



Kimberley Land Council

Job Information Kit

LEGAL OFFICER

BROOME

Background

The Kimberley Land Council Aboriginal Corporation (KLC) is an association of Aboriginal people in the Kimberley region. It is a peak regional community organisation.

The KLC was established in 1978 by Aboriginal people to work for the protection of traditional land and waters and is charged with the responsibility to protect, enhance and gain formal status (legal, social and political) for the customs, laws and traditions of Kimberley Traditional Owners.

As the Federal Government recognised native title representative body for the Kimberley region, the KLC has statutory functions under the *Native Title Act* (Cth) 1993. In accordance with these functions, it assists Aboriginal people to obtain recognition of, and fully enjoy, their native title rights and interests. Native Title Operations of the KLC are funded primarily, but not exclusively, by the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA).

The KLC is conscious of the dynamic change taking place in contemporary Aboriginal society, and emphasises the role of Kimberley Traditional Owners, our members, and communities in managing that change. In this context, it is dedicated to the development of a modern, sophisticated and innovative service to our members and the community.

An elected 32 member Board determines the organisation's priorities in all policy and operational matters. The Board, through the position of the Executive Director, monitors the progress of all KLC activities, and oversees the conduct of the organisation's affairs. The Chief Executive Officer has responsibility for the day to day operation and administration of the organisation.

The Chief Executive Officer is assisted in discharging this responsibility by a management team and staff with diverse skills and experience. The work associated with the various functions of the organisation is undertaken by teams consisting of native title officers, legal officers, land and sea management staff, administrative support staff and others located in Broome, Derby, Fitzroy Crossing and Kununurra.

DUTY STATEMENT

POSITION: LEGAL OFFICER
BRANCH: LEGAL
LOCATION: BROOME
RESPONSIBLE TO: PRINCIPAL LEGAL OFFICER

ROLE DESCRIPTION:

This position requires you to coordinate negotiations and litigation in relation to native title claims, under the supervision of the Principal Legal Officer.

You will be required to:

1. Provide legal advice to Aboriginal communities and groups throughout the Kimberley in relation to:
 - (a) the preparation and conduct of applications for determinations of native title under the Native Title Act 1993 (Cth);
 - (b) the conduct of non-claimant applications and future act applications;
 - (c) the protection of Aboriginal heritage sites and areas of significance under the State and Commonwealth Aboriginal Heritage Acts;
 - (d) the negotiation of commercial contracts, joint ventures and land use agreements;
 - (f) corporate structures and governance; and
 - (e) other matters of relevance to the aspirations and needs of the Aboriginal people of the Kimberley consistent with the organisation's objectives.
2. Attend claimant meetings, often in remote locations, to obtain instructions and to provide information and advice to claimants;
3. Determine the strategic direction of individual claims, in consultation with management and external advisers;
4. Represent Aboriginal communities and groups in proceedings before the National Native Title Tribunal and the Federal Court and in negotiations with regard to proposals for the use, development and acquisition of land;
5. Prepare evidence and organise connection reports;
6. Liaise and coordinate counsel, anthropologists, historians, linguists and other consultants;

7. Research policy issues affecting native title and draft briefs for management on emerging and significant policy and planning issues which may affect the work of the KLC;
8. Research legal issues and background information for native title claims and agreement negotiations;
9. Negotiate agreements with other stakeholders in relation to land interests;
10. Draft submissions and prepare briefs for in-house and external counsel and for management as required;
11. Develop and maintain an awareness of all relevant case law and legislation; in particular, the following legislation and any case law related to this legislation:
 - Native Title Act 1993 (Cth)
 - Aboriginal Heritage Act 1972 (WA)
 - Aboriginal Affairs Planning Authority Act 1972 (WA)
 - Land Act 1933 (WA)
 - Local Government Act 1995 (WA)
 - Mining Act 1978 (WA)
 - Aboriginal Communities Act 1979 (WA)
 - Aboriginal Councils and Associations Act 1986 (Cth)
 - Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)
 - Land Administration Act 1997 (WA)
 - Conservation and Land Management Act 1984 (WA)
12. Participate in conferences with external consultants and other members of the legal team and provide regular case management reports to the Principal Legal Officer;
13. Prepare submissions for and represent the Kimberley Land Council in matters relevant to the work of the Land Council;
14. Liaise with other staff and consultants of the Kimberley Land Council in matters requiring a coordinated application of legal and other resources;
15. Participate in KLC Regional Teams planning and activities;
16. Adhere to the values and code of conduct of the Kimberley Land Council; and
17. Undertake other tasks, relevant to this position, as required by the Principal Legal Officer.

SELECTION CRITERIA

Essential:

Applicants are required to demonstrate that they:

1. Have experience, either in legal practice or at a policy level, in civil or commercial law;
2. Exercise sound analytical skills and good judgment and have excellent conceptual skills;
3. Possess good negotiation skills;
4. Possess good communication skills and the capacity to liaise effectively at all levels with members of the public including community groups and Aboriginal and Torres Strait Islander people;
5. Are self motivated and work cooperatively and effectively with a small team;
6. Are eligible for admission as a Barrister or Solicitor through one of the State Registration boards; and
7. Possess a current driver's licence.

Desirable:

It is desirable that applicants demonstrate that they:

1. Possess knowledge of the Native Title Act and native title issues generally;
2. Understand the Commonwealth legislative framework, and jurisdiction of Federal courts and tribunals;
3. Have three or more years experience in legal practice or policy equivalent;
4. Have experience in the area of policy development; and
5. Have experience in mediation or dispute resolution.

SALARY & CONDITIONS

Base salary to be negotiated according to qualifications and experience plus allowances. Relocation expenses for applicants outside the Kimberley may be negotiated.

Entitlements include 5 weeks annual leave; remote area district allowance; air conditioning allowance and annual airfare.

The Kimberley Land Council is a Public Benevolent Institution (PBI) for income tax purposes and therefore capped Fringe Benefits Tax free. Salary sacrifice arrangements are available.

Duration: Two year contract with the possibility of extension dependant on funding. A three (3) month probationary period applies.

Please forward your application addressing the Selection Criteria and providing contact details for three referees to:

Sarah Parriman
HR Coordinator
Kimberley Land Council Broome Office
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or by post:
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