



NATIONAL NATIVE TITLE CONFERENCE

2-4 June | Novotel Coffs Harbour Pacific Bay Resort

By **Shiane Lovell**, Project Officer, Communication and Engagement, AIATSIS

The 15th National Native Title Conference 'Living with Native Title from the Bush to the Sea' was held in Coffs Harbour NSW on the traditional lands of the Gumbaynggirr people. The conference went from Monday 2 – Wednesday 4 June and was co-convened by the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) and NTSCORP Limited. Over 600 delegates attended this year's conference, half of whom identified as Aboriginal and Torres Strait Islander people. The conference promotes native title as an agenda for justice for people and country, including the broader relationships between traditional owners and country. This year's sessions included presentations on local councils and PBCs, joint management, native title and cultural heritage management, corporate design, agreement making and authorisation, legal developments in native title, working on native title lands, leaderships, and the outcomes of the review into native title organisations' funding.

Like in previous years, the conference started with a closed program for NTRBs and PBCs on 2 June, followed by two days of public program on 3 and 4 June. Prior to the conference, a day was set aside for a national meeting of PBCs.

AIATSIS is proud of the strong Indigenous participation and ownership of the conference, including the Official Welcome to Country Ceremony, Indigenous Talking Circles, the Mabo Lecture, various cultural performances, the conference artwork and the preconference workshops for Native Title Representative Bodies and Prescribed Bodies Corporate. The conference embraces cultural diversity within Indigenous societies and values dynamic intercultural conversations between Indigenous and non-Indigenous delegates.

Thank you to everyone who was involved in this year's conference, we look forward to seeing you next year.

National Prescribed Bodies Corporate (PBC) Meeting, Sunday 1 June 2014

AIATSIS hosted a National PBC Meeting the day before the main conference program began. This is the second time that PBCs have met before the conference, with a National PBC Meeting also being held the day before the 2013 National Native Title Conference in Alice Springs. Based on recommendations from PBCs at previous conferences, and the national PBC meetings held in 2007 and 2009, the meeting aims to offer PBCs a space to network and discuss shared concerns in a closed session.

The 2014 meeting was attended by over 50 participants, representing PBCs from WA, QLD, NSW, VIC and SA. The meeting was facilitated by Gordon Cole, a Director on the Board of the South West Aboriginal Land and Sea Council, and presentations were made by Tony Lee (Yawuru PBC), Murandoo Yanner and Terrence Taylor (Gangalidda and Garawa PBC), Ned David (Torres Strait Sea and Land Council), Janine Coombs (Federation of Victorian Traditional Owners) and Aboriginal barrister Tony McAvoy. Discussions focused upon sharing experiences and success stories, as well as ways that PBCs might be able to work together and collaborate in their respective regions, as well as nationally.

Each year the conference program includes a number of keynote speeches, inviting high profile national and international guests to share their views on native title related issues. This year's keynote speakers were Minister the Hon. Nigel Scullion, Minister for Indigenous Affairs and Leader of the Nationals in the Senate; Dr Wen-Chi Kung, a member of the Tayal Tribe of Taiwan and an elected Member of the Legislative Yuan (National Parliament of Taiwan); and Brian Wyatt, Churchill Fellow and CEO of the National Native Title Council (NNTC). Some of the main issues raised in their speeches are summarised below.



NTRB and PBC (Closed Program), Monday 2 June 2014

Nigel Scullion - Native Title Organisations: Current Challenges and Future Directions

The Minister for Indigenous Affairs and Leader of the Nationals in Senate, Senator the Hon Nigel Scullion gave the NTRB and PBC (Closed) Program Keynote Address on 'Native Title Organisations: Current Challenges and Future Directions', followed by opening the floor for question and answers from delegates.

Minister Scullion talked about the future for native title and how this could be linked to economic opportunities. He also discussed issues of land tenure and how to break free of dependency on the whims of government, followed by an update on the Federal budget, native title and land.

Public Program Day 1, Wednesday 3 June 2014

Dr Wen-Chi Kung - 2014 Mabo Lecture: 'Lacking the "Mabo Wonder" but still striving for it: The hard struggles for Indigenous Self Government and Land Rights in Taiwan.'

Each year, the National Native Title Conference hosts International Speakers one of which delivers a keynote address relating to international experiences of

native title, land rights and Indigenous justice issues.

Dr Wen-Chi Kung was the International guest speaker at the first day of the Public Program at the conference. Dr Kung is a member of the Tayal Tribe of Taiwan and an elected Member of the Legislative Yuan (National Parliament of Taiwan), a position he has held for three consecutive terms. Dr Kung has for a long time been involved in advocating for recognition of the rights of Indigenous Taiwanese. He has been the President of the 'Taiwan Indigenous Survival and Development Association' since 2006, and has previously acted as Chairman of the Indigenous Peoples Commission for the Taipei City Government.

Dr Kung's paper '*Lacking the "Mabo Wonder" but still striving for it – the hard struggle for Indigenous Self-Government and Land Rights in Taiwan*', discussed his political journey, the Taiwan Indigenous Peoples, land and traditional territory, cultural colonisation and political liberalisation, the challenges of Indigenous land problems, Indigenous Self-Government and the struggles for Indigenous Rights in the United Nations. Dr Kung speech also drew parallels between the history of the Indigenous Peoples of Taiwan and Australia, stating that in both countries this history is deeply embedded in colonialism.

Dr Kung said that Taiwan's democracy, freedom, liberalisation, and tolerance, as well as its historical and particular situation have shaped its Indigenous history to what it is today. Today Taiwan's

Indigenous Peoples are not yet close to achieving their own 'Mabo wonder', but they continue to work towards it, keep it in high regard and continue to be deeply inspired by the spirit of it. Taiwan's Indigenous Peoples are determined to follow and pursue the spirit of Mabo, eager to learn from the hard struggles and brave endeavours of Australia's Aboriginal and Torres Strait Islander peoples.

Dr Kung raised that the experiences of the Mabo Case are illuminating to Taiwan's Indigenous Peoples in that the Mabo Case is still considered a landmark victory and a wonderful achievement for Aboriginal and Torres Strait Islander Peoples in Australia in their long and hard struggles for land rights. Dr Kung continued that Eddie Koiki Mabo has had a tremendous impact upon and provided inspiration and stimulation to all Indigenous Peoples elsewhere. He concluded that, considering the struggles and challenges in Taiwan there is indeed still a long way to go to for Taiwan's Indigenous Peoples towards their own 'Mabo Wonder'. However, the Indigenous Peoples of Taiwan still keep on striving for it.

Public Program Day 2, Wednesday 4 June 2014

Brian Wyatt

Native Title and Indigenous Affairs Policy

Brian Wyatt is a Churchill Fellow who has had nearly 40 years' experience



From left to right: AIATSIS Chairperson, Mick Dodson, The Hon. Senator Nigel Scullion MP, AIATSIS Principal, Russell Taylor. Photo credit: Bryce Gray



Dr Wen-Chi Kung (above), Ezra Mabo (below). Photo Credits: Brigitte Russell

in administration of Aboriginal Affairs, and is also the Chief Executive Officer of the National Native Title Council (NNTC). Mr Wyatt gave the keynote speech on the second day of the Public Program. In his speech he responded to Minister the Hon. Nigel Scullion's keynote address from the day before and discussed changes in policies affecting native title and Indigenous Affairs. Mr Wyatt discussed some issues he thinks should provide the focus for improving the current system, chiefly among them the fact that achieving outcomes for Traditional Owners should be the key driver of policy and policy changes.

Together with the Minerals Council of Australia, Marcia Langton of the University of Melbourne and others, the NNTC developed the Indigenous



Brian Wyatt

Photo Credit: Andrew Turner

Communities Development Corporation (ICDC), which aims to create a new category of entity for tax purposes as an alternative for use when considering appropriate structures for management of payment and benefits negotiated by native title groups, where these benefits come from the public or private sector centred on the statutory entitlements of native title holders. Minister Scullion indicated his openness to exploring the benefits of the ICDC, and Mr Wyatt is looking forward to pursuing this with the Minister over the next few months.

Mr Wyatt then spoke about the Deloitte report providing a 'Review of Native Title Organisations' (the Review). He highlighted the current lack of support for PBCs, which continue to face challenges due to limited funding from Government; an issue that needs to be addressed as a matter of urgency. He discussed that the Review is calling for funding to be reallocated from the broader Indigenous Affairs budget and directed to PBCs. Another recommendation from the report he mentioned is that native title programs be retained and funded as a specific Commonwealth responsibility.

He then raised that the NNTC will continue to argue for increased support to Native

Title Representative Bodies in order to allow them to pursue those things that matter to people on the ground, which include:

- capacity building and governance structures;
- funding, resourcing and the ability to deliver services, particularly given the growing number of PBCs across the country;
- Human Rights, including the UN Declaration on the Rights of Indigenous Peoples, which includes free, prior and informed consent; and
- negotiating agreements and managing benefits.



All speaker presentations are now available on our website.

www.aiatsis.gov.au/ntru/ntc14papers.html

DEVELOPING A TOOLKIT FOR PBCS: A COLLABORATION BETWEEN AIATSIS AND THE NORTH QUEENSLAND LAND COUNCIL

By Claire Stacey, Project Manager, NTRU and Christine Deng, Project Officer Legal, NTRU

The Native Title Research Unit at AIATSIS and the North Queensland Land Council (NQLC) are currently working together to develop a comprehensive information resource for the directors, staff and management of the 23 Prescribed Bodies Corporate (PBCs) in the NQLC region. AIATSIS and NQLC have been discussing the concept for a PBC toolkit over the past year, and in June formalised the partnership through an agreement which will see a team of AIATSIS and NQLC staff dedicating time over the next 6 months to develop the content for a PBC toolkit. This project is a continuation of the support AIATSIS has been offering to

the PBC sector through the PBC Support Project. To date this project has involved coordinating national and regional PBC meetings, developing a PBC website (www.nativetitle.org.au), producing PBC funding and training guides for each jurisdiction, coordinating the flow of information to PBCs through a national email network and collaborating with PBCs through a range of research projects.¹

PBCs have a significant role to play in the management of land and water in Australia. Yet it is well known that the PBC journey traditional owners face following a determination of native title is not an easy one. A chronic lack

of adequate funding, particularly in the initial phase of PBC setup is the most significant hurdle facing PBCs. As at June 2013, over 80% of PBCs nationally were classified as 'small' corporations under the *Corporations Aboriginal and Torres Strait Islander Act 2006* (Cth), meaning that they have little to no income or assets available to run their corporations.² In the NQLC region, 21 of the 23 PBCs were classified as small corporations.³

PBCs also face an under resourced support sector, with NTRBs/NTSPs receiving little to no direct operational funding to provide support services to PBCs, instead relying on the already