

# native title & cultural heritage



## SPECIALISED KNOWLEDGE AND INNOVATIVE ADVICE

**p&e Law** has one of the largest private native title and cultural heritage law practices in Queensland. With offices on the Sunshine Coast and Cairns we provide advice to clients throughout Queensland including in many remote communities. The strength of our team of specialist lawyers is enhanced by our highly-skilled support team.

We currently have 5 lawyers practicing in the areas of native title and cultural heritage. They are supported by other lawyers who specialise in planning and environmental law. The breadth of experience in our team provides a great range of experiences to be brought to bear to achieve solid results.

We have experience in all aspects of native title and cultural heritage work. Our lawyers have extensive experience working in urban as well as remote Aboriginal and Torres Strait Islander communities for and with Aboriginal organisations. As a result we are able to provide a specialist legal service to Aboriginal groups and corporations in a way that is respectful and understanding of tradition and culture.

The experience of our lawyers predates the 1993 *Native Title Act* with partner Michael Neal having over 25 years experience in related work.

## OUR SERVICES

**p&e Law** lawyers have acted for:

- Native title applicants in negotiating determinations of native title and related ILUAs, exploration, infrastructure and mining agreements;
- Native title respondents;
- Native title representative bodies;
- Registered native title bodies corporate (PBCs);
- Aboriginal corporations formed under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*;
- Aboriginal Cultural Heritage Bodies;
- Aboriginal local governments and Aboriginal Shire Councils;
- Aboriginal land trusts and Trustees of Deed of Grant in Trust lands under the *Aboriginal Land Act 1991*;
- Mining companies;
- Tourism interests; and the
- Commonwealth of Australia and State government entities.

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## OUR ACHIEVEMENTS

**p&e Law** lawyers have acted for:

- Western Yalanji applicants in Australia's first determination of native title over pastoral lands, in relation to Karma Waters;
- The native title group in negotiating Queensland's first ILUA for ongoing local government development;
- Djabugay people in the first native title determination over a national park in Queensland at Barron Gorge National Park in December 2004;
- Aboriginal community local governments in complex determinations of native title including entry into ILUAs to accompany determinations, as well as other agreements to address land use planning issues;
- The claimants in most of the Aboriginal land claims so far heard in Queensland under the *Aboriginal Land Act 1991*;
- Native title holders in negotiating Queensland's first Aboriginal-owned and jointly managed National Park – the Lama Lama National Park;
- Aboriginal parties involving Future Acts under the *Native Title Act 1993* and negotiating related agreements involving mining, infrastructure and related commercial arrangements;
- Various parties in developing trust arrangements for management of benefits from mining agreements, including development of trusts for community development purposes;
- Native title parties in negotiating joint ventures to develop business opportunities from mining;
- Aboriginal parties in negotiating Cultural Heritage Management Plans on various pipeline, mining, road, tunnel and other major infrastructure projects;
- Aboriginal parties in Land Court proceedings for injunctive relief for threatened damage to Aboriginal cultural sites;
- Establishment and administration of Prescribed Bodies Corporate and other *CATSI Act* entities.

## OUR TEAM

**Michael Neal** is one of the most experienced solicitors practising in Native Title law in Australia. He is a partner of **p&e Law**, based in Cairns. Michael's professional achievements include many "firsts", such as negotiating Australia's first Indigenous Land Use Agreement; acting for the applicants in Australia's first determination of native title over pastoral lands; acting for the Jawoyn People in Australia's first post Mabo mining agreement, and acting for all of the Miriuwung Gajerrong and Kitja groups in the well regarded Argyle Diamond Mine ILUA. Michael provides strategic legal advice in relation to native title issues and development of Aboriginal land, predominately in Queensland but also in other parts of Australia.

**Matt Patterson** has practiced exclusively as a native title, planning and environment lawyer for over 10 years. Matt has recently successfully negotiated major projects involving the settlement of tenure and land management arrangements between the Queensland government, native title holders and pastoralists, and in 2007 negotiated new legislative arrangements governing aspects of land management in Cape York Peninsula. His involvement extends to native title and cultural heritage agreement negotiation for major utilities and construction projects.

**Clare Farley** has over four years experience in the practise of native title law and has acted for a number of Aboriginal parties in native title, Aboriginal cultural heritage, mining and land tenure resolution matters in north and central Queensland. Her current native title practise has expanded to include pastoral and Government representation in these areas. Clare has carriage of a variety of planning and environment matters including appeal litigation and the negotiation of infrastructure agreements for a predominantly local government client base.

**Annabelle Nilsson** spent almost 3 years in the Torres Strait working closely with native title holders negotiating Indigenous Land Use Agreements focusing on infrastructure development, preparing law reform submissions and assisting with the preparation of evidence for the Torres Strait Native Title Sea Claim. In 2010, Annabelle worked in the Americas analysing implications for indigenous communities arising from carbon markets stimulated by the developing United Nation's Reducing Emissions from Deforestation and Forest Degradation collaborative program. Annabelle continues to work within the native title context in addition to exploring solutions to land rights in other forms.



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