title exists over Perth where it has not been extinguished (Wilcox J in *Bennell v Western Australia* [2006] FCA 1243, 153 FCR 120), while another has decided that native title does not exist over Darwin (Mansfield J in *Risk v Northern Territory of Australia* [2006] FCA 404), despite a recently successful traditional claim under land rights legislation by the same people. Another judge has decided that native title has not been proven over the Yulara region of central Australia (Sackville J in *Jango v Northern Territory* [2006] FCA 318, 152 FCR 150). Sometimes people from the same cultural backgrounds get native title of inexplicably different quality as a result of different claims. Compare, for example, the courts' treatment of the Miriwung-Gadjerrong claim to Keep River National Park in the *Ward* cases (which resulted in rights of exclusive possession except where this right had been extinguished: see *Ward v Western Australia* [1998] FCA 1478, 159 ALR 483 and [2000] FCA 191 and 99 FCR 316, undisturbed on appeal by the High Court) with that of the Ngaliwurr and Nungali people to land 180 km east at Timber Creek by Weinberg J (non-exclusive rights over Crown land: see *Griffiths v Northern Territory (No 2)* [2006] FCA 1155). Apparently inconsistent outcomes can also result from some claimants obtaining native title by negotiation ('consent determinations'), while others are unable to prove it in litigation: compare the decision of Merkel J in *Clarke on behalf of the Watjjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples v State of Victoria* [2005] FCA 1795 with that of Olney J in *Members of the Yorta Yorta Peoples v Victoria* [1998] FCA 1606, 82 FCR 533, upheld on appeal by the High Court.

7. See section 24GD.

8. See section 24KA. Where another landholder could be treated comparably, this section requires the observation of similar procedures under state law. However, it says nothing about situations where another landholder could not be treated similarly, and it isn't clear that section 7 of the NTA, which gives the *Racial Discrimination Act* a limited application to native title, prevents racial discrimination in decisions authorising the building of such facilities.

9. See Subdiv M of Part 2 Div 3 of the NTA. Some landowners are better protected than native title holders because state legislation privileges their land uses over mining: see for example the 'farmers' veto' in section 29 *Mining Act 1978* (WA).

10. See *Minister for Lands, Planning and Environment v Griffiths* (2004) NTCA 5.



binding other non-parties (e.g. successors in title to mining or other rights granted under an ILUA).¹¹

- g) Native title to offshore areas¹² confers very limited rights. Like other native title, it is subject to pre-NTA inconsistent Crown-granted rights, but it is also limited by public rights to fish and navigate.¹³ Further, the NTA says that governments can grant whatever rights they like in offshore areas.¹⁴ This means, for example, that Aboriginal people cannot use native title to exclude outsiders from valuable fishing grounds, and that they may be surprised by the arrival of petroleum drilling rigs in their traditional 'sea country'.
- h) There is no guarantee that native title is permanent. Unlike other titles (including those based on adverse possession), native title can be unravelled before the courts on the initiative of governments if, for example, the traditions which support it can be shown no longer to exist or the 'interests of justice require' it.¹⁵

All of these limitations should inform decisions which NTRB lawyers make about native title claims, negotiations and land dealings. Those decisions must not be informed by romantic notions about native title, the desire to appear to be doing work that is more valuable than it actually is, or the desire to be seen to be doing something oneself now, even if it limits clients' future options. While NTRBs have a limited mandate (see the discussion about NTRBs in section iii on page 16), a good NTRB lawyer will be alert to the possibility that his or her clients' interests might be better served by something other than native title (e.g. a carefully-structured compensation payment, a financial stake in a proposed mine, receipt of a Crown-granted title, entry into a contract but not an ILUA, an enforceable agreement with government that it will build a cultural centre or allocate contracts to the claimant group etc). Delicate issues can arise in dealings with governments, who often should be providing more for Indigenous people by way of basic citizenship requirements without requiring them to give up property rights in return, but even these concerns need to be evaluated in the light of a clear sense of what native title really offers particular Indigenous people.

(ii) How native title law works

The NTA has been recently amended.¹⁶ These amendments are discussed in context below.

-
- 11. 'ILUAs' achieve this operation if they are registered: see section 24EA (1)(b). There are mechanisms for Indigenous dissenters to object to their registration, but these do not remove the fundamental contractual inequality. See generally Subdivs A-E of Part 2 Div 3 of the NTA.
 - 12. On the existence of traditional 'sea country', see *Mary Yarmirr and Ors v Northern Territory and Ors* [1998] 771 FCA, [1998] 82 FCA 533 at [70] and [91]-[97].
 - 13. *Commonwealth of Australia v Yarmirr* (see footnote 4).
 - 14. See Subdivs H and N of Part 2 Div 3. 'Procedural rights' are conferred on native title holders by these provisions, but failure to observe them does not go to the validity of the grant: see *Lardil, Kaiadilt, Yangkaal & Gangalidda Peoples v State of Queensland* (2001) 108 FCR 453.
 - 15. See sections 13(1),(4) and (5) and 61(1).
 - 16. *Native Title Amendment Act 2007* (Cth), commenced 15 April 2007.



What is native title? Section 223(1) of the NTA

‘Native title’ means ‘the communal, group or individual rights and interests of Aboriginal peoples or Torres Strait Islanders in relation to land or waters... possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples or Torres Strait Islanders’ where the traditions confer ‘a connection with the land or waters’ and ‘the rights and interests are recognised by the common law of Australia’.¹⁷ This is a complex definition, and the courts have interpreted it in some surprising ways.

‘Traditional’ has been interpreted to mean laws and customs anchored in a normative system of pre-colonial origin with a ‘continuous existence and vitality since sovereignty’.¹⁸ Thus a revival of lapsed traditions, even a faithful one, will not found native title, although a traditional succession from one group to another may be permitted. ‘Acknowledged’ and ‘observed’ require not only that the traditions are still relevant to individuals, but that they are observed by an Indigenous society from which the normative system was derived.¹⁹

‘Connection’ with land or waters has been taken to refer not just to connections based on physical presence on, or use of, land, but also to spiritual connections, particularly where access has been denied.²⁰ Thus the question of whether laws or customs ‘connect’ people to land is separate from the question of whether traditional obligations under those laws or customs have been discharged properly.²¹ However, ‘connection’ also operates in a culturally chauvinistic way, filtering out Indigenous land traditions which don’t make sense in terms of the dominant legal system, e.g. claims to control the dissemination of land-related motifs.²²

‘Recognised by the common law’ has been interpreted to mean ‘of a kind which the common law would recognise’, acknowledging that native title is now a statutory right. This has allowed the High Court to uphold a native title claim to the offshore because the NTA applies there,²³ whether or not the common law would have recognised such rights. As discussed below, native title will not be ‘recognised by the common law’ if it was extinguished in the period before commencement of the NTA.²⁴

As noted above, native title can confer rights ranging from access and use rights to exclusive possession of land. While section 223 states that native title can be held by communities or individuals, the Federal Court usually declares that the rights are held by a collective. Such a title, however, can support individual usufructuary rights (e.g. to hunt fauna on the land).²⁵

17. Section 223(1) NTA.

18. *Members of the Yorta Yorta Community v Victoria* (2002) 214 CLR 422. See also *Risk* (see footnote 6).

19. *Ibid*.

20. See *De Rose v State of South Australia (No 2)* [2005] FCAFC 110, (2005) 145 FCR 290 at [109]-[113]; *Northern Territory v Alyawarr, Kayetye, Warumungu, Wakaya Native Title Claim Group* [2005] FCAFC 135, (2005) 145 FCR 442. See also *Western Australia v Ward* above n 2 and *Western Australia v Ward* [2000] FCA 191 (Full Federal Court) (2000) 99 FCR 316.

21. *Ibid* (De Rose).

22. See *Western Australia v Ward* [2002] HCA 28, (2002) 213 CLR 1 at [59]-[61].

23. *Commonwealth of Australia v Yarmirr* (see footnote 4).

24. *Yanner v Eaton* [1999] HCA 53, (1999) 201 CLR 351.

25. Section 211 NTA and *Yanner* (*ibid*).



Native title is inalienable outside of the traditional legal system except by surrender to the Crown.²⁶

Extinguishment of native title

The NTA now controls the circumstances in which native title may be extinguished by governments or state or territory legislatures.²⁷ If a government or state or territory legislature wishes to extinguish native title, it may only do so by a method permitted under the NTA 'future acts' provisions (these are discussed further below).

Native title will not be 'recognised by the common law' if it has been extinguished, including during the period before that governed by the NTA (i.e. pre-1975).²⁸ How do we know if native title has been extinguished?

Since its amendment in 1998, the NTA has contained extensive provisions 'confirming'²⁹ the complete historical extinguishment of native title.³⁰ Because extinguishment of native title is normally permanent,³¹ one of the first checks anyone should do to work out whether native title still exists is to see whether one of the extinguishing tenures listed in Schedule 1 of the Act,³² or some other 'previous exclusive possession act'³³ was granted over the land at some time in history. It is also possible that native title has been extinguished in the period since 1975 by state or territory 'validation of titles' legislation relating to titles granted contrary to the *Racial Discrimination Act*³⁴ or the original NTA.³⁵

The common law jurisprudence about extinguishment remains relevant to the application of similar 'confirmation of partial extinguishment' provisions in the NTA because these largely apply the common law rules.³⁶ It is also possible that the NTA 'confirmation of extinguishment' provisions do not cover all incidents of historical extinguishment, leaving room for the common law rules to be applied in anomalous cases. For example, native title may have been extinguished historically by legislation asserting or permitting the assertion of Crown property in natural resources (e.g. fauna), provided that this assertion is meaningful to a

26. This rule was laid down for Australia by *Mabo (No 2)*, but it underpins the NTA – see, for example, the ILUA provisions which require that government be a party, for the agreement to extinguish native title: sections 24BD and 24CD(5).

27. *Yanner v Eaton* [1999] HCA 53, 201 CLR 351; *Fejo v Northern Territory of Australia* [1998] HCA 58, 195 CLR 96.

28. *Ibid.* While the NTA commenced on 1 January 1994, it has a limited retrospective operation to at least 30 October 1975, the date on which the *Racial Discrimination Act* (RDA) commenced. This is because its 'past acts' provisions (Div 2 of Part 2) allow for the 'validation' of Crown-granted titles which were granted over native title land but could not have been granted over other titles, contrary to the RDA.

29. Most of these 'confirmations' are consistent with the common law position, which did not require compensation of native title holders by the state governments largely responsible for the extinguishment. Section 23J provides compensation where these 'confirmations' extinguish rights which the common law treated as extant (the Commonwealth is obliged to provide this compensation for an acquisition of property under section 51(xxxi) of the *Constitution*).

30. See the Part 2 Div 2 provisions relating to 'previous exclusive possession acts'. This Division refers to the long list of past tenures in Schedule 1.

31. See section 237A. This was also the common law rule: *Fejo v Northern Territory* (see footnote 27). There are now some exceptions to this rule which relate to Crown land, Aboriginal reserves and Aboriginal-owned pastoral leases in sections 47, 47A and 47B NTA, and the NTA also permits permanent suppression of native title: see section 238.

32. Some of these make entertaining reading, e.g. the NTA confirms that in Queensland native title has been extinguished by leases for Grand Lodge of the Royal Antediluvian Order of Buffaloes clubhouses.

33. This is defined in section 23B.

34. This legislation is permitted by the 'past acts' provisions in Div 2 of Part 2. Pastoral leases granted for the first time between 1975 and 1994 extinguish native title completely under these provisions.

35. This legislation is permitted by the 'intermediate period act' provisions in Div 2A of Part 2.

36. See section 23G and *Wilson v Anderson* [2002] HCA 29, 213 CLR 401.



resource management scheme and is not just a revenue-raising device.³⁷ And, of course, native title may have been extinguished by a direct taking akin to a compulsory acquisition of other land, although the lack of acknowledgment of its existence before 1992 tends to make this unlikely.

The common law rules were set out in influential *dicta* in *Mabo (No 2)*, rationalised by the High Court in *Western Australia v Ward*.³⁸ These rules say that native title will have been extinguished³⁹ to the extent of any inconsistency between Crown-granted rights (including those which the Crown grants to itself)⁴⁰ and the rights conferred by native title. Where Crown-granted rights are limited (e.g. as the historical pastoral leases in *Wik Peoples v Queensland*⁴¹ were), there is room for the survival of a limited set of native title rights, although these will never include the right to control access to the land once that right has been exercised inconsistently by the Crown.⁴² What is important are the rights conferred on a holder of Crown-granted title, not the activities which he or she has engaged in on the land. Outside of cities and towns (where freehold title is less common⁴³), to work out what these rights are, it is necessary to look at the Crown lands legislation which authorised grant of the title – not just the title itself. This is because of a background constitutional rule which says that the Crown may only grant land consistently with statute.⁴⁴

How do we know where native title exists?

Jurisdiction to decide native title claims under the NTA is given to the Federal Court,⁴⁵ although it is also possible for state or territory courts to be accredited to perform this role.⁴⁶ State courts can also decide native title controversies which do not involve claims – e.g. defences to wildlife charges based on as yet undeclared customary entitlements.⁴⁷ This tells us something important about native title: like other property rights whose existence is declared by the courts, it does not come into existence prospectively from the moment of the court's decision. (This is also consistent with the requirement that native title stem from a legal system with pre-colonial origins.) It is therefore incorrect to speak, as many law students and journalists do, of courts 'granting' native title. The pre-existing nature of native title is also evidenced by section 224, which defines 'native title holder' to include people whose title has not yet been adjudicated on. This provision is mainly relevant to the operation of the 'future acts' regime, discussed on pages 12 to 15.

37. *Yanner* (see footnote 24). See also *Western Australia v Ward* (see footnote 2) at [376]-[385] and *Wik Peoples v Queensland* (1996) 63 FCR 450.

38. See footnote 2.

39. In *Fejo v Northern Territory* (see footnote 27), the High Court confirmed that extinguishment was permanent – that native title could not revive after the termination of the extinguishing interest. This is also the definition of 'extinguish' in the NTA: see section 237A.

40. The reservation of land for a purpose inconsistent with the exercise of native title rights will also extinguish native title to the extent of the inconsistency.

41. *The Wik Peoples v The State of Queensland Ors* [1996] HCA 40, (1996) 187 CLR 1.

42. *Ward* (see footnote 2).

43. A grant of freehold title extinguishes native title at common law: see *Fejo v Northern Territory* (footnote 27).

44. See Hanks, Keyzer and Clarke, *Australian Constitutional Law: Materials and Commentary* (7th Ed), Chapter 2 paras [2.3.4]-[2.3.10]. It is unclear whether registration of titles under the *Torrens Acts* would cure defects in improperly granted titles- see: *Jango v Northern Territory* (footnote 6) at [690]-[705].

45. Section 81.

46. Section 207A.

47. For example *Yanner v Eaton* (see footnote 24), which came to the High Court from the Queensland Court of Criminal Appeal.



The Federal Court must make its decision ('determination') in a prescribed form.⁴⁸ Whether or not the court determines that native title exists, these 'determinations' are then registered by an official associated with the National Native Title Tribunal (NNTT) known as the Native Title Registrar, on the National Native Title Register.⁴⁹ Members of the public can inspect the Register to find out where native title has been held to exist.

The NNTT publishes detailed maps reflecting the contents of this and its other Registers, see:

www.nntt.gov.au/publications/national_maps.html. As at 5 May 2007, the National Native Title Register contained 101 'determinations' of native title. One-third of these (34) were decisions that native title did *not* exist. While some of the 64 'successful' claims relate to substantial areas of land (particularly in the Western Desert regions of Western Australia),⁵⁰ more than 20 (without counting *Mabo (No 2)*) relate to tiny areas of the Torres Strait Islands.

How are native title claims made and decided?

The NTA calls all claims to have the Federal Court decide whether or not native title exists in certain land 'native title determination applications'.⁵¹ A 'native title determination application' can be made by an appropriately authorised person representing the claim group to land over which native title has not already been determined to exist.⁵² It can also be made by another person (like a government minister or someone with a Crown-granted title to the land – a 'non-claimant') who wants the Court to declare that native title does not exist.⁵³ There are tight restrictions on what land Aboriginal people can claim, e.g. the Court cannot entertain claims to freehold or other land over which the NTA says native title has been extinguished, although it can entertain such a claim by a non-Indigenous party trying to 'clear' the land of native title.⁵⁴ Strict evidentiary and authorisation requirements must be met for Aboriginal people to commence and maintain a claim.⁵⁵ Once commenced, claims may not be enlarged.⁵⁶

The Federal Court can also decide applications to have native title revoked or varied,⁵⁷ and 'compensation applications'. In the latter case, people whose title has been extinguished by the NTA, or by other discriminatory means after 1975,⁵⁸ may claim compensation for that extinguishment.⁵⁹ The NTA directs the Court to employ a 'similar compensable interest' test, determining compensation by reference to what would

48. See section 225.

49. See Part 8.

50. For example, the Martu, Ngaanyatjarra, Kiwirrkurra and Tjurubalan determinations.

51. See section 61.

52. Sections 61 and 68.

53. See sections 61 and 61A(1).

54. Section 61A.

55. Sections 62 and 66B.

56. Section 64.

57. See the discussion of this issue in section (i).

58. These claims arise out of either the NTA's 'validation' provisions, or where section 10 of the RDA has conferred on native title holders compensation entitlements enjoyed by others. See the discussion of this issue in Hanks *et al* and in *Jango* (see footnote 44). All of these claims are decided under the NTA: see section 48.

59. It is arguable that residents of territories whose title was extinguished during the administration of those territories by the Commonwealth were entitled to 'just terms' compensation under section 51(xxxi) of the *Constitution* from much earlier dates e.g. 1911 in the case of the Northern Territory). See the discussion in Hanks *et al* Chapter 2 (see footnote 44), paras [2.4.34]-[2.4.35].



be paid to freeholders or under compulsory acquisition laws,⁶⁰ or the 'just terms' required by section 51(xxxi) of the *Constitution* if extinguishment results from the NTA or other Commonwealth action.⁶¹ Compensation can be non-monetary on claimants' request.⁶²

The Federal Court must notify governments, people with property interests in the land or waters, the region's NTRB, local government bodies, and other claimants that a claim has been made,⁶³ and most of these people are entitled to become parties.⁶⁴ Many private respondents to native title claims receive Commonwealth funding.⁶⁵ The Commonwealth Minister is entitled to intervene at any time⁶⁶ and, under the 2007 amendments, the NNTT has a right to appear before the Court in hearings relating to matters before it for mediation or those which it might mediate (see below).⁶⁷ All claims are subject to normal Court processes (e.g. they can be struck out for failure to disclose a case, as well as for failure to meet initial evidentiary requirements).⁶⁸ The 2007 amendments allow the Federal Court to dismiss claims made in response to government 'right to negotiate' notices which are not pursued or backed by evidence, unless there are 'compelling reasons not to do so'.⁶⁹ They also allow the Court to dismiss claims which have not passed the registration test (discussed below at page 14), where all avenues for reviewing the Registrar's decision have been exhausted, and the claim is unlikely to be amended so as to increase its chances of registration.⁷⁰

The Court is required to refer applications to the NNTT for 'without prejudice',⁷¹ good faith⁷² mediation, including the determination of agreed facts, unless it would be unnecessary, there is no prospect of agreement, or the application lacks sufficient detail or facts about native title and its holders to be determined.⁷³ Under the 2007 amendments, the NNTT may conduct reviews of,⁷⁴ or inquiries into,⁷⁵ the evidence supporting native title

60. See sections 51, 51A and 240.

61. Section 53.

62. Section 51(5).

63. Section 66.

64. Section 84.

65. Section 183.

66. Section 84A.

67. Section 86BA.

68. For example section 84C.

69. Section 94C. Dismissal of these claims will not affect claimants' rights under 'right to negotiate' agreements.

70. Section 190D.

71. See section 136A.

72. An explicit requirement that parties participate in mediation on good faith was inserted by the 2007 amendments: see section 136B(4).

73. Section 86B. The Court may order that mediation cease in similar circumstances: section 86C. The 2007 amendments make clear that there should be no court-ordered mediation while NNTT mediation is in progress: section 86B (6). 'Forum-shopping' between the Court and the NNTT for mediation was discussed in Hiley and Levy, *Native Title Claims Resolution Review*, March 2006, [http://www.ag.gov.au/www/agd/rwpattach.nsf/VAP/\(756EDFD270AD704EF00C15CF396D6111\)~Report+of+the+Native+Title+Claims+Resolution+Review+-+31+March+2006.pdf/\\$file/Report+of+the+Native+Title+Claims+Resolution+Review+-+31+March+2006.pdf](http://www.ag.gov.au/www/agd/rwpattach.nsf/VAP/(756EDFD270AD704EF00C15CF396D6111)~Report+of+the+Native+Title+Claims+Resolution+Review+-+31+March+2006.pdf/$file/Report+of+the+Native+Title+Claims+Resolution+Review+-+31+March+2006.pdf). Considerable scepticism was expressed before the Senate Legal and Constitutional Affairs Inquiry into the amendments about the quality of mediation services offered by the NNTT as opposed to the Court: see chapter 4 of the Committee's *Report on the Native Title Amendment Bill 2006* at http://www.aph.gov.au/senate/committee/legcon_ctte/native_title/report/index.htm, and the dissenting minority report. The NNTT can request Federal Court rulings on questions of law which arise in mediation: section 86D.

74. See generally Part 6 Div 4AA.

75. Part 6 Div 5 Subdiv AA. The parties to these inquiries can be more limited than to mediation or litigation of native title determination applications generally, and the hearings can be held in private: sections 141 and 154A.



with a view to their use in assisting mediation or informing a subsequent Court determination.⁷⁶ It may report to the Court any failure by a party to negotiate in good faith.⁷⁷

While the Federal Court can dispense with the rules of evidence and take account of the cultural and customary concerns of Indigenous people,⁷⁸ it normally applies the *Evidence Act 1995* (Cth), and native title

hearings are formal occasions involving multiple counsel, even when they occur in remote locations. Parties normally bear their own costs.⁷⁹ The Court's 'determination' must identify other rights in the land as well as native title, and the relationship between the different rights.⁸⁰ Provided that it is satisfied that an agreement between the parties is within its powers and appropriate, the Court can make a determination resolving the whole or part of a claim by consent order.⁸¹

As at 5 May 2007, 56 of the determinations on the National Native Title Register had been achieved by consent, 20 as a result of litigation, and 23 (by definition negative determinations) as a result of unopposed 'non-claimant' applications. Four were under appeal.⁸² The 101 determinations represent the resolution of just 120 applications⁸³ – at June 30, 2006, 604 claims applications remained unresolved and, although claims lodgment has slowed in recent years, new claims can still be made.⁸⁴ However, many claims overlap, and others are unlikely to succeed or be pressed to determination.⁸⁵ Nonetheless, 15 years after the 'discovery' of native title, and despite one estimate of total government spending in the sector of between \$1-\$4 billion,⁸⁶ it is safe to say that a large number of claims remain outstanding. Since much of the land over which native title has been determined to exist is, to adopt a phrase once used by Deane J, 'of greater comparative significance to the cartographer than to the economist',⁸⁷ government spending on native title has probably exceeded the market value of land obtained under successful claims,⁸⁸ and it seems likely that the costs of converting the remaining claims to native title will be similarly high.

76. Sections 86, 94B, 136GE, 163A and 164. The NNTT must also report to the Court on the progress of mediation in regional areas: section 86E.

77. Failure to mediate in good faith may also be reported to government authorities, legal professional bodies and publicly. See sections 136GA and 136GB.

78. Section 82.

79. Section 85A.

80. See section 225.

81. Sections 87 and 87A.

82. See 'Some statistics about native title determinations' at: <http://www.nntt.gov.au/applications/determinations.html#3>. These figures add up to 99 rather than 101 because some determinations are the result of more than one process: for example, the litigation in *Western Australia v Ward* [2002] HCA 28, 213 CLR 1 ultimately produced a consent determination.

83. *Ibid.*

84. Senate Legal and Constitutional Affairs Committee, *Report of the Inquiry into the Native Title Amendment Bill 2006*, 23 February 2007 at 2.20. See http://www.aph.gov.au/senate/committee/legcon_ctte/native_title/report/c02.htm

85. Some claims are likely to have been made in response to proposals to use native title land, particularly for large mines, so as to derive economic benefits from the 'right to negotiate' (this right is discussed below at 13). See generally Australian Government, *Structures and Processes of Prescribed Bodies Corporate*, 2006, www.oipc.gov.au/NTRB_Reforms/docs/final-PBCs-report.pdf at 2.4-2.5.

86. This is based on Rio Tinto's estimate of \$926 million in quantifiable government expenditure in the years 1993-2004, multiplied by a factor of two to four to allow for gaps in expenditure data. The figure is cited in Parliamentary Joint Committee on Native Title and the Aboriginal Land Fund, *Report on the Operation of Native Title Representative Bodies* at 3.14.

87. *Gerhardy v Brown* (1985) 159 CLR 70 at 145. Deane J used this phrase to describe land granted under the *Pitjantjatjara Land Rights Act 1981* (SA).

88. This is particularly so because, as discussed above, 'successful' claims do not always result in claimants obtaining exclusive possession of the land. Native title claims have also not resulted in ownership of some of the land's most valuable resources: minerals and petroleum (see footnote 37).



Who manages native title once it is 'determined'?

Under the NTA, native title is managed not by NTRBs but by 'prescribed bodies corporate' ('PBCs') which, up until 30 June 2007, were incorporated under the *Aboriginal Councils and Associations Act 1976* (Cth) (ACA Act).⁸⁹ This Act, repealed and replaced by the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) (CATSI Act) on 1 July 2007, is discussed further below (see page 18).

PBCs' present⁹⁰ members are individual native title holders,⁹¹ and PBC functions include managing the native title rights and any monies which arise out of them, as either agent or trustee for the individual holders or their community.⁹² (Thus Indigenous Australians experience their traditional land through three sets of superimposed legal relationships: the filter imposed by s 223 NTA, the corporate form and either an agency or trust relationship.) These functions can trigger responsibilities under other laws, for example land management legislation.⁹³ While resources are available to assist PBCs in these roles, those resources are not always readily identified or obtained.⁹⁴ This can mean that other land users proposing to obtain rights over native title land under Indigenous Land Use Agreements (see page 11) or the 'right to negotiate' (see page 13) regularly fund PBCs' participation in negotiations leading up to the grant of those rights.⁹⁵ However, the 2007 amendments allow private parties to receive government funding to develop or improve standard form agreements to facilitate grants of mining titles or those based on compulsory acquisition of native title.⁹⁶

PBCs should be formed before native title is determined, because when the Federal Court determines that native title exists it is also required 'to determine' a related PBC and identify whether it operates as agent or trustee.⁹⁷ However, the Court has often allowed a delay between its determination of native title and that of a PBC.⁹⁸ As a result of this practice and the Court's occasional determination of two PBCs for one area of native title, as at 31 March 2007, 10 areas of land over which native had been determined were still waiting for PBCs to manage it.⁹⁹ The *Native Title Amendment Act 2007* inserts a new s 59A partly to overcome this problem, by allowing the Court to determine that an existing PBC manage another set of new native title rights with their holders' consent.

89. NTA Part 2 Div 6 and *Native Title (Prescribed Bodies Corporate) Regulations 1999* reg 4.

90. A 2006 Australian Government report has recommended that non-native title holders be admitted to PBC membership: see *Structures and Processes of Prescribed Bodies Corporate*, 2006, www.oipc.gov.au/NTRB_Reforms/docs/final-PBCs-report.pdf at 7.17-7.18.

91. *Native Title (Prescribed Bodies Corporate) Regulations 1999* reg 4 (the regulations still use the term 'common law holders', despite the High Court's insistence that native title is no longer a common law concept). Corporate membership need not include *all* individual native title holders.

92. *Native Title (Prescribed Bodies Corporate) Regulations 1999* regs 6 and 7.

93. Australian Government, *Structures and Processes of Prescribed Bodies Corporate*, (footnote 90) at 4.7.

94. *Ibid* sections 5 and 6. FaCSIA has commissioned AIATSIS to prepare information packages about potential funding sources. See also the NNTT document 'Guide to Sources of Assistance and Funding for Prescribed Bodies Corporate' available at: www.nntt.gov.au/research/files/guide_to_sources.pdf

95. *Ibid* at 5.23. This report recommended that PBCs be explicitly authorised to recover costs from land use proponents: see 8.5-8.10. This recommendation will be implemented by the NTATA Bill 2007 (see below). The Parliamentary Joint Committee on Native Title and the Aboriginal Land Account made similar comments about industry resourcing of NTRBs in its *Report on the Operation of Native Title Representative Bodies*, Ch 3.

96. Section 183(2A). The funding is available where Part 2 Div 3 Subdiv P applies, thus it is available where it is proposed to acquire native title compulsorily outside of towns.

97. Sections 55-57 of the NTA.

98. Australian Government, see footnote 90 at 8.26.

99. See the map at http://www.nntt.gov.au/publications/data/files/Determinations_PBCs_A4.jpg.



Once a PBC's details are registered on the National Native Title Register, the PBC becomes a 'registered native title body corporate' (RNTBC).¹⁰⁰ RNTBCs are entitled to return to the Federal Court on behalf of their native title holder principals or beneficiaries to bring compensation claims or claims to have native title revised.¹⁰¹ When deciding to surrender native title rights or otherwise act in a manner affecting native title rights or interests, RNTBCs or PBCs must consult the native title holders and local NTRBs.¹⁰² The requirement to

consult is satisfied if five native title holders, whose interests are affected by a proposal, and who are also PBC members, give written consent to it.¹⁰³ A recent Australian Government report (PBC Report) described the regulatory requirement to consult native title holders in relation to all acts affecting native title as imposing 'a very significant burden on some PBCs', recommending that it be restricted to proposals to surrender native title,¹⁰⁴ and that the 'five signatures' rule be amended to allow 'standing authorisations' of particular types, not instances, of land dealings.¹⁰⁵

Who can use native title land? In what circumstances?

Many other people are interested in acquiring titles to, or using, native title land. However, native title stands outside the normal property law system,¹⁰⁶ and its limited alienability may inhibit ordinary contractual arrangements to authorise such uses. At least where such arrangements create property rights rather than, say, licences to use the land, arguably they must normally involve a surrender of title to the Crown, which extinguishes native title.

The original NTA expanded on these options by allowing native title holders to authorise other uses of their land without surrendering their title and having it extinguished.¹⁰⁷ The present NTA also permits native title holders to make 'Indigenous Land Use Agreements' which do not involve government parties and do not extinguish native title.¹⁰⁸ These agreements operate as contracts between the parties. Consideration is at large: unlike under some land rights statutes,¹⁰⁹ there is no requirement that the agreement be fair or

100. See the definition of this term in section 253.

101. Section 61.

102. *Native Title (Prescribed Bodies Corporate) Regulations 1999* reg 8.

103. *Native Title (Prescribed Bodies Corporate) Regulations 1999* reg 9.

104. Australian Government, *Structure and Processes of Prescribed Bodies Corporate*, (the PBC Report) see footnote 90 at 7.4-5. Requirements to consult could still be imposed via PBC rules: at 76.

105. *Ibid* at 7.11-12.

106. Native title has its origins in Indigenous traditions and is 'neither an institution of the common law nor a form of common law tenure but it is recognised by the common law'. Its recognition involves 'an intersection of traditional laws and customs with the common law': see *Fejo v Northern Territory* (1998) 195 CLR 96 at 128 [46], *The Commonwealth v Yarmirr* [2001] HCA 56, (2001) 208 CLR 1, at [9]-[12].

107. See former section 21(1)(b).

108. See subdivisions B, C and D of Part 2 Div 3. There are three different types of 'ILUAs', designed for three different situations: those where native title has been 'determined' over all the land ('body corporate agreements' under subdiv B, to which RNTBCs must be parties), those where no native title has been determined but there are registered or other claimants as parties ('area agreements' under subdiv C), and those where some native title has been determined but no extinguishment of native title is proposed ('alternative procedure agreements' under subdiv D, to which regional NTRBs must be among the parties).

109. For example, *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth), section 19.



overseen by a neutral party. This, and the fact that the terms of ILUAs are confidential, may explain their popularity as instruments for global settlement of native title claims and proposals for future use of land.¹¹⁰

Parties to ILUAs may apply to the Registrar to have them registered on the Register of Indigenous Land Use Agreements.¹¹¹ If, after notifying governments, local government authorities, NTRBs, local landholders and the public of an application for registration, the Registrar may register the ILUA if prescribed kinds of objections are not made out.¹¹² Once registered, ILUAs 'run with the land' in the sense that they bind all existing and future native title holders, even (arguably) the unborn.¹¹³

Native title land may also be used by other people in many other ways without the need to obtain the holders' consent, provided that such uses are supported by property rights, permits, or other types of authorities ('future acts') which the NTA allows by providing that they are valid.¹¹⁴ A 'future act' is any land dealing (including one pursuant to legislation), other than grants of certain titles under Aboriginal land rights legislation, which is inconsistent with native title.¹¹⁵ While most 'future acts' are grants of rights by governments, some may be land dealings by other people exercising existing interests in the land, or new rights conferred on them by the amended NTA.

The 'future acts' which the NTA permits without use of an ILUA are:

- Those relating to land over which a non-claimant 'native title determination application' has been made, without flushing out an opposing claim from native title holders.¹¹⁶
- Diversification from lease activities by pastoral or agricultural lessees who held title before 23 December 1996¹¹⁷ over land in which there are co-existing native title rights. Diversification is permitted into 'primary production' and incidental activities, including pearling, forestry and farmstay tourism (provided the tourist operator is not profiting from Aboriginal cultural tours).¹¹⁸
- Use of neighbouring native title land by these lessees and pre-23 December 1996 freehold farmers for irrigation or grazing.¹¹⁹

110. Where an ILUA authorises a use of land which would normally entitle native title holders to compensation under the 'future acts' regime (see below), generally speaking they are only entitled to the compensation payable under the agreement: section 24EB(4), (5), (6) and (7). As ILUAs can be characterised as voluntary arrangements, these parts of the statute may not engage section 51(xxxi) of the *Constitution*, which obliges the Commonwealth to pay 'just terms' compensation for an 'acquisition' under Commonwealth law.

111. See Part 8A of NTA.

112. NTRBs which have not been given advance notice of 'body corporate agreements' may prevent their registration: see sections 24BD (4)(a) and 24BI(3). A person who may hold native title rights may object to registration where an 'area agreement' has been incorrectly certified by an NTRB as authorised by all such persons: see sections 203BE (5) and 24CI. A person claiming to hold native title may object to the registration of an 'alternative procedure agreement' on the grounds that registration 'would not be fair and reasonable': section 24DJ.

113. Section 24EA(1)(b).

114. 'Future acts' not permitted by this part of the NTA are invalid: Section 24OA.

115. See the definitions of 'act' in section 226, 'act affecting native title' in section 227 and 'future act' in section 233: see the discussion in *Ward* (2002) 213 CLR 1 at [591] and [593], *Mineralogy Pty Ltd v National Native Title Tribunal* [1997] 1404 FCA, 150 ALR 467, and *Daniel v State of Western Australia* [2003] FCA 666, unreported. 'Future acts' are time-limited: generally speaking, the term refers to land dealings which occurred after 1 January 1994.

116. Subdiv F of Part 2 Div 3.

117. The date of the High Court's decision in *Wik Peoples v Queensland* (see footnote 37).

118. See generally Subdiv G of Part 2 Div 3.

119. Section 24GD.



- Grants of rights to cut timber or extract gravel from pre-23 December 1996 pastoral or agricultural leases.¹²⁰
- All legislation relating to, and all government grants of statutory rights to, water (including the ocean), fish or airspace.¹²¹
- All exercises of options, rights etc. under legal arrangements made, or 'offers, commitments, arrangements or undertakings made or given in good faith', before 23 December 1996, all renewals of such pre-existing rights¹²² and all uses of land reserved or leased before 23 December 1996 which are consistent with those reservations or leases.¹²³
- The building of 'facilities for services to the public': roads, jetties, energy lines, bores, pipelines, sewerage facilities, communication facilities etc.¹²⁴
- 'Low impact future acts' which don't involve grants of significant property rights or major land disturbance.¹²⁵
- 'Future acts' which 'pass the freehold test'.¹²⁶ This means things that could be done to freeholders without their consent (e.g. mining or compulsory acquisition). But one kind of activity which typically occurs only on Crown land (i.e. it cannot be visited on freeholders, and is therefore discriminatory) is permitted under this test: opal or gem mining.
- All 'future acts' done over offshore places.¹²⁷

Most valid 'future acts' suppress native title rather than extinguishing it (generally speaking, an exception is compulsory acquisition),¹²⁸ and attract compensation.

'Procedural rights', the 'right to negotiate' and claims registration

The NTA contains a number of provisions conferring on native title holders opportunities for some level of engagement with government decision-making about whether permitted 'future acts' are done. It is important to distinguish between these different 'procedural rights',¹²⁹ and to be clear about:

- the circumstances in which each is available,
- the consequences of government failing to observe these 'rights',
- whether the 'rights' are worth pursuing – at all, or in a particular case and

120. Section 24GE.

121. Section 24HA.

122. See generally Subdiv I of Part 2 Div 3.

123. Subdiv 24JA.

124. Section 24KA.

125. Section 24LA. An example usually given is the grant of rights to locate beehives and conduct beekeeping on land.

126. See generally subdiv M of Part 2 Div 3.

127. Subdiv 24NA of Part 2 Div 3.

128. Section 24MD (2).

129. See the definition of this term in section 253.



- whether there are other pathways (e.g. ILUAs) which would work better for NTRB clients, or onto which government is likely to direct a particular land use proposal because it prefers to avoid certain 'procedural rights'.

'Procedural rights' are normally available to RNTBCs and some are available to NTRBs. Generally speaking, however, claimants can only access them if they are 'registered native title claimants'.

To become a 'registered native title claimant',¹³⁰ a person needs to be named as a 'native title determination application' applicant on a third register set up by the NTA for public inspection, the Register of Native Title Claims.¹³¹ This Register, also administered by the Native Title Registrar, is a register of 'claims', not applications – that is, what goes on it are particular *claims to rights* in the land made in the 'native title determination application'.¹³² A strict, substantive 'registration test' applies: a claim cannot be registered unless the Registrar considers that it clearly identifies the land, the claim group and the rights and interests claimed, that it refers to a sufficient factual basis for the claim, that it is not made to land in which native title has been extinguished, that it contains all required information, that it will not result in some people being party to two overlapping registered claims and that the applicant is appropriately authorised¹³³ to make the claim or it has been certified to this effect by an NTRB. The Registrar must also be satisfied *prima facie* that at least some of the rights and interests claimed can be made out, and that at least one member of the claim group or one of their parents has had a physical connection with the land or been deprived of it by government or a coexisting leaseholder.¹³⁴ In making these decisions, the Registrar has access to a broad range of information, including that provided by governments.¹³⁵

It is not uncommon for claims to fail the claims registration test.¹³⁶ This does not prevent the Federal Court from continuing to consider them, although under the 2007 amendments discussed above, it is much more likely than previously that claims which fail the registration test will be dismissed. Unless that occurs, failure to register a claim means that claimants do not have a say in how the land is used pending determination of their claim. As at 31 March 2007, 425 claims appeared on the Register of Native Title Claims.¹³⁷

The most meaningful of the statutory procedures available to RNTBCs and registered native title claimants is the 'right to negotiate' (RTN), which applies where governments propose to grant rights to mine,¹³⁸ or to acquire land outside of towns compulsorily in order to grant or sell rights in it to third parties.¹³⁹ The RTN is cumbersome, but it is the only procedural right in the NTA whose breach will result in invalidity of the associated 'future act'.¹⁴⁰ It requires

130. See the definition of this term in section 253.

131. See Part 7.

132. Sections 184 and 186(1)(g).

133. In this context as in others in the NTA, 'authorisation' refers to the following of traditional or agreed procedures: see section 251B.

134. See section 190A, the tests of 'merits' and 'procedural matters' in sections 190B and 190C, and the provision for appeal from the Registrar's assessment of 'physical connection' in section 190D(2) and (4).

135. Section 190A (3).

136. Once made in the Federal Court, claims are referred to the Native Title Registrar for application of the claims registration test: see sections 63, 64 and 190A.

137. See the map at http://www.nntt.gov.au/publications/data/files/Register_NTC_A4.jpg

138. Rights to mine do not necessarily include rights to explore for minerals. See the definition of 'mine' in section 253, and the opportunities for exclusions from the 'right to negotiate' provided by sections 26A-26C. Note also the availability of the 'expedited procedure' for grants of non-intrusive exploration tenements: see sections 32 and 237.

139. See generally subdiv P of Part 2 Div 3 [noting s 26(2)(f)], section 24MD(1) and the definition of 'town' in section 251C.

140. See section 28.



the proposing government to notify native title holders and claimants, to involve them in 'good faith' negotiations about whether the 'future act' may be done with their agreement and on what conditions, and (if agreement cannot be reached) to submit to arbitration on the issue, by reference to prescribed criteria, by the National Native Title Tribunal (NNTT).¹⁴¹ There are multiple opportunities for governments to override negotiations or a NNTT arbitral determination of whether a 'future act' may be done.¹⁴² Nonetheless, the RTN can be valuable to claimants in

situations where their traditional attachments to land are not weak and a lucrative land use to which time is of the essence (e.g. a large mine) is proposed. As a result, when a government issues a 'right to negotiate' notice, Aboriginal people or NTRBs sometimes respond with claims designed to get the benefit of the RTN, whether or not they will be pressed to determination.¹⁴³ The RTN can be substituted by procedures under state law,¹⁴⁴ but the states and territories seem to have given up these experiments.¹⁴⁵

All of the other 'procedural rights' in the NTA are not mandatory, in the sense that they need not be complied with in order for subsequent dealings with the land to be valid.¹⁴⁶ Some confer rights under state law, or rights which match those conferred on other title holders under state law.¹⁴⁷ Others confer only rights to be notified of, and to comment on, particular 'future act' proposals – e.g. proposals to confer on pre-December 1996 pastoral lessees' rights to engage in horticulture, forestry or aquaculture.¹⁴⁸ The latter category of 'procedural rights' may not be worth pursuing unless they generate some political traction.

Further resources:

- For further information on the native title claims process, check out the 'Applications and Determinations' section of the National Native Title Tribunal's (NNTT) website: www.nntt.gov.au/applications/apps_landing.html
- The Australian Institute of Aboriginal and Torres Strait Islander Studies online 'Native Title Resource Guide' at <http://ntru.aiatsis.gov.au/research/resourceguide/index.html> also contains helpful information and links to native title cases, legislation, determinations, ILUAs, future acts, government policies, Indigenous population profiles etc.

For a brief overview of native title law try:

- Maureen Tehan, *A hope disillusioned, an opportunity lost? Reflections on common law native title and ten years of the Native Title Act (2003)* 27 MULR 523. See: www.austlii.edu.au/au/journals/MULR/2003/19.html

141. See sections 29, 31, 25, 36, 38, 39 and 41.

142. See sections 36A-36C, 37 and 42.

143. Indeed, if all of the claimed land is made subject to a single mine with a long lifespan, there may be little economic benefit in obtaining a native title determination – there will be no room for future 'right to negotiate' negotiations with other land users.

144. Sections 43, 43A and 43B. See *State of Queensland v Central Queensland Land Council Aboriginal Corporation and Another* [2002] FCAFC 371, (2002) 125 FCR 89.

145. Decisions approving these laws are 'disallowable instruments', but there also seems to be industry reluctance to adjust to multiple state schemes.

146. *Lardil* (see note 14).

147. For example sections 24KA(7)-(9) and 24MD(6A) and (6B).

148. Section 24GB(9).



If you want a sustained examination of the NTA and the case law try:

- Perry, M and Lloyd, S, *Australian Native Title Law*. Law Book Co, 2003.

See also:

- Strelein, L, *Compromised Jurisprudence: Native Title Cases Since Mabo*, Aboriginal Studies Press, 2006.

Worth reading for a 'reality check' are:

- Corbett, T and O'Faircheallagh, C, 'Unmasking the politics of native title: the National Native Title Tribunal's Application of the NTA's Arbitration Provisions', *University of Western Australia Law Review*, (2006), Vol 33, pp.153-177.
- O'Faircheallagh, C 'Evaluating Agreements between Indigenous Peoples and Resource Developers' in Langton et al, *Honour Among Nations* (on ILUAs – this book can be down-loaded from www.informit.com).
- Riley, M, "Winning" *Native Title*, AIATSIS Native Title Research Unit, 2002. See: <http://ntru.aiatsis.gov.au/ntpapers/IP19v2.pdf>
- Recent *Noongar* decision – for a summary see the National Native Title Tribunal's *Native Title Hot Spots* Issue No. 21: www.nntt.gov.au/newsletter/hotspots/issues/21.html For the full decision see *Bennell v State of Western Australia* (2006) FCA 1243 (19 September 2006) at: www.austlii.edu.au/au/cases/cth/federal_ct/2006/1243.html
- David Ritter and Merrilee Garnett, 'Building the Perfect Beast: Native Title Lawyers and the Practise of Native Title Lawyering' in *Land, Rights, Laws: Issues of Native Title*, Native Title Research Unit, Australian Institute of Aboriginal and Torres Strait Islander Studies, at: <http://ntru.aiatsis.gov.au/ntpapers/ip30web.pdf>
- Please feel free to ask for more reading on specific topics which you encounter in your internship, e.g. the role of anthropologists as expert witnesses in claims.

(iii) Native title representative bodies (NTRBs)

NTRBs have a regional mandate – when it comes to things like assisting in the making of claims, they cannot operate outside of their region, except with the written agreement of a neighbouring body.¹⁴⁹ Most NTRBs are Aboriginal associations – incorporated under the *Aboriginal Councils and Associations Act 1976* (Cth) (the ACA Act) or, in South Australia, state associations law – which have undertaken to comply with detailed statutory functions and obligations imposed by Part 11 of the NTA. The 2007 amendments allow a

149. Section 203BB and 203BD. NTRB areas can be varied, reduced or extended to include areas for which there is no NTRB: see sections 203AE, 203AF and 203AG.



Corporations Act company to become a NTRB.¹⁵⁰ NTRBs make decisions ‘under an enactment’ – the NTA – and are therefore subject to the *Administrative Decisions (Judicial Review) Act 1977* (Cth). As discussed below (at page 18), the incorporation regime for ACA Act NTRBs will also change on July 1, 2007.

Some NTRBs (e.g. the N.T. land councils) were already statutory authorities (formed, in that case, under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth)) before they became NTRBs. In both aspects of their work they are subject to administrative law principles and the *Commonwealth Authorities and Companies Act 1997* (Cth).

Three bodies (NSW Native Title Services Ltd, Native Title Services Victoria and Queensland South Native Title Services Ltd) are funded to perform representative body functions in areas for which there is no NTRB.¹⁵¹ The 2007 amendments place these Native Title Service Providers (NTSPs) and their officers on the same legal footing under the NTA as NTRBs.¹⁵²

What NTRBs do is specified by the NTA (in particular, Part 11). Their functions under this regime¹⁵³ include:

- facilitating and assisting in the making of claims, future acts dealings and ILUAs if requested to do so by native title holders
- certifying that claims or applications for the registration of ILUAs are properly authorised by the native title group¹⁵⁴
- resolving disputes between their constituents over NTA matters¹⁵⁵
- being party to ILUAs¹⁵⁶
- identifying native title holders in their region, informing and consulting with them about the NTA and other native title issues,¹⁵⁷ and passing on to them notices about their native title¹⁵⁸
- conducting internal reviews.¹⁵⁹

NTRBs must conduct their affairs in a timely manner and maintain organisational structures which facilitate the representation of native title holders and effective consultation with Indigenous communities in the area.¹⁶⁰ They are subject to detailed financial and other accountability requirements,¹⁶¹ some of which are explored in Chapter 2.

150. Section 201B (1)(b).

151. Under section 203FE.

152. See sections 203FEA and 203FED.

153. See generally section 203B.

154. Section 203BE.

155. Section 203BF.

156. Section 203BH.

157. Section 203BJ.

158. Section 203BG.

159. Section 203BI.

160. Section 203BA.

161. For example Divs 4 and 5.



Under recent amendments to the NTA, NTRBs must be 're-recognised' in order to continue performing their functions.¹⁶² During a 'transition period' between April 15 and July 1, 2007,¹⁶³ the Commonwealth Minister for Families, Community Services and Indigenous Affairs must invite each existing NTRB to apply for re-recognition for a period of between one and six years, depending on its circumstances, including its corporate governance record.¹⁶⁴ If the NTRB applies to be re-recognised, initial re-recognition for the relevant period will be granted automatically from 1 July.¹⁶⁵ Beyond the transition period, the Minister may invite NTRBs to apply for recognition for further terms and may recognise NTRBs that apply if satisfied that they satisfactorily perform their existing functions. Recognition may be withdrawn if the Minister is satisfied that the body is not satisfactorily performing its functions or 'there are serious or repeated irregularities' in its financial affairs.¹⁶⁶

Further resources:

- For maps and other information about NTRBs see: <http://ntrb.net> and www.auroraproject.com.au/Learning_maps.htm
- For information on the NTRB system, and the challenges it faces, current as at April 2005, please read the report found on our website at: http://www.auroraproject.com.au/Links/2005_april_report.pdf
- *Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Account. Report on the Operation of Native Title Representative Bodies.* March 2006
www.aph.gov.au/senate/committee/ntlf_ctte/rep_bodies/report/report.pdf

(iv) Reform

The *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act) will commence on 1 July 2007. This 610-page statute – which is longer than the NTA¹⁶⁷ – will replace the 73-page *Aboriginal Councils and Associations Act 1976* (Cth) (ACA Act),¹⁶⁸ which was designed to be a simple incorporation statute for groups of Indigenous Australians (and their spouses).¹⁶⁹ If you have not studied corporations law but plan to take an internship during the period immediately after the CATSI Act commences, it may be wise to prepare by doing some reading on that subject, or by looking at the plain English guides to the CATSI Act on the

162. Their present status as NTRBs expires on 30 June 2007: see section 203AD(2C).

163. See the various definitions commencing with 'transition' in section 201A.

164. For example, a body which is under external administration may be recognised for one year only. See generally new sections 203AA, 203A and 203AD. NTRB applications are made under section 203AB and, if an existing NTRB does not apply, another body may be invited to do so (section 203AA(6)).

165. Section 203AD(1A), 203AD(2)(b) and (2A)(b), and 203AD(2)(2D).

166. Section 203AH(2).

167. The NTA is 535 pages long. The CATSI Act is, however, about a quarter of the length of the *Corporations Act 2001* (Cth).

168. The ACA Act will be repealed by the *Corporations (Aboriginal and Torres Strait Islander) Consequential, Transitional and Other Measures Act 2006* (Cth) ('CATSI Transitional Act'), Sched 2 Item 1, which commences when the CATSI Act commences.

169. See ACA Act section 49. Lesser, non-voting rights may be conferred on other people if 75 per cent of the membership agrees: section 49A.



website of the Registrar of Aboriginal Corporations.¹⁷⁰ Even if you are not asked to assist in advising on the CATSI Act's significance for a NTRB or PBC, during your internship you may be exposed to other Indigenous organisations in transition between these two regimes.

The problem: the ACA Act¹⁷¹

The ACA Act, which allowed incorporation of for-profit as well as non-profit bodies,¹⁷² including NTRBs and PBCs, was based on an associational model of incorporation, under which corporations¹⁷³ are controlled by their members in general meeting, rather than by a corporate board.¹⁷⁴ Such a democratic model produces management problems in many community associations,¹⁷⁵ and Indigenous corporations were no exception. However, these problems could be particularly disruptive in remote areas where governments decline to provide full services, instead funding Indigenous corporations to provide them. Management difficulties in community associations can be exacerbated by disputes between members, in particular where an individual's or family's rights may be in conflict with the more 'universal' interests which some corporations are officially formed to serve.

Some ACA Act corporations, particularly large ones¹⁷⁶ with geographically dispersed,¹⁷⁷ factionalised memberships, can experience difficulties calling quorate general meetings or predicting whether those meetings will overturn actions taken by the board of directors ('Governing Committee') on important issues.

These problems can be exacerbated in contexts, like native title, where Indigenous corporations are under pressure to make 'timely' or 'certain' decisions affecting other parties (e.g. 'right to negotiate' decisions within statutory time limits where delays are costly to miners).

Because of the racial prescriptions on membership and the constitution of 'Governing Committees' from

170 www.orac.gov.au. ORAC has published model rules for new CATSI corporations.

171 The following draws on, *inter alia*, Christos Mantziaris, 'Beyond the *Aboriginal Councils and Associations Act*? Part 1' (1997) 4(5) *Indigenous Law Bulletin* 10 and 'Part 2' (1997) 4(6) *Indigenous Law Bulletin* 7, and associated exchanges with Jim Fingleton. See also Mantziaris and David Martin, *Native Title Corporations*, Federation Press, 2000, Part 2, and Corrs Chambers Westgarth and others, *A Modern Statute for Indigenous Corporations: Reforming the ACA Act*, Office of the Registrar of Aboriginal Corporations, www.orac.gov.au/publications/legislation/final_report.pdf

172. Section 44. State associations legislation normally allows the incorporation of non-profit associations.

173. The incorporation of Indigenous associations was dealt with under Part IV of the ACA Act – Part III, which concerned incorporation of Aboriginal Councils, has never been implemented.

174. Corporation statutes like the ACA Act are not codes: they draw on background common law concepts like the associational model. Although section 3 of the ACA Act defined an Aboriginal association's 'committee' as 'the members having the conduct of the affairs of the association', the ACA Act did not contain a provision like section 198A of the *Corporations Act 2001* (Cth), which allows a board of directors to run a corporation without deferring to a general meeting except where the rules require it. The underlying power of the general meeting in ACA Act corporations was made clear by section 45, which required the corporation's rules to 'make sufficient provision (as required by section 58B [the general meeting provision]) to give the members effective control over the running of the association'.

175. Most other community associations are incorporated under state *Associations Acts*.

176. The ACA Act required non-profit, non-landholding corporations to have a much larger minimum number of members (25) than the *Corporations Act* does (1): compare ACA Act section 45(3A) with *Corporations Act* section 114. Landholding bodies like PBCs are permitted to have 5 members. However, the ACA Act did not restrict the number of *directors* which an Indigenous corporation could have, which could also make management unwieldy.

177. General meetings of large corporations can be very expensive to call, particularly in remote areas.



amongst the members under the ACA Act,¹⁷⁸ these corporations were more restricted in their access to external expert advice through non-member directors than are *Corporations Act* companies.¹⁷⁹ ACA corporations also could not have corporate, as opposed to individual, members¹⁸⁰ – yet having subsidiaries can be essential to the smooth functioning of large service delivery bodies in particular.

A number of other elements of the ACA Act also created ‘transactional uncertainty’ for those who dealt with these corporations, including with NTRBs and PBCs. ACA Act corporations’ powers were limited by the objects for which they are incorporated and their rules; if they acted outside these, they acted *invalidly* – a common law rule long abolished for companies.¹⁸¹ Further, it was not always clear that breaches of the rules could be ratified retrospectively by a general meeting.¹⁸² And the ACA Act did not set out the assumptions which outsiders were entitled to make about these corporations – e.g. that they act consistently with their rules; that their officers were who they appeared to be, were duly appointed and performed their duties properly; or that documents under company seal had been duly executed – as the *Corporations Act* does.¹⁸³

Some elements of the ACA Act also presented problems for corporate members. The Act contained no provisions protecting the rights of minority members against oppression or allowing members to sue in the company’s name as the *Corporations Act* does.¹⁸⁴ Thus members were powerless to address corrupt or irregular conduct by directors except via the corporate regulator, the Registrar (see below).

And some differences between the ACA Act and the *Corporations Act* presented problems for the corporations themselves. Many small, unfunded corporations were routinely in breach of the ACA Act’s substantial reporting requirements, which did not vary according to the corporation’s size, income or activities.¹⁸⁵ The Indigenous population is small and there is enormous pressure on small numbers of talented, community-minded people to sit on multiple corporations’ boards, yet the ACA Act did not allow directors to nominate alternate directors.¹⁸⁶ The obligations which the Act imposed on directors¹⁸⁷ did not apply to corporate officers¹⁸⁸ and either had not been kept up to date with contemporary standards of corporate governance, or were not clearly articulated in the Act.¹⁸⁹ Nor had the standards about disqualification from

178. See the definition of ‘committee’ in section 3 ACA Act.

179. Compare e.g. *Corporations Act 2001* section 201B, 201G and 201H. The requirement for all Aboriginal directors can present particular problems in areas where literacy and other educational standards are low.

180. Compare *Corporations Act 2001* sections 46-50AA and the definition of ‘person’ in section 9.

181. Compare sections 124 and 125 *Corporations Act*.

182. Compare *Corporations Act* section 239.

183. See Part 2B.2 *Corporations Act*.

184. See Chapter 2F.

185. Unless exempted from reporting by the Registrar under section 59A, Indigenous corporations were required to submit annual statements of compliance with the Act and their rules, balance sheets setting out assets and liabilities, income and expenditure statements, membership lists and auditors’ reports (section 59), as well as keep the Registrar apprised of the identity of their public officer and any changes to their rules or objects (sections 52, 53 and 57). By contrast, small proprietary companies under the *Corporations Act* are only required to submit to ASIC an annual return of their members, directors and place of business (generated for correction by ASIC), and must only provide financial reports at ASIC or shareholder direction. See *Corporations Act* Part 2M.3.

186. Compare *Corporations Act* section 201K.

187. That is, members of the Governing Committee.

188. Compare *Corporations Act* section 179. In remote areas, ‘white advisors’ may have much more formal education and influence on corporate directions than Indigenous directors.

189. Under the general law, directors owe fiduciary obligations to the corporation. These obligations can conflict with Indigenous political concepts of directors as representative of particular member constituencies – a cross-cultural problem which no amount of corporations law reform will necessarily solve.



directorships— which referred only to criminal records,¹⁹⁰ not past conduct as a director,¹⁹¹ and did not extend to people employed in a corporation's management.¹⁹² The Registrar of Aboriginal Corporations enjoyed powers under the ACA Act not enjoyed by the Australian Securities and Investment Commission to vet a corporation's rules¹⁹³ and to intervene in corporate affairs unilaterally, e.g. by sacking the Governing Committee by appointing an administrator to run the corporation on a number of grounds, including where 'the public interest' justified it.¹⁹⁴ In the past, these powers had been exercised in interventionist ways, including in response to the demands of government creditors, destabilising many corporations. Resort to the regulator had occurred in part because, while the ACA Act allowed creditors some *Corporations Act* remedies,¹⁹⁵ other remedies for corporate dysfunction (e.g. receivership or voluntary administration) were either not, or not clearly, available.

A 2002 review of the ACA Act concluded that the ACA Act had 'become a source of disadvantage for indigenous people' and recommended its reform.¹⁹⁶ One issue for reform in this sector has concerned the diversity of the approximately 2500 bodies – almost all of them non-commercial¹⁹⁷ and most of them small - incorporated under the ACA Act. NTRBs are very different institutions from PBCs, and native title organisations are very different from sports clubs, arts centres, outstation resource centres or advocacy organisations. Perhaps there was no longer any useful role for an Indigenous-specific corporations statute? Native title organisations (e.g. NTSPs, discussed above at page 17) were not the only indigenous associations which had begun choosing to incorporate under the *Corporations Act* rather than the ACA Act— there are also Aboriginal companies limited by guarantee¹⁹⁸ delivering legal aid in some states. However, the *Corporations Act* will not suit all Indigenous corporations: companies limited by guarantee come under its reporting regime for public companies, which is too onerous for small Indigenous bodies like PBCs. Less onerous reporting requirements apply to small 'proprietary companies' under the *Corporations Act*, but these for-profit shareholder companies may be ill-suited to the discharge of statutory functions like those imposed on PBCs under the NTA.

The solution? – the CATSI Act

The CATSI Act responds to these and other challenges by:¹⁹⁹

- Allowing 'Aboriginal and Torres Strait Islander corporations' (ATSI corporations) to have a minimum of 5 (in some cases fewer) members;²⁰⁰

190. Section 49B.

191. Compare *Corporations Act* Part 2D.6.

192. Compare *Corporations Act* s 206A. Stories of multiple Indigenous corporations being 'ripped off' by the same 'advisors' abound in remote Australia.

193. That is, by declining to incorporate it under section 45.

194. ACA Act section 71.

195. For example, ACA Act sections 62 and 67. But compare Chapter 5 *Corporations Act*.

196. Corrs Chambers Westgarth and others (see footnote 177), www.orac.gov.au/publications/legislation/final_report.pdf

197. Corrs Chambers Westgarth estimated that as few as one per cent of ACA Act corporations were operating commercially. See the table of types of bodies incorporated at p 72 of its review team report.

198. A company limited by guarantee is a non-profit corporation in which members' liability is limited, not by shares, but to an amount which they undertake to contribute upon a winding up.

199. The Act departs from the review recommendations in some important respects, for example by allowing non-Indigenous membership, and retaining the powers of the Registrar to approve rules and appoint an administrator.

200. Sections 77-5 ff and 141-5.



- Allowing optional²⁰¹ non-Indigenous membership (of a proportion as yet determined for corporations with more than 5 members)²⁰² of ATSI corporations, but requiring a majority of directors to be Indigenous;²⁰³
- Allowing ATSI corporations to have corporate members;²⁰⁴
- Introducing an 'Indigenous Corporation Number' (ICN) system;²⁰⁵
- Requiring 'large' corporations (see below) to have a registered address²⁰⁶ and a secretary;²⁰⁷
- Allowing meetings to be held by tele- or videoconference;²⁰⁸
- Restricting the number of directors to 12,²⁰⁹ requiring only a majority of them to be members of the corporation (i.e., permitting non-member directors if the constitution allows it),²¹⁰ allowing the directors to appoint new directors between general meetings,²¹¹ and allowing directors to appoint alternate directors;²¹²
- Giving ATSI corporations the same legal capacity and powers as an individual (so that issues do not arise about them acting *ultra vires*, even against the corporation's interests);²¹³
- Allowing the directors to manage the corporation;²¹⁴
- Creating a *Corporations Law*-style set of assumptions that people dealing with the corporation are entitled to make;²¹⁵
- Making clear that directors' breaches of a corporation's rules can be ratified by the members;²¹⁶
- Creating clear statements of directors' and officers' duties (duties of care, good faith, disclosure and avoidance of conflicts of interest²¹⁷ and to avoid insolvent trading);²¹⁸

201. Section 141-10.

202. Corporations with 5 or fewer members (possibly including PBCs) will be required to have *only* Indigenous members. Larger corporations will be required to have a proportion of Indigenous members prescribed by the regulations. Thus it is not yet correct to say that these corporations will have 'minority' non-Indigenous membership. Imposing a stricter indigeneity requirement on directors than members (see next footnote) seems to be designed to ensure the representation of resident non-Aborigines in the areas of service delivery corporations.

203. Section 246-5. A majority of directors must also not be employees.

204. Div 689, sections 37-15, Div 345.

205. Section 85-1.

206. 'Small' and 'medium' corporations are required to have a 'document access address': see Part 3-7.

207. 'Small' and 'medium' corporations will need a 'contact person': see Part 6-3 Div 257.

208. Section 102-65.

209. Section 243-5. Single- and two-member corporations must have the same number of directors; anything with more than two members must have three directors: section 243-1.

210. Section 246-5(3).

211. Section 246-20.

212. Section 246-30.

213. Section 96-1. See also section 246-45.

214. Section 274-1.

215. Part 3-6 Div 104.

216. For example, section 169-15, 268-1(3)(a)(iii), Div 290.

217. Part 6-4.

218. Part 11-6. This Part adopts the insolvent trading provisions of the *Corporations Act*.



- Disqualifying from involvement in corporate management people who 'have form' in breaching the Act or the *Corporations Act* or who have been involved in two or more corporate collapses, and keeping a register of their names;²¹⁹
- Prohibiting the giving of benefits to related parties (e.g. directors or subsidiaries) without the members' approval;²²⁰
- Requiring a corporate constitution in English,²²¹ approved by 75 per cent of the members before the corporation's formation,²²² but introducing a menu of 'replaceable rules'²²³ like those in the *Corporations Act*, on which corporations must have rules,²²⁴ along with a requirement for internal dispute resolution;²²⁵
- Allowing members' remedies and derivative actions;²²⁶
- Retaining the Registrar's powers to appoint an examiner²²⁷ or an administrator to a corporation;²²⁸
- Creating new categories of 'small', 'medium' and 'large' corporations for reporting purposes, based on two of three indicia as applied to them and any entities that they control: gross operating income, assets and number of employees.²²⁹ The thresholds between these categories will be prescribed by regulation, but are predicted by the Office of the Registrar of Aboriginal Corporations to be:
 - 'Small' corporations are those with two of the following: income per year and assets of less than \$100,000, and fewer than 5 employees;
 - 'Medium' corporations: \$5 million in annual income, \$2.5 million in assets and 25 employees;
 - 'Large' corporations: any other ATSI corporations.²³⁰

All corporations are required to keep proper financial records²³¹ and prepare annual (or biannual) returns of company details,²³² while 'large' corporations are likely to be required to prepare audited financial

219. Part 6-5.

220. Part 6-6. This requirement applies to all ATSI corporations, unlike its parallel under the *Corporations Act*.

221. Section 66-1.

222. Sections 29-15 and 29-17.

223. Section 60-1 tells us that the corporation must have a 'replaceable rule' on the subject of every statutory provision which includes '(replaceable rule – see sections 60-1)' in its heading.

224. Section 66-5.

225. Section 66-1(3A).

226. Part 4-4.

227. Div 453.

228. Part 11-2.

229. Section 37-10. The *Corporations Act* uses turnover, assets and employees to distinguish between 'small' and 'large' proprietary companies.

230. See 'How big is big?' and *Get in on the Act* on the Registrar's website, www.orac.gov.au. Thus many 'large' corporations will still be the same size as 'small' proprietary companies under the *Corporations Law*. However, greater scrutiny of the Indigenous entities is probably warranted given their likely receipt of public funds and discharge of public functions.

231. Section 322-10.

232. Section 330-5 and 330-10.



statements.²³³ The Registrar retains powers to exempt corporations from the Act's reporting and record-keeping requirements.²³⁴

- Bringing creditors' remedies (receivership,²³⁵ administration²³⁶ and winding up)²³⁷ into line with the *Corporations Act*;
- Introducing whistleblower protection;²³⁸
- Allowing corporations to amalgamate easily;²³⁹
- Introducing civil penalties as well as criminal ones for breaches of the Act;²⁴⁰
- Introducing internal, and AAT, review of the Registrar's decisions.²⁴¹

All existing bodies incorporated under the ACA Act will be registered as CATSI corporations upon the ACA Act's repeal,²⁴² and will be classified transitionally as 'medium' corporations,²⁴³ a classification which the Registrar can then change.²⁴⁴ Corporations will be expected to change their rules to fit the new Act during a 'transition period' between 1 July 2007 to 1 July 2009,²⁴⁵ after which change²⁴⁶ they will be required to report under the new legislative regime.²⁴⁷ Some other provisions of the CATSI Act – e.g. maximum director requirements – will not apply during the transition period.

The CATSI Act also contains some provisions specific to native title, including:

- A NTRB's or PBC's rules must be consistent with the NTA.²⁴⁸
- RNTBCs will be required to use the acronym 'RNTBC' after their names.²⁴⁹
- Native title will not be included when valuing a PBC's assets for reporting purposes²⁵⁰ (thus PBCs, most of which hold no other assets and have very limited income and no employees, are almost certain to be 'small' corporations).

233. Other reporting requirements are left up to the Regulations and the Registrar's discretion: see generally Chapter 7.

234. Unlike under section 59A of the ACA Act, this power may be exercised in respect of particular classes of corporations, not just individual ones – an exercise which was consuming considerable amounts of the Registrar's time and resources.

235. Part 11-3.

236. Part 11-4 (applying Part 5.3A *Corporations Act*, including the voluntary administration provisions). However, an ATSI corporation cannot be put into administration under these provisions if the Registrar has appointed an administrator to it: sections 521-10.

237. Part 11.5.

238. Part 10-5.

239. Part 2.2 Div 23.

240. Chapter 8.

241. Part 15-4.

242. *CATSI Transitional Act* Sched 3 Item 3.

243. *CATSI Transitional Act* Sched 3 Item 7.

244. CATSI Act section 37-5.

245. *CATSI Transitional Act* Sched 3 Part 1 Item 2. (The Registrar may increase this 'transition period' by 6 months in the case of a particular corporation.)

246. See the definition of 'transition period' in *CATSI Transitional Act* Sched 3 Part 1 Item 1.

247. *CATSI Transitional Act* Sched 3 Part 2 Item 10 and Div 10 and 11. See also section 60-1(2)(b) CATSI Act.

248. Section 66-1(5)(d).

249. Section 85-1(4) and 85-10.

250. Section 37-10(4).



- Directors and officers do not breach their duties, and courts are unable to grant members' remedies, where a director or officer acts believing in good faith that the action taken is necessary to comply with the NTA.²⁵¹ (An exception is made for the duty to avoid insolvent trading, which prevails over NTA obligations.²⁵²) Similarly, these NTA-authorized breaches are not grounds for a winding up.²⁵³
- Directors' duties of disclosure do not extend to native title interests managed by a RNTBC.²⁵⁴
- Member approval is not required for the related party benefits which are authorised by the NTA.²⁵⁵
- The Registrar's powers to deregister a corporation on its initiative, for failure to lodge reports or where it has been wound up²⁵⁶ is not exercisable in relation to a RNTBC.²⁵⁷

The CATSI Act's application to PBCs can also be modified by regulation.²⁵⁸

Further reforms to the *Native Title Act*

The *Native Title Amendment (Technical Amendments) Bill* (NTATA Bill)²⁵⁹ is presently before Parliament. It contains a large number of amendments to the NTA. The Bill is summarised in the May 2007 report of the Senate Legal and Constitutional Affairs Committee into the Bill, see www.aph.gov.au/senate/committee/legcon_ctte/native_title_tech/report/c02.htm.

Some proposed amendments which may be of interest:

- The Native Title Registrar will be enabled to assist parties seeking to register an ILUA.²⁶⁰
- 'Automatic weather stations' will be added to the list of 'facilities for services to the public' which can be imposed on native title holders without their consent and without compulsory acquisition of their rights.²⁶¹
- Native title holders who do not yet have a RNTBC can receive 'future act' proposal notices through the local NTRB.²⁶²
- Bank guarantees can be used to finance RTN payments.²⁶³

251. Section 265-20.

252. Section 531-5.

253. Section 256-10.

254. Section 268-5. The fact that a director has such an interest will be obvious from the native title and PBC determinations, and probably from the corporation's membership or limits thereon.

255. Section 287-12.

256. See generally Div 546.

257. Section 546-15.

258. Section 633-5.

259. For the Bill's text, see

http://parlinfoweb.aph.gov.au/piweb/TranslateWIPILink.aspx?Folder=BILLS&Criteria=BILL_ID:r2759%3BSEQ_NUM:0%3B

260. NTATA Bill Sched 1 Part 6 Items 6, 17 and 26. Obligations are also imposed on the NNTT to keep confidential information which it obtains while assisting with ILUAs.

261. Item 34.

262. For example, items 35-7, 38-40, 43-45.

263. Items 58-61 and 69.



- Native title applications are required to include details of processes by which the applicants have been authorised to make them.²⁶⁴
- The Native Title Registrar will not have to reapply the registration test to claims which undergo amendment by reduction, dilution in rights claimed, change of NTRB or other minor alteration.²⁶⁵
- NTRBs which are CATSI or *Corporations Act* corporations are not required to comply with obligations under the *Commonwealth Authorities and Companies Act 1997* (Cth) which duplicate the requirements of their incorporation statutes.²⁶⁶
- NTRBs can charge a fee for negotiating RTN agreements or ILUAs.²⁶⁷
- Regulation-making powers regarding PBCs are expanded, including to prescribe the circumstances in which PBCs can be replaced.²⁶⁸

Further resources

- Further information about the reforms to the NTA can be found at:
www.oipc.gov.au/NTRB_Reforms/default.asp and at: www.ag.gov.au/nativetitlesystemreform

264. Items 72, 76.

265. Item 102.

266. Sched 2 Item 4.

267. Item 7. An opinion on whether such a fee can be charged can be sought from the CATSI Registrar.

268. Item 6.



Chapter 2: Administration and funding of the native title program

(Information provided by FaCSIA)

(i) Native Title Act 1993

The *Native Title Act 1993* ('the Act') provides a framework for the recognition and protection of native title. The Act also provides a framework to recognise and fund representative bodies to assist Indigenous people to pursue their claims to native title.

(ii) Ministerial responsibilities

The Minister for Families, Community Services and Indigenous Affairs ('the Minister') has responsibilities under Division 6 of Part 2 and Part 11 of the Act in relation to the functions of prescribed bodies corporate and Representative Aboriginal/Torres Strait Islander bodies respectively. The Act details the functions to be performed by native title representative bodies and comprehensively deals with the recognition, funding, accountability and administration of representative bodies. The Department of Families, Community Services and Indigenous Affairs¹ ('FaCSIA') provides support to the Minister in the administration of those parts of the Act.

(iii) FaCSIA land branch program administration

The Native Title Program is administered by the Land Branch within the Indigenous Land and Housing Group, FaCSIA².

The Branch has a small number of Native Title Officers ('NTOs') whose role it is to monitor and assist representative bodies undertake their funded activities. NTOs also provide a conduit between FaCSIA and the representative bodies for which they are responsible. NTOs aim to assist both representative bodies and FaCSIA to deliver effective and professional native title services.

(iv) Australian Government policy

The Government is committed to a fair, stable and effective native title system with a focus on:

- resolving native title issues through agreement, (where possible) and
- speedier resolution of native title claims.

1. Previously the Land Branch was part of the Office of Indigenous Policy Coordination (OIPC). NTRBs still commonly refer to the Branch or FaCSIA as 'OIPC'.

2. Other sections of the Land Branch include the Aboriginal Benefits Account Unit, the Land Rights Unit (administering the *Aboriginal Land Rights Act (NT)*), and the Aboriginal Land Commissioner's Office.



These goals are supported through Australian Government resourcing of the native title system to enable stakeholders to effectively participate in the system.

(v) Program structure

Funding for representative services

The Native Title Program provides support for professional services to Aboriginal and Torres Strait Islander people to pursue the recognition and protection of native title under the Act.

Funding can be provided to the following service providers:

- (a) (section 203C of the Act) representative bodies recognised by the Minister who implement those services in accordance with:
 - the statutory requirements of the Act; and
 - the Program Funding Agreement (PFA)
- (b) (section 203FE(1) of the Act) persons or bodies who perform all or some of a representative body's functions in a defined geographical area.

Funding is provided for representative bodies or persons or bodies funded under section 203FE(1) of the Act against agreed activities identified in their operational plans for each funding year.

Other program funding

The Native Title Program also provides support to enhance the delivery of professional native title services to Indigenous people through targeted interventions aimed at improving service delivery and the performance of representative bodies, such as the projects run by the Castan Centre.

FaCSIA provides funding to the Native Title Research Unit in the Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS) to provide a range of other performance enhancement, research and information services. AIATSIS is also funded by FaCSIA to conduct an annual Native Title Conference which brings key stakeholders within the native title system together.

(vi) Native title program reporting and performance

Reporting:

- The Objective of the Native Title Program is to provide professional services to Aboriginal and Torres Strait Islander people to pursue the recognition and protection of native title under the *Native Title Act 1993*.



- The performance of the Native Title Program in 2007/08 is assessed against the FaCSIA 2007/2008 Portfolio Budget Statements and Outcomes/Outputs Framework.
- The Key Outcome sought is the recognition and protection of native title as part of a fair, stable and effective native title system.
- The Key Output is the delivery of professional native title services and support to the 17 areas for which there is an NTRB or a body funded under ss203FE (1) (this number includes the Torres Strait representative body area though it is not funded by this program but if funded from a direct appropriation to the Torres Strait Regional Authority).
- FaCSIA reports to the Parliament annually on program performance and will report against the following performance indicators for Native Title and Land Rights in 2007/2008:
 - Effective support provided to enhance the delivery of professional native title and land rights services to Indigenous people.
 - Effective support to Indigenous land claimants and native title holders.
 - Professional native title services delivered in native title representative areas and effective management of Commonwealth land rights legislation.

Performance

The Program funds representative bodies on the basis of planned and prioritised native title activities articulated in their annual operational plans. Funding, reporting and monitoring arrangements are designed so that FaCSIA can assess the performance of representative bodies in progressing funded native title activities and delivering services to native title claimants and holders.

FaCSIA commissions performance reviews of representative bodies from time to time.

The Office of Evaluation and Audit (Indigenous Programs) located in the Department of Finance and Administration also provides performance and evaluation audits of the Program and representative bodies funded under the Program.

Funding submission process

Only representative bodies eligible to apply for funding under section 203C of the Act are invited to apply for funding from the Native Title Program. Where there is no representative body for a specific area, FaCSIA may, under section 203FE of the Act, provide funding to other persons or bodies it considers suitable to perform all or specified functions of a representative body.

There is no guarantee of any funding by the Australian Government, or funding to the extent sought in submissions. Any funding is subject to the successful Applicants entering into a PFA with the Australian Government.



Funding assessment process

Funding submissions are assessed against the following criteria and in accordance with the Act:

- The organisation's compliance with Part 11 of the *Native Title Act 1993*, and with legislation under which the organisation is incorporated or established.
- The organisation's capacity to complete the workload described in the funding submission, to deliver services and achieve the stated objectives.
- The organisation's recent performance in terms of its compliance with its financial and reporting requirements, service delivery and the achievement of agreed objectives (in terms of its current Performance Agreement and the last Annual Report).
- Whether the organisation has sound and transparent policies and processes for making decisions and determining priorities for activities included in the Operational Plan.
- Whether the Operational Plan lists native title objectives that are achievable within set timeframes.
- An assessment of the native title environment in the representative area (including matters that might significantly affect the achievement of any stated objectives in the Operational Plan and the anticipated timing).
- Other significant issues relevant to the protection of Australian Government funds.

FaCSIA considers submissions and determines funding levels and funding conditions against the above criteria based on an assessment of the risks and benefits associated with funding activities. Risk management principles are consistently applied in the appraisal process.

In assessing submissions FaCSIA considers a number of overarching issues, including the benefits of funding the submission, taking into consideration other possible alternative sources of funding; the relevance of the submission to Program priorities and the priority of the activity(s) against other activities.

The Act requires that the Secretary of the Department, or his delegate, must impose certain conditions in funding a representative body, including the appointment of a funds controller in cases where the Secretary considers that the representative body is unable to satisfactorily manage the Funding or is in breach of any of their obligations under the funding agreement.

Operational plans

Applicants are required to prepare an operational plan as the basis of their funding submission. The operational plan should contain prioritised and costed outputs (key native title activities) and outcomes against the Objective of the Native Title Program:

'To provide professional services to Aboriginal and Torres Strait Islander people to pursue the recognition and protection of native title under the *Native Title Act 1993*'.



The operational plan has three functions, it is:

- the basis of the funding submission;
- part of the funding agreement describing what FaCSIA agrees to fund and the representative body agrees to implement; and
- what the representative body reports its performance against.

Should the operational plan not reflect current priorities and activities during the course of the funding period, representative bodies should apply to FaCSIA for a variation to the funding agreement (as outlined in the Program Funding Agreement).

Program Funding Agreement

Native title activities are funded under a Native Title Program Funding Agreement ('PFA'). The PFA is a contract between the Australian Government and representative bodies and includes the General Terms and Conditions Relating to the Native Title Program Funding Agreement ('the Booklet').

It sets out the obligations of representative bodies in delivering the agreed outputs and outcomes including reporting requirements to ensure the accountable, efficient and appropriate use of Australian Government funds.

Monitoring of the PFA is undertaken by the NTOs in the course of their field visits and by progress reports that funding recipients are required to provide under the PFA.

The appointment of a Funding Controller

The Booklet provides for FaCSIA to appoint a Funding Controller to administer Native Title Program funding, where FaCSIA considers there have been breaches of the PFA, or has concern over a representative body's capacity to progress the activities in the funded operational plan or to manage the funds provided under the PFA.

The costs and fees of a Funding Controller can be recovered from a representative body by reducing, either in whole or in part, the funds provided by FaCSIA.

Obligations under the *Native Title Act* and PFA

Bodies funded to provide representative services under the Native Title Program should be aware of and comply with their obligations under the Act and the PFA.

Particular responsibilities under the Act to take note of are:

- Finance (Division 4 of Part 11 of the Act)
 - funding conditions



- banking and investment
- Accountability (Division 5 of Part 11 of the Act)
 - accounting records
 - payments to be properly made
 - annual reports by representative body
 - inspection and audit, or investigation, of a representative body
 - access to information
- Conduct of Directors and other executive officers (Division 6 of Part 11 of the Act) - application of the *Commonwealth Authorities and Companies Act 1997*
- Division 7 of Part 11 of the Act relating to miscellaneous matters including the review of assistance decisions requirements; and the requirement to comply with the wishes of traditional custodians.

It is also a program requirement that bodies funded under the program to provide professional services:

- maintain a 'Complaints Register' to record the number of complaints received, the nature of such complaints and how they were resolved; and
- produce an information brochure detailing how the organisation will manage and deal with complaints from clients and the general public. Copies of this document must be provided to FaCSIA.



Chapter 3: State-based land rights systems

Statutory land rights

Land rights involve statutory grants of land to Indigenous people. State and territory statutory land rights operate separately to the native title system. These schemes do not necessarily require or involve any recognition of native title rights and interests in traditional lands. Most state and territory land rights schemes pre-date *Mabo* and the *Native Title Act 1993*, the oldest being the South Australia scheme under the *Australian Land Trusts Act 1966*.

In many cases, Indigenous people have been dispossessed and removed from their traditional lands. Consequently, they are unable to demonstrate a continuous connection to that land, leading to an inability to establish native title. The land rights system can provide for the return of traditional lands to Indigenous peoples, in recognition of the importance of those lands to the social and cultural development of their traditional owners.

At present, Aboriginal and Torres Strait Islander peoples (who represent less than 3 per cent of the Australian population) own or control approximately 20 per cent of the Australian continent as a result of statutory land rights schemes and the recognition of native title.

Northern Territory

The *Aboriginal Land Rights (Northern Territory) Act 1976* (ALRA) is the best known example of a statutory land rights scheme. It has resulted in almost 50 per cent of land in the Northern Territory being owned collectively by Indigenous people.

The ALRA was the first legislation in Australia creating a mechanism for claims to 'Crown land' on the basis of traditional connection but it was not the first legislation returning land to Indigenous people. That honour goes to the *Aboriginal Land Trusts Act 1966* (SA). Between them, these two statutes establish two different paradigms for returning land to Indigenous ownership – by claim and by direct grant. All subsequent legislation in Australia adopts either, or both, of these pathways.

The way to familiarise yourself with the ALRA is to look at its key provisions. Here are some of the main ones:

Grants of Aboriginal land

- land trusts: sections 4 and 5.
- land claims and grants: sections 10, 11, 12, 67, 67A, 67B.
- the register of traditional owners of Aboriginal land: section 24.

Uses of Aboriginal land

- uses and leases of Aboriginal land: sections 12C, 14, 15, 19, 19A (also note section 20A).



- mining: Part IV.
- resumption and other uses of Aboriginal land: sections 67, 68, 70 and 71.¹
- sacred sites: s69 (Note: This is a general provision, not specific to Aboriginal land)
- consent of traditional owners: s77A

Organisations such as the Indigenous Land Corporation assist Indigenous communities in the acquisition and management of such land. Please note that there have recently been changes to the ALRA, so those of you heading to the Northern Territory should look into these changes prior to going on placement.

Western Australia

There is no statutory land rights scheme, as such, in Western Australia. Despite the positive recommendation from Commissioner Paul Seaman, who conducted the Aboriginal Land Inquiry in 1983-4, the Western Australian Government at the time decided against introducing a statutory land rights scheme.

There are some specific statutory mechanisms in Western Australia for Indigenous access to land. Land that was formerly Aboriginal reserve in Western Australia is vested in an Aboriginal Land Trust (ALT) established by the *Aboriginal Affairs Planning Authority Act 1972* (WA). The ALT also holds a portfolio of leasehold and freehold land much of which is occupied by Aboriginal people. Some of the ALT land is leased to Aboriginal organisations under long term leases. The WA Government presently has a policy of transferring ALT land to Aboriginal organisations.

Queensland

Both the *Aboriginal Land Act 1991* (Qld) and the *Torres Strait Islander Land Act 1991* (Qld) create a scheme for grant of, and claims to, Crown land. Grants of land are for 'transferable land' which includes former reserve and Deed of Grant in Trust (DOGIT) land but also the discretionary category of 'available Crown land' declared by government to be transferable. There is a statutory imperative to grant transferable land.

Claimable land is the other category of land. Claims for this land are heard by a land tribunal under each statute. Such claims can be established on a number of grounds (including traditional affiliation or historical association). If a claim is successful, the relevant land tribunal makes a recommendation to the responsible Minister that the land be granted to the successful claim group. The capacity to make claims expires on 21 December 2006.

1. Note also the schedules to the Act – e.g. Schedule 1 contains land that was never claimed, but just transferred reserves or land that was the subject of legislative amendment of Schedule 1 by negotiated arrangement. This can be important where you are looking for information such as who the traditional owners were, as they would not be identified by a Commissioner's Report on schedule land.



The *Aboriginal Land Act 1991* (Qld) and the *Torres Strait Islander Land Act 1991* (Qld) are both under review by government. It is expected that proposed amendments will be announced in early 2007.

Another important category of land in Queensland is DOGIT land, the acronym given to land granted as deed of grant in trust for Aboriginal or Torres Strait Islander purposes under the *Land Act 1994* (Qld). Grants of DOGIT land were the response of the Bjelke-Petersen government to Indigenous agitation for land rights in the early 1980s. These grants were made to the Aboriginal and Island councils of former reserves. Aboriginal councils have since been mainstreamed as shire councils under the *Local Government Act 1994* (Qld) by the *Local Government (Community Government Areas) Act 2004* (Qld). They do, however, retain their ownership of council land as DOGIT at least unless and until those areas are transferred. Island councils continue to exist under the *Community Services (Torres Strait) Act 1984* (Qld) and hold DOGITs for all or part of their council areas. For the Shires of Mornington and Aurukun, a different arrangement exists. Land in these shires is leased to the shire council under the *Local Government (Aboriginal Lands) Act 1978* (Qld).

New South Wales

The *Aboriginal Land Rights Act 1983* (NSW) provided for the direct grant of former reserve land and for claims to be made for 'claimable Crown lands'. Importantly, the Act also provided for the creation of a variety of local Aboriginal land councils and the New South Wales Aboriginal Land Council. The claims mechanism under the Act is unique, in that it proceeds by a claim to the responsible Minister who exercises a very limited discretion. Review is available in the Land and Environment Court.

Important amendments to the *Aboriginal Land Rights Act 1983* (NSW) have recently been made by the *Aboriginal Land Rights Amendment Act 2006* (NSW) and these will have important consequences for the governance of local Aboriginal land councils and the New South Wales Aboriginal land council and for the administration of the assets of these entities.

Victoria

Victoria has enacted a limited range of legislation authorising the grant of specified land for the benefit of Victorian Aboriginal people — e.g. the *Aboriginal Lands Act 1991* (Vic). In some cases, Commonwealth legislation provides for the grant of land in Victoria for similar purposes - see *Aboriginal Land (Lake Condah and Framlingham Forest) Act 1987* (Cth).

South Australia

The *Aboriginal Land Trusts Act 1966* (SA) was mentioned above. South Australia has also legislated for the return of large areas of the State under the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981* (SA) and the *Maralinga Tjarutja Land Rights Act 1984* (SA).





Tasmania

The *Aboriginal Lands Act 1995* (Tas) created an elective Aboriginal Land Council of Tasmania and vested in it ownership of certain land of significance to Tasmanian Aboriginal people. Since the vesting of land in 1995, a few more properties have been added to the stock of the land council by amending legislation.



Chapter 4: Cultural awareness and communication

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Introduction

Successful work in an NTRB requires an understanding of how local Indigenous people interact, how they evaluate people, situations and events, what issues are important to them, and many other aspects of their ways of seeing the world. These are all part of culture.

There is no single Indigenous culture in Australia, and no individual is entirely determined by their culture. There are many different ways of being Indigenous, and individuals' thoughts and actions are constantly influenced by many complex factors.

Aboriginal societies throughout Australia do share many features of culture, and these often reflect continuities from the times before European invasion and settlement. Some of these features are recognised quite widely in non-Indigenous Australia in the twenty-first century – for example, the widespread Aboriginal taboo on saying the name of a recently deceased person. Other features, while also widespread, are much less recognised in non-Indigenous Australia, but they can have considerable importance in intercultural communication – for example, the frequent productive use of silence in Aboriginal interactions.

In a similar way there are many shared features of culture among Torres Strait Island societies, whether in the islands or on the mainland. Torres Strait Island societies have many differences from Aboriginal societies, as well as some shared features. Given my lack of experience and knowledge about Torres Strait Island culture and communication, and the limited literature on this topic, this contribution deals mainly with Aboriginal culture, and with intercultural communication between Aboriginal and non-Aboriginal people. Non-Indigenous readers working with Torres Strait Islanders might use this paper as a point of departure for sharpening your sensitivity to areas of possible cultural difference. Remember too that many Torres Strait Islanders who now live in mainland cities and towns may to some extent be using Aboriginal ways of communicating, because of prolonged contact and intermarriage with Aboriginal people, and the degree of shared identification as fellow Indigenous people.

Intercultural interaction

In situations of intercultural interaction, it is common for a person from a minority or dominated socio-cultural group to have an awareness of the culture of the person from the majority or dominant group. The reverse is much less common. Thus, many Aboriginal people are well aware that non-Indigenous people like to ask lots of questions, and expect immediate answers. But many non-Indigenous people are unaware of the less direct ways in which Aboriginal people often find out important information, even if they have worked with Aboriginal people for some time.

Bilingual people can talk in two (or more) languages, and bicultural people can interact in two (or more) cultures. Many Indigenous people are bicultural, and can switch – consciously or unconsciously – between Indigenous ways of interacting, and non-Indigenous ways, depending on the context, the people involved, and



the goal to be accomplished. As a general rule, bicultural Indigenous people have had significant long-term participation in non-Indigenous education and/or employment and/or residential, family and leisure domains. Indigenous people who have not had these kinds of participation in non-Indigenous domains are less likely to be bicultural.

Intercultural communication is complex and dynamic, and often involves people from two or more different cultural backgrounds making compromises and adjustments in order to achieve some interactional goal(s). Many situations of intercultural communication involve complicated power relationships. In the immediate interaction, an Indigenous participant may have some degree of control over the non-Indigenous worker. For example, an Indigenous CEO has authority over other workers, Indigenous and non-Indigenous. On the other hand, a non-Indigenous worker can be seen to represent the dominant society which continues to have considerable control over Indigenous people. Such complex power relationships can sometimes be a hindrance to communication. The situation is made worse by ignorance about Indigenous ways of communicating, or lack of respect for cultural differences. But awareness and respect for cultural differences, and a joint commitment to achieving specific goals, can often mitigate the negative effects of power imbalances.

It is impossible to provide advice about cultural awareness and intercultural communication without making generalisations. But generalisations can be dangerous, if they are taken to describe rigid patterns of behaviour. My main intention in providing the generalisations below is to outline important aspects of Aboriginal culture which may be helpful for non-Indigenous NTRB employees in their communication with Aboriginal people. I also hope that this paper may be helpful for Indigenous NTRB employees to learn about aspects of Aboriginal cultures which non-Indigenous workers may be unaware of, or may find challenging, in carrying out their work in the organisation.

Some widespread features of Aboriginal culture

Family and family relationships are central to identity, obligations, responsibilities and loyalties

The importance of family relationships and responsibilities can be seen in the priority attached to going to funerals, even if this involves a family connection which might seem quite distant in non-Aboriginal terms. Family responsibilities also often involve children being raised in an extended family – parents are not necessarily the primary caregivers. And in many of the more traditionally-oriented communities, it is expected that certain relatives would not take part in the same conversation, for example a man and his mother-in-law. The details differ around Aboriginal Australia.

Points to consider:

- pay attention to the family relationships and kin networks of the people you are working with (even if this does not seem to be an immediate requirement of your work for the NTRB).
- consider ways in which the Indigenous people you are working with can see that you are also part of a family – for example, photos of some of your relatives on your desk.
- spend some time in building your own relationships with people you are working with. In working for an Indigenous organisation, you are becoming part of local Indigenous society to some extent.



Land or 'country' is also important to identity for most Aboriginal people

The importance of land or 'country' is a feature of Aboriginal culture that anyone working with an NTRB will be aware of!

Points to consider:

- your work in assisting Indigenous people to assert and document their relationship to specific country will help you to understand their identity. It also demonstrates your willingness to engage in meaningful interaction with them.
- when sharing information about yourself, your geographical origins and recent affiliation(s) may be as important to Indigenous people as your academic and employment credentials. This is not to say that non-Indigenous attachment to land can be compared with Indigenous relationships to land. Rather, having a geographical background, as well as a family background, gives people some ways of thinking about who you are.

Developing and maintaining good social relationships is often more important than adhering to a particular time commitment

In Anglo societies "time is money", and work pressures often compel non-Indigenous people to prioritise getting things done to a particular time schedule. These pressures can be at odds with Indigenous priorities of developing and maintaining good social relationships. There can be a tension between "just sitting and yarning" on the one hand, and "getting things done" on the other. Mutual recognition of this tension can provide a basis for culturally-sensitive compromises. And remember that in many Indigenous contexts, "getting things done" might look to outsiders like "just sitting and yarning".

Aboriginal ways of communicating**Confidentiality and secrecy**

Not all knowledge about Aboriginal country and law is publicly accessible. This contrasts in many ways to basic assumptions about public access to historical, legal and religious knowledge in Anglo society. Local Aboriginal and anthropological expertise may need to be sought in relation to specific details. (See Neate 2003: 43-54).

Rights to speak

Just because a person knows about something, this doesn't mean they can necessarily speak about it. Particularly on important topics related to country and religion, there may often be restrictions on who has the right to speak. These restrictions can be related to such factors as seniority, gender, knowledge and particular associations with particular areas.



Taboo relationships

In some of the more traditionally-oriented Aboriginal communities, people observe a taboo on direct contact – including conversation – between a man and his mother-in-law. In such societies, people in this relationship generally cannot sit, stand, talk, eat or travel together. When organising group interviews or meetings, be guided by local sensitivities about which people can be brought together.

Silence

Silence is often a productive part of conversations, especially on important topics. It should not be taken to mean that a person has nothing to say. In general, non-Aboriginal people who are working with Aboriginal people should be aware of the importance of letting Aboriginal people speak in their own time. This means that conversational silences should not always be filled by non-Aboriginal people.

Questions

Indigenous people often ask background questions about people and places – for example, *where he from? where you going?* But there are many topics about which Aboriginal people use less direct ways of finding out information – for example, by *yarning* around a topic. But questions (as well as interviews and questionnaires) are central to many of the roles filled by non-Indigenous people in their work in Indigenous societies. Non-Indigenous people are often described by Indigenous people as *asking too many questions*. If your work with the NTRB involves you finding out information from Aboriginal people: think about how to tell people what you need to know, without putting them on the spot. For example, you can say *These are the things I need to find out about, so that I can write the report: ...* and then list some of the topics of investigation. It is also good to acknowledge that you might need to ask a lot of questions, and give people time and space to provide the information needed.

Gratuitous concurrence

Gratuitous concurrence is the tendency to say Yes in answer to a question (or No in answer to a negative question), regardless of whether the intention is to agree with what is being questioned. It is a common Aboriginal response to repeated pressured questioning, and can be used even if the question has not been understood. It should not be taken to always mean agreement. It can sometimes be difficult to know whether a Yes answer is an answer of genuine agreement or gratuitous concurrence. Thus, when asking questions on important topics, it is best to provide ample opportunity for people to talk about the issues in their own words. This is better than limiting people's talk to answers to questions.

Asking **“Do you understand?”** is **not a good way** to find out if someone has understood your explanation. It is preferable to invite people to explain their understanding of your explanation in their own words.



Shame

The concept of *shame* is a powerful and complex aspect of Aboriginal cultures. To briefly summarise it, Aboriginal people feel *shame* in a wide variety of contexts, where non-Aboriginal people may or may not feel embarrassed. In intercultural situations, people have an uncomfortable feeling of *shame* when being singled out, whether for criticism, or praise, or to provide information. To avoid making someone feel *shame*, don't select an individual to perform a task. It is better to let people decide for themselves if anyone should take the lead, or stand out from the group, and if so, who should do it.

Eye contact

Avoidance of direct eye contact is seen as respectful behaviour in many communities, especially in interactions which involve a gender difference, or a significant age difference.

Taboos after a death

In many Aboriginal societies, there is a general prohibition on saying the name of a deceased person for some time after their death. The person can be referred to in terms of relationships - for example, "Harry's second son".

'Four-letter words'

In many Aboriginal societies there are fewer restrictions in informal contexts on the use of what can be called 'swear words'. Further, there is typically no gender-related dimension to the use of such language. Women swear as much as men and swearing is not generally considered worse if it comes from a woman.

Language and dialect

There are more than 200 distinct Indigenous languages throughout Australia. Many of these are no longer spoken on an everyday basis, although words and phrases may remain important in the communities where kinds of English are the main language varieties spoken.

Where Indigenous people speak a **traditional language** as their first language, NTRB workers need to work with an interpreter. See Cooke (2002) for a comprehensive summary of important relevant issues.

In many communities in the Kimberley region of W.A., the Barkly Tableland region of the N.T, and the Gulf country of Qld, people speak a creole language, called **Kriol**. Although it sounds like English, Kriol is a distinct language, which has developed with influences from English (particularly in its vocabulary) and the local Aboriginal languages (particularly in its grammar). If you don't know Kriol, you will need an interpreter in working with Kriol speakers. If you assume that you can understand Kriol because it sounds like English, this can lead to many communication problems. The same applies to **Torres Strait Creole** (TSC, also known as Blaikman Tok, or Broken), which is a creole language spoken in the Torres Strait and in some communities in north Queensland. As well as being influenced by English and the Indigenous languages of the Torres Strait, TSC has some influences from Tok Pisin (spoken in Papua New Guinea), Bislama (spoken in Vanuatu), and Solomons Islands Pijin.



Varieties of **Aboriginal English** are spoken in many communities throughout Australia. ‘Light’ Aboriginal English has many overlaps with other kinds of Australian English, while ‘Heavy’ Aboriginal English has more in common with traditional languages, and in some regions with one of the creole languages. While Aboriginal English is a kind of English (technically a dialect), it differs from other Australian English dialects in systematic ways. These differences are often quite subtle, but have the potential to lead to miscommunication. For further information, see Eades (1992), Arthur (1996).

A few examples contrast General Australian English (GAE) with Aboriginal English (AE):

Sounds

Words in GAE which begin with *h*, often start with a vowel in AE:

GAE: *Auntie Helen*

AE: *Auntie Elen*

And for some speakers, the reverse is also true: words in GAE which begin with a vowel can begin with *h* in AE:

GAE: *Auntie Ellen*

AE: *Hauntie Hellen*

If such differences in pronunciation cause confusion, you can clarify with more information:

That’s the old lady who lives next to the Greens?

Word meaning

Some English words have a different meaning in AE:

AE: *deadly* = fantastic (cf GAE = *fatal*)

AE: *carry on silly* = often implies violent behaviour while drunk (cf GAE = making a fool of oneself, performing antics)

Word meaning (continued)

AE: *mob* = group of people (not derogatory)

AE: *you mob* = you (to more than one person, not derogatory)



Grammar

In Heavy AE, both GAE *he* and *she* are often translated as *e*.

It is also common for varieties of AE to not require the GAE verb 'to be' – for example, *is*, *are*, *am*, *were*, in many instances:

AE: *E small girl, that one* = GAE: *She's a little girl*

AE: *They still living out there* = GAE: *They're still living out there* OR *They were still living out there*.

As such subtle differences in grammar can cause confusion; you can clarify by checking further:

We're talking about when you were a kid?

Learner's English

Learner's English (or interlanguage) describes the English spoken by people who have not fully learnt English, but who use some English in intercultural communication. It has influences from the speaker's traditional language(s) and shows some common patterning. Cooke (2002) points out that a common feature of Aboriginal Learner's English in the NT is the use of the expression 'don't have to' to mean GAE 'must not'.

Summary

It is impossible to make hard-and-fast guidelines about intercultural communication. But it might be helpful to remember that respect for Aboriginal people often involves giving people interactional 'space'. The over-enthusiastic, speedy, 'in-your-face' directness of some non-Indigenous people can be perceived as rude behaviour or lack of respect in many Aboriginal communities.

If communication does not seem to be working ...

- try talking less, and listening more
- try not to feel uncomfortable with silences – think of your silence as your respect for other ways of getting things done
- tell people that your questions don't need to be answered today – they might like to think about things, and you can come back another time
- try asking fewer questions, and questions that are more open-ended
- do not interrupt a speaker with questions – listen to the ways in which local people tell their stories
- use ordinary English, not technical language
- talk to a local Indigenous person who has bicultural expertise about the communication difficulties you are experiencing.



Writing in plain English: a few hints and examples

- Are there any technical words? If so, they probably need to be explained or replaced. The glossary on the National Native Title Tribunal website may be helpful for some of these words:
www.nntt.gov.au/about/glossary.html
- Are there any other words which may not be clear to the reader? Use everyday words where possible. (Why use “big words” if you don’t need to!)

replace:	with:
variation	change
prior to	before
initiate	begin OR start

replace:	Prior to completing the report ...
with:	Before you finish the report ...
- Where possible, write directly to your audience, and make the document personal: use we and you, and names of organisations and groups.

replace:	The meeting will explain the current status of the claim.
with:	At the meeting, we will explain what is happening with the claim.

replace:	The claimants will be asked about ...
with:	We will ask you about ... OR The lawyers will ask you about ...
- Avoid using the passive. The next two example sentences convey the same message:
The Land Council will organise a meeting. (this sentence is in “active voice”)
A meeting will be organised by the Land Council. (this sentence is in “passive voice”)
 In both of these sentence, the “agent”, or the person doing the action, is the Land Council. You can use a passive sentence without mentioning the agent:
A meeting will be organised. (by ???)
The issues were discussed. (by ???)
 Passive is quite useful
 - if the “agent” is irrelevant, or unimportant to the reader
 - if you don’t want to say who the “agent” is
 - if you want to focus on someone or something apart from the “agent”
 But in all other cases, it is better to use the active rather than the passive. It often makes sentences clearer. And people like to know who they are dealing with.

replace:	The rent is to be paid by the Minister into the account.
with:	The Minister has to pay the rent into the account.



replace: Any **variation, amendment or renewal** of this lease has to be **agreed to by the Land Council**.

with: No-one can **change** this lease or **add to** it or **renew** it unless **the Land Council agrees**. Also note that I have replaced **variation** with **change** – see Hint 2 above, and I have replaced **amendment** and **renewal** with **add to** and **renew** – see Hint 5 below.)

5. Where possible, use verbs rather than derived nouns (these are nouns which are formed by adding an ending such as **-ion** or **-ment** to a verb).

replace:	with:
action	act
requirement	require
decision	decide
assistance	assist OR help
consideration	consider
for the avoidance of doubt to avoid doubt	

replace: The Land Council is responsible for **the preparation of** plans for **the management of** lands.

with: The Land Council has to **prepare** plans about **managing** the lands.

OR The Land Council has to **make** plans about **looking after** the lands.

replace: Any **renewal of the lease** after 2034 must be for at least another 30 years.

with: If the **lease is renewed** after 2034, it must be for at least another 30 years.

6. Use no more than one negative word in each sentence.

replace:	with:
not unusual	common
not infrequent	often

7. Try to shorten long, complicated sentences:

- sort out the different ideas
- have only one or two ideas in each sentence, wherever possible
- start with the main idea

replace:

In accordance with a preference for the recognition of native title through a mediation process rather than a litigated process, the State wishes to establish and maintain a dialogue with native title claim groups, their representatives and experts commissioned to research and write their connection report. Given the significant costs involved in the preparation of connection reports, open and transparent discussions between an author of a connection report and officers of the Native Title Connection Unit in the initial stages of preparing a connection report may prove beneficial.



with:

Many people prefer that the process of recognising native title is done through mediation rather than through the courts. For this reason, the State wants to have continuing communication with native title claim groups, as well as their representatives and the experts who research and write their connection report. It is very expensive to prepare a connection report. Because of this it can be helpful for the person writing the connection report to have open and detailed discussions with officers in the Native Title Connection Unit.

replace:

The rent to be paid by the government each year for these lands is \$30,000 but other clauses say how it is to be adjusted each year and reviewed each five years.

with:

The government has to pay \$30,000 rent each year for these lands. The government has to adjust this amount each year and review it each five years. Other clauses explain how this happens.

Sometimes Plain English uses more words than unclear English. And sometimes when you explain things more clearly, and avoid big words, you replace short unclear sentences with longer, clearer sentences.

Selected reading

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Chapter 5: Confidentiality, privacy and legal ethics

(i) Confidentiality and legal professional privilege

Privacy and confidentiality

Whether your placement is at an NTRB, a policy organisation or other host organisation, it is very likely that you will have access to confidential and sensitive information. It is critical that you do not disclose any confidential, sensitive or personal information either during or after your placement. To do so would not only place you at risk of breaching your obligations as an intern and/or an employee, but it also creates risks for your host organisation, the clients or stakeholders of the organisation, and the Aurora Project.

Your obligations regarding privacy and confidentiality arise from your role as an intern, your professional obligations, and state and federal law, including relevant state and federal privacy acts, legal profession acts, solicitors rules, fiduciary obligations (that is, obligations arising from a position of trust), any applicable codes of conduct, and contractual obligations.

These obligations apply to you whether you are a legal or anthropology intern.

Your host organisation may also ask you to sign a confidentiality agreement at the commencement of your internship.

Please always ensure that you do not include any confidential or sensitive information in your reports to the Aurora Project or in any papers or articles you write. You must obtain the approval of your supervisor at the host organisation before writing any articles or papers relating to your placement.

Lawyers and confidentiality

A duty of confidence, or confidentiality, is the duty of a lawyer to keep information provided by their client confidential unless instructions to disclose are received. The client may be your employer (as in the case of in-house lawyers) or an external client.

Confidentiality is distinct from legal professional privilege (described below) in that it is an obligation to the client to maintain information received as confidential unless instructed otherwise (rather than a privilege against disclosure). The obligation of confidence will also be binding upon you as an agent or employee of a lawyer and will continue after the time you leave your internship. Accepting this obligation is a condition of your accepting a position as an intern.

The duty applies even to a lawyer's former clients, where the obligation is to ensure that no information of a former client is disclosed adversely to the interest of the client, say by the lawyer later acting against the former client in new proceedings (*Bolkiah v KPMG* [1999] 2 AC 222).



Relevance to intern reporting

Your intern obligations (see page v) will involve you describing various aspects of your activities as an intern. It is critical that you *do not* disclose any confidential information in doing so.

Not everything you do will be confidential. In most cases, where you go and the basic nature of your tasks will not be confidential (e.g. travel to communities, attendance at meetings, general legal or anthropological research, etc.) But keep your confidentiality obligations in mind when you do report or comment on your internship.

To meet these obligations and to protect the privacy interests of your host organisation and its staff and clients, you should make reports about activities anonymous, for example 'travelled to community' rather than to a specific place, 'met with clients' rather than give names (individual or collective), 'assisted with taking instructions' rather than any information about the content of instructions. If you are in doubt, leave the information out.

Legal professional privilege

Legal professional privilege protects certain communications between lawyers and their clients from disclosure in the ordinary course of legal proceedings. For example, discovery in civil proceedings does not require a lawyer to disclose any documents that are subject to legal professional privilege.

Legal professional privilege applies to all communications between lawyers and their clients where the dominant purpose of the communication is for the purpose of:

- allowing a client to get, or a lawyer to give, legal advice, or
- legal proceedings that are on foot or are where the client is considering commencing proceedings (*Esso Australia Resources Ltd v Federal Commissioner of Taxation* 1999 201 CLR 49).

The privilege also applies to litigation-related communications by a client or lawyer with a third party if the litigation is on foot or under consideration at the time of the communication. Again, the dominant purpose test applies (*Esso Australia Resources Ltd supra*).

A lawyer-client relationship must exist for legal professional privilege to arise. The privilege does not protect communications that facilitate, or are made for, the commission of a crime, fraud and related wrongdoing. A golden rule of legal professional privilege is that it is the privilege of the client and not the lawyer. Therefore, it can only be waived by the client.

Given that most native title proceedings are Commonwealth proceedings, it is the *Evidence Act 1995* (Cth) part 3.10 division 1 (client legal privilege) that will be most relevant to your work. The most significant issue for you is that communications attracting legal professional privilege include communications to the employees and agents of a lawyer (*Evidence Act 1995* (Cth) section 117(1), definition of 'lawyer').



(ii) 'In-house' lawyers and legal ethics

Lawyers are not just ordinary employees – we are bound by professional duties to our clients, the courts and the public, duties that courts will, if necessary, uphold. As the Victorian Law Institute ethics web page puts it:

“Legal practitioners have to balance duties to the law, the court and the client.

- Duty to the law: Legal practitioners are part of the administration of our legal system. They may not agree with some of it, and are entitled to lobby for its reform, but they must obey the existing laws.
- Duty to the court: Legal practitioners must act with honesty, integrity and candour and must discharge all duties owed to a court or tribunal, including undertakings.
- Duty to the client: Legal practitioners must act with due skill and diligence, reasonable promptness and courtesy, while maintaining a client's confidences and avoiding conflicts of interest.

Sometimes it is hard to fit these obligations together.”

It can be even more difficult to juggle these obligations where your employer is an organisation other than a law firm. This role of 'in-house counsel' can be difficult enough where your client is the organisation itself: for example, where the organisation's management proposes to breach the law or act otherwise than in the organisation's interest. This problem does not only arise in Indigenous organisations, it arises daily in corporations, universities, joint ventures and many other entities.

Things can get even more complicated where the (statutory) role of the organisation is to deliver legal services to a client base which is distinct from the organisation itself, as is the case for NTRBs. There is potential for these clients' interests to conflict with management priorities, leaving the lawyer stuck in the middle. There is also the potential for lawyers to feel slightly divorced from their (bush or town camp) clients, and more at home in the (office) management team. In such situations, while it is important for lawyers to be 'team players', it is important that they do not allow their sense of professional ethics to be overcome by workplace dynamics. This might be particularly important in situations where an NTRB is (at risk of being) perceived by its Indigenous client base to be captive to particular Indigenous family or sectoral interests – a common dynamic in Indigenous politics. One thing which NTRB lawyers should keep their eyes on is the extent to which the organisation is complying with Part 11 of the NTA.

Good lawyers should be sensitive to the limitations of the laws under which they work. It is important not to 'over-sell' native title or other options to clients. Lawyers must take instructions from their clients, however, they must also be frank and fearless in the advice they provide. This includes advising clients about the chances of success, likely outcomes etc., so that clients can make an informed decision when giving instructions. Although NTRBs' clients do not put their own money into their solicitors' trust accounts, they should be treated as if they do: any lawyer who takes their ethical responsibilities to a client seriously must always ask whether the client will benefit from any proposed strategy, and if not, advise the client accordingly.

Remember also, almost everything you hear and work on whilst at an NTRB is subject to legal professional privilege. This includes what you write in your reports to us, and for the work you may do for your university. NTRBs are sensitive about information. Be very careful.



Chapter 6: General legal resources

The Native Title Resource Guide

The *Native Title Resource Guide*, published by AIATSIS, is an on-line research resource for accessing information about native title. It includes information about and links relating to:

- native title legislation and case law
- Federal, State and Territory Governments' native title policies and procedures
- NTRBs, registered native title bodies corporate, government agencies and other organisations involved in native title
- native title applications and determinations
- Indigenous Land Use Agreements (ILUAs), future acts and other native title related agreements
- land rights legislation
- Indigenous Land Corporation land acquisitions, Indigenous land management and Indigenous Protected Areas
- Indigenous population profiles
- related research resources

Web address: <http://ntru.aiatsis.gov.au/research/resourceguide/>

The Native Title Representative Bodies website

Web address: www.ntrb.net

This is the NTRB website. It contains information about the powers and functions of NTRBs (see FAQs), an NTRB directory and map, a useful resource directory with links to many other sites, positions vacant at NTRBs and a news section.

The National Native Title Tribunal website

The NNTT site contains information about native title applications and determinations, ILUAs and future acts processes. It contains up-to-date information on recent resolutions concerning native title lands and waters, as well as information on the role played by the NNTT in those resolutions. The web address is: www.nntt.gov.au

The NNTT also has an excellent collection of regularly updated maps on native title determinations across Australia. It is strongly recommended that you take a moment to view the maps to give you a good illustration



of where native title exists across Australia, and where the major cases and determinations are located. The website is easy to navigate: www.nntt.gov.au/publications/national_maps.html

The NNTT website also allows for people to search by representative organisation (i.e. NTRB) to find out what claims are currently ongoing. Students placed with an NTRB would find this useful to explore before their placement begins.

The Federal Court of Australia website

The Federal Court's website also contains information about native title, including the role played by the Court in determining native title claims. The web address is:

www.fedcourt.gov.au/litigants/native/litigants_nt_what.html

Publications on law firm websites

Many of the larger law firms publish native title related articles and updates in the 'Publications' sections of their websites as developments occur. These will include references to new or amended legislation, relevant case law, and commentaries on the potential impact of any major changes. Here are a couple of the more extensive ones:

- Allens Arthur Robinson: www.aar.com.au/pubs/ (then go to 'native title')
- Freehills: www.freehills.com.au/publications/publications_1991.asp

WorldLII subject indexes

WorldLII includes subject-matter based guides, and the Aboriginal and Torres Strait Islanders Guide is extremely useful: www.worldlii.org/catalog/101.html

The Indigenous Law Resource Guide, found within the WorldLII category is particularly useful:

- www.worldlii.org/
then go to: 'Catalog' and click on 'Subjects'
then: click on 'Indigenous Law'
then: click on 'Australian Aboriginals and Torres Strait Islanders'
then: select from a range of resources and links

News publications

Various news publications such as:

- *IndigOz*
- *National Native Title News*



- *Koori Mail*
- *National Indigenous Times*
- *The Australian* and the *Australian Financial Review*, as well as State-based publications, *The Sydney Morning Herald*, *The Age*, *The West Australian*, *Alice Springs News*, etc.

Other resources

You may also want to read the following literary works:

- *Home* by Larissa Behrendt
- *Butterfly Song* by Terri Janke
- *Unpacking the Knapsack* by Peggy McIntosh (article)
- *Noonkanbah* by S. Hawke and M. Gallagher

You may also find it interesting to read relevant parts of *The Lonely Planet Guide to Indigenous Australia*, 'Aboriginal Australia and the Torres Strait Islands' (Lonely Planet Publications, Victoria: 2001).



Chapter 7: Work undertaken by past legal interns

The work involved as an intern will vary depending upon whether you are placed at an NTRB or an Indigenous policy organisation or other host organisation (such as the NNTT, HREOC etc.) However, regardless of where you are placed, it is advisable to brush up on your research skills.

In order to get the most out of your internship, it is crucial that you are prepared to roll your sleeves up and pitch in wherever an extra pair of hands is needed. This could involve anything from photocopying, filing and other administrative duties, catering for a meeting or doing substantive legal and/or policy work.

Whether you are writing a report, compiling a brief or sifting through files left in a corner from the last wet session, it is all valuable work which frees up a solicitor's time to move matters forward. Set out below is a general description of the types of work undertaken by former interns.

Administrative tasks:

- creating and implementing a filing system
- setting up Court diary systems
- general filing and administrative work

Legal and policy-related work:

- preparation of plain English guides/summaries to legal documents, legislation and cases
- preparation and drafting of legal documents and correspondence
- legal research in support of claims, ILUAs and policy advocacy
- preparation of case and legislation summaries
- collection of evidence from Indigenous claimants
- observation and note-taking of mediations
- attendance at strategy and case management meetings
- preparation of submissions to government
- attendance and participation at meetings (claimant and with other parties)
 - taking minutes at meetings
 - speaking at meetings to explain work completed
- attendance at directions hearings and determination hearings



- assistance in collecting signatures for ILUAs – visiting and interacting with communities
- undertaking file reviews and histories
- researching and generating media releases
- commercial and tax-related legal work
- drafting briefing papers
- preparation of case notes
- submitting draft rules for Prescribed Body Corporates
- future act notifications

The following pages contain a sample of reports submitted by previous students discussing their experiences at NTRBs and other host organisations.



STUDENT 1**DATE: Winter 2006***Early Days*

I met with the Principal Legal Officer on my first day and clearly expressed my huge interest in getting out to country as much as possible, whilst also being enthusiastic to do absolutely any type of task that I could - hoping for those tasks to be more legal if possible.

I was lucky enough to be asked to attend meetings to merely sit in and absorb the discussion - the senior lawyer was very encouraging and welcoming in this respect. This helped me to get the best picture of the real workings of the office and its staff. The particular meeting I went to on my first day was at a local commercial firm with a corporate lawyer advising on the best way to set up a corporation to manage some land being handed back to traditional owners. This meeting was set up as a teleconference with a legal academic and consultant down in Melbourne working on another claim handled by the NTRB, to facilitate an exchange of ideas about the different types and best ways to incorporate for native title purposes. This was a fascinating debate about two very different types of land, huge variance in the number of persons involved in the respective claims, and strong views of the two lawyers. My knowledge of corporate law is limited, but I found it fascinating that not only was this other area of law so importantly a part of native title, it became clear how diverse different native title claims and interests vary according to the different group.

Rights of Traditional Owners

My first actual task was to conduct legal research on the various options for a group of traditional owners to eject or take action against trespassers on their land. This type of action is apparently untested because of the nature of the land tenure being Aboriginal freehold. The legislation lacked detail on the rights of Aboriginal owners, and whilst there was a fair amount of information on ejecting Aboriginal people from privately owned land, there was little on what course of action Aboriginal owners could take against people unlawfully on their land.

I was lucky enough to attend a meeting with these traditional owners. The Land Trust established for the purpose of managing the land in question ran the meeting. I helped where I could, which basically involved helping to set up the meeting, hand out the agenda and other information and to be available to run errands. The issue I had researched was one of many that was raised and discussed at the meeting. I of course found this extremely rewarding, and felt grateful of the opportunity to feel involved and useful.



Another high point for me relating to this trip was the drive back to town along the dirt track that twisted and turned through beautiful rainforests and then comes out to follow the coastline. The scenery was breathtaking, and a clear reminder of why Aboriginal traditional owners are fighting so passionately for such a worthy cause – their rightful ownership to the land. This 5-hour drive was also valuable for the time I was able to spend picking the senior lawyer's mind about his experiences working as a lawyer for a NTRB.

Affidavits

I was asked by another lawyer to assist in getting some affidavits for two neighbouring claims. The affidavits were for an argument pursuant to s47B of the Native Title Act regarding vacant Crown land covered by claimant applications. The section applies if a claimant application is made in relation to an area covered for example by a freehold estate or lease, and, one or more members of the native title claim group occupy the area at the time the application is made. If this can be proved, the prior extinguishment may be disregarded. This particular argument is therefore quite an important and powerful one to advance native title claims.

Firstly, it was necessary to meet with the anthropologist responsible for writing the connection report. The anthropologist had the necessary knowledge of the whereabouts and activities of the claimants both at the time the claim was lodged and at present. We were able to identify a range of native title claimants who were most likely to have been occupying land when the application was made.

Most of the people we needed for the affidavits were living in remote areas. These areas are not easy to access, with only some regular flights and limited accommodation. My instructions were to draft the affidavits based on what information we had in the connection reports, so that we could then go out on country and go through what we had, modify the contents to put everything in the words of the deponents, and execute them on the spot. This was to maximise the time we had.

The connection reports were extremely long and detailed. Dates were often not too specific so I had to roughly guess who was doing what and when and hope that it was somewhat accurate. I spent a huge amount of time going over the formatting of the affidavits themselves, working with another lawyer who has lots of litigation experience. She was very pedantic and kept apologising for it, but I found it the best way to learn and was therefore very grateful to get help to make them perfect.

A lot of time was also spent trying to organise how we were going to do this great task. Everyone was so busy. The lawyer I was working for was constantly travelling to meetings. The other lawyer who had helped me with the formatting of the affidavits was working part time and therefore also extremely hard to organise, whilst the anthropologist similarly had other commitments. I worked with the



newly appointed Indigenous meeting coordinator to try and find a time when we could all go up to country, which involved numerous setbacks to the point we thought I wouldn't get to go at all.

Things finally came into place. On the Friday we realised we had a two-day window of opportunity the following week to do the trip and madly looked at flights and accommodation. We had to get a charter to fly myself, the anthropologist and one of the lawyers there and we were able to stay in the guesthouse.

The entire trip was such a high point for me. It was in the final week of my internship and after much hard work and doubt whether we would pull it off. We had an early charter flight for the three of us that followed the coastline. The view of the country was spectacular, and I took loads of photos!

We were met at the airstrip by one of the men that work for the council and he drove us into the community to set up for the meeting in the church hall. The first part of the day was for the anthropologist to present the connection report.

I was then able to start finalising the affidavits. The drafts worked really well as a starting point. We were able to sit one on one with each person and explain what we were doing and if they could help us with identifying where they were and what they were doing at the time of the application, which luckily enough, involved getting a few people who were occupying the land at the requisite time. I was pleased that the community members were happy enough to sit down with me at the laptop whilst I typed up what they were saying. It was nice to know they felt comfortable speaking with me and allowing me to type their words. It worked so effectively because we had arranged for a portable printer allowing us to print them off and execute them on the spot.

We also got some time to chat with people at lunch (organised by the guesthouse and served at the hall). We had way too much food and called on as many others from the community to join us as well. We then got to check out the library and art gallery, which was full of beautiful work that I was so tempted to buy! Just a reason to go back I think, because I didn't have enough cash, but was certainly inspired by the beautiful pieces there.

Week 2

In the second week of my internship I was asked to attend and assist with another meeting with traditional owners. This also involved being there for the official handing over of land back to the traditional owners.

Basically the land was being handed back through a State land deal



rather than native title. The parties had reached an agreement with the State for the particular area to contain a number of different land tenures. There would be some national park, a nature conservation reserve, and a resource area being further explored by the State, a small parcel of freehold land, and a small parcel of Aboriginal freehold land. These different tenures of course affect the way the land can be used and although might be seen as a compromise because it isn't actually native title, it will avoid a drawn out process of litigation. What was interesting also, was that a native title claim was then lodged over the land to ensure the traditional owners still have some native title rights as claimants. Namely, the right to Future Act Notifications that is particularly relevant for the land being explored for its resources.

The special day was very ceremonial. There were lots of speeches from traditional owners, the NTRB chairman, the Minister, the local mayor, and a government representative. There was a great turn out and a distinct positive vibe in the air. Lots of photos were taken as the ILUA was signed and deeds handed to the traditional owners. We ate lunch and then drove out to the coast again for more photos. I only wished I could have stayed there to participate in local celebrations.

PBCs

Another project I did a small amount of work on was exploring how to set up Prescribed Bodies Corporate. This was more of a filler job but is something extremely important. I had to explore the legislative framework and steps required for setting up PBCs. The NTRB were in the process of putting together a "Policies and Procedures Manual" and this would contribute to that. Various claims are in the process of determining the best type of PBC to run and manage their native title and this general information is vital for assisting in that process.



STUDENT 2**Date: Winter 2006**

I applied for primarily three reasons. First I wanted to work in native title to experience the law's relationship with indigenous Australians and how it may have both a positive and negative impact. Second I wanted to gain personal experience in a unique area of legal work. My view of legal work has been quite narrow, and I wanted to broaden my own perspective and gain new skills. Third I wanted to challenge myself. As an indigenous law student, the law has remained an abstract concept that I have few emotional ties to. Working with Aboriginal issues challenged me personally because it is linked to my identity as well as my study.

As it happened, I primarily worked on land rights issues, and found this extremely rewarding.

I also expected to learn more about how to communicate legal concepts to Aboriginal people, and the varied success of such an undertaking. This was particularly prominent in [my placement region]. I also expected to work with Aboriginal clients on a personal level, and to see how their communication and instructions were then translated into legal outcomes. I also expected to learn how native title impacted directly on the lives of indigenous people.

On a personal level, I had an expectation that I would be clearer on my future direction after I graduate, and how the law may fit in my career plans. Once I learnt where I would be placed, I expected to visit some remote Aboriginal Communities. All of my expectations were fulfilled and surpassed.

I would rate my experience extremely highly. It was a very welcoming organisation, and the manager, and other lawyers were most willing to impart their knowledge about indigenous communities, land rights, and the difficulties faced when trying to bring various parties and diverse interests together. Central to all of their work however was a commitment to ensuring the best outcome was achieved for indigenous people as the client group. I also managed to speak to anthropologists and community development officers about their work and the perspective they had on land use and Aboriginal Title.



I was able to visit remote communities, and realised that they cannot be generalised, regarding their problems as well as their solutions. Each community had its own social structure, power relationships, traditions, language or dialect, history, capability and capacity. A blanket solution cannot help. I witnessed the [NTRB] attempt to provide broader frameworks for localised solutions.

I also personally grew. As an indigenous law student the internship gave me greater purpose and direction for my post-university life. I was also able to communicate with Aboriginal staff and people on a deeper level because of my identity, and yet also was reminded about the diversity of Aboriginal culture throughout Australia. It was personally empowering to work with my people, and to see other committed people, indigenous and non-indigenous, do the same, despite the overwhelming challenges and barriers placed upon them by governments, corporations, and the general uninformed community.

Both the most rewarding and most challenging thing emanate from the same situation. The most rewarding aspect was visiting remote communities. I don't think I have to repeat much of why as I have already covered this previously. I enjoyed connecting to indigenous people, visiting Aboriginal land, seeing the mechanics of consultations with traditional owners, and viewing indigenous ways of communicating their needs and wishes.

The most challenging aspect of the work were communication issues. It was so strange to me as an Aboriginal to feel like a foreigner in meetings with traditional owners when they would communicate in their own language. This in turn made the people from mining companies and the rep body in the minority. Though not without power, the minority were often powerless to interrupt or control the communication flow amongst indigenous people. For me to be an outsider when I am so often an insider in those situations was challenging.

Also more broadly, good communication skills are fundamental if you wish to work in land councils, especially in areas where traditional lifestyles are more prominent. Some lawyers were better than others, typically those that had been around

longer. It involves an effort to simplify language that can be understood by Aboriginal people without losing the message needing to be conveyed (e.g. lease, management agreement, trust, all = agreement, contract provisions = rules). This balance can be difficult to strike, and [the other intern] and I discussed at length how it can be done well, how education and young indigenous people can play an important part in translation, and how it is important that staff become quickly knowledgeable in basic Aboriginal language skills.

The internship helped in two ways. First I have always been interested in indigenous affairs, because of my heritage, and because of my commitment to social justice. I was raised to believe in my abilities beyond indigenous affairs. While I have always been involved in community activities, and volunteered my time to indigenous organisations and programs, my parents taught me that I should not feel pressured to work in indigenous affairs just because I am Aboriginal. After my placement, I realised I would like to work in indigenous affairs not out of obligation but out of choice. This is a really empowering decision for me. I made it because during my time on placement. I realised that working with indigenous people, and seeing success through the adversity, is such an enriching experience for me professionally and personally. I believe that you should feel passionate about your work, and the placement proved my passion lies with indigenous people.

I also realised that the law is an important tool that used correctly and creatively, can benefit indigenous people. While I do not see myself working directly in NTRBs, I enjoyed the legal research to such an extent that I realised I would like to look for a career in indigenous legal policy research and writing.



STUDENT 3**Date: Winter 2006**

I was placed with a policy organisation which was predominantly concerned with influencing government policy development and promoting practical reconciliation through initiatives aimed at the corporate sector. This organisation is not an NTRB, but they were involved in so many areas ranging from being a formidable but respected presence in the media speaking on Indigenous issues and current government policy, to facilitating relationships between major sectors of the corporate world and Indigenous communities and organisations. There was never a lack of interesting work to be involved in.

At the start of the internship the other intern and I met with the Chief Executive and our supervising officer. They basically gave us a checklist of things that they expected we could help with. We were told which tasks were of priority, but were also given a choice as to which area we wanted to work on. I thought this was a very good way for students to get an overview of what the organisation did, but to also ensure that the students would be involved in work that they were particularly interested in.

I chose to work on a very current and topical issue which was to write an issues brief in response to a Minister's speech regarding Indigenous governance. This issues brief managed to expand and change over the course of the month. I was not expecting to spend the majority of my internship working on this one topic, I had a choice to move onto other topics, but I was determined to produce something substantial for this project. The structure of the brief at the end of the internship had grown to researching the figures and current health status of the Indigenous population in relation to current government expenditure on Indigenous health and analysing whether the amount of expenditure met the needs of Indigenous people. I was to repeat this process for the areas of employment, housing and education for the Indigenous population.

Unfortunately the task of tracking government expenditure on various health programs is quite difficult and the only other concrete figures I could find that were verified by institutions such as the Australian Bureau of Statistics was from 2001-02. I was trying to find figures as recent as 2006. I produced some work that I think will provide the organisation with a good solid foundation to build on, but I could have easily spent much longer on the project.

I was also asked to do various research tasks for other members of staff and summaries of international and national literature summaries. For example, I worked on a project that was involved in promoting financial literacy amongst Indigenous



communities. I found this interesting as well because it gave me an insight as to what other Indigenous populations around the world were doing to help alleviate the cycles of poverty in their countries.

Needless to say, we were also involved in various meetings for other upcoming events and invited to various events that were being held. Our suggestions and contributions were respected and listened to, which I found to be satisfying as a student intern. For example, I was present at some staff meetings regarding the commemorative events for 2007 and made some suggestions as to promotion tactics amongst the student population and younger generations. The other intern and I also attended various NAIDOC luncheons and quiz nights.

The highlights (there were so many!) would have to have been the meetings we were invited along to. I was able to accompany the CEO and another senior staff member to a meeting with representatives from the a Federal Government department. This was an extremely interesting meeting to observe how the viewpoints of a federal government department interacted with an organisation advancing Indigenous issues and had possibly been politely critical of the government's policies on Indigenous funding. In Melbourne, the other intern and I were also able to attend a meeting the CEO had with a partner in a law firm that handled the policy organisation's legal issues on a pro bono basis. This was particularly interesting because it gave me an insight into what it was like to work in a large firm in the pro bono sector and acquire some useful tips.

We also attended various academic seminars on projects focussed on Indigenous issues internationally. For example, I attended a meeting where a leading academic spoke to the organisation representatives about the research he was conducting into youth suicide in Indigenous communities in Canada. There were a lot of parallels to draw between the Indigenous Australian population. The second academic seminar was presented by a number of academics and Indigenous leaders. They reported on a 2 week trip they had taken through the Indigenous nations of Canada and the US visiting organisations governed by Indigenous communities. Both these seminars brought to my attention the global struggle Indigenous peoples face in modern society and the difficulties they face challenging their respective national governments to recognise their rights as the first peoples of their countries.

The major highlight was a luncheon we attended with academics and politicians about the future of reconciliation. On the day the other intern and I helped with the set up and directed guests to their tables etc. This was a great opportunity for the other intern and I to see first hand the level of organisation it took to organise such an

event. Not only with the logistics of seating people next to others that they would be able to get along with, but the level of media coordination and press releases for the event. On the day we had media coming up to the other intern and I asking for advance press release statements, we of course were strictly prohibited from making any comment, but it was really interesting to see how the media crawl over such an event. The guests consisted mostly of executives from major corporations and prominent Indigenous activists and leaders.



**STUDENT 4****Date: Winter 2006**

I worked in three main areas during my time at an NTRB, which broadly encompassed filing, attending and helping out with Working Group Meetings, and conducting research. The first task I was given was to compile Key Documents Files comprising the main documents relating to each of the 11 claims managed by the NTRB. These files were to include documents like the Form One, Pre-Certification memos, Certification Reports, Registration Test Affidavits, information on overlapping claims, Respondent Party Lists, Retainers, Death Certificates of claimants and research briefs.

I also attended two working group meetings where I took the minutes. Both meetings involved a great deal of preparation before the meeting and follow-up work afterwards which I helped my boss with wherever I could. The first meeting was a meeting in a town about 4 ½ hours drive away from the office. We left at lunchtime the day before the meeting and my job for the morning before we left was to compile roadtrip CDs which, needless to say, was a very important job.

It was a great trip up - it was my first look at the surroundings in the region, and my first experience of driving on a dead-straight road with no signs of human habitation for hours on end! The following day was very long and exhausting; we set up the community hall in the morning ready for a 9am start, and didn't finish the meeting until 5pm after which we drove straight back. The minutes were epic given that it was an 8 hour long meeting, and gave me plenty to do over the next day.

The second meeting was a negotiation meeting with a mining company which was quite different to the previous meeting and again highlighted for me the complexity of negotiating from two different cultural standpoints and from such different interest bases. I was quite surprised and disappointed with the end result.

The bulk of my other tasks involved research into a variety of things including joint management of national parks, the naming guidelines for streets and parks, the Indigenous language and spelling (to verify the correct spelling of the names suggested) and some case law research.

STUDENT 5
Date: Winter 2006

At the start of my internship with the policy organisation, I was advised that I would primarily be working on a report that was to be publicly available. I had a number of meetings with my supervisor where she discussed the themes and the direction of the report. After outlining the various topics for each chapter of the report, my supervisor indicated that I could decide on a particular area that was of interest to me and to begin researching that topic for the chapter. The issue of "economically developing" Indigenous communities by individually titling traditional lands was of great interest to me, in particular, to investigate government initiatives and the rationale behind the push for individual titling. It was agreed that I would begin researching on this area.

Shortly after the second intern arrived, there was a change of plans regarding the work to be undertaken. A Senate Committee Enquiry was being held regarding the amendments to the Aboriginal Land Rights Act (NT) 1976, (ALRA) and the deadline for the policy organisation's submission was the 12 July. There was an urgent need to have the background research completed for this submission by the 7 July. Both the intern and I were immediately required to view the amendments and try and ascertain the operation of the provisions of the Bill and their potential consequences for traditional owners and Land Councils in the Northern Territory.

In terms of a learning experience, researching for this submission was extremely challenging. It was necessary to get an understanding of the amendments to the legislation. But to do this, one needed to have a good understanding of the original legislation. Neither the other intern nor I had any previous exposure to the ALRA. I found the statutory interpretation difficult. Yet, I felt as though I had a good sense of the background issues, for example, the origins of the ALRA, the Reeves Report and some of the issues around "economic development". I found that the other intern was a better "technician" in terms of understanding the amendments and that my contributions came in the way of putting the amendments into their social context. As a team, I think the other intern and I worked together really well. I found the other intern to be highly professional and extremely likeable.

During my 2 days leave, the other intern was called upon to do a brief summary of the amendments. I would like to point out that this task would have been quite difficult, yet the other intern provided an excellent summary (at late notice) and this document ended up being invaluable for the submission.

As the other intern and I had done a lot of the groundwork on the submission it was difficult to see it changed and reworked without our input or consultation. However, we realised that as interns this was appropriate and indeed, necessary. When the document was returned to us for final editing, we were simply required to chase up references and check spelling and grammar. This was also a learning curve in terms of seeing how the document changes according to senior input.

I can say quite confidently that having worked on this submission, I now have a good understanding of the ALRA amendments. I might add that the amendments are deeply concerning.

After the ALRA submission, the other intern and I worked on a speech to be presented at a later date. The presentation had to include an overview of the policy organisation as well as some of the international legal issues and political developments affecting Indigenous people. This task was more involved with cutting and pasting a powerpoint presentation, unlike the ALRA submission, which was more taxing and interesting.

The other intern and I also helped prepare for a workshop run by another unit.

The following day both the other intern and I attended the workshop. We were also heavily involved in the organisation and facilitation of activities during the day.

I picked up an Aboriginal elder at 7:45am from her home and I conducted the registration of participants and wrote notes as well as co-facilitated the working groups. The workshop was a diverse forum where the participants were mainly organisations (both government and non-government) who worked in the area. The aim of the forum was to get the views of the participants into a form that could be presented to the Minister at a national roundtable meeting. I have never been exposed to this kind of workshop/forum before and I found it very compelling for a number of reasons. I was struck by the difficulties involved, in particular the diverse opinions of different groups and trying to get people's ideas and anecdotal stories into short points which identify "gaps" in services. What I also found interesting was the role of a group facilitator and how important it is. Overall, it was a great opportunity to have been involved in the workshop and it gave me a sense of just how diverse the work can be at a policy organisation.

My final day was spent at the National Native Title Council meeting where the other intern and I provided secretariat services (taking notes).



Chapter 8: Anthropology resources

Anthropology research

It is important for you, as an anthropology intern, to be aware of some of the more critical assessments of the role of native title in resolving land disputes which recognise the deep colonial undertones of this legal process and the demands on traditional owners to conform to artificial structures that determine Aboriginality, and the potential for traditional attachments to land.

It is also essential that you recognise the double bind often generated by native title and other land rights legislation (refer to chapters 1 and 3 respectively for more information about these different schemes). These processes are viewed by some as flawed and for this very reason they do not always appeal to traditional owners.

Maps of Aboriginal Australia

You may find it helpful to refer to an Aboriginal Australia language area map such as that produced by AIATSIS. This map may be viewed from the Aurora Project website at: www.auroraproject.com.au/Learning_maps.htm (which provides a direct link to the interactive version of the map on the AIATSIS website). These maps can be helpful in carrying out native title work and many Indigenous people have used them to support their own evidence regarding their affiliations.

However, in referring to such maps, please use caution and be aware of the inherent limitations in such maps as these are also cultural artefacts in themselves.

Suggested Reading

Critical issues in native title anthropology

- M Bradley, J. and Seton, K, (2004), "Self Determination or 'Deep Colonising' Land Claims, colonial authority and Indigenous representation," in *Unfinished Constitutional Business?* Edited by Hocking, B, pp.32-46, Canberra: Aboriginal Studies Press.
- Morgan, M, (2000), 'Women and native title', *Native Title in Perspective: Selected papers from the Native Title Research Unit 1998-2000*, Edited by Strelein, L, and Muir, K, pp.23-30, Canberra: AIATSIS.
- Powell, F, (1999), 'Generation and Gender Differences in Genealogical Knowledge: The central role of women in mapping connection to country', in *Connections in Native Title: Genealogies, Kinship and Groups*, Edited by Finlayson, J, Rigsby, B and Bek, H, pp.59-72, Research Monograph, Australian National University, Centre for Aboriginal Economic Policy Research No.13.



- Rose, D, (1996), 'Land rights and deep colonising: the erasure of women', *Aboriginal Law Bulletin*, Vol.85: 6-13.
- Rose, D, (2004), *Reports from a Wild Country: Ethics for decolonization*, New South Wales: University of New South Wales Press.

Anthropology, connection reports and customary rights

- Finlayson, J, (2001), 'Anthropology and connection reports', Speech delivered at the 'Negotiating Country Conference, Brisbane', Queensland.
www.nntt.gov.au/metacard/files/Negot_finlayson/Anthropology_and_connection_reports.pdf
- *The Australian Anthropological Society Newsletter*, (September 2003), Number 91.
- Peterson, N, (1998), 'Organising the anthropological research for a native title claim' in *The Skills of Native Title Practice* (Proceedings of a workshop conducted by NTRU), AIATSIS, University House, ANU, Canberra.
- Stead, J, (2002), *Reflections on the Past, Present, and Future Roles of Anthropology in Aboriginal Land Councils and Native Title Representative Bodies*, Second keynote address, Annual Conference of the AAS, Canberra.
- Sutton, P, (2001), 'Considerations for the Production of Native Title Negotiation Anthropological Reports' in *Practicing Anthropology* 23 (1): 24-28.
- Sutton, P, (2001), 'Kinds of rights in country - recognising customary rights as incidents of native title', *NNTT Occasional Papers Series*, No.2, at:
www.nntt.gov.au/research/files/Kinds%20of%20rights%20in%20country%20%20recognising%20customary%20rights%20as%20incidents%20of%20native%20title.pdf
- Sutton, P, (2001), 'Aboriginal country groups and the community of native title holders', *NNTT Occasional Papers Series*, No.1, at:
www.nntt.gov.au/research/files/Aboriginal%20country%20groups%20and%20the%20community%20of%20native%20title%20holders.pdf

Native title cases with relevance to anthropological work

- Strelein, L, (2003), 'Members of the Yorta Yorta Aboriginal Community v Victoria, Comment', *Land, Rights, Laws' NTRU AIATSIS Issues of Native Title*, (Vol. 2), Issues paper no. 21.
- Wright, L, (2003), 'Themes emerging from the High Court's recent native title decisions', *NNTT Occasional Paper Series*, No 1.
- Neate, G, President NNTT, (2004), 'An overview of native title in Australia - some recent milestones and the way ahead', paper delivered at the 11th Annual Cultural Heritage & Native Title Conference, *Building Partnerships and Finding Solutions for Better Outcomes*.



- Neate, G, President NNTT, (2006), 'Looking in a mirror dimly: Native title and broader Indigenous policy issues.' Paper delivered to the National Indigenous Council, Canberra, at www.nntt.gov.au/metacard/files/Looking_in_a_mirror/Graeme%20Neate%20NIC%20Address.pdf
- National Native Title Tribunal, Media Centre, Background report (2006)- 'De Rose Hill case, South Australia'. See: www.nntt.gov.au/media/Yankunytjatjara.html



Chapter 9: Work undertaken by past anthropology interns

In this section we have outlined some of the types of work carried out by past anthropology interns. As you will see, the range of and complexity of the tasks that you may be asked to do varies considerably, and may include organising transport and accommodation, proof reading documents, taking minutes at meetings, setting out genealogies and entering data into genealogies.

Some of the more complex tasks that you may be asked to do or assist with can be socially complicated and will require greater insight than some of the more routine administrative tasks. These sorts of tasks are often critical and involve a significant contribution to the native title process. We have therefore discussed some of these more complex tasks in further detail below. We have also provided a list of suggested readings that we hope will be helpful for you during your internship.

Your duties as an anthropology intern are likely to vary considerably between host organisations. Factors such as the nature of your host organisation (e.g. an NTRB or a policy organisation), where your host organisation is located, (e.g. urban, regional or remote), and whether or not your host organisation has in-house or contracted anthropologist/s will influence the nature of your placement, and the nature of the work you're required to do.

Anthropologists working in native title may undertake a range of duties and tasks, including:

Administrative and support tasks

- organising transport and accommodation for meeting attendees
- taking minutes at meetings
- proof-reading documents
- representing the organisation at community events, such as the National Aboriginal and Torres Strait Islander Day of Celebrations (NAIDOC)
- assisting all staff, such as in the creation of community newsletters
- data entry into genealogy databases
- filing research documents in the library.

Anthropological work

- attending meetings on-country and at the placement organisation
- learning the basics of conducting interviews with claimants/informants to gather genealogical material
- organising and cataloguing anthropological evidence



- analysing land claim applications and further documentation in order to identify common practices between local Indigenous communities
- setting out and printing genealogies, including ancestor box charts, indented indexes and master indexes
- interpreting field notes to enter into genealogy databases.

Some of the above duties, in particular; organising and cataloguing anthropological evidence; data entry into genealogical databases; and setting out and printing genealogies, including ancestor box charts, indented indexes and master indexes can be complex tasks and involve more than simple forensics for the compilation of a native title claim. In fact, these are the substance of a claim and are often complicated and difficult tasks to undertake.

Understanding and negotiating kinship networks and the construction of genealogies are by far the most challenging tasks for an anthropologist working in native title. These tasks involve access to private identity information and anthropologists must complete them with a developed understanding of group and individual politics – while also being sensitive to the politics and histories of the regions, communities or families in which they work.

Kinship, gender and genealogies

Kinship and genealogies are the very crux of a native title claim. However these are complex areas of anthropological work. Kinship systems are diverse and the manner in which kinship and gender informs group politics in urban and remote settings can be very different.

Due to the importance of kinship, gender and genealogy to native title work, it is important for students to be familiar with these topics and some of the issues and politics involved in working in these areas. We have therefore provided a list of suggested readings on these topics below.

Suggested reading

- Bauman, T, (2002), 'Test 'in blood': Subsections and shame in Katherine', *Anthropological Forum* Vol.12 (2): pp. 205-220.
- Sutton, P, (1994), 'The relative strengths of oral and written evidence', in *Proof and management of native title: Summary of proceedings of a workshop*, Edited and produced by the Native Title Research Unit, Canberra, AIATSIS, pp. 20-24.
- Sutton, P, (1995), 'Atomism versus collectivism: The problem of group definition in native title cases' in *Anthropology in the native title era: proceedings of a workshop conducted by the Australian Anthropological Society and the Native Titles Research Unit*. Edited by Fingleton, J and Finlayson, J, Canberra: Native Title Research Unit, AIATSIS, pp. 1-10.
- Sutton, P, (1995), 'Forensic anthropology in Australia: does it have a case to answer?' in *Native title: Emerging issues for research, policy and practice*, Edited by Finlayson, J, and Smith, D, Canberra: CAEPR, Australian National University, pp. 83-100.





- Sutton, P, (1982), 'Personal power, kin classification and speech etiquette in Aboriginal Australia' in *The languages of kinship in Aboriginal Australia*, Edited by Heath, J, Merlan, F, and Rumsey, A, Sydney: University of Sydney, pp.182-200.
- Keen, I, (Ed), (1988), *Being Black: Aboriginal cultures in 'settled' Australia*, Aboriginal Studies Press: Canberra.
- Walsh, M, (1995), 'Tainted evidence: literacy and traditional knowledge in an Aboriginal land claim,' in *Language in Evidence. Issues Confronting Aboriginal and Multicultural Australia*, Edited by Eades, D., Sydney: University of New South Wales Press, pp. 97-124.

The following pages contain a sample of a report submitted by a previous anthropology student discussing her experiences at an NTRB.



ANTHROPOLOGY STUDENT 1**DATE: Winter 2006**

The Aurora Project is a fantastic means by which young social scientists, anthropologists in particular, may become engaged in native title and other Indigenous land development processes.

I had been encouraged to maintain few expectations as I entered the NTRB internship program. Being the first anthropology intern of the program, there were few expectations about what my time would entail. I saw myself as a volunteer and undertook to perform any task required of me. Having spoken with a native title consultant anthropologist, and from my own general knowledge, I understood that NTRBs are frequently under-resourced and may have workloads that exceed the organisations' capacities, with respect to staffing. With this in mind, I approached the program with the willingness to assume as little or as much responsibility as required and desired of me.

My five weeks were full of highlights: various meetings, including on-country and in the office; interacting with tireless and inspiring traditional owners and elders; learning from the anthropological, legal and administrative staff, many of whom had vast experiences in their fields and of the local area; becoming familiar with the native title process; and studying the suites of evidence accumulated by anthropologists over decades' study. I had the opportunity to meet with all of the consultant anthropologists who work with the NTRB where I was placed. It was very interesting to hear some of their stories, and particularly inspiring to witness the nature of the relationships they have developed with local elders: the trust and mutual respect is very evident.

The most rewarding aspect of my internship experience was coming to know some of the traditional owners and elders. I was thoroughly inspired by their strength, pride and desire to work very hard in order to create positive changes, some of which they will never see, for their young people. Equally inspiring was coming to know younger Indigenous people, who are seeking to become engaged in the native title process, with evidenced desires to learn from their elders about their histories and to install practices such that histories will not be forgotten. For me, it was distressing to think about the





incredible history of Indigenous Australia, and the fact that so many beholders of exceptional knowledge and experience will soon not be able to share their rich understandings.

Staff were open and always willing to explain procedures and particular claims. I particularly enjoyed grappling with the development implications of land gains, and becoming familiar with the manner in which Indigenous people are leveraging economic gains and other opportunities through native title and Indigenous Land Use Agreements.

My trip was made even fuller by the experiences I had travelling and by the lifelong friends that I made in my fellow interns.

The most challenging aspect of the experience was coming home! I had such a wonderful time that I really did not want to leave.



Chapter 10: General hints and tips

(i) Things to bring

- small first aid kit
- hat, camera, personal medication and needs (contact lens fluid etc.)
- backpack that can fit 3 days worth of clothing, work documents, toiletries and food for day trips
- journal – this is likely to be one of the most unique experiences of your life so record your experiences and observations
- shopping bags (those durable green/blue bags that you get from Coles or Woolworths)
- take a radio: great company when spending time at night in your room. A laptop with a DVD player would also provide easy access to entertainment (but make sure you have somewhere secure to store it).

(ii) Before you go

- organise to meet with/speak to the other interns and former interns
- brush up on your research skills.

(iii) The native title working environment

- try to help out with everything that's going on (not just within your section or department). Assistance of any kind is very much appreciated in light of the lack of funding and resources
- be flexible and keep an open mind regarding both people and assignments
- listen carefully, and show an interest (such as by asking questions, but not too many!) Seek clarification if you are unsure but maintain a degree of self-sufficiency
- take up any opportunities to tag along on road trips to rural communities – it's a great opportunity to meet some of the individuals involved in some of the topical native title issues, as well as a fantastic way to see more of Australia!
- don't be afraid to discuss any particular areas of interest you have with your supervisors – they are generally keen to make this a really positive experience for you, and it helps them decide what kind of work to give you
- try to meet as many people as you can, because there will inevitably be a huge variety!
- be positive. Be open. Be willing to ask lots of questions and clarify. Be happy to do any work given to you – be open & enthusiastic about all experiences. Ask for instructions if you are not sure



- ask to attend meetings you are interested in
- establish good relationships with staff members, as they will be your most valuable source of information.

(iv) Cross-cultural awareness

- be aware that some situations may become problematic due to the sensitive nature of the issues being discussed, the barriers imposed by cross-cultural relationships, and expectations held by clients
- listen carefully, and show an interest – ask questions! When claimants hear that you are a student intern, they are often eager to share their knowledge with you and to encourage you to get involved in native title
- as an outsider, the most important thing is to listen and learn. Aboriginal people are more than happy to teach you. Don't go in assuming you know their story
- kinship, familial terms (such as aunty, uncle, brother, sister etc) or skin names are sometimes used as terms of respect to address elder Aboriginal people. A 'whitefella' using these terms may cause animosity in different groups so use them only if invited to do so. Don't be over familiar
- don't push in decision-making as the processes in Indigenous communities are often different. It is best to allow claimants to go away to talk to their families and come back to you with an outcome. Pressure has caused huge problems with disagreements down the track
- white newcomers are approached with wariness, do not take offence to this, and approach the situation with ease and comfort
- try to keep your emotions in check when confronted with a situation where claimants feel the need to vent their anger due to the hard lives many have had in seeking native title. It is not directed at you. Sometimes it is a test of your resilience
- let it be generally known that you are keen to go on bush trips, even to those who work in other sections.
- be patient, as this is the way one learns more about the culture, history and legal developments relating to a claim
- when attending working group meetings it is a good idea to introduce yourself before or at the start of the meeting. Claimants will often be interested to know where you are from and why you are there.

(v) Your safety

- be wary of travelling alone, particularly to the more regional areas, and particularly at night. In a cross cultural setting and a foreign physical environment men and women can both be faced with



difficult circumstances and possible threats to their physical and emotional well-being. You should therefore be cautious and have company wherever possible

- particularly in rural and remote placements, be warned that the wider community can be quite hostile to native title, land rights and the work of the land council.

(vi) Age and gender

- age and gender are significant influences when engaging cross-cultural in any capacity – but particularly so in an Indigenous community. Not all knowledge can be accessed by outsiders and you are also not neutral. You have a subject position and will be understood by the traditional owners and claimant groups in terms that relate specifically to your gender and your age
- gender may be pivotal to how the you are engaged, the level of access you may have to men/women in a working capacity, and may shape the extent of knowledge shared with you.

Issues of your age and gender will impact upon you as an intern. We have therefore provided the following list of suggested readings that deal with these and related topics.

Suggested readings on age and gender issues

- Bell, D, (2004), 3rd Edition, *Daughters of the Dreaming*, Spinifex Press, Chapter1: 'Into the Field', pp.7-40 and Chapter 5: 'The Problem of Women', pp.229-254, North Sydney: Allen and Unwin.
- Tamisari, F, (2006), "Personal Acquaintance': essential individuality and the possibilities of encounters," in *Moving Anthropology: critical indigenous studies*, pp. 17-36, Darwin: Charles Darwin University Press.
- Cowlishaw, G, (1999), *Rednecks, Eggheads and Blackfellas: A study of racial power and intimacy in Australia*, Allen and Unwin: St Leonards, New South Wales.
- Warren, C, (1988), *Gender Issues in Field Research*, Newbury Park: Sage.
- Whitehead, T and Conaway, M, (Eds.) (1986), *Self, Sex, and Gender in Cross-Cultural Fieldwork*, Urbana: University of Illinois Press.
- McKeganey, N and Bloor M, (1991), 'Spotting the invisible man: The influence of male gender on fieldwork relations,' *The British Journal of Sociology* Vol.42 (2):195-210.
- Howitt, R and Suchet-Pearson, S, (2006), 'Changing country, telling stories: research ethics, methods and empowerment in working with Aboriginal women', in *Fluid Bonds: Views on Gender and Water*, Edited by Lahiri-Dutta, K, pp.48-63, Kolkata: Stree Books.
- McIntyre, M, (2001), 'Taking care of culture: consultancy, anthropology and gender issues', *Social Analysis* Vol.42 (2):108-119.





- Hemming, S, (1998), 'Oral history, native title and Hindmarsh Island', *Oral History Association of Australia Journal*, No. 20:26-33.
- Petersen, N, (1995), 'Organising the anthropological research for a native title claim', *The Skills of Native Title Practice: Proceedings*, pp.8-15.
- Merlan, F, (1988), 'Gender in Aboriginal social life – a literature review', includes extensive bibliography. *Social Anthropology and Australian Aboriginal Studies: A contemporary overview*, pp.17-76.



Chapter 11: Organisations and regional information

In this chapter you will find information provided by previous interns relating to NTRBs and other organisations that are hosting, or, have previously hosted Aurora interns. We have also provided some local information and knowledge to help make your stay more enjoyable. (Note: **red listings** denote an NTRB and **green listings** denote a policy, government or other organisation).

The maps on the opposite page illustrate the regions covered by NTRBs as well as locations of other Indigenous organisations. (Please note that the Aurora Project has not placed interns at all of these organisations).

This chapter is a work in progress so if you have any comments or would like to contribute material please contact our placement team at: placements@auroraproject.com.au.

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South west organisations and regional information

Central Desert Native Title Services (CDNTS) (formerly a part of Ngaanyatjarra Council) - PERTH

Address: Lower Ground Floor, 170 Wellington Street, East Perth WA 6004

Phone: (08) 9425 2000

Website: www.ngaanyatjarra.org.au

South West Aboriginal Land and Sea Council (SWALSC) - PERTH

Address: 1490 Albany Highway, Cannington WA 6987

Phone: (08) 9358 7400

Website: www.noongar.org.au

Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation (YMBBMAC) - PERTH

Address: 5th Floor, Septimus Roe Building, 256 Adelaide Terrace, Perth WA 6000

Phone: (08) 9268 7000

Website: www.yamatji.org.au

Perth weather

Temperature

- Summer: 24°C to 35°C
- Winter: 10°C to 24°C

Climate

The landscape of Western Australia is very varied, and the climate varies accordingly. The coastal area in the south-west corner around Perth is very temperate, with a fairly low level of rainfall during the summer (it also gets some hot, dry winds).

Perth tourist information

Tourist Office

Western Australian Visitors Centre

Albert Facey House, Forrest Place

Phone: 1300 361 351

www.westernaustralia.net



Perth medical information

Medical services

Travel Medicine Centre
5 Mill Street, Perth
Phone: (08) 9321 7888

Royal Perth Hospital
Victoria Square, Perth
Phone: (08) 9224 2244

Perth transport

Bus

- Public transport (run by Transperth) in Perth is very comprehensive and easy to use. The CAT buses within the city centre are free (in the area between Northbridge, the Causeway, the river and Kings Park). On all other buses, the cost of a ticket will depend on the number of zones you're travelling through. Some money-savers include the DayRider (a day pass, available weekdays after 9am) and the MultiRider (10 trips for the price of 9) tickets.

Train

- Transperth also operates the train system, and you can use the same ticket across all services within that zone. Once again, travel is free in the city centre (between Claisebrook and City West stations).

Taxi

- Swan Taxis: 13 13 88

From the airport

- Bus: Transperth bus No.37 travels between the domestic airport and the city bus terminal every half an hour, and will cost around \$3. If you're feeling tired after your flight, you can get the Airport-City Shuttle Bus for around \$9, which will drop you off at all hostels / hotels in the city centre.
- Taxi: this will cost you around \$25 from the domestic airport to the city.

Food & shopping in Perth

Shopping

You shouldn't have any problem locating a Woolworths or Coles supermarket – ask at your accommodation where the nearest store is. Additionally, you can try:

- City Fresh Fruit Company (393 William Street): to stave off the possibility of scurvy, go here for all your fresh fruit and vegetables dietary needs
- Kakulas Bros (14 William Street, Northbridge): European delicatessen (closed Sundays)



Eating out in Perth

Cheap meals

- Food halls are always a good option (although if you're looking for quality they won't necessarily be your first stop). Check out the Metro Food Hall (corner Hay and William Streets) and the Carillon Arcade Food Hall (Carillon Arcade).
- Han's Café (245 William Street): good value Vietnamese food (mains \$7 to \$12)
- Red Teapot (413 William Street): big range of Chinese dishes for a relatively cheap price (mains \$8 to \$14)
- Govinda's Restaurant (200 William Street): vegetarian, mains \$2 to \$6
- Brew-Ha, The Ritual (Shop 3-4, 162 Rokeby Road, Subiaco): comfortable coffee shop serving café au laits.

If you're feeling rich...

- Café bocca (Shop 4, Shafto Lane): Italian dishes (and strong coffee) in a beautiful courtyard
- Must Winebar (519 Beaufort Street, Highgate): if you feel like having a swanky night, go here for some French food and extensive wine list.

Entertainment in Perth

Sights & activities

- Perth Cultural Centre (William Street, close to Perth Train Station): houses the museum, library, art gallery and the Perth Institute of Contemporary Arts
- Swan Bell Tower (Barrack Street Jetty): home for the historic bells donated by the Academy of St-Martin-in-the-Fields, London. You can climb up to the lookout and hear the bells ringing daily around lunchtime.
- Swan Valley Vineyards: extend along the river between Guildford and the Upper Swan, and various tours and wine tastings are available.
- Swimming: there are some beautiful beaches in Perth. If you're into surfing, check out Scarborough and Trigg Island (the latter can be dangerous in rough weather). If you prefer to just go for a swim, head down to Crawley or Peppermint Grove beaches. If you forgot to bring a swimsuit with you, go to Swanbourne, where everyone else will be naked too.
- Whale-watching: between September and December you can see the humpback whales as they make their way south. Various types of tours are available, so it's probably a good idea to check out the tourist office for one catering to your interests / swimming abilities.



Nightlife in Perth

Cinemas

For mainstream films, check out the Hoyts, Greater Union and Village suburban centres. For more variety, visit:

- Cinema Paradiso (Galleria Complex, 164 James Street, Northbridge): arthouse films
- Sunset Cinema (Kings Park): open air movies from Tuesday to Sunday, December to April.

Music

- For classical music, the Perth Concert Hall (5 St. Georges Terrace) is the place to go. For listings, check their website: www.perthconcerthall.com.au
- Universal Bar (221 William Street): jazz and blues, with live music Monday to Saturday. It also has awesome cocktails.

Bars & nightclubs

- Brass Monkey Bar & Brasserie (209 William Street): combination of a beer garden and a tapas serving wine bar (as you do...). Often has live comedy on Wednesdays.
- Mustang Bar (46 Lake Street): American bar usually with a DJ mixing some tunes. Come here to laugh at the moose heads on the walls (or have a conversation with them, depending on your state of sobriety).
- La Bog (361 Newcastle Street): With a name like this, it had to be an Irish pub. Very popular – is usually crowded with drinkers and dancers till the late hours of the early morning.
- Lucky Shag (Barrack Street Jetty): We've actually got no idea what this place is like, but we included it because the name made us laugh. Let us know if it lives up to its name...
- Grosvenor Hotel (339 Hay Street): Good place for a relaxed drink, and usually has live music from Wednesday to Sunday.



Goldfields organisations and regional information

Goldfields Land and Sea Council Aboriginal Corporation (GLD) - Kalgoorlie-Boulder

Address: 14 Throssell, Kalgoorlie-Boulder WA 6433

Phone: (08) 9091 1661

Website: www.glc.com.au

Kalgoorlie weather

Temperature

- Summer: 16.6°C to 33.6°C
- Winter: 4.9°C to 16.7°C

Climate

Kalgoorlie-Boulder has a dry climate with hot summers and cool winters. The average annual rainfall is 260mm on an average of 65 days and, while the average rainfall is fairly evenly distributed throughout the year, there is considerable variation from year to year.

Kalgoorlie tourist information

Tourist Office

Kalgoorlie Goldfields Visitor Centre

Address: Kalgoorlie Town Hall, Corner Hannan and Wilson Street, Kalgoorlie

Phone: (08) 9021 1966

Fax: (08) 9021 2180

Email: visitors@kalgoorlie.com

Website: www.kalgoorlietourism.com

Kalgoorlie medical information

Medical services

Kalgoorlie Hospital

Address: Piccadilly Street, Kalgoorlie

Phone: (08) 9080 5888

Fax: (08) 9080 5444

Email: goldfields@health.wa.gov.au

Kalgoorlie Bega Garnbirringu Health Service
(For Indigenous Persons)

www.bega.org.au/flash.htm



Kalgoorlie transport

Bus

- Goldenlines Bus Service, 108 Boulder Road, Kalgoorlie. Phone: (08) 9021 2655

Train

- TransWA operates rail links to Perth and Esperence via the Prospector. Go to www.transwa.gov.wa.au for timetables and information or telephone 1300 622 205
- Great Southern Rail: The Indian Pacific operates a rail link between Perth, South Australia, Victoria and NSW. Go to www.gsr.com.au or more information or telephone 13 21 47.

Taxi

- Twin City Cabs, 4 Cassidy Street, Kalgoorlie, telephone 08 9021 2177.
- Goldfields Taxis Pty Ltd, Oberthur Street, Kalgoorlie, telephone 08 9091 5233

Food & shopping in Kalgoorlie

Shopping

- Boulder Market Day, Burt Street, Boulder Kalgoorlie. Local crafts and food are available at this market that operates from 10am to 1pm every third Sunday of each month.
- Lionel Street Markets, 58 Lionel Street, Kalgoorlie. There are also an IGA supermarket located here.

Eating out in Kalgoorlie

Eating out

- Saltimbocco (90 Egan Street Kalgoorlie telephone 08 9022 8028): Italian restaurant priding themselves on their home made pasta and gelato.
- The Historic Cornwall Hotel (25 Hopkins Street, Boulder Kalgoorlie): Enjoy a meal at the Cornwell Restaurant at this historic Australian pub, listed on the Register of Heritage Places, Heritage Council of WA. The hotel was built in 1898 and through its licensee and one of its barmen, was involved in an infamous and gruesome Goldfields murder case of Inspector Walsh and Sgt Pitman in 1926.
- Kalgoorlie Krua Thai Restaurant (84 Hannan Street, Kalgoorlie telephone 08 9021 5227). Good Thai food opens 6pm until late, 7 days a week.
- Akudjura Restaurant (418 Hannan Street, Kalgoorlie, telephone 08 9091 3311)



Entertainment in Kalgoorlie

Sights & activities

- Australian Prospectors and Miners Hall of Fame, Goldfields Highway, Kalgoorlie
- Golden Quest Discovery Trail: A 965 kilometre outback adventure.
- Loopline Tourist Railway: Corner Burt and Hamilton Streets, Boulder City Station. Tours of the surrounds of the Golden Mile in a train formerly used by goldminers.
- Questa Case: Australia's Oldest Brothel located at 133 Hay Street, Kalgoorlie.
- Kalgoorlie Mine: "The Golden Mile Superpit Lookout": the world's biggest single open cut mine.
- The Little Boulder Sweet Shop: 41 Burt Street, Boulder.
- Karlkurla Bushland Park: Tindals Crescent, Kalgoorlie: 4 km of walking trails through bushland, lookout, wildflowers in season, sandalwood trees, picnic tables.
- Royal Flying Doctor Service of Australia: Kalgoorlie Boulder Airport.
- St Barbara's Festival is held every December celebrating the mining industry and ends with a street parade.

Nightlife in Kalgoorlie

Cinemas

- ACE Cinemas Kalgoorlie, Oswald St Kalgoorlie

Music, Bars & Nightclubs

- Club V8: 61 Burt Street Boulder
- De Bernales Tavern: 193 Hannan Street, Kalgoorlie
- Gala Tavern & Bottle Shop: 75 Cheetham Street, Kalgoorlie
- Goldrush Tavern: 25 Ward Street, Kalgoorlie
- Sylvesters Nightclub: 52 Hannan Street, Kalgoorlie





Geraldton organisations and regional information

Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation (YMBBMAC) - GERALDTON

Address: 171 Marine Terrace, Geraldton WA 6530

Phone: (08) 9965 6222

Website: www.yamatji.org.au

Geraldton weather

Temperature

- Summer: 24°C to 35°C
- Winter: 10°C to 24°C

Climate

The majority of the state is fairly arid, particularly in the inland areas, and can be very hot throughout the year (although the winter nights can experience very low temperatures). The climate as described by the Geraldton Visitors Centre website: "You'll find mild winters, balmy autumn evenings, summers cooled by regular sea breezes and spring bursting with the freshness of wildflowers blooming under perfect blue skies."

Geraldton tourist information

Tourist office

Geraldton Visitors Centre

Chapman Road, Geraldton

Phone: (08) 9921 3999

Website: www.geraldtontourist.com.au

Geraldton medical information

Medical services

Geraldton Regional Hospital

Shenton Street, Geraldton

Phone: (08) 9956 2222



Geraldton transport

Bus

- Geraldton Bus Service runs eight routes around the local suburbs. It's very cheap – an all-day ticket is around \$3. You should be able to pick up a ticket from the tourist office.

Bike

- Bike is probably the easiest way to get around Geraldton. You could ask around at the NTRB to see if they know of anyone with a spare that you could borrow, or alternatively you could hire one.
- Bike Force (54 Marine Terrace): fairly expensive, although the prices tend to be cheaper when you're hiring the bike for a long period of time.

Taxi

- Associated Taxi Inc: (08) 9921 3800

Food & shopping in Geraldton

Shopping

There's a few supermarkets in Geraldton, so you shouldn't have any problem finding places to stock up. Here's a couple of the bigger ones:

- Woolworths (Stirlings Centre, Chapman Road)
- Rules Supermarket (Marine Terrace)
- Geraldton Fish Market (365 Marine Terrace): okay, so technically not a supermarket, but it's a great place to buy fresh fish. Make sure that your accommodation has cooking facilities before you buy the fish, or else plan on making sashimi.

Eating out in Geraldton

Cheap meals

Food halls are always a good bet if you want something quick and cheap food-wise. Check out the Sun City Food Hall (56 Durlacher Street). There's a lot of fast food places scattered around town, but if you want something slightly classier take a wander down Marine Terrace, where most of the cafes and restaurants are. Here's a couple of suggestions:

- Go Health Lunch Bar (122 Marine Terrace): Self-proclaimed best coffee in town, plus a fairly large variety of sandwiches, juices and general healthy stuff.
- Café Tuscany (Post Office Complex, Durlacher Street): for a touch of Italian...



- Topolini's Café (158 Marine Terrace): Italian café with outdoor seating (pizza \$11 to \$18). Come here on Monday for the half-price pasta deal. It also does dinner-and-movie nights for a flat rate of \$25.
- Skeeta's Restaurant & Café (101 Foreshore Drive): laid-back place across the road from the beach. Lunch is good value (\$6 to \$14), although it becomes a bit classier (and more expensive) for dinner.

Entertainment in Geraldton

Sights & activities

Western Australian Museum (1 Museum Place): includes exhibits on the Aboriginal history of the area. Make sure you check out the Shipwreck Gallery, which goes into the story of the Batavia Shipwreck and the subsequent mutiny and areas. Tip for nothing: don't go straight after lunch.

- St Francis Xavier Cathedral (Cathedral Ave): a fairly grandiose church for its setting, designed by a guy whose career path went: priest, architect, hermit. As you do.
- Houtman Abrolhos Islands (The Indian Ocean): located around 60km off the coast of Geraldton, these encompass over 100 coral islands. They're a great place to see some amazing wildlife – you can see sea lions, carpet pythons, dragons (the dwarf, bearded kind) and small wallabies. They're also one of the biggest sites for breeding seabirds. You can't stay overnight on the Abrolhos, but you can do day trips either by boat or air (boat is cheaper and usually includes diving or snorkelling). Ask at the tourist office for details, or contact a tour company such as the ones below:
Shine Aviation: (08) 9923 3600
Abrolhos Escape Charters: 0428 382 505
Geraldton Air Charters: (08) 9923 3434

Festivals & events

- January: Geraldton Windsurfing Classic
- March: The Sea-Jazz Festival (with special guest appearance from Sebastian the Lobster)
- June: The Batavia Celebrations
- October: The Sunshine Festival

Nightlife in Geraldton

Cinema

- Geraldton 4 Cinemas (corner Marine Terrace and Fitzgerald Street): 4-screen complex showing mainstream movies.



Music & theatre

- Queens Park Theatre (corner Cathedral Avenue and Maitland Street): Puts on concerts, plays and comedy nights. Once a month they also host an arthouse movie marathon. For listings, check out www.midwestevents.com.au
- Freemasons (the Freo): Live music venue in the main street
- Circuit Nightclub (60 Fitzgerald Street): Dance club, and will be open after everything else in town is closed.
- Camel Bar: A pub with great wood fired pizza, can get a bit wild later at night.
- The Priory Inn (Dongara): About 40 minutes south of Geraldton, this pub is definitely worth a visit, especially when a band is playing. Also a great place to visit for lunch.

Tips from past Geraldton interns

- Sunset tour to Oakagee with Unique Creek Tours is an absolute must – it's only \$20 and you get a 4 wheel drive bus ride and nibbles while watching the sunset from a huge dune 1½ hours north of Geraldton. It's also potentially the site of a future port, so get there while you can!
- The only half-reasonable coffee is at Topolini's just near YLSC
- Bring books, because currently there's no bookshop in Geraldton
- The Drylands Permaculture Farm is great if you feel like getting dirty and helping out around the farm on the weekend. Have fun hanging out with the WWOOF-ers!
- The Abrolhos Islands are amazing – if you can spare \$150 to \$200 for a flight out and snorkelling, it's apparently better than the Great Barrier Reef.



Pilbara organisations and regional information

Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation (YMBBMAC) - PORT HEDLAND

Address: 3 Brand Street South Hedland WA 6722

Phone: (08) 9172 5433

Website: www.yamatji.org.au

Port Hedland weather

The north of the state is monsoonal, and only really has the Wet (October to March) and Dry (April to September) seasons. It can be very humid, and is subject to frequent thunderstorms (apparently Port Hedland gets at least one cyclone every two years), as well as the occasional lightning storm.

Port Hedland tourist information

Tourist Office

Port Hedland Visitors Centre

13 Wedge Street

Phone: (08) 9173 1711

Website: www.porthedlandtouristbureau.com

Port Hedland medical information

Medical Services

Edgar Street Medical Centre

Edgar Street

Phone: (08) 9173 3733

Port Hedland Regional Hospital

Sutherland Street

Phone: (08) 9158 1666

Port Hedland transport

If possible, bring a bike with you, as public transport options are fairly limited. Having said that, Port Hedland itself is not particularly big, so you will probably be able to walk to most destinations. For longer trips:

Bus

- Hedland Bus Lines operate a service between Port Hedland and South Hedland via Cooke Point. It only operates on weekdays, and costs around \$3 each way.



- McCafferty's/Greyhound (13 20 30) also has buses operating between the Visitors Centre and the South Hedland shopping centre. Ask at the Visitors Centre for timetables and fares.

Taxi

- From the airport, a taxi will cost you around \$20 to \$25.
- Hedland Taxis: (08) 9172 1010

Food & shopping in Port Hedland

Shopping

- Check out the Boulevard Shopping Centre (corner Wilson and McGregor Streets) for the local supermarket. There's also a good café close by, and a variety of takeaway places on Wedge and Richardson Streets if you're feeling too lazy to cook.
- Alternatively, you can head down to the South Hedland Shopping Centre, which will be a good bicep workout because you'll have to carry your groceries further.

Eating out in Port Hedland

Cheap meals

- Sushi Bar (Harbour Lodge Backpackers, 11 Edgar Street): dishes \$3 to \$7
- Esplanade Hotel (Anderson Street): A good place to go if you're hungry because the meals are a tad on the enormous side. Pretty good value too, between \$10 and \$20 for dinner.
- Bruno's Pizzeria & Ristorante (7 Richardson Street): Standard Italian pizzas and pastas
- Bernie's Place (Edgar Street, Hedland Arcade): Cosy café for afternoon coffee and cakes
- Kath's Kitchen (8 Wedge Street)

If you're feeling rich...

- Port Hedland Yacht Club (Sutherland Street): feel all classy and nautical as you make your way through various seafood dishes, cocktails and wines
- Pier Hotel, (Lot 25, The Esplanade): Also does over-the-counter meals, and has a well-stocked bar.

Entertainment in Port Hedland

Sights & activities

- Marapikurrinya Park (towards the end of Wedge Street): a great place to watch the huge tankers arriving at the port.



- **Turtle-Watching:** The flatback turtles nest on some of the nearby beaches (such as Cooke Point, Cemetery and Pretty Pool) every year between October and March. Ask at the Visitors Centre for locations and the best times to see them.
- **Whale-Watching:** The best time for this is from July to October, as the whales make their way south. There are several companies offering whale-watching tours (although they can be fairly pricey). Ask at the Visitors Centre or check out Big Blue Dive: www.bigbluedive.com.au.
- **Staircase to the Moon:** There are a few 'staircases' between Karratha and Derby. Their name is a result of the red-gold staircase effect created by the reflections of the moon hitting the ripples on the mud flats. The best time to see this is two days after a full moon between March and October. Port Hedland's 'staircase' is around Goode Street.
- **Eighty Mile Beach:** A great opportunity for a morning (or week-long) walk. This beach is absolutely beautiful – eighty miles of white sand, without the plethora of multi-coloured towels and umbrellas that ruin the city beaches. If you're a shell enthusiast, there are some colourful specimens here.
- **The Blackrock Stakes:** A 122km race occurring every June from the Whim Creek Pub to Port Hedland. The racers all have to push wheelbarrows full of iron ore.

Tips from past Port Hedland interns

Food and drink are quite expensive in Hedland, so make sure you bring enough money! Hedland is also a great base for amazing weekend trips to destinations like Eighty Mile Beach and Broome. Be wary about safety in South Hedland – try to stay with people you know if possible. Wangka Maya in Lotteries House, Centenary Park has books, CDs and DVDs about the people and languages of the Pilbara, and runs cultural awareness sessions.



Kimberley organisations and regional information

Kimberley Land Council (Aboriginal Corporation) (KLC) - BROOME

Address: 36 Pembroke Street, Broome WA 6725

Phone: (08) 9193 6199

Website: www.klc.org.au

Lingiari Foundation - BROOME (Policy organisation)

Address: 7 Barker Street, Broome WA 6725

Phone: (08) 9193 6651

Website: www.lingiari.org

Broome weather

Temperature

- Summer: 26°C to 40°C
- Winter: 13°C to 30°C

Climate

Like most parts of northern Australia, Broome has two main seasons – the ‘wet’ (October to March) and the ‘dry’ (April to September). Most of the annual rainfall occurs within the first three months of the year, and can come in the form of thunderstorms or tropical cyclones.

Broome tourist information

Tourist office

Broome Visitor Centre

Corner Broome Highway and Bagot Street Broome, WA 6725

Phone: (08) 9192 2222

Email: enquiries@broomevisitorcentre.com.au

Broome medical information

Medical services

Broome Medical Clinic

26 Robinson Street, Broome, WA, 6725

Phone: (08) 9192 2022



Email: bmc@wn.com.au

Web: www.broomemedical.com.au

Broome transport

Bus

- Broome's Town Bus Service operates on an hourly basis (with extra buses on the half hour between May and October), seven days per week. Single and multi-ride tickets are available (pay on board the bus). For fares and timetables check out: www.broomebus.com.au/fares.html

Taxi

- Broome Taxis: (08) 9192 5252
- Pearl Town Taxis: 1800 622 433

Bike

- Broome Cycles (2 Hammersley Street, Broome)

Food & shopping in Broome

Shopping

Check out the Boulevard Shopping Centre (Frederick Street): contains a supermarket, health food store (The Pandanus Pantry) and the usual selection of clothing and book stores.

Eating out in Broome

Cheap meals

- Café Carlotta (Jones Street) Come here for an Italian meal – has your typical range of pastas, wood fired pizzas and home made desserts.
- Divers Tavern (12 Cable Beach Road): Bistro restaurant, outdoor beach bar, indoor tavern bar, and hosts live performances by big-name artists. Very popular with both tourist and locals.
- Frangipani's (5 Napier Terrace): Great value food, described by the restaurant as being 'modern Australian'.
- Henry's Café (corner Short and Carnarvon Streets): If stopping by here, make sure you're in the mood for cake!
- Matso's Broome Brewery (corner Carnarvon and Hammersley Streets): Features the logical combination of bar snacks and curry as an accompaniment to the various types of beer available (keep an eye out for the Chilli Beer and the Mocha Stout). Very popular, particularly on a Sunday afternoon when there are live performances from local musicians from 3-6pm in the courtyard.



If you're feeling rich...

- Cable Beach Club Resort (Cable Beach Road): Pretty swanky, with a great view of the beach. Prides itself on serving 'delicacies' such as pearl meat.
- Cherabin Bistro (Hopton Street): Fairly standard meals, but a very pretty restaurant. It also contains a cocktail bar, which has live music on Fridays.

Entertainment in Broome

Sights & activities

- Gantheaume Point: Check out the 130million-year-old Dinosaur Footprints (make sure you're there at low tide – ask the visitors' centre). Whilst there you can have a look at another local attraction; Anastasia's Pool was built by a former lighthouse keeper for his arthritic wife.
- Chinatown: To see some ultra-classy pearls, wander around the pearl showrooms in this area. If you're hungry, it's also a great place for some cheap Chinese food.
- Aquaculture Discovery Centre: This Aboriginally-owned centre describes the importance of the local sea and river systems of the region for the Aboriginal people.
- Camel Rides: These are run by several companies around Broome, and mostly take place around Cable Beach and the Hidden Valley. Check out the tourist office for bookings, or try one of these companies:
 - Ships of the Desert: (08) 9192 6383
 - Cable Beach Camel Safaris: 0414 457 788 www.maddenscamels.com
 - Red Sun Camels: (08) 9193 7423 www.redsuncamels.com.au
- Fishing & Mud-crabbing: The areas around Broome are very good for fishing. Once again, there are several companies that run boat trips, but be aware that these can be fairly pricey. Also, if you go fishing in the estuaries, watch out for the crocodiles.
- Skydiving: A guaranteed adrenalin rush. Morning, afternoon and sunset tandem dives are available over Cable Beach. Check out Skydive Broome at: www.skydivebroome.com.au.
- Staircase to the Moon (the tidal flats at Roebuck Bay): There are a few 'staircases' between Karratha and Derby. Their name is a result of the red-gold staircase effect created by the reflections of the moon hitting the ripples on the mud flats. The best time to see this is two days after a full moon between March and October.
- Eighty Mile Beach: A great opportunity for a morning (or week-long) walk. This beach is absolutely beautiful – eighty miles of white sand, without the plethora of multi-coloured towels and umbrellas that ruin the city beaches. If you're a shell enthusiast, there are some colourful specimens here.

Entertainment in Broome

Bars & clubs

- Aarli Bar (Shop 2, No 6 Hamersley Street): Fairly casual, also does food and coffee.





- Mangrove Resort: Aim for the 'Wind Up Wednesdays' jam session (from 8.30pm in the Palms Bar) and Friday nights (free bar snacks from 5.30-6.30pm). The beer garden is a great place to sip some cocktails whilst watching the sunset.
- Sunset Bar & Café (Cable Beach Club Resort): Great outdoor seating available, and a great place to celebrate beer o'clock.
- The Nippon Inn (27 Dampier Terrace) and Tokyo Joe's: If you feel like having a dance, head to one of these nightclubs (both located in Chinatown).

Cinemas

- Sun Cinemas (Weld Street, next to McDonalds): Indoor twin cinema. For session details ring (08) 9192 1077 or check out their website: www.sunpictures.com.au/contact.html
- Sun Pictures (Carnarvon Street): Described as 'the world's oldest picture garden'.



Northern organisations and regional information

Northern Land Council (NLC) - DARWIN

Address: 45 Mitchell Street, Darwin, NT, 0800

Phone: (08) 8920 5100

Website: www.nlc.org.au

Darwin weather

The top part of the state, around the Kakadu National Park area, is very tropical. The year is essentially divided into two seasons: the Wet (October to March) and the Dry (April to September). Most of the rain falls during the first three months of the year, and the air can be quite humid and sticky.

- Summer: 25°C to 35°C
- Winter: 15°C to 28°C

Darwin tourist information

Tourist office

Visitors Centre

Corner Knuckey and Mitchell Streets

Phone: (08) 8936 2499

Website: www.tourismtopend.com.au

Darwin medical information

Medical services

Night & Day Medical & Dental Surgery

Shop 31, Casuarina Shopping Centre

Phone: (08) 8927 1899

Royal Darwin Hospital

Rocklands Drive, Casuarina

Phone: (08) 8922 8888

Darwin transport

Bus

- Darwinbus runs the local services, and is based around the depot near the corner of Smith Street. Fares will vary according to the number of zones you travel through. If you find you are using the



bus a lot, it may be a good idea to get an unlimited all-zones daily or weekly pass. For fares and timetables see: www.ipe.nt.gov.au/whatwedo/busandferry/bus/fares.html

- Tour Tub: A minibus touring Darwin's sights, and allows you to hop on or off anywhere along its circuit from 9am to 4pm. It leaves from Knuckey Street, and you'll be charged a set fare for the day.

Taxi

- City Radio Taxis: 8981 3777
- Darwin Radio Taxis: 131 008
- Tropical Taxis: (08) 8947 3333

In addition to the normal taxi service, Darwin has two taxi bus services that will take you anywhere within the area for a flat rate of \$2:

- Arafura Shuttle: (08) 8981 3300
- Unique Minibus: (08) 8928 1100

Bike

Darwin is a very bike-friendly city, and previous interns have commented that they found bikes the most convenient means of getting around. Having a bicycle is extremely useful in getting around in the heat, and makes it much easier to see the local surrounds. It is inexpensive and easy to take a bicycle on the plane. A lot of the backpacker hostels also rent out bikes, as do a couple of shops like those below:

- Kakadu Dreams (Mitchell Street): (08) 8941 0655
- Darwin Tennis Centre (corner Bagot and Old McMillans Roads): 0418 891 111

From the airport

- Airport Shuttle Bus: This will pick you up and drop you off practically anywhere in the city for around \$8.
- Taxi: A taxi from the airport will probably cost you around \$20.

Food & shopping in Darwin

Groceries

- Woolworths: On the corner of Smith and Cavenagh Streets
- Parap Fine Foods (40 Parap Road, Parap): Gourmet food, including lots of organic and health foods.

Markets

- Nightcliff Markets are good for authentic, cheap, Asian food on Saturday and Sunday mornings.
- Rapid Creek Market: A good place for fresh fruit and vegetables.



Eating out in Darwin

Cheap food

- Cornucopia Museum Café (Conacher Street, adjacent to the Museum in Fannie Bay): Has great breakfasts, good coffee, and a view over the harbour. Check out the Museum while you're there.
- The Beachfront Hotel (close to the University): Great for an occasional meal or snack. A game of pool in the back bar can be good, but beware it can be a bit rough.
- Dolce Espresso Bar (Shop 18A, Paspalis Centrepont): coffee bar and bistro, mains under \$20
- Mental Lentil: One for the vegetarians. Lots of lentil burgers and healthy stuff (Mains \$5 – 7)
- Thai Noodlebox: Fresh noodles and stir-fry, mains \$6 to \$12
- Groovy Groper: Fresh burgers and chips, sold in a tram at the wharf. Mains around \$8.

If you're feeling rich...

- Hanuman (28 Mitchell Street) is a restaurant in town. Delish food, a bit on the expensive side but worth it. Mains \$16 to \$25.

Entertainment in Darwin

Sights

- Aquascene (28 Doctors Gully Road): Bring your stale bread here for feeding the mullet and catfish – the fish have trained the locals and tourists to feed them every day at high tide (smart fish).
- Museum & Art Gallery of the Northern Territory (Conacher Street, Fannie Bay): Includes the Northern Territory Aboriginal art collection, plus a big exhibition devoted to Cyclone Tracy. Better yet, it's free.
- Crocodylus Park (McMillans Road, Berrimah): A breeding complex for crocodiles (amongst other things), and there's an opportunity for you to cuddle a baby croc (not as fluffy as a koala, but way more exciting...)

Outdoors

Darwin Harbour is a great place for diving, mainly because of all the shipwrecks from WWII and Cyclone Tracy. Diving trips and courses are available from places like the following:

- Cullen Bay Dive: 66 Marina Boulevard, Cullen Bay, www.divedarwin.com
- Coral Divers: 42 Stewart Highway, Stuart Park, (08) 8981 2686

Day & weekend Trips

Lichtfield National Park: includes a big chunk of the Tabletop Range, with features such as the magnetic termite mounds, swimming holes (Buley Rockhole and Florence Falls), waterfalls (Wangi Falls and Tomer Falls), and lots of bushwalking possibilities.



Kakadu National Park: You'll probably need to set aside a few days to explore this one. It consists mostly of woodlands (both eucalypt bush and monsoon rainforest), with long patches of mangrove swamps along the coast. It's an incredible area, and is home to a huge variety of birds and other wildlife. It also has a large number of Aboriginal rock art sites (many of which are not accessible to the public – check with NLC). Watch out for snakes. Entry fee is around \$17, and this will allow you to stay in the park for seven days.

Nightlife in Darwin

Cinemas

- Darwin City Cinema (Mitchell Street): The city's largest cinema complex, features mainly mainstream movies
- Darwin Film Society (Conacher Street, Fannie Bay): Arthouse flicks.

Bars & nightclubs

- Nirvana: a cool bar not far from the city centre. Tuesday is open-mic night.
- Top End Hotel (cnr Mitchell Street and Daly Street): An entertainment complex including three bars and a sports bar (warning: almost entirely made up of British football fans).
- Lizard Bar: Has a horseshoe-shaped beer garden, and live bands on Friday and Saturday nights.

Tips from previous Darwin interns

- The saltwater pool at the University is delightful and very close to the accommodation.
- If in need of exercise, it is possible to purchase casual visits, or a one month membership at the University gym. It's small but the cardio equipment is great, and often much more practical than going jogging in the sweltering heat!
- The coastal reserve bike and walking track is just behind the University, and is very pleasant. It is a 5 minute walk to the beach, 10 minutes to the Beachfront Hotel, and 20 minutes to the lovely Nightcliffe pool. Please note: it is not safe to walk along this track at night.
- You can't order home delivery during a storm. It is considered an OH&S hazard for drivers to go out at this time!
- A visit to Litchfield National Park and Kakadu National Park is vital. They are both stunning. If you want to hire a car, ask if you may do so through the NLC (currently they use Thrifty). You may be able to obtain a cheaper rate (which employees of the NLC are eligible for when hiring a car for personal use). This doesn't cost the NLC anything, and is considerably cheaper than hiring independently.



Torres Strait organisations and regional information

Torres Strait Regional Authority (TSRA) - THURSDAY ISLAND

Address: Level 1, Torres House, Victoria Parade, Thursday Island Qld 4875

Phone: (07) 4069 0700

Website: www.tsra.gov.au

Thursday Island weather

Temperature

- Summer: Ranges from 25°C to 40°C during the day (usually in the low 20s during the night)
- Winter: Between 20°C to 26°C during the day (12°C to 20°C overnight)

For those of you staying further inland, it will be a bit cooler, particularly during the winter evenings. If you're thinking of taking a trip to the various islands and reefs off the Queensland coast and are interested in swimming, the sea water temperature is quite warm, between 23°C to 29°C for most of the year. See: www.tropicalexperience.com.au/guide.html#Weather for further information.

Climate

Queensland essentially has two main seasons: the wet (November to April) and the dry (May to October). Most of the rainfall occurs from January to March, particularly in the northern coastal areas (it's probably a good idea to bring a raincoat or some kind of stylish poncho). For further information see: www.tropicalexperience.com.au/guide.html#Weather. Just to make life really exciting, this same period is also the cyclone season, which can result in the flooding of major roads.

Thursday Island tourist information

Tourist office

Peddells Ferry Island Tourist Bureau, Engineers Wharf, Thursday Island

Opening hours: 8.30am to 5pm, Mon to Fri, 8.30am to noon Sat

Phone: (08) 4069 1551

Website: www.peddellsferry.com.au

Thursday Island medical information

As a lot of Queensland is fairly tropical, it is a good idea to be aware of some of the tropical diseases that you may be exposed to (this is particularly relevant for those travelling to the northern parts of the region). Some things to watch out for are listed below, as well as some basic precautions you can take. If you would like further details, we suggest you have a look at the following websites:



- The Queensland government health department's website: www.health.qld.gov.au/
- Tropical North Queensland FAQ: www.tropicalaustralia.com.au/faqs/faqs_home.cfm

Dengue Fever

A mosquito borne disease, common in the Torres Strait Islands from November to April. There is no immunisation against it, so the best precaution is to wear long-sleeved shirts and pants, and to use mosquito repellent with DEET in it. It is also a good idea to bring a mosquito net to sleep under, as well as some mosquito sprays (although these will probably also be available at supermarkets around your destination).

Japanese Encephalitis

Another mosquito borne disease, but far less common than Dengue fever, and usually only found on the outer Torres Strait islands (i.e. not Thursday Island). Once again, the best precaution is not to get bitten by wearing long clothing and using mosquito repellent. There is an immunisation available, but it is expensive and can have side effects, therefore it is only really recommended if you're spending long periods of time on the outer islands, or if there is an outbreak.

Hepatitis A

This is a virus, and is spread by unsanitary food preparation or dirty drinking water. There is a vaccination against it, and the Queensland health department recommends that you get this if you are travelling to the outer Torres Strait Islands. Otherwise, just be careful with food preparation!

Mosquitoes

Okay, so these don't technically fall into the 'diseases' category, but they can be EXTREMELY annoying (particularly if you are in any way allergic). Therefore, wherever you are in Queensland, it is STRONGLY suggested that you bring some mosquito spray!

Other

Other than that, just watch out for the jellyfish and crocs when you're swimming. The beaches are usually fine, particularly those with nets around the swimming areas, but DEFINITELY avoid random rivers if you can help it. If you need a swim that badly, go and stand in a bucket of water or something.

Medical services

Thursday Island Hospital (Provides general and emergency services), Victoria Parade
Phone: (07) 4069 1109

Thursday Island transport

Air

There is no airport on Thursday Island. However, Qantaslink has daily flights between Cairns and Horn Island, and then you can catch a ferry or water taxi across to Thursday Island (approx a 20 minute trip) Alternatively, Aerotropics has a service between Cairns and Bamaga (on Cape York). From Bamaga you can catch a ferry across to Thursday Island (Peddells Island Tours).



Boat

Peddells Ferries also operates a service between Seisia (Cape York) and Thursday Island. Alternatively, Seaswift operates a cargo barge (so you can bring your bike, 4WD, etc. if you want to) with passenger cabins between Cairns, Seisia and Thursday Island.

Getting around

Once you've arrived at Thursday Island, it's very easy to get around due to its small size (it's around 4 square kilometres). Hiring a bike is a good idea.

Food & shopping on Thursday Island

Food

Thursday Island is home to some restaurants, cafés, a bakery, a supermarket and a seafood store.

Shopping

The following shops and services are also available:

- Newsagent
- Pharmacy
- National Australia Bank
- Hospital
- Dentist
- Post Office
- TAB
- Camping & Tackle Store

Entertainment on Thursday Island

Attractions

- Green Hill Fort: built in 1893 to stave off the, apparently imminent, Russian invasion (which never actually occurred).
- All Souls Memorial Church: also built in 1893 to commemorate the 1890 Quetta shipwreck.
- Japanese Pearl Memorial: dedicated to all the pearl divers who died from decompression sickness.
- Horn Island: Only 5km away, but bigger and more populated. There are regular ferry services operating between the two islands, and water taxis are available if you miss the last ferry.

Outdoors

There are also several boat and air tours operating around the Torres Strait Islands. We suggest you contact the tourist office to see which ones are available (or ask around at the TSRA). You can also check out the Torres Strait Islands website for more information:



www.queenslandholidays.com.au/destinations/tropical-north-queensland/places-to-visit/thursday-island/

- Swimming: There is also a public swimming pool available.

Special events

- Island of Origin Rugby League Match: Held every year on either Thursday or Badu Island over the Queen's Birthday long weekend.
- Coming of the Light Ceremony: Celebrates the arrival of Christianity in the Torres Strait on 1st July, 1871. The occasion is marked with a street parade, ceremonial singing, dancing and feasting.
- Torres Strait Cultural Festival: Held biannually on Thursday Island during September.
- Torres Strait Music Festival: Held in alternate years to the cultural festival.

Tips from previous Thursday Island interns

Essential things to bring

- Extensive music/DVD collection
- Small, personal First Aid Kit (make sure it has antiseptic in it)
- Tropical strength mosquito repellent
- Mosquito net (to sleep under)
- Mosquito zappers and refills available from supermarkets – they plug into any electricity socket – sometimes these are available in the Ibis Supermarket on Thursday Island
- Wide brimmed hat
- 30+ Sunscreen
- Long sleeved light cotton shirts
- Light cotton pants
- Comfortable walking shoes (hiking/bushwalking type shoes – make sure they are breathable, waterproof (or quick drying) and preferably not in a light colour as they will get very dirty!)
- A backpack that can fit 3 days worth of clothing, work documents, toiletries and food for trips to the outer islands.
- Make sure to ask if you are required to bring cutlery and cooking equipment (generally you are). If you have to bring cutlery make sure you don't forget a can opener!! Suggested cutlery list:
 - 2 x fork
 - 2 x knife
 - 2 x spoon
 - 1 x sharp knife
 - 2 x cup/mug



- 1 x bowl
- 2 x Tupperware container to store leftovers for lunch
- 2 x plate – one to eat off and one for preparing food (ie. takes up less room than a cutting board).
- 1 x saucepan
- 1 x frying pan (stir fried vegetables – easy and tasty...)
- 1 x can opener
- 1 x oven baking tray
- 1 x peeler

Non-essential things to bring (but will come in handy)

- Antiseptic hand wipes
- Packets of pasta/rice/nuts/muesli bars/other dry food – food is expensive in the Torres Strait so if you can buy some before you leave home it will save you money.

Other suggestions

After you've arrived buy a Torres Strait Creole Dictionary (these are available from Mona's Bazaar on the main street for about \$30). Although Torres Strait Creole is not spoken as a first language, up there many Islanders use Creole words while speaking English. A few common ones are;

Esso = thankyou

Mena Esso = very much thankyou

Yawo = goodbye

Usabi = do you understand?

Wa = Yes (used a lot!)

Torres Strait Islanders like to maintain their independence from the mainland Aboriginal groups. The Torres Strait Islanders have a very different culture to the mainland Indigenous populations. Torres Strait Islanders are originally Melanesian and have stronger links with Papua New Guineans than mainland Indigenous people. Therefore, don't compare them when you're there as this can be deemed offensive.

When you go to the Torres Strait bring a smile and a sense of adventure. You are about to embark on one of the most unique experiences of your life. It will be challenging but you will have so many unforgettable memories. The scenery is amazing, the wildlife is amazing but most of all, the people are amazing. Talk to everyone, be friendly, be interested and show a willingness to learn about Islander culture and then you will be welcomed into the community.



Central Australia organisations and regional information

Central Land Council (CLC) - ALICE SPRINGS

Address: 33 Stuart Highway, Alice Springs NT 0871

Phone: (08) 8951 6211

Website: www.clc.org.au

Hints and tips for the Central Land Council:

- At the CLC (in the Land Rights Act section), try to go on a field trip.
- There is a policy that you can't stay at work after dark (it is a safety issue as people can see inside the tinted windows after dark).
- The CLC has an extremely strict internet policy (5 Mb per day).

Alice Springs weather

Temperature

The lower part of the state (the 'Red Centre') is extremely arid and dry, and is subject to extremes of temperature (it can be below freezing point during the winter nights).

- Summer: 25°C to 45°C
- Winter: -5°C to 30°C

Alice Springs tourist information

Tourist office

Central Australian Tourism Industry Association

Gregory Terrace

(08) 8952 5800

Alice Springs medical information

Medical services

Alice Springs Hospital

Gap Road

(08) 8951 7777



Alice Springs transport

Asbus

- The public bus service leaves from the Yeperenye shopping centre (Hartley St) every 1½ hours from about 8am to 6pm. Fares will be around \$2.50, and timetables are available from the tourist office.

Alice Wanderer Bus

- A 'hop on / hop off' bus travelling around the major sights of Alice Springs. Runs every 70min from 9am – 4pm, leaves from the south end of Todd Mall. A day ticket costs around \$30.

Taxi

- The best place to hail a cab is around the corner of Gregory Terrace and Todd Street. Phone numbers for bookings are 13 10 08 or (08) 8952 1877

Bike

- By far the easiest way to get around. It is invaluable. Things are too far away (20 minute walk) in the plodding heat for walking. Having a bike allows you to socialise and makes shopping easier. It's only \$15 for a bike box at the airport. Alternatively, you may be able to hire one from your accommodation, depending on where you're staying, or alternatively you can rent them from places like Bike Hire (08) 8952 2235.

From the airport

- Airport Shuttle: Operates between the airport and your accommodation (\$17 return). For any enquiries, ring: (08) 8953 0310.
- Taxi: It should cost you around \$26 from the airport to the city.

Food & shopping in Alice Springs

Shopping

There are well-stocked Woolworths, Coles and Bi-Lo supermarkets in town, open every day. Some other options include:

- Afghan Traders (behind ANZ, in a lane off Parsons Street): food store/deli catering for vegetarians and those looking for organic/healthy foods.

Food & shopping in Alice Springs

Cheap meals

- Café Mediterranean Bar Doppio (Fan Arcade): focaccia, coffee, fresh juice and breakfast. Mains: \$6 to \$12.



- Pub Caf (Todd Tavern, 1 Todd Mall): Pub meals. They do Sunday evening roasts for \$7, and there's a Monday night dinner-and-movie deal.
- Sultan's Kebab (corner Hartley Street and Gregory Terrace): Turkish food (kebabs \$6 to \$8), accompanied by Belly dancers if you're there on Friday or Saturday night.
- Red Rock Café (south end of Todd Mall): Does breakfast, coffee, pastries and burgers.
- Jay Jay's (20 Undoolya Road): mix of Thai, Chinese and European. Mains \$12 to \$20.
- Casa Nostra (corner Undoolya Road and Stuart Terrace): Italian pizza and pasta. Meals \$10 to \$16.

If you're feeling rich...

- Oscar's (Todd Mall): Mediterranean food. Open for all meals (including afternoon coffee and cake). Mains \$18 to \$34.
- Overlanders Steakhouse (72 Hartley Street): Come here if you want a chat with a truckie. Specialises in steaks (including emu, camel, crocodile, kangaroo). If you're REALLY hungry, go for the 'Drover's Blowout' (it will set you back \$50, but the other meals are around \$25).

Entertainment in Alice Springs

Sights & activities

- Alice Springs Desert Park (Larapinta Drive): located at the base of the Mac Donnell Ranges, and representative of the area's unique environment. Include walk-through aviaries and a nocturnal house.
- Royal Flying Doctor Service Base (Stuart Terrace): Still in operation, but does regular half-hour tours. Information: www.flyingdoctor.net
- Frontier Camel Farm (Palm Circuit, south of Heavitree Gap): the place for camel rides. Information: www.cameltours.com.au
- Ballooning: various tours available (including sunrise/sunset ones). Can be quite pricey, but an amazing experience. Various operators, check out: www.ballooningdownunder.com.au

Uluru

Various camping tours are available (allow a few days for these). Check out some of the cheaper companies:

- Mulga's Adventures: (08) 8952 1545, www.mulgas.com.au
- Adventure Tours Australia: (08) 8981 4255, www.adventuretours.com.au

Festivals

- The Finke Desert Race: A three-day event over Queen's Birthday long weekend, with lots of fully sic vamped up cars revving their way along the Old South Road.
- The Camel Cup: A series of camel races held in mid-July



- Beanie Festival: Arts and crafts festival held during June and July, celebrating the work of Indigenous artists.

Nightlife in Alice Springs

Cinema

- Alice Springs Cinemas (Todd Mall): screens mainstream movies every day.
- Araluen Arts Centre (Larapinta Drive): screens Arthouse cinemas every Sunday, and various live theatre, music and dance throughout the week.

Music

- Firkin & Hound (Hartley Street): Not as touristy as some other places in town, and has live bands from Wednesday to Sunday.
- Sean's Irish Bar (51 Bath Street): Live music Friday to Sunday. Avoid going there Thursday, because that's karaoke night.
- Bojangles (80 Todd Street): Very Aussie, with live music and entertainment most nights.
- Melanka's (94 Todd Street): The place to go for all your drinking, dancing and Kelly-wrestling urges.

Tips from previous Alice Springs interns

Accommodation

- If staying at the council flats, you will find that they are stocked with basic kitchen appliances (and crockery, pots, cutlery, ladles and tin openers), essential furniture, TV, washing machine, towels and bedding. It is quite nice. There is no phone connection, but a line is available, if you wish to connect for yourself. (Mobile bills can get high!)
- There is no music playing equipment, so, if that is an essential, bring your CD player.
- Food is expensive as it is trucked in from elsewhere. The take away is average in quality and high in price.

Entertainment

People are very friendly and tend to be social friends with selected workmates. Invite yourself along to some gatherings, as the interesting stuff is at people's houses. The pubs and bars are often backpacker-oriented.

There are a lot of amazing walks and camping around the area, as well as a number of easily accessible tourist activities. There are also very good bike paths. Bring comfortable walking shoes or boots, because you will probably go on a bush trip at some point (bring a backpack for these trips).





The staff can also point you towards the best place to buy art if you've saved up some money to do so. Papunya Tula Artists and Gallery Gondwana are the most reputable and apparently (according to the locals) the most ethical.



Far North Queensland organisations and regional information

Cape York Institute for Policy and Leadership (CYI) – CAIRNS (policy organisation)

Address: J Block, Newton Street, TAFE Campus, Cairns Qld 4870

Phone: (07) 4046 0600

Website: www.cyi.org.au

Hints and tips for the Cape York Institute:

- Be mindful of being too outspoken: be aware of when it is appropriate to speak up and when you should simply listen to what is going on. CYI works on the basis of good relations with the Cape York communities and you should take care to maintain the mutual respect that exists.
- Before you arrive you should familiarise yourself with the work that the various organs of the Institute are undertaking. You can find this on their website. You should also read the 2005 Annual Report, which has a good overview of the structure and the different programs they run.

Cape York Land Council (CYLC) - CAIRNS

Address: 32 Florence Street, Cairns Qld 4870

Phone: (07) 4053 9222

Website: www.cylc.org.au (Their website is currently being re-designed)

Hints and tips for the Cape York Land Council:

Previous interns have spent a lot of time in the library, away from direct contact with the legal staff. They recommend sending out a brief introductory email mentioning that you're there and keen to help out (similar emails could also be sent if you find that you have nothing to work on). If doing this, make sure that there is plenty of space in your inbox, as the response is likely to be swift and substantial!

Carpentaria Land Council Aboriginal Corporation (CLCAC) - CAIRNS

Address: Suite 8, 46-50 Spence Street, Cairns Qld 4870

Phone: (07) 4041 3833

North Queensland Land Council Native Title Representative Body Aboriginal Corporation (NQLC) - CAIRNS

Address: 61 Anderson Street, Manunda Qld 4870

Phone: (07) 4031 4779

Website: www.nqlc.com.au



Cairns weather

Temperature

- Summer: Ranges from 25°C to 40°C during the day (usually in the low 20s during the night)
- Winter: Between 20°C to 26°C during the day (12°C to 20°C overnight)

For those of you staying further inland, it will be a bit cooler, particularly during the winter evenings. If you're thinking of taking a trip to the various islands and reefs off the Queensland coast and are interested in swimming, the sea water temperature is quite warm, between 23°C to 29°C for most of the year. See www.tropicalexperience.com.au/guide.html#Weather for further information.

Climate

Queensland essentially has two main seasons: the wet (November to April) and the dry (May to October). Most of the rainfall occurs from January to March, particularly in the northern coastal areas (it's probably a good idea to bring a raincoat or some kind of stylish poncho). For further information see: www.tropicalexperience.com.au/guide.html#Weather. Just to make life really exciting, this same period is also the cyclone season, which can result in the flooding of major roads.

Cairns tourist information

Tourist office

Tourism Tropical North Queensland (Near the Pier)
 51 The Esplanade (Corner Shields Street)
 Cairns 4870
 Phone: (07) 4051 3588
 Email: info@tropicalaustralia.com.au

Cairns medical information

As a lot of Queensland is fairly tropical, it is a good idea to be aware of some of the tropical diseases that you may be exposed to (this is particularly relevant for those of you travelling to Thursday Island, as well as those around the Cairns area). Some things to watch out for are listed below, as well as some basic precautions you can take. If you would like further details, we suggest you have a look at the following websites:

- The Queensland government's health department website: www.health.qld.gov.au
- Tropical North Queensland FAQ: www.tropicalaustralia.com.au/faqs/faqs_home.cfm

Dengue Fever

A mosquito born disease, common in North Queensland from November to April. There is no immunisation against it, so the best precaution is to wear long-sleeved shirts and pants, and to use mosquito repellent with



DEET in it. It is also a good idea to bring a mosquito net to sleep under, as well as some mosquito sprays (although these will probably also be available at supermarkets around your destination).

Japanese Encephalitis

Another mosquito borne disease, but far less common than Dengue fever, and usually only found on the outer Torres Strait islands. Once again, the best precaution is not to get bitten by wearing long clothing and using mosquito repellent. There is an immunisation available, but it is expensive and can have side effects, therefore it is only really recommended if you're spending long periods of time on the outer islands, or if there is an outbreak.

Hepatitis A

This is a virus, and is spread by unsanitary food preparation or dirty drinking water. There is a vaccination against it, and the Queensland health department recommends that you get this if you are travelling to the outer Torres Strait Islands. Otherwise, just be careful with food preparation!

Mosquitoes

Okay, so these don't technically fall into the 'diseases' category, but they can be EXTREMELY annoying (particularly if you are in any way allergic). Therefore, wherever you are in Queensland, it is STRONGLY suggested that you bring some mosquito spray!

Other

Other than that, just watch out for the jellyfish and crocs when you're swimming. The beaches are usually fine, particularly those with nets around the swimming areas, but DEFINITELY avoid random rivers if you can help it. If you need a swim that badly, go and stand in a bucket of water or something.

Medical Services

Cairns City 24 Hour Medical Centre
Corner Florence Street and Grafton Street
Phone: (07) 4052 1119

Cairns transport

Bus

- 'Hail and Ride' operates along the Cairns bus services: If you want to get on a bus between stops, find a place anywhere along the route where the driver can see you and stop safely and conveniently. Signal the driver as the bus approaches. If you would like to exit between stops, tell the driver where you would like to get off. A 'Zone 1' ticket will cover the city centre. Timetables are available at: www.sunbus.com.au/tt_index_cairns.php

Train

- Cairns Railway Station: Bunda Street, Cairns
- Freshwater Railway Station: Kamerunga Road, Freshwater.



Taxi

- There are Taxi Ranks on McLeod and Lake Streets
- Black and White Taxis: 131 008
- Pyramid Maxi Taxis (Based in Gordonvale): (07) 4056 1777

Bike

Bikes are the most convenient way to get around Cairns. Bike rentals are usually better value the longer you keep the bike. Here's a couple of options:

- Bike Man - 30 Florence Street, (07) 4041 5566 - has good weekly rates
- Bandicoot Bicycles - 153 Sheridan Street, (07) 4041 0100

From Cairns domestic airport

- Taxi: (outside arrivals hall) - \$20 to the city
- Bus: Australia Coach: meets incoming flights and runs a shuttle bus to the city (07) 4048 8355
- Sun Palm Express Coaches: offers city transfers (1 every hour) - \$10 adult fare

Food & Shopping in Cairns

Groceries

- Central Shopping Centre (McLeod Street and Spence Street) - Myer, Coles, 180 specialty shops, cinema, and the train station. Open 9am to 5.30pm most days. Late night shopping Thursday and reduced hours on Sunday.
- Rusty's Bazaar (Grafton Street, between Shields Street and Spence Street) - the place to go for fruit, vegetables and fresh seafood. Open weekends. Markets on the weekend here are excellent. At Rusty's there's a stall called Govindas - do yourself a favour and get a mint lemon drink and a vegetable samosa - vegetarian paradise! Also about Rusty's and Cairns in general - buy LIMES. They're delicious in Cairns and not only add flavour to water, drinks and food, but when added to food or salad they act as a natural disinfectant.
- Asian Foods Australia (Grafton Street) - Asian food.
- Neils Organics (21 Sheridan Street) - Organic fruit and vegetables

Eating out

The major 'eating streets' are Shields Street and the Esplanade (the latter is more touristy, but the cafes along it are more likely to be open late at night).

Cheap food

You can find some food courts upstairs at Orchid Plaza (on Abbott Street), and also at the Night Markets (on the Esplanade). Other than that, try:



- Lillipad (72 Grafton Street , Open Mon to Sat) - Breakfast and lunch available till 3pm; coffee and cake till 4pm. Our highly reliable source informs us that the breakfasts are awesome, and great value ranging from \$4 to \$8.
- Tiny's Juice Bar (45 Grafton Street) - Rolls, wraps and smoothies. Ranging from \$4 to \$8.
- Sushi Zipang (39 Shields Street) - We'll let you guess what type of food is sold here. Ranging from \$2 to \$5 per plate
- Beethoven Café (105 Grafton Street) - Sandwiches, cakes, coffee. Ranging from \$4 to \$7.

If you're feeling rich...

- Charlie's, The Acacia Court Hotel (The Esplanade) - fantastic seafood buffet, look out for discount vouchers in the Cairns Post.
- Red Ochre Grill (43 Shields Street) - Australian food. Mains from \$30
- Yanni's Greek Taverna (corner Aplin and Grafton Streets): Try to go there on Friday or Saturday night, because after 9pm they give you plates to smash. Mains from \$25
- Edge Hill: There are a number of gourmet stores and cafes in Edge Hill which market themselves as Sydney in Cairns. So, if you're after a good soy de-caf, that's the place to go.

Entertainment in Cairns

Outdoor

If you're interested in snorkelling and diving, Cairns is a great base from which to see the Great Barrier Reef, and to get your scuba-diving certification if you're interested- courses range from \$300 to \$600. It's probably not such a good thing to go for the cheapest ones in case they're cutting costs in areas like oxygen provision, shark monitoring, etc. If you can't swim, you can do some reef trips aboard the safety of a boat, or alternatively do some of the quieter options like sky-diving, bungee jumping and white-water rafting. Below are a list of websites to check out, but we suggest that you also talk to locals and the tourist offices for further suggestions.

- Adventure Tours: (includes tours around Cairns, the Great Barrier Reef, Cape Tribulation and the Daintree Rainforest, as well as sailing, diving, fishing, skydiving and hot-air ballooning expeditions) www.tropicalexperience.com.au/browse.php?cat=1&t=Cairns+Tour
- Diving: www.downunderdive.com.au, www.prodiver-cairns.com.au and www.coralseadiving.com.au (Coral Sea Diving is for experienced divers, and they also offer shark feeding)
- White-water rafting: www.ragingthunder.com.au
- Skydiving: www.skydive.net.au
- Swimming: If you want to learn how to swim, the Cairns pool (Florence Street) has reasonable rates for swimming lessons.

There are also inland tours available from Cairns to the Daintree Rainforest, Cape Tribulation, Cape York, the Atherton Tableland and the Undara Lava Tubes. There are also numerous bike paths to check out, and a sunbake at the lagoon (after you've Slip, Slop and Slapped of course) is certainly something that should be on the cards.



Cultural activities

- Cinemas: Cairns City Cinemas (108 Grafton Street) and Central Cinemas (Cairns Central)
- Theatre: Tjupakai Aboriginal Cultural Park: combines education and dance theatre
- Cairns Civic Theatre: amateur and professional comedy, dance and drama
- Music: Centre of Contemporary Arts and the Tank Arts Centre, home of the Cairns Concert Orchestra

Check out www.ticketlink.com.au for ticket availability and prices; also *Barfly* magazine (free in newsagents).

Nightlife in Cairns

There are HEAPS of pubs in Cairns. Most of them serve food as well, so you don't even have to brave the outside heat if you're approaching a hungry time of day. Here's some suggestions:

- John's Nightclub and Bar (Cnr Abbott Street and Aplin Street): Live blues and old-school rock, free entry before 9pm. Can be a little bit seedy, but, an interesting night.
- Shenanigans (48 Spence Street): Irish pub with an outdoor beer garden. Also has a dance floor and (inevitably) Monday night karaoke. Great fun to dance at.
- Cairns Yacht Club (4 Wharf Street: Really cheap drinks. Probably a good place to go if you're looking to pick up a sailor/sailoress.
- The Wool Shed (24 Shields Street): Stacked with a combination of locals and backpackers having a drink or two (or several, not that we encourage this). If you're the type of person who's into dancing on tables after you've had a few, this is the place to go. Also known as the local 'meat market'.
- Cock & Bull (6 Grove Street): Essentially a sports bar – beer, dart boards and a grill available if you're hungry (meals \$5 to \$12). Meals are huge, and the 'Death by Chocolate' pudding really could cause death.
- The Green Ant (Bunda Street): Quaint bar/pub behind the Cairns Central Shopping Centre which attracts the locals. Big meals, cheap drinks and a great place for conversation.
- Gilligans (Spence Street): Large backpackers hotel, which does drinks most nights of the week.
- The Reef Casino: This is the Cairns casino, and the place to go if you're after a bit of a flutter, also has shows and acts coming there. Although unlikely in summer, you could see some good DJs come through.

Tip from previous Cairns interns

Fun

There's a huge variety of things to do, so it's worth planning ahead. There are a lot of adventure experiences on offer, so, if you're interested in these activities, make sure you have sufficient spending money. Make the most of the beautiful scenery in and around Cairns, and do a trip out to the islands and the Great Barrier Reef, the rainforest and the tablelands if you can. Beware of backpackers and other tourists. Also, beware of the crocs!



You're pretty safe swimming at the beaches, but it's a good idea not to go swimming in any rivers. Also make sure you wear plenty of sunscreen!

Work

Make the most of the relaxed working environment. There won't be much court work, so there isn't any need to bring a suit. You will probably end up wearing Havaianas every day, but make sure you have one pair of 'proper' shoes in case you are taken along to a meeting. Meetings in the community are not formal, and it is appropriate to dress down for these.

Be careful about using language that may be offensive – it is a good idea to check any communications you are sending externally with a supervisor to make sure that you're not inadvertently offending someone. A good introduction is NSW Health's *Communicating Positively* found at:

www.health.nsw.gov.au/pubs/2004/pdf/aboriginalterminology.pdf



North Queensland organisations and regional information

Central Queensland Land Council Aboriginal Corporation (CQLCAC) - MACKAY

Address: 1st Floor, 56 Gordon Street, Mackay Qld 4740

Phone: (07) 4951 1899

Website: www.cqlcac.com.au

Mackay weather

Temperature

- Summer: Ranges from 25°C to 40°C during the day (usually in the low 20s during the night)
- Winter: Between 20°C to 26°C during the day (12°C to 20°C overnight)

For those of you staying further inland, it will be a bit cooler, particularly during the winter evenings. If you're thinking of taking a trip to the various islands and reefs off the Queensland coast and are interested in swimming, the sea water temperature is quite warm, between 23°C to 29°C for most of the year.

Climate

Queensland essentially has two main seasons: the wet (November to April) and the dry (May to October). Most of the rainfall occurs from January to March, particularly in the northern coastal areas (it's probably a good idea to bring a raincoat or some kind of stylish poncho). For further information see: www.tropicalexperience.com.au/guide.html#Weather. Just to make life really exciting, this same period is also the cyclone season, which can result in the flooding of major roads.

Mackay tourist information

Tourist office

Mackay Visitors Centre

320 Nebo Road

www.mackayregion.com

Mackay medical information

As a lot of Queensland is fairly tropical, it is a good idea to be aware of some of the tropical diseases that you may be exposed to (this is particularly relevant for those of you travelling to Thursday Island, as well as those around the Cairns area). Some things to watch out for are listed below, as well as some basic precautions you can take. If you would like further details, we suggest you have a look at the following websites:



- The Queensland government's health department website: www.health.qld.gov.au/
- Tropical North Queensland FAQ: www.tropicalaustralia.com.au/faqs/faqs_home.cfm

Dengue Fever

A mosquito borne disease, common in North Queensland from November to April. There is no immunisation against it, so the best precaution is to wear long-sleeved shirts and pants, and to use mosquito repellent with DEET in it. It is also a good idea to bring a mosquito net to sleep under, as well as some mosquito sprays (although these will probably also be available at supermarkets around your destination).

Japanese Encephalitis

Another mosquito borne disease, but far less common than Dengue fever, and usually only found on the outer Torres Strait islands. Once again, the best precaution is not to get bitten by wearing long clothing and using mosquito repellent. There is an immunisation available, but it is expensive and can have side effects, therefore it is only really recommended if you're spending long periods of time on the outer islands, or if there is an outbreak.

Hepatitis A

This is a virus, and is spread by unsanitary food preparation or dirty drinking water. There is a vaccination against it, and the Queensland health department recommends that you get this if you are travelling to the outer Torres Strait Islands. Otherwise, just be careful with food preparation!

Mosquitoes

Okay, so these don't technically fall into the 'diseases' category, but they can be EXTREMELY annoying (particularly if you are in any way allergic). Therefore, wherever you are in Queensland, it is STRONGLY suggested that you bring some mosquito spray!

Other

Other than that, just watch out for the jellyfish and crocs when you're swimming. The beaches are usually fine, particularly those with nets around the swimming areas, but DEFINITELY avoid random rivers if you can help it. If you need a swim that badly, go and stand in a bucket of water or something.

Medical services

Mater Misericordiae Hospital
Willetts Road, Mackay
(07) 4965 5666

City Medical Centre
14 Brisbane Street, Mackay
(07) 4957 8922

Mackay transport

Bus

- The local bus services, run by Mackay Transit Coaches, operate from two bus stops in the main area: one is at the back of the Caneland Shopping Centre, and the other one leaves from the corner



of Victoria and Gregory Streets (outside Centrelink). These services operate within Mackay City, Mackay northern beaches, Walkerston, Sarina and Mirani. For a timetable, check the website: www.mackayregion.com/rtn2/dms/199D81A7DEE368DFF05A4DBD595CA4A8.pdf

- Mackay Explorer Bus (free service): this is a regular bus service linking several of Mackay's key attractions. It operates every Sunday on an hourly basis from the Visitor Information Centre at the City Gates to the Mackay Marina, stopping at all key destinations in between (including the Mackay Regional Botanic Gardens, bus stops along Nebo Road, Artspace Mackay, the City Centre Sunday Markets, Mackay Marina, and the fish markets in River Street).
- McCafferty's/Greyhound: Operates a shuttle bus between Mackay and Cairns, Townsville, Airlie Beach and Brisbane. The bus leaves from the bus station (cnr Victoria St and MacAllister St). Check their website for fares and timetables: www.mccaffertys.com.au

Train

- The Sunlander runs between Brisbane and Cairns via Mackay. For prices and timetables, ring (07) 4952 7418.

Taxi

- Mackay Taxis: 131 008

Food & shopping in Mackay

Shopping

- Supermarket (78 Sydney Street)
- City Centre Markets (Victoria Street): Open every Sunday from 8.30am to 12.30pm.
- Caneland Central (Corner Victoria Street and Mangrove Road): Mackay's biggest shopping centre (around 120 shops).
- Mount Pleasant Greenfields Shopping Centre (Corner Bucasia and Philip Streets, Mount Pleasant)

Cheap food

- Sorbello's Italian Restaurant (166b Victoria Street): Italian food (mains \$8 to \$19), with woodfire pizza and \$5 cocktails
- Kebab House (cnr Victoria St and Wood St): \$5-8, open till 5am during the weekends.
- Low Fat Café Pure & Natural (Sydney Street): \$5 to \$9
- NW Asian Cuisine (17 Sydney Street Markets): Asian restaurant and takeaway.
- Creperie Restaurant (Gregory Street): Lunch Monday to Friday 11am to 2pm, Dinner Tuesday to Sunday from 6pm.
- Sedgies Gourmet Coffee House (corner Nelson and Victoria Streets): Range of sandwiches, salads, coffees, cakes, potatoes, etc. Also does breakfast.



- Nippon Inn (Shop D Australia Fair, corner Wood and Victoria Streets): Sushi. Closed Sunday.
- Domino's Pizza (40 Evans Avenue): (07) 4953 1666

If you're feeling rich...

- Ants Cafe & General Store (Mulherin Drive): gourmet breakfast and lunch with relaxing music and a funky atmosphere.
- Kevin's Place (corner Victoria and Wood Streets): Singaporean & Malay food in a very 'Gone With the Wind' setting. Dinner is pretty pricey, but you can get a bargain lunch for \$7.

Entertainment in Mackay

Nightlife

- Mackay Entertainment Centre: hosts music and theatre performances. Check out the website for up-to-date listings: www.mackayentertainment.com.au
- Sails Sports Bar (Reef Marina, Mulherin Drive): Live entertainment, open until 2am. Meals available all day and night.
- Platinum Lounge (corner Victoria and Wood Streets): Upstairs in an art-deco building. Has a variety of live music and DJs. Try to avoid karaoke nights.
- Molloy's Irish Bar (148 Victoria Street): Very cosy, good snack food, live music and Guinness.
- Gordi's Café & Bar (85 Victoria Street): Also has a nightclub upstairs, and is very popular with backpackers.
- For up-to-date info about events, concerts, and festivals, have a look at: www.mackayregion.com/whats_on/whats_on.cfm

Outdoor

- Eungella National Park: the most visited natural attraction in the region, and about an hour's drive from Mackay. There's some awesome views from the Sky Window lookout, and heaps of walking trails through the rainforest (including the recently opened Mackay Highlands Great Walk). Keep an eye out around the Broken River for Platypus (they tend to be around in the early mornings, so that may require you to get out of bed at an unreasonable hour).
- Finch Hatton Gorge: More gorgeous rainforest walks, plus you can go for a swim at the Araluen and Wheel of Fire waterfalls.



Queensland central organisations and regional information

Gurang Land Council Aboriginal Corporation (Gurang) - BUNDABERG

Address: Level 2, 3 Maryborough Street, Bundaberg Qld 4670

Phone: (07) 41 53 3800

Website: (under construction)

Email: gurang@glcac.com.au

Bundaberg weather

Temperature

- Summer: Ranges from 25°C to 40°C during the day (usually in the low 20s during the night)
- Winter: Between 20°C to 26°C during the day (12°C to 20°C overnight)

Climate

Queensland essentially has two main seasons: the wet (November to April) and the dry (May to October). Most of the rainfall occurs from January to March, particularly in the northern coastal areas (it's probably a good idea to bring a raincoat or some kind of stylish poncho) For further information see: www.tropicalexperience.com.au/guide.html#Weather.

Bundaberg tourist information

Tourist office

Bundaberg City Visitor Information Centre

186 Bourbong Street, Bundaberg (next to Bundaberg City Council)

Phone: (07) 41 53 8888

Website: www.bundabergregion.info

Bundaberg medical information

As a lot of Queensland is fairly tropical, it is a good idea to be aware of some of the tropical diseases that you may be exposed to (this is probably more relevant for those travelling to the more northerly regions). If you would like further details, we suggest you have a look at the following websites:

- The Queensland government's health department website: www.health.qld.gov.au/
- Tropical North Queensland FAQ: www.tropicalaustralia.com.au/faqs/faqs_home.cfm



Medical services

Bundaberg District Health Services & Mater Hospital, Bourbong Street
(07) 4150 2020

Bundaberg After Hours Medical Service
Mater Hospital, Bourbong Street
(07) 4153 9500

Bundaberg transport

Bus

- The main bus stop is Stewart's Coach Terminal (66 Targo Street). Buses leave from here for Brisbane, Hervey Bay, Rockhampton and Gladstone.

Train

- There are trains leaving regularly from Bundaberg for both Brisbane (approx 4½ hours) and Rockhampton.

Food & shopping in Bundaberg

Eating out

Restaurants are mainly open for both lunch and dinner Mon-Fri, but only for dinner on the weekends. Here's a couple of suggestions:

- Alexandra's New Orleans Cafe & Bar (66 Quay Street)
- Talking Point Café (79 Bourbong Street): Paninis and foccacias. Also has yeast-free, gluten-free and vegetarian options if you're one of those fussy eaters.
- Il Gambero (57 Targo Street): Cheap pizza and pasta, surrounded by spangly curtains.
- Spices Plus (cnr Quay Targo Streets): Indian food, dishes \$8 to \$14.
- Renee's Place Café (1-9 Enterprise Street)
- Rosieblu Gourmet Deli (90A Bourbong Street): You can eat here, but there's also exciting delicatessen-type things that you can take home.
- Old Bundy Tavern (20 Quay Street).

Entertainment in Bundaberg

Sights

- Bundaberg Rum Distillery (Avenue Street): Includes tours and a rum sample.
- Botanic Gardens (Gin Gin Road): Get in touch with nature and all that.



- Fairymead House Sugar Museum: Interesting, although has too much history and not enough sugar samples.

Outdoor

- The Turtle Rookery: See the nesting turtles at Mon Repos between November and March (night viewings also available). You can get tickets from one of the Bundaberg Information Centres, or you can ring (07) 4153 8888.
- Barrier Reef Cruises: trips to Lady Musgrave Island including stops for snorkelling and diving. From August to October there's also whale-watching trips available.

Theatre

- Moncrieff Theatre (177 Bourbong Street): An old one-screen cinema showing several films each day. Admission \$5.50.



Queensland south organisations and regional information

National Native Title Tribunal (NNTT) – BRISBANE (Policy organisation)

Address: Level 30, 239 George Street, Brisbane Qld 4000

Phone: (07) 3226 8200

Website: www.nntt.gov.au

The National Native Title Tribunal is a Commonwealth Government agency set up under the *Native Title Act 1993* (Cth) to help facilitate the native title process. Part of the Attorney-General's portfolio, the NNTT mediates native title claims as directed by the Federal Court of Australia.

On request, the Tribunal assists people in negotiations about proposed developments (future acts), such as mining. The Tribunal attempts to act as an arbitrator or umpire in some situations where the people involved cannot reach agreement about proposed developments. The Tribunal also assists parties negotiating other sorts of agreements, such as Indigenous Land Use Agreements.

Queensland South Native Title Services (QSNTS) - BRISBANE

Address: Level 3, 20 Wharf Street, Brisbane Qld 4000

Phone: (07) 3221 5500

Website: www.qsnts.com.au

Brisbane weather

Temperature

- Summer: Ranges from 25°C to 40°C during the day (usually in the low 20s during the night)
- Winter: Between 20°C to 26°Cs during the day (12°C to 20°C overnight)

For those of you staying further inland, it will be a bit cooler, particularly during the winter evenings. If you're thinking of taking a trip to the various islands and reefs off the Queensland coast and are interested in swimming, the sea water temperature is quite warm, between 23°C to 29°C degrees for most of the year.

See www.tropicalexperience.com.au/guide.html#Weather for further information.

Climate

Queensland essentially has two main seasons: the wet (November to April) and the dry (May to October). Most of the rainfall occurs from January to March, particularly in the northern coastal areas (it's probably a good idea to bring a raincoat or some kind of stylish poncho) For further information see:

www.tropicalexperience.com.au/guide.html#Weather.



Brisbane tourist information

Tourist office

Brisbane Tourism Visitors Centre
Queen Street Mall (near the middle)
Phone: (07) 3006 6200
Website: www.ourbrisbane.com

Brisbane medical information

As a lot of Queensland is fairly tropical, it is a good idea to be aware of some of the tropical diseases that you may be exposed to this is probably more relevant for those travelling to the more northerly regions). If you would like further details, we suggest you have a look at the following websites:

- The Queensland Government Health Department's website: www.health.qld.gov.au/
- Tropical North Queensland FAQ: www.tropicalaustralia.com.au/faqs/faqs_home.cfm

Medical services

Travellers' Medical Service (24hr)
Level 1, 245 Albert Street
Phone: (07) 3211 3611

Travellers' Medical & Vaccination Centre
Level 5, 247 Adelaide Street
Phone: (07) 3221 9066

Brisbane transport

Translink

For all general bus, train and ferry information, contact the Trans-Info Service: 13 12 30: www.transinfo.qld.gov.au. Fares are calculated based on the number of zones you travel through (most of the inner suburbs fall into Zone 1). All tickets are valid on Translink trains, buses and ferries. A single ticket is valid for two hours. Daily, weekly and monthly tickets are also available, and a student concession ticket is half the price of an adult ticket. For the latest fare information, check out: www.translink.com.au.

Bus

- The main bus station is the underground station in the Myer Centre. There's also several colour-coded stops along Adelaide Street.

The Loop

- A free bus circling the city area, and stops at Queensland University of Technology, Queen Street Mall, City Hall, Central Station and Riverside. It runs every 10 minutes, Monday to Friday, 7am to 6pm.



Taxi

- Black & White Taxis: 13 10 08 or Yellow Cab Co: 13 19 24

Boat

- The City Cat runs along and across the Brisbane River every 20 to 30 minutes between the University of Queensland and Bretts Wharf (5.50am to 10.30pm).

Inner City Ferries

- These zigzag across the river between North Quay and Mowbray Park (operate until around 9pm).

From the Airport

- The Airtrain runs every 15 minutes to the Roma St and Central Stations (\$9, 5am-8pm). More info: www.airtrain.com.au
- The Skytrans shuttle bus service runs between the airport and Roma Street (\$9, although for \$11 you can get a hotel drop-off). Contact number: (07) 3215 5000
- A Taxi will probably be around \$30.

Food & shopping in Brisbane

Groceries

- Woolworths: One on the corner of Edward Street and Elizabeth Street, another on the corner of Boundary Street and Wickham Street (Spring Hill).
- McWhirters Marketplace (Cnr Brunswick Street and Wickham Street, Fortitude Valley): Good place for fresh fruit and vegetables.

Cheap meals

- Food Courts: in Queen Street Mall (inside the shopping centres), the Wintergarden Centre (includes a sushi bar and noodle kiosk).
- Artisans on the Yard (Queensland University of Technology Campus, George Street, City Centre): Set in a courtyard and very popular with students. Big range of lunch options at starving art student prices.
- Govinda's (Upstairs, 99 Elizabeth Street, City Centre): Vegetarian meals (Hare-Krishna run). All you can eat for \$8 on Sunday after 5pm.
- Fatboys Café (323 Brunswick Street, Fortitude Valley): Modern café with the usual lunch and coffee options. 6am-midnight Mon-Wed, 24hr Thu-Sun.
- The Jazzy Cat Café (56 Mollison Street, West End): Bohemian café, chill music, books and magazines lying around to peruse with your afternoon coffee. (Next door is the Three Monkeys Coffee House, which also does good coffee and cake, so you're totally justified in doing a comparative study. It's all in the name of research.)



If you're feeling rich...

- Garuva Hidden Tranquility Restaurant & Bar (324 Wickham Street, Fortitude Valley): Slightly more expensive (meals around \$20), BUT it has a rainforest under its roof. So that's exciting.
- Jakarta Indonesian Restaurant (215 Given Terrace, Paddington): Mains \$10 to \$16, does a variety of Indonesian dishes. It describes itself as having "evocative bamboo décor" – we're intrigued, so make sure you take a photo if you drop in there.

Entertainment in Brisbane

Cinemas

- Hoyts Regent Theatre (107 Queen Street Mall): Mainstream cinema in a beautiful building (there's another Hoyts at the bottom of the Myer Centre, but it's much seedier).
- Dendy (346 George Street): Arthouse movies.

Theatre

- Performing Arts Centre (Queensland Cultural Centre, Stanley Street, Southbank): venue for classical music concerts, plays, dance and film. They also handle bookings for the other South Bank theatres: 13 62 46; www.qpat.com.au

Music

- Family (8 McLachlan Street): 4 levels, 4 bars, 2 dance floors. Voted Australia's top club in 2002.
- Monastery (621 Ann Street): Mainly techno and house music
- Indie Temple (235 Edward Street): Alternative rock, full of students
- Zoo (711 Ann Street): Variety of live bands and DJs
- Jazz & Blues Bar (Ground floor, Holiday Inn, Roma Street): Brisbane's main jazz venue, has live acts Wednesday to Saturday
- Healer (27 Warner Street): R&B in a converted church. The irony...



NSW organisations and regional information

NSW Aboriginal Land Council (NSWALC) – SYDNEY (Policy organisation)

Address: 33 Argyle St, Parramatta NSW 2150

Phone: (02) 9689 4444

Website: www.alc.org.au

Human Rights and Equal Opportunity Commission (HREOC) – SYDNEY (Policy organisation)

Address: Level 8, Piccadilly Tower, 133 Castlereagh St, Sydney NSW 2000

Phone: (02) 9284 9600

Website: www.hreoc.gov.au

The Human Rights and Equal Opportunity Commission was established in 1986 by an act of the federal Parliament. HREOC's goal is to foster greater understanding and protection of human rights in Australia and to address human rights concerns of a broad range of individuals and groups. HREOC responsibilities include; education and public awareness, discrimination and human rights complaints, human rights compliance, and policy and legislative development. HREOC is an independent statutory organisation that reports to the federal Parliament through the Attorney General. Tom Calma is current Aboriginal and Torres Strait Islander Social Justice Commissioner and Acting Race Discrimination Commissioner. The Commissioner's role is to keep Indigenous issues before the federal Government and the Australian community to promote understanding and respect for the rights of Indigenous Australians.

Hints and tips for the Human Rights and Equal Opportunity Commission:

The specific nature of the work you are doing will depend upon current developments in native title and land rights legislation. It is a good idea to read over the past native title reports to get an update on recent issues and the approach of the current Commissioner. Don't be afraid to talk to people – HREOC is full of passionate, interesting people committed to a range of fascinating projects, and most of them are happy to talk to you about these.

Lingiari Policy Centre – SYDNEY (Policy organisation)

Address: (Sydney Office) Level 37, 2 Park Street, Sydney NSW 2000

Phone: (02) 9263 4709

Website: www.lingiari.com.au (under construction)

Hints and tips for the Lingiari Policy Centre:

The Lingiari Policy Centre was formed in 2005 and its vision is for: "Aboriginal children to have the same expectations of life as their fellow Australians; to develop their unique cultural, economic and social capital, secured by a new framework for Aboriginal rights and responsibilities." Its role is to develop a leadership and policy framework for Indigenous rights, responsibilities and representation. Darryl Pearce is Lingiari's Director.



During your time there don't be afraid to ask questions! Also, if you are worried or confused about your tasks, contact Robert Jansen, Research Director at robert.jansen@lingiari.com.au.

New South Wales Native Title Services (NSW NTS) - SYDNEY

Address: Suite 15, 245 Chalmers Street, Redfern NSW 2016
Phone: (02) 9310 3188

NSW NTS aims to achieve cultural, social and economic benefits through native title and related processes throughout NSW and the ACT. The head office of NSW NTS is located in Redfern (Sydney), and two regional offices are located in Coffs Harbour and Dubbo respectively. NSW NTS is the prescribed NTRB for NSW.

Hints and tips for New South Wales Native Title Services:

This is a very friendly and accommodating office – there is room to move between legal and policy work, so if you are interested in a particular area be sure to let them know. Also, take advantage of any opportunities to go on country trips.

Sydney weather

Temperature

- Summer: 25°C to 43°C (average in January is around the low 30s)
- Winter: 10°C to 25°C

Climate

Sydney's climate is fairly moderate, although it can get very sticky and humid in summer. Layered clothing is usually a better idea than big overcoats, which are only used for around the three freezing cold days in the average Sydney year. There are a couple of rainy seasons around April and November, so it's a good idea to have an umbrella or raincoat. If you're travelling to Sydney in summer, make sure you bring a swimming costume, hat and plenty of sunscreen.

Sydney tourist information

Tourist information

Sydney Visitors Centre
106 George Street, The Rocks
Phone: (02) 9240 8786
Website: www.sydneyvisitorcentre.com



Sydney medical information

Sydney is not really prone to any major diseases. However, sunburn is a major issue, especially during the summer, so sunscreen is a must (at least SPF 30+). If swimming at the beaches, watch out for blue bottles (these look like jellyfish with a long blue tail). They can cause very painful stings. If stung, apply some ice as soon as possible (the fish & chips places around the beaches are good places to ask – they're used to it!). A lot of the chemists also sell various types of creams to minimise the pain.

Medical services

Travellers Medical & Vaccination Centre
Level 7, 428 George St, City
Phone: (02) 9221 7133

Sydney transport

To get information on Sydney buses, ferries and trains, call 13 15 00.

Train

- Sydney trains rarely turn up in accordance with the timetable, but they're still fairly frequent, particularly around the inner city area. You can pick up a timetable (just for fun) for the lines you need from most of the train stations on that line, although Central Train Station is probably the most likely to have them in stock. If you're using the train most days, then it's probably a good idea to get either a weekly ticket (for use on trains only) or a weekly travelpass (can be used on buses, trains and ferries). These can be purchased from all train stations and automatic ticket machines. The cost of these varies depending on the distance you're travelling.

Bus

- The buses cover most of the suburban areas not included in the train system. Fares will vary depending on the number of sections you pass through. You can buy a prepaid bus pass from newsagents or train stations and dip it in the green boxes on the bus, or you can just pay the bus driver directly. Most of the routes passing through the city will stop near the Circular Quay, Wynyard (York Street), Town Hall (George Street) or Central train stations (Railway Square).

Car

- Probably not a good idea if you're working in the city, as parking is scarce and very expensive. Also, be aware that there are a lot of toll roads/bridges/tunnels going into and out of the city. If you don't have an e-tag on your car, make sure you get in a lane that accepts cash, otherwise you're stuck as a queue of angry drivers banks up behind you.

Taxis

- Taxis Combined: 8332 8888
- Legion 13 14 51
- Premier Cabs: 13 10 17
- RSL Cabs: 13 22 11



Food & shopping in Sydney

General

There's a supermarket in practically every suburb, so you shouldn't have any problems finding one. If you're really stuck, there's a big Woolworths across the road from Town Hall (corner George and Park Streets). There's also plenty of markets selling food, clothing, and random stock.

Department stores

- Pitt Street Mall (Pitt Street, walking distance from Town Hall Station): Huge collection of shops (mainly selling clothing, shoes, books and accessories), including a huge Myer. Can be quite pricey, but there's often some good busking going on (including one guy who plays music on a collection of beer bottles)
- Queen Victoria Building (George Street, next to Town Hall): VERY expensive, but it's worth seeing this gorgeous building.
- Westfield: These big shopping malls are located at a few places in and around Sydney (including Bondi Junction, Chatswood, Warringah, Parramatta). Usually near a train station.
- Birkenhead Point (Drummoyne): Over 100 factory outlets, quite close to the city.

Markets

- Sydney Fish Market (corner Pyrmont Bridge Road and Bank Street, Pyrmont): huge range of fish (including some very good bulk deals on oysters). It's also fun watching the fish auctions, and there's cooking classes available so that you don't have to eat the fish raw. Usually opens early (around 6am), and closes around 3pm.
- Paddy's Markets (corner Hay and Thomas Streets, Haymarket): has a good variety of fresh fruit and vegetables, seafood and wigs (amongst other things). There's also another Paddy's out in Flemington (near Olympic Park).
- Paddington Markets (395 Oxford Street, Paddington): A really awesome market operating on Saturdays with a big range of vintage clothing, jewellery, and some food (mostly in the form of kebabs or bags of various spices).
- Glebe Markets (Glebe Public School, Glebe Point Road): Open Saturdays, sells clothes, books and 'artistic' homewares.

Eating out in Sydney

Cheap food

There are heaps of food courts scattered around Sydney, usually inside Shopping Centres (such as beneath Myer in Pitt Street Mall) or around the larger train stations. Also, some good areas to walk around are Chinatown (between Town Hall and Central Stations), the Spanish Quarter in Liverpool Street (near Town Hall), Victoria Street (Darlinghurst), King Street (Newtown) and Crown Street (Surry Hills). These are all lined with cafes, pubs and restaurants targeted at various price ranges, so you can let your eyes and stomach consult and decide. Here's some recommendations:



- Chinese Noodle Restaurant (Shop 7, Prince Centre, 8 Quay Street): handmade Chinese noodles, mains \$5 to \$9.
- Mint Café (10 Macquarie Street, inside the old Mint): salads, sandwiches, cakes and coffee in a classy, relaxed atmosphere. Mains range from \$5 to \$15.
- Café Niki (544 Bourke Street, Surry Hills): cosy café with some seriously awesome coffee. There's also a great bakery just across the road, where you can get a cheap lunch. You'll recognise it by the line out the door.
- Badde Manors (37 Francis Street, on the corner of Glebe Point Rd, Glebe): great place for an afternoon or evening coffee and cake. A popular venue with Sydney Uni students.
- Maltese Café (310 Crown Street, Surry Hills): cheap pasta (mains \$7).
- Bar Italia (169 Norton Street, Leichhardt): located in the middle of the Italian district, this place serves classic pizza, pasta, gelato and coffee.
- Harry's Café de Wheels (Cowper Wharf Road, Woolloomooloo): A pie cart that also doubles as a tourist attraction. It's been open 18 hours a day since 1945.
- Redfern Delicatessen, (Redfern St, Redfern). Well-priced standard eat-in or takeaway delicatessen fare including sandwiches, hamburgers, croissants etc. Also open for breakfast. Home-made deserts that are among the richest things you will ever taste.
- Souths Leagues Club, (Chalmers St, Redfern). Well-priced Bistro, Chinese Restaurant and Counter Meals.
- The Patagonian Toothfish, (Chalmers St, Redfern). More expensive but very tasty fare including steak, seafood, salads etc.

If you're feeling rich...

- Wine Banc (53 Martin Place): A very relaxed, stylish venue with great tasting dishes, an extensive wine list (just so you know, they do wine better than they do cocktails), and live jazz Thursday to Saturday.
- Longrain (85 Commonwealth Street): Extremely tasty Asian-inspired food (especially the fish dishes), and really good cocktails to go with it. Mains \$25 to \$40.

Open Late:

- City Extra (Circular Quay): Quite pricey and the quality of the food varies, but it's open 24 hours.
- Pancakes on the Rocks (Hickson Road, The Rocks): Open 24 hours.

Entertainment in Sydney

Sights

There's SO much to do in Sydney. If you've never been before, take a walk around Circular Quay and the Rocks area, because that will give you a great view of the Opera House and Harbour Bridge. The beaches (check out Bondi, Coogee and Manly) are a big attraction in summer, and there's always festivals going on.



- **Sydney Harbour Bridge:** You probably won't need directions to this one. Find the water, and then look up. The bridge is the big black coat hanger-like thing suspended above the water. You can pay (around \$100) to walk across the arc of the bridge (whilst wearing a stylish grey jumpsuit), or you can just walk across the pedestrian part next to the road for free. Or you can catch the train between Milsons Point and Wynyard if you're feeling REALLY lazy.
- **Darling Harbour/King Street Wharf:** Traditionally quite touristy with its Aquarium and the Chinese Gardens, but has become increasingly popular with locals due to the refurbishing of the bars and restaurants along the foreshore. You can catch a ferry from Circular Quay, or just walk down from Town Hall.
- **Domain & Hyde Park:** Two of the big inner city parks up towards the Macquarie Street and Elizabeth Street end of town. There's often performances going on at the Domain during summer, and Hyde Park is home to food and wine markets during the various festivals.
- **Taronga Zoo (Bradley's Head Road, Mosman):** These animals totally get the best view in Sydney (particularly the elephants). The best way to get there is by ferry from Circular Quay, although there are also bus options available.

Outdoor

- **Surfing:** The North Shore has a lot of good surfing beaches – check out Manly, Curl Curl, Dee Why, Avalon and Palm Beach. South of the bridge, the best places are probably Bondi, Tamarama, Maroubra and Coogee. The train line also goes directly to Cronulla beach in the city's south. There are usually places around these beaches that will rent out surfing gear if you don't have your own.
- **Swimming:** Obviously, the beaches are great places for swimming. Try to stay between the red and yellow flags, and keep an eye out for blue bottles. If you prefer pools, there's a couple of really good ones like the North Sydney Olympic Pool (Alfred Street, Milsons Point) and the Sydney Aquatic Centre (Sydney Olympic Park, Homebush Bay). The Aquatic Centre has waterslides and fun stuff in case you get bored of doing laps.

Festivals

Keep checking the Metro section of Friday's *Sydney Morning Herald* for details of upcoming events. Some of the major ones include:

- **The Sydney Festival (January):** includes lots of free outdoor concerts in the Domain, the moonlight cinemas at Mrs Macquarie's Point and Centennial Park, and lots of food markets.
- **Sydney Gay & Lesbian Mardi Gras (February):** the main event is the parade down Oxford Street.
- **Sydney Writers' Festival (May):** includes talks from guest authors, interviews and various discussion forums.
- **Sydney Film Festival (June):** 2 weeks of (mainly art house) film screenings.
- **Sculpture by the Sea (November):** the walkway between Bondi and Bronte becomes an outdoor sculpture show.



- New Year's Eve (We'll let you guess when this one is): Sydney always puts on a great fireworks show. Some good spots to watch it from are Circular Quay (usually very crowded), McMahon's Point and Mrs Macquarie's Point.

Nightlife in Sydney

Cinema

Check the papers for cinema schedules.

- Hoyts/Greater Union: mainstream movies in various locations. There's a big cinema complex in George St (near Town Hall), but many of the Westfield Shopping Centres also include them.
- Dendy (Circular Quay & King Street, Newtown): art house.
- Chauvel (Oatley Road, Paddington): plays lots of Australian movies, as well as foreign arthouse. They also hold themed festivals.

Music & theatre

Ticketek is the main booking agency for theatre, concerts and sporting events: www.ticketek.com.au

- Opera House: a venue for classical music concerts, opera and theatre. Student rush tickets are usually available 1 hour before a performance (\$35 for symphony, \$50 for opera).
- The Basement (29 Reiby Place, Circular Quay): Mainly jazz and blues, can be quite pricey and you'll probably have to book ahead for most shows.
- Bar Me (154 Brougham Street, Kings Cross): jazz and cabaret venue with nightly shows and fantastic pizza.
- Cat & Fiddle (456 Darling Street, Balmain): Nightly live music.
- Enmore Theatre (130 Enmore Road, Newtown): Venue for most major live Australian and overseas rock/pop acts.
- Wharf Theatre (Pier 4, Hickson Road, Walsh Bay): Home of the Sydney Theatre Company.

Nightclubs

- Home (Cockle Bay Wharf, Darling Harbour): HUGE three storey club with loud dance music.
- Slip Inn (111 Sussex Street): Mainly funk and techno, and apparently the place where 'our Mary' met the Prince of Denmark.

Bars & pubs

- Establishment (252 George Street): You'll probably have to dress up if you want to get in here, although they're far more lenient on ladies than guys. Lots of office types drinking cocktails, and you may have trouble finding seating.



- Hero of Waterloo (81 Lower Fort Street, Millers Point): Lots of drinking and live music (frequently Irish traditional music).
- The Tilbury Hotel (12-18 Nicholson Street, Woolloomooloo): room for lots of people, with a good bar and live music.



ACT organisations and regional information

Australian Institute for Aboriginal and Torres Strait Islander Studies (AIATSIS) – CANBERRA (Policy organisation)

Address: Lawson Cres, Acton ACT 2601

Phone: (02) 6246 1111

Website: www.aiatsis.gov.au

AIATSIS is Australia's largest research centre on the culture and lifestyles of Aboriginal and Torres Strait Islander peoples. AIATSIS focuses on studying, researching and publishing in a broad range of fields relevant and important to Aboriginal and Torres Strait Islander studies. AIATSIS also includes an extensive archive on Aboriginal and Torres Strait Islander materials.

The Native Title Research Unit (NTRU) is located within AIATSIS and aims to provide and promote independent research and policy ideas for the advancement, recognition and protection of native title for Aboriginal and Torres Strait Islander peoples. The purpose of the NTRU is threefold and interconnected: the Unit conducts research, develops resources, and holds continuing education and events, particularly the annual Native Title Conference - the largest of its kind in Australia.

Lingiari Policy Centre – CANBERRA (Policy organisation)

**Note: Interns will usually be working from home when placed with Lingiari (Canberra)*

Address: (Sydney Office) Level 37, 2 Park Street, Sydney NSW 2000

Phone: (02) 9263 4709

Website: www.lingiari.com.au (under construction)

Hints and tips for the Lingiari Policy Centre:

The Lingiari Policy Centre was formed in 2005 and its vision is for: "Aboriginal children to have the same expectations of life as their fellow Australians; to develop their unique cultural, economic and social capital, secured by a new framework for Aboriginal rights and responsibilities." Its role is to develop a leadership and policy framework for Indigenous rights, responsibilities and representation. Darryl Pearce is Lingiari's Director.

During your time there:

- Don't be afraid to ask questions! Also, if you are worried or confused about your tasks, contact Robert Jansen, Research Director at robert.jansen@lingiari.com.au.
- Students placed with the Canberra office will be working from home or the library in their home State. This requires a lot of discipline, so, be sure to set yourself a structure and stick to it.

Reconciliation Australia (RA) – CANBERRA (Policy organisation)

Address: Old Parliament House, King George Terrace, Parkes ACT 2600

Phone: (02) 6273 9200

Website: www.reconciliation.org.au



Reconciliation Australia is an independent non-profit organisation that aims to promote and build reconciliation in Australia between non-Indigenous and Indigenous Australians. The organisation aims at building relationships, educating, and influencing policy to bring Australians to a common goal of a shared and equal future for all Australians.

Canberra weather

Temperature

- Summer: 20°C to 35°C (average in January is around the high 20s)
- Winter: 5°C to 20°C (can be colder during the night)

Climate

Canberra's climate is fairly moderate, although it can get very cold during the winter. The air is fairly dry (you may want to stock up on lip balm and moisturiser), and as a result the regions around Canberra can be prone to bushfires during the summer months. There are a couple of rainy seasons around April and November, so it's a good idea to have an umbrella or raincoat, and there is the occasional snowfall during the winter months.

Canberra tourist information

Tourist office

Canberra Visitors Centre
330 Northbourne Ave, Dickson
Phone: 1300 554 114
Website: www.canberratourism.com.au

Canberra medical information

Medical services

Travellers' Medical and Vaccination Centre
8-10 Hobart Place, Civic
Phone: (02) 6257 7156
Note: Appointments essential

Canberra Hospital
Yamba Drive, Garran
Phone: (02) 6244 2611

Canberra transport

In Canberra it is definitely preferable to have either a car or a bike, as the public transport to AIATSIS and RA is very circuitous and can take a long time (possibly up to two hours, depending on connections). Driving



is very easy in Canberra – there’s virtually no traffic, even during ‘peak hour’, and the roundabouts are lots of fun (just make sure you’ve checked the air in your tyres before having too much fun with them).

Bus

- The main bus interchange is on East Row, Civic. You can get free route maps and timetables from the information kiosk there, or you can buy the Canberra Bus Map (all routes) from newsagents for around \$2. You have the option of purchasing a single-trip ticket or a daily ticket (good value if you plan on taking more than 2 bus drips in a day). Tickets can be pre-purchased from newsagents, or you can buy them from the bus driver.

Taxi

- Canberra Cabs: 13 22 27

From the airport

- AirLiner Bus: runs hourly between the airport and the city interchange (\$5).
- Taxi: around \$18 to the city.

Bike

- Past interns have stated that it is useful and convenient to bring a bike to Canberra.

Food & shopping in Canberra

Shopping

There are a few Woolworths and Coles supermarkets around, so you shouldn’t have any problems stocking up on groceries. Be mindful that food can be expensive in Canberra. The fruit & veg markets in Fyshwick and Belconnen are good for cheap fruit & veg. For something a bit more exciting, try:

- Canberra Centre (Bunda Street, Civic): the city’s biggest shopping centre, with a range of grocery and department stores. (Actually, it’s not all that exciting – just a shopping centre. But, there are some good cafes around there. Particularly if you like sourdough bread. There’s a café that does only sourdough just outside the Centre).
- Old Bus Depot Markets (Wentworth Avenue, Kingston): 10am to 4pm Sunday, with lots of arts and crafts in addition to the local foods and wines.

Eating out in Canberra

Cheap meals

Civic is a good area to wander around if you’re looking for a cheap eatery, and Woolley Street in Dickson has a great range of Asian restaurants. Portia’s Place in Kingston is the place to go if you want to do some judge/pollie spotting (although, they may be thin on the ground in November/December). Some suggestions include:



- Food Hall, Canberra Centre (Bunda Street, Civic): Easy, quick and cheap.
- Little Saigon (Alinga Street, Civic): Vietnamese food. Do not go for the \$5 'lunch box'. It tastes like last night's left-overs, and not in a good way. This applies generally for the \$5 lunch deals in Canberra.
- My Café (Franklin Street, Manuka): Popular place for breakfast, and does good lunchtime focaccias and bagels. Mains \$8 to \$15.
- Kingsland Vegetarian Restaurant (Shop 5, Dickson Plaza, Dickson): We'll let you guess what type of food they have here. Mains \$7.50 to \$13.

If you're feeling rich...

- Fringe Benefits Avec Jean-Pierre (54 Marcus Clarke Street, Civic): an award-winning restaurant with a meat and fish dominated menu, plus some very artistic desserts. Mains around \$30.
- Legends (Franklin Street, Manuka): Spanish food, tapas and paella. Mains around \$20.

Entertainment in Canberra

Sights

- Lake Burley Griffin: located in the centre of Canberra with a 35km shoreline, it's kind of hard to miss. The Captain Cook Memorial Jet spouts water erratically throughout the day.
- National Carillon: A 50m high tower in the middle of Aspen Island, housing 53 bronze bells. You can do tours of the tower, and listen to carillon recitals (although you can probably hear these from outside) throughout the weeks.
- Parliament House: seeing as the majority of you are law students, this should (theoretically) be of some interest. So here's the website so that you can check out visiting details: www.aph.gov.au
- The High Court of Australia (Parkes Place, Parkes): Another 'must' for budding barristers – "It's Mabo, it's the Constitution, it's the vibe". Free admission; for opening hours check: www.hcourt.gov.au
- National Gallery of Australia (Parkes Place, Parkes): Houses an extensive collection of Australian art, ranging from traditional Aboriginal art to more recent works by artists such as Arthur Boyd.
- Australian Institute of Sport (Leverrier Crescent, Bruce): Tours are given by resident athletes where you can learn about the rigorous training regimes and all the chocolate they're not allowed to eat.
- National Library of Australia (Parkes Place, Parkes): Fantastic place to go check out, to see the amazing resources you have available at your fingertips. It would probably come in handy during your placement as well.

Nightlife in Canberra

Cinemas

- Mainstream: various multiplex cinemas are located throughout the suburbs (usually inside the shopping malls), with the biggest being on Mort Street, Civic.



- Dendy Canberra Centre (Level 2, North Quarter, Canberra Centre, 148 Bunda Street, Canberra City): Arthouse and foreign-language films.

Music

- Canberra Theatre Centre (Civic Square, London Circuit, Civic): A range of drama and dance productions. For listings, see: www.canberratheatre.org.au
- ANU Union Bar (Union Court, Acton): Has live bands around 3 days per week, and is a popular venue for big-name touring groups.
- Tilley's Devine Café Gallery (cnr Wattle Street and Brigalow Street, Lyneham): Great relaxed atmosphere, and offers a range of music, comedy and poetry readings.

Bars & nightclubs

- Toast (City Walk, Civic): Relaxed bar with a good range of drinks, live music, pool tables and retro computer games.
- Hippo (17 Garema Place, Civic): Chill lounge bar where you can listen to jazz and sip your cocktails.
- Trinity Bar (28 Challis Street, Dickson): Beer pulled from ceiling-high taps, and a variety of stools and couches to accommodate the various states of inebriation.
- Wig & Pen (corner Alinga Street and West Row, Civic): Lively brewery pub with genuine English ale.
- Club Mombasa (128 Bunda Street, Civic): A great place for dancing to African and Latin music – mostly reggae and funk, but some other styles thrown in too. This is the place to be if you're a salsa-lover. Another good venue for latin is the Holy Grail in Civic (on Friday nights).
- Mooseheads (City Walk, Civic): Rather seedy nightclub, which repeats its music, but, good for what it's worth (especially if you like older music - e.g. Billy Jean). Similar venues in the area include: I CBM, Southpac (though, this may be closed), Holy Grail and Academy.
- B Bar (Kingston): Chilled bar in Kingston, for a more sophisticated night out.
- Lot 33: Nightclub in Kingston.
- Old Parliament House Drinks: Every Friday after work, in the summer months, drinks are on at the bar at Old Parliament House. This is the place where you'll find all the public service grads.
- Holy Grail (Kingston): The Holy Grail at Kingston (as opposed to Civic) on a Wednesday night, during Parliamentary sitting weeks is where you'll find all the politicians and staffers.
- Turner Bowls Club: Often has Karaoke nights on Fridays. An 'interesting' crowd.

Tips from past Canberra interns

Try to find out the location of your accommodation before arriving. Also, if possible, bring your own transport (car or bike), as the public transport system is rather circuitous and time consuming – “Canberra’s public transport network consists almost entirely of understaffed, infrequent, and generally annoying buses travelling throughout the Canberra region ... [where] the buses do not run on time”.



Victorian organisations and regional information

Native Title Services Victoria Ltd (NTSV) - MELBOURNE

Address: Level 2, 642 Queensberry Street, North Melbourne Vic 3051

Phone: (03) 9321 5300

Website: www.nts.com.au

Hints and tips for Native Title Services Victoria:

If you are interested in attending a claim group meeting during your internship, let NTSV know early on, as this allows more time and opportunity for organising a trip. Also, NTSV has its own kitchen and interns should consider bringing their own lunch because there is not a wide range of places to eat in North Melbourne.

Melbourne weather

The weather in Victoria is fairly moderate, although it can get quite cold during the winter (particularly in the more alpine areas). It tends to be unpredictable, and you may experience all four seasons over the course of one day, so it is a good idea to bring a range of clothing with you!

Temperature

- Summer: 20°C to 34°C
- Winter: 5°C to 20°C

Melbourne tourist information

Tourist office

Melbourne Visitor Centre

Federation Square, corner Swanston and Flinders Streets

Phone: (03) 9658 9658

Website: www.thatsmelbourne.com.au

Melbourne medical information

Medical services

Travellers' Medical and Vaccination Centre

Level 2, 393 Little Bourke Street, City

Phone: (03) 9602 4222

NB. Appointments necessary

Royal Melbourne Hospital

Commercial Road, Prahran

Phone: (03) 9276 2000



Melbourne transport

Tram

- Melbourne has a fairly extensive tram system within the city. You can buy tickets from the machines on the trams (warning: they only take coins!). The 'normal' ticket is the two-hour one, which can be used for multiple trips within two hours of the point of initial validation (although your ticket needs to be validated for each trip). Short-trip and all-day tickets are also available. Tickets can also be purchased from newspaper stands, train stations and buses (although some of these won't sell short-trip tickets). The price of the tickets vary depending on the number of zones you travel through, and tickets can be used on trams, buses and trains. For timetables and fare information, visit the Met Shop (Town Hall, Swanston Street) or visit the website: www.victrip.com.au.

Bus

- These basically traverse the areas not covered by the tram system, such as hospitals, universities, and the outer suburbs.

Taxi

The main taxi ranks are outside Flinders Street and Spencer Street Train Stations.

- Embassy: 13 17 55
- Silver Top: 13 10 08

From the airport

- Skybus: runs a 24-hour shuttle service between the airport and the Spencer St coach terminal. You can buy tickets from the driver (around \$7 conc).
- Taxi: this will cost you around \$40.

Food & shopping in Melbourne

Groceries

Shopping is one of Melbourne's major drawcards, particularly its extensive array of markets. You shouldn't have any problem finding a Woolworths or Coles supermarket, but here's a couple of suggestions:

- Coles Express (2 Elizabeth Street, City): 24 hour groceries.
- Prahran Market (177 Commercial Road, Prahran): Open from dawn Tuesday, Thursday – Saturday. Stocks fresh fruit and vegetables, plus a range of delicatessen cheeses, meats and breads.

For things other than food, be sure to check out the following:

- Queen Victoria Market (corner Elizabeth Street and Victoria Street): Open from 6am Tuesday, Thursday – Saturday. Stocks everything – cheap clothes, shoes, souvenirs, pet supplies, and provides endless opportunities for impulse purchasing!
- Camberwell Market (Station Street, Camberwell): REALLY cheap 'trash and treasure' market.



Eating out in Melbourne

Cheap meals

There are so many places to eat out in Melbourne – our advice is to have a wander around and see what looks good! Check out Chinatown (Little Bourke Street, between Swanston and Spring Streets) for a huge range of Asian (and other) restaurants. If you're stuck, here's a few suggestions:

- Yamato (28 Corrs Lane): popular budget Japanese restaurant (mains \$6 to \$16). Good food with bad background music.
- Vegie Bar (380 Brunswick Street, Fitzroy): good value, good-tasting vegetarian food (mains \$3 to \$10).
- Degraes Espresso Bar (23 Degraes Street): FANTASTIC coffee. Food also available (mains \$7 to \$15). Or you could just have more coffee.
- Crossways (123 Swanston Street): all-you-can-eat lunch for \$6, with free background chanting.
- Blue Train Café (mid-level, Southgate): Excellent pasta and woodfire pizza, served by hot waiters (mains \$6 to \$18).
- Red Emperor (upper level, Southgate): awesome yum-cha with great views (dishes \$4 to \$8)
- Gluttony, It's a Sin (278 Smith Street, Collingwood): come here for a huge breakfast (it'll save you spending money on food for the rest of the day!). Breakfast: \$5 to \$13.

If you're feeling rich...

- Mecca (mid-level, Southgate): very stylish North-African inspired food. Plus pavlova (done in an African style, of course...). Dishes \$26 to \$30.
- Jimmy Watson's Wine Bar (333 Lygon Street): extensive wine list with various types of European food. A great place for people watching.

Entertainment in Melbourne

Sights

- Queen Victoria Market: Definitely check this one out, even if you're not interested in shopping. If you've forgotten to learn how to cook, the markets run cooking classes where you can learn how to BBQ kangaroo. If you're there between November and February, the night markets are also open on Wednesdays (5.30pm to 10pm).
- Old Melbourne Gaol: (Russell Street): Dark and spooky, and the place where Ned Kelly was hanged. If you really feel like scaring yourself, have a look at the death masks, from which phrenologists tried to work out which facial characteristics indicated that a person was 'bad'.
- Arts Precinct (St Kilda Road, east of Southbank): the area containing most of Melbourne's 'high art'. Includes the National Gallery of Victoria (180 St Kilda Road) and the The Melbourne Concert Hall (100 St Kilda Road). For tickets, ring Ticketmaster (13 61 00).



- Melbourne Zoo (Elliot Avenue, Parkville): Australia's oldest zoo, with arguably the most genuine and humane enclosures in terms of animal welfare.

Festivals & events

For information regarding upcoming events, get a 'What's On' list from the Melbourne visitor centre or its website. Here's some of the annual highlights:

- January: International Jazz Festival
- January: Australian Open
- April: Melbourne International Comedy Festival
- July: Melbourne International Film Festival
- September: AFL Grand Final
- September: Melbourne Fringe Festival
- November: Melbourne Cup

Nightlife in Melbourne

Cinema

- Hoyts / Greater Union / Village: several screens around the city. There's a big complex on the corner of Bourke Street and Russell Street.
- Astor (cnr Chapel Street and Dandenong Road, East St Kilda): arthouse and cult classic. Often does cheap double-bill nights.

Comedy

- Comedy Club (1/380 Lygon Street, Carlton): Melbourne's main comedy venue, with a variety of Australian and international acts.
- Butterfly Club (204 Bank Street, South Melbourne): comedy and wacky cabaret.

Music

- Check out Half-Tix (Town Hall, City) – they sell half-price tickets to concerts on the day of the performance.
- The Corner (57 Swan Street, Richmond): local and international live acts
- Evelyn Hotel (351 Brunswick Street, Fitzroy): live local and international indie bands.
- Arthouse (cnr Elizabeth St and Queensbury Street): the place to come for alternative Australian music – a popular venue for death metal bands.
- Bennetts Lane Jazz Club (25 Bennetts Lane, City): popular with regulars in the Melbourne jazz crowd.





Bars & nightclubs

- Laundry (50 Johnston Street, Fitzroy): DJs playing a range of techno and funk.
- Honkytonks (Duckboard Place, City): great cocktail list with DJs mixing fun, upbeat music.
- Metro Nightclub (20-30 Bourke Street City): HUGE 3-level club with 8 bars and 2 dance floors with music ranging from 70s to contemporary pop.
- Phoenix (82 Flinders Street, City): come here to check out the safari theme (if that's your thing...)
- Standard Hotel (293 Fitzroy Street, Fitzroy): laid-back pub with good food and live music.



South Australian organisations and regional information

Aboriginal Legal Rights Movement (ALRM) - ADELAIDE

Address: 321-325 King William St, Adelaide SA 5000

Ph: (08) 8113 3777

Website: www.alrm.org.au

The Aboriginal Legal Rights Movement (ALRM) is an independent organisation that provides support and a range of legal services to Aboriginal peoples across South Australia. In many respects, the ALRM has a unique structure as it provides civil and criminal legal services to Aboriginal people and acts to protect and promote the legal rights of Aboriginal and increase awareness of Aboriginal people's legal rights. In addition, ALRM operates as an NTRB for a large area of the state. The Native Title Unit (NTU) of ALRM provides native title services and resources to Aboriginal people with native title interests, and has a specialist section that deals with Indigenous Land Use Agreements (ILUAs).

Indigenous Land Corporation (ILC) - ADELAIDE (Commonwealth statutory authority)

Address: Level 7, 63 Pirie Street, Adelaide SA 5000

Ph: (08) 8100 7100

Website: www.ilc.gov.au

Adelaide weather

Temperature

- Summer average: 29°C (although can reach the 40s)
- Winter average: 15°C

Climate

South Australia is the driest Australian state, with the majority of rain falling between May and August. This dry air is one of the main reasons for its wine-growing success – try to squeeze in a trip to the vineyards during your stay!

Adelaide tourist information

Tourist office

South Australian Tourism Commission Visitors Centre

18 King William Street, City

Phone: 1300 655 276

Website: www.southaustralia.com



Adelaide medical information

Medical services

St. Andrew's Hospital
South Terrace, City
Phone: (08) 8408 2111

Wakefield Hospital
300 Wakefield Street, City
Phone: (08) 8405 3333

Adelaide transport

Metro

- Tickets are valid on all bus, train and Glenelg tram services. Single trip (conc. \$1.90), day trip (\$3.60) and multitrip (\$12.60) tickets available from the infocentre, staffed railway stations, bus depots, and some convenience stores and post offices (look out for Metroticket signage). You can also get single and day trip tickets on board buses and trains, and from ticket vending machines). Single and multitrip tickets are valid for two hours from the time of validation, during which you can transfer between services as many times as you need. (NB: 'Interpeak' rates are only valid from 9.01am-3pm Mon-Fri.) Make sure you validate your ticket in the blue stamping box as you enter each new service (including when transferring between services). Check out the Adelaide Metro Information Centre website for timetables and tickets: www.adelaidemetro.com.au
- The Bee Line (from Glenelg tram terminus) and City Loop (around the margins of the CBD from the train station) are free.

Night transport

- The Wandering Star Service picks you up from designated spots/nightclubs around the city and delivers you to your front door (to most city suburbs). Operates Friday and Saturday, midnight to 3am.

Taxi

- Adelaide Independent Taxi Service: 13 22 11
- Suburban Taxi: 131 008
- Yellow Cab Co.: 13 2227

Car

- RAA Emergency Roadside Assistance 13 11 11 / (08) 8202 4600.

From the airport

- The JetBus (note: a metroticket service) operates between the airport and Adelaide city, Greenwith, Tea Tree Plaza and Golden Grove Village every day between 4.50am and 12.05am.



Food & shopping in Adelaide

General shopping

In addition to the usual supermarkets scattered around the city, there's a couple of good markets to cater to your food and random shopping needs. Check out:

- Central Market (between Gouger and Grote Street, open Tues, Thurs, Fri, Sat): The largest under-cover produce market in Australia. It offers a huge range of fresh fruit and vegetables, meat and fish, and various other gourmet specialties (go here for your marinated olives).

Eating out in Adelaide

Cheap food

- Café Michael 2 (204 Rundle Street): Thai food, \$10 daily lunch special.
- Ips Noodle Bar (65 Grote Street): Fresh noodles with a broad range of Asian flavours. Open Mon-Sun, mains \$6-10.
- Caos Café Bar (188 Hindley Street): All-day breakfasts (plus other stuff).
- Sprouts Vegetarian Cuisine (39 Hindmarsh Square): Open Tue-Sat, mains \$10-18.
- Woks Happ'ning (174a Hutt Street): South East Asian/Nonya food, open Mon-Sun.
- Lucia's Pizza and Spaghetti Bar (2 Western Mall, Central Market): Adelaide's oldest (and apparently best) coffee shop. With spaghetti and pizza.
- XO Supper Club (173 Hutt Street): Tapas, open Tue-Sun from 3pm.

If you're feeling rich...

- Amalfi Pizzeria Restaurant (29 Frome Street): Italian restaurant with buzzy atmosphere, mains \$15 to \$22.
- Paul's Restaurant (79 Gouger Street): Quality fish and chips (mains \$15-20).

Entertainment in Adelaide

Sights

- Haigh's Chocolates Visitors Centre (154 Greenhill Road, Parkside, Adelaide, Phone: (08) 8372 7070, Open Mon-Sat): Home of the original Easter Bilby. Tour the production area of the factory, sample free tastings, buy some chocolate.
- Swim with the dolphins: Various tour packages available (ask at tourist centre or check out: www.southaustralia.com/product.asp?product_id=9001349&service_id=9005092)
- National Wine Centre of Australia (Cnr Botanic and Hackney Roads, Phone: (08) 8303 3355): offers various wine education and appreciation courses, a vineyard, an interactive wine experience.



- Adelaide Botanic Garden: Includes the Botanic Park, the International Rose Garden, the Bicentennial Conservatory (a tropical rainforest, housed inside the largest glasshouse in the southern hemisphere), the Museum of Economic Botany, amongst others.
- Festivals: Adelaide Bank Festival of the Arts, Adelaide Fringe Festival, WOMADelaide (international music festival), Clipsal 500 V8 Race.

Nightlife in Adelaide

Cinemas

- Greater Union Megaplex Marion (Westfield Marion, Oaklands Park): 30 screens, mainstream films.
- Nova & Palace Eat End Cinemas (251 & 274 Rundle Street) Mainly independent films: range of Australian, foreign-language and arthouse.
- Moonlight Cinema (Botanic Gardens): On during summer, check www.moonlight.com.au for listings.

Music

- Classical Music: Regular concerts at the Adelaide Festival Centre (King William Road, City) and Adelaide Town Hall. Ring them on 8216 8600 or visit the Adelaide Symphony Orchestra's website: www.aso.com.au
- Jazz: live jazz at lots of bars (try the Swingcat Club, 184 Hindley Street). For a listing, check the Gig Guide in Thursday's Advertiser (also available on line at: www.theadvertiser.news.com.au). Saturday's edition also lists the classical concerts and musicals.

Bars & nightclubs

- The Winston Bar (192 Pirie Street): Open Mon-Sun for lunch (11am-2pm), dinner and drinks (5pm-5am)
- Governor Hindmarsh Hotel (59 Port Road, Hindmarsh): top live music venue, hosts everything - dance music, jazz, salsa, Irish folk music, etc. Listing available at www.thegov.com.au
- Belgian Beer Café (27-29 Ebenezer Place): Set up like a European drinking hall, with various imported Belgian beers (girls – these are definitely more drinkable than the Aussie ones!)
- Oyster Bar (14 East Terrace): Funky bar with good music. Oysters half-price on Tuesdays.
- Universal Wine Bar (285 Rundle Street): Huge selection of wines.



Chapter 12: Feedback and Complaints

We always welcome feedback (good and bad!) about your internship and the program. Please let us know about anything that you particularly liked, any suggestions you have for improving the program, or any complaints you have about the program or the Aurora Project in general.

We have provided contact details and a process for providing feedback and making complaints below.

Advice

If at any time you are having a problem, need some advice or just want to talk to someone about your internship, please contact:

- Kirsty Pitot: Student Placement Officer on (02) 9385 9049, or email: placements@auroraproject.com.au
- Kim Barlin: Student Placements and Scholarships Manager on (02) 9385 9052 or email: placements@auroraproject.com.au

Feedback and complaints

Below is an outline of the process for making a complaint or providing us with feedback about the internship program or about any other aspect of the Aurora Project.

The Aurora Project welcomes feedback and complaints. This provides an opportunity for us to obtain valuable information from you about the program and for us to identify and attempt to resolve any problem or concern as it arises. It also helps us to ensure that we are providing high quality services.

Step 1

If you have any suggestions, complaints or concerns, the first step is to contact the relevant staff member at the Aurora Project – such as the person you usually deal with – where this is appropriate and you feel comfortable doing this. This person will be happy to discuss the matter with you and will attempt to resolve any complaint or concerns you may have.

Step 2

Alternatively, you can contact: Carmen Watts our Office Manager on (02) 9385 9044 or email: carmen.watts@auroraproject.com.au to provide us with feedback or suggestions, or to discuss your concern. We will attempt to resolve any concern or complaint you may have as quickly and effectively as possible. In most cases we will attempt to resolve your complaint within 2 weeks of its receipt.

Step 3

If your concern or complaint remains unresolved, or you are dissatisfied with how your complaint was handled, please write to:



Richard Potok, Director
The Aurora Project
University of New South Wales
Cliffbrook Campus, NSW, 2052

Please include details of your complaint and any specific outcome that you are seeking. This will help us attempt to resolve your complaint.

We will acknowledge your letter of complaint within 7 days of its receipt. We will endeavour to respond to your complaint in detail within 4 weeks of its receipt. If it appears it may take longer than 4 weeks to look into and respond to your complaint, we will contact you to let you know and provide you with an estimated time frame for dealing with your complaint.



Chapter 13: Insurance and emergencies

What to do if things go wrong...

Insurance

The Aurora Project has arranged travel and voluntary workers insurance cover with 'Accident & Health Insurance International' for all students on short-term internships – that is, for all students on 5 to 8 week placements.

This insurance coverage does not extend to students who are placed in longer term placements or appointments where students are being paid by the organisation (e.g. 6 month locum positions). In these cases students are paid employees of the organisation and will therefore be covered by the organisation's workers compensation and other insurance policies.

What is covered?

Incident	Coverage amount
Death & Capital Benefit	\$100,000
Emergency Assistance	Based on individual case. Coverage dependant upon hospitalisation, transportation to a medical facility, evacuation arrangements and transport home. Also offers pre-travel advice about health issues.
Weekly Accident Benefit	\$1,000
Baggage	\$5,000 (up to \$2,500 per item)
Cash	\$500
Loss of Deposits	\$5,000
Kidnap and Ransom	\$250,000
Extra Territorial Workers Compensation	\$500,000
Hire Care Excess Expenses	\$1,000
Alternative Employee Expenses	\$5,000
Personal Liability	\$2,000,000
Security Evacuation Cover	\$10,000



How to make a claim

Contact the Aurora Project at the numbers listed on page 159 to obtain a claim form. You must make a claim within 30 days of the incident or as soon as reasonably possible. In an emergency please contact Kim Barlin or Richard Potok on the numbers listed below.

The contact details for the insurers is:

Accident & Health International Underwriting Pty Limited

Level 32, 60 Margaret Street

Sydney, NSW, 2000

Telephone: (02) 9251 8700

Fax: (02) 9251 8755

Website: www.acchealth.com.au

Email: enquiries@acchealth.com.au

If you would like further details on the insurance coverage please contact our placements team at: placements@auroraproject.com.au.

Emergency contact information

(Kim and Richard are available 24 hours, 7 days a week to deal with emergency situations):

Kim Barlin (Student Placements and Scholarships Manager)

Phone: (02) 9385 9052 or 0439 770 020

Email: kim.barlin@auroraproject.com.au

Richard Potok (Director)

Phone: (02) 9385 9044 or 0414 960 708

Email: richard.potok@auroraproject.com.au



Chapter 14: Aurora Project contact details

General correspondence and weekly reports:

Email: placements@auroraproject.com.au
Website: www.auroraproject.com.au
Address: The Aurora Project
University of New South Wales
Cliffbrook Campus
NSW 2052
Fax: (02) 9385 9059

Staff contact details:

Kirsty Pitot (Student Placement Officer)
Phone: (02) 9385 9049
Email: kirsty.pitot@auroraproject.com.au

Kim Barlin (Student Placements and Scholarships Manager)
Phone: (02) 9385 9052
Email: kim.barlin@auroraproject.com.au

Richard Potok (Director)
Phone: (02) 9385 9044
Email: richard.potok@auroraproject.com.au

After hours/weekend/public holiday contact details

In an emergency after office hours, on a weekend, or on a public holiday please contact:

Richard Potok on 0414 960 706 or Kim Barlin on 0439 770 020.





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