

## Diversity and Experience in a NTRB

### Legal Internship Article

By Gemma Wheeler-Carver

I was in my final year of what felt like an infinitely long Law/Commerce degree when I completed my internship. After six years at university, I had decided that it was essential that I experienced some of the 'real world' before being unceremoniously pushed out into it at the end of the year. The Aurora Project provided an excellent opportunity for such personal growth. I spent five weeks at Central Desert Native Title Services, a NTRB (Native Title Representative Body) as a legal intern. NTRBs were created under the *Native Title Act 1993* (Cth) to help claimant groups to bring land claims, and assist them in the ensuing negotiations and with other legal issues.

I assumed I would be doing the usual 'intern' jobs – filing, photocopying and generally running around after everyone in the office. However, I was pleasantly surprised – the only coffee I made the whole 5 weeks was my own morning coffee, enjoyed at my desk whilst pouring over the latest information I was avidly researching.

After a brief introduction to the office, people and work of Central Desert, I was given a desk and a research task (all before 10am!). From that moment on, I was inundated with many diverse and interesting tasks.

A meeting had also been organised for me with the Logistics Officer to organise my trip out to Balgo the following week. This was a huge deal for me – having lived in Perth my whole life, I am ashamed to admit that my trips to rural Australia extended only to wine trips to Margaret River and the occasional visits to friends in Kalgoorlie and Geraldton (a mere 4 or 5 hour drive away). Imagine my surprise on learning that visits to the Balgo Community required a 3 hour flight to Broome, followed by a 10 hour drive south! Unfortunately, due to a death in the community days before our trip, and another several weeks later, I was prevented from enjoying this experience.

I was able to talk to others around the office however, most of whom travel into the Central Desert at least once a month. They shared their experiences with me and gave me access to DVDs of their trips. The involvement of Central Desert in the communities was amazing to watch. Although the lawyers and anthropologists are generally in the community to gather claim information or obtain instructions from the Traditional Owners, they are more often than not to be found BBQing for the community or entertaining the children. I also saw this level of personal involvement with the community in the Perth office, where Aboriginal people would often drop in to have their MP3 player filled with songs or to boast of their son's participation in the pre-match game at Subiaco Oval.

The diversity of the work that I was personally involved demonstrated how many areas of law a native title lawyer must be proficient in. I helped prepare a prosecution brief, from obtaining and preparing witness statements, researching the law (the particular act that the prosecution was brought under has not actually had a prosecution brought under it in the 20 years it has been in existence!), writing a

statement of facts and generally organising the brief for the State Solicitors Office. I did several research projects, from sandalwood production, to the effect of 25 year old leases, and the tenure of particular reserves in claim areas. I also worked with the anthropologists to explore the options for the division of certain claim areas – this enabled me to see the interaction between the legal and anthropological fields. It also highlighted the difficulties inherent in making claims, based on the testimony of the Traditional Owners, who may not speak English particularly well, cannot talk about particular Dreamings with certain sexes and assess their country by reference to several Dreamings which may overlap with other pre-existing claims.

My work at Central Desert verified my views on the attitude of many people to the work done by Central Desert. As a child of English parents, and not a shred of Aboriginal heritage, I can only imagine the effect of society's prejudice on those of Aboriginal heritage. Many people, when informed of my placement, were quick to judge, question its validity or make an inappropriate joke, failing to recognise the importance of such an organisation. I encountered this prejudice whilst working at Central Desert in a meeting I attended with a mining company, as well as in many of the older files of meeting with both mining and petroleum companies. The lack of understanding of the culture and history results in many misconceptions about the native title process.

This misunderstanding also extends to the task of explaining essentially 'white' law to the Aboriginal communities. Whilst preparing the prosecution brief I talked to several members of the community and often found it difficult to explain why I needed particular information, and why Central Desert itself could not punish wrongdoers. This is one of the greatest challenges facing NTRBs! I also experienced this difficulty when setting up Prescribed Body Corporate rules for one of the communities. Although most of the information contained within the rules was fairly straight forward to me, as a 6<sup>th</sup> year law student, most of its significance was lost in translation when communicating it to the community. This necessitated a simpler version of the rules, addressing the particular issues of concern to the community, and the rules that had been specifically changed to follow the community's instructions.

This is only a small sample of the variety of work I was involved in – I was also involved with old lease agreements, assessing building contracts, creating generic contracts for future use by Central Desert and some basic administrative work. I was invited to attend most of the meetings Central Desert had with mining companies and the DMP, and included in all intra-staff meetings where my input was welcomed.

At all times I was held accountable and responsible for the work I was doing and this made me feel like a valued member of the team. I was invited to voice my opinions on certain issues, both verbally and via memos, and encouraged to participate as fully as possible in all aspects of Central Desert's work.

I was delighted on the last day when my Senior Legal Officer asked for a private meeting to offer me articles with Central Desert and part-time work in the interim. I had really enjoyed my time at Central Desert so I was flattered and excited to be offered further work. To be honest, I had also been dreading the looming articles deadline and the subsequent whirlwind of applications, interview and waiting around for offers. To be offered such an opportunity was gratifying and I readily accepted! Needless to say, I am really looking forward to the next year now!

I enjoyed the work I did, and felt that my horizons were truly widened by the experience. My understanding of the practical application of several areas of the law was enhanced by my work at Central Desert, and I really felt that I learned a lot from the experience, both personally and professionally. I would highly recommend the opportunity to all students, whether or not they have an interest in the area. Further information on the project can be found at [www.auroraproject.com.au](http://www.auroraproject.com.au).