



## **PROJECTS UNDERTAKEN BY ANTHROPOS STAFF**

### **David Martin**

**Review of the Aboriginal Councils and Associations Act:** Anthropos staff have worked in a multidisciplinary team with national legal firm Corrs Chambers Westgarth and accountants and management specialists Senatore Brennan Rashid, in a major review of the ACA Act commissioned by the Registrar of Aboriginal Corporations. Dr Martin was also involved in an earlier review of this Act in 1996, commissioned through the Australian Institute of Aboriginal and Torres Strait Islander Studies.

**Alcohol issues:** Dr Martin has undertaken work on alcohol issues in Indigenous communities, which was a major focus of his doctoral thesis. The work was instrumental in developing legislation for Aurukun which attempted to give that community mechanisms to better control alcohol usage, by incorporating the recognition of customary Law in an innovative legislative framework which has been reflected in recent changes to the Community Services Act in Queensland. In 2003/2004, he reviewed the Napranum Alcohol Management Plan for the Community Justice Group and Cape York Partnerships. He conducted a study into the political economy of alcohol in the Cape York Aboriginal communities in 1998, and published a CAEPR discussion paper on this subject which made a number of significant policy recommendations with regard to the supply of alcohol in remote Aboriginal communities. This work formed the basis of advice he provided to the Fitzgerald enquiry on law and justice issues in Cape York. Further work during 1998 and 1999 on indigenous alcohol issues in the Alice Springs area led to a report to the Northern Territory Liquor Commission co-authored with Dr Maggie Brady of the Australian Institute of Aboriginal and Torres Strait Islander Studies, which recommended strategies directed towards developing a responsible culture of serving alcohol as part of an overall process of reducing harmful consumption practices. Dr Martin has also been engaged by Cape York Partnerships to undertake a preliminary assessment of the Alcohol Management Plan introduced to Napranum, western Cape York, in June 2003.

### **Peer review of native title connection reports**

David Martin has undertaken peer reviews of native title connection reports for both government agencies and Native Title Representative Bodies.

**Consent determinations of native title, Victoria:** Anthropos was engaged in May, 2000 to provide advice to the Victorian Attorney General on appropriate principles and evidentiary requirements for consent determinations of native title in the Victorian context. Anthropos engaged Corrs Chambers Westgarth to provide the necessary legal advice, and presented a comprehensive report to the Attorney General in December, 2000. This report provided substantial input into the guidelines adopted by the Victorian Government in October, 2001.

**Re-recognition of Native Title Representative Bodies (NTRBs):** During 1999 and 2000, Dr Martin was engaged by the Aboriginal and Torres Strait Islander Commission (ATSIC) to provide advice on the re-recognition of Native Title Representative Bodies as

a member of multi-disciplinary teams including lawyers, accountants and anthropologists. This involved the assessment of NTRBs against the criteria established in the Native Title Act, and required a detailed knowledge of the principles of native title and the requirements of the Act, including those related to the mediation of native title claims.

**Regional agreements under the Native Title Act:** Dr Martin was involved as part of a multi-disciplinary team working through the Australian Institute of Aboriginal and Torres Strait Islander Studies, which examined the issue of developing Regional Agreements springboarding from section 21 of the original Native Title Act. He provided a case study of Cape York peninsula.

**National Native Title Tribunal (NNTT) – Prescribed Bodies Corporate (PBCs):** Along with a barrister, Christos Mantziaris, Dr Martin was engaged by the NNTT during 1999 and 2000 to produce a major monograph together with a plain English version on legal and anthropological issues of the Prescribed Bodies Corporate regime under the Native Title Act. The work has focussed extensively on developing effective organisational structures in the zone between Indigenous and non-indigenous societies. The project also involved an extended national series of workshops for both indigenous and non-indigenous people, presenting the findings of the project. The plain English version has been published through the NNTT, and the book has been published through Federation Press.

**Implementing the Century Mine agreement:** During 1998 and 1999, Dr Martin was engaged as the principal consultant in a major long-term project implementing the Century Mine agreement, signed in May 1997 between three Native Title Groups in the Gulf region, Queensland, and Century Zinc Limited (now Pasminco). A core aim of the consultancy was to establish a special-purpose organisation, the Gulf Aboriginal Development Company, whose roles are to administer the Agreement on behalf of the Native Title Groups, to play a coordinating and facilitating role in employment, training and business ventures arising from the mine, and to distribute funds provided under the Agreement to eligible Aboriginal corporations. The work drew extensively on Dr Martin's previous CAEPR research into mechanisms to maximise the effectiveness and accountability of Aboriginal organisations, and involved detailed collaborative work with Aboriginal colleagues and legal practitioners in establishing both representative and commercial organisational structures. Part of the project involved developing interpretive materials for the Native Title groups on such matters as the Agreement, and proposed corporate representative and business structures..

**Development of effective Aboriginal organisational structures:** A major component of Dr Martin's work in the Century implementation involved the negotiation and establishment of organisational structures which provided an effective interface with the wider society for Aboriginal people. This focus continued in other projects including those undertaken with Senatore Brennan Rashid in establishing Community Development Employment Projects (CDEP) organisations in rural New South Wales, which balanced the Aboriginal requirement for broadly representative community-based structures with the requirement by ATSIC for cost effective and accountable organisations.

**Native title and land rights:** Dr Martin has long-term experience in Aboriginal land tenure research and land claims. He has had a significant role in a number of capacities in the Wik Native Title claim in western Cape York. Anthropological site mapping work undertaken for Aurukun Wik people between 1986 and 1994 forms a significant part of the evidence underpinning that claim. A major part of his role also involves the preparation of

anthropological materials for the claim, and acting as a 'cultural interpreter', assisting the team of lawyers and other specialists in providing the Aboriginal people involved with advice and information on the legal and policy issues of their claim in a culturally and linguistically appropriate form. He was involved in the successful negotiation of a consent agreement over the Aboriginal lands sectors of the claim. He has also undertaken specialist work in this claim in collaboration with members of the Wik legal team, to develop a constitution for the resultant Prescribed Body Corporate to manage the native title.

Dr Martin has also undertaken consultancies for Aboriginal groups and organisations involving developing land claims under the Land Rights (Northern Territory) Act 1976, and under Queensland's Aboriginal Land Act 1991. He was senior anthropologist in the claim for the Mungkan (Wik) groups with traditional affiliations to the Mungkan-Kandju National Park under the Queensland Act. He has also provided advice to Aboriginal claimants on the development of a plan of management over the Cape Melville and Flinders Islands National Park in eastern Cape York.

Dr Martin was engaged in 1996 by the Aboriginal and Torres Strait Islander Commission to provide advice to the Federal Minister on appropriate organisational structures and processes for a Native Title Representative Body to be established in north-western Queensland.

In 1995, Dr Martin submitted a major report to the Minister for Aboriginal Affairs with regard to the proposal for a 'breakaway' land council in north-east Arnhem Land. Amongst other matters, the report examined the processes established under the Land Rights (Northern Territory) Act 1976 relating to the capacity for the Minister to establish additional Land Councils and to the mining royalty regime, and recommended certain amendments to the Act to allow devolution of powers from the existing bodies to Regional Land Councils, and a re-examination of the accountability provisions relating to royalty associations.

**Community development and planning:** In 1997 Dr Martin facilitated a strategic planning workshop for the Aboriginal owners of a Cape York pastoral property, which examined the possibilities of joint venture arrangements with large vertically integrated agribusinesses focussed on production for the developing live cattle export industry in Cape York. The resultant report to the owners and to the Balkanu Cape York Development Corporation concentrated on organisational, socio-cultural and economic prerequisites for a successful joint venture.

In 1988, Dr Martin undertook consultancy work in Aurukun, north Queensland, acting as negotiator between traditional Aboriginal landowners and Comalco Pty. Ltd. in its oil and gas exploration work in the Aurukun area. He also has undertaken consultancy work for the Aurukun Community Incorporated, negotiating formal agreements between it and the Aboriginal clan groups whose traditional lands were affected by the company's cattle mustering operations.

**Royal Commission into Aboriginal Deaths in Custody:** In 1988, Dr Martin was engaged by RCIADIC for its Aurukun hearings. This involved working as a translator during court proceedings, and preparing comprehensive written submissions to the Commission relating to its investigations into factors underlying the deaths in custody. The report Dr Martin prepared on underlying factors was used widely by other researchers as well as by the Commission itself.

