



Kimberley Land Council

Job Information Kit

SENIOR 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

JOB TITLE: SENIOR 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.

JOB DESCRIPTION:

1. Lead and manage a team of legal practitioners, in consultation with Principal Legal Officer, to ensure effective delivery of legal services to members and staff of the Kimberley Land Council and to Aboriginal Communities and Groups throughout the Kimberley Region of Western Australia.
2. Provide high level legal advice to the members and staff of the Kimberley Land Council on matters relevant to the work of the Land Council and provide and/or oversee the legal advice and services to Aboriginal Communities and Groups throughout the Kimberley Region in relation to:
 - (a) the preparation and conduct of Applications for Determinations of Native Title;
 - (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) other matters of relevance to the aspirations and needs of the Aboriginal people of the Kimberley consistent with the organisation's objectives;
 - (e) negotiation of commercial contracts, joint ventures and land use agreements; and
 - (f) corporate structures and governance.
3. Represent the KLC and as part of the KLC's representative body functions 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.
4. Supervise and where required assist in the research of legal issues and background information for the purposes of Native Title Claims , agreement negotiations and the provision of advice.

5. Provide high level negotiation and mediation skills in agreements with other stakeholders in relation to land interests.
6. Prepare and/or oversee the development of submissions for and representation of the Kimberley Land Council in matters relevant to the work of the Land Council.
7. Prepare briefs for In-House and external Counsel and for management as required.
8. Liaise with other staff and consultants of the Kimberley Land Council in matters requiring a co-ordinated application of legal and other resources.
9. 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 (WA);
 - Land Acquisition and Public Works Act (WA);
 - Conservation and Land Management Act (WA);
10. Participate in conferences with other members of the legal team and provide regular case management reports to the Principal Legal Officer;
11. Maintain legal files and records to industry standards;
12. Participate in KLC Regional Teams planning and activities; and
13. Adhere to the values and code of conduct of the Kimberley Land Council.

Selection Criteria

Essential

1. Demonstrated practical work experience in the use of the Native Title Act and Native Title issues;
2. Experience and personal attributes to manage a highly motivated and committed professional team of legal staff;
3. Demonstrated analytical and research skills (legal), coupled with the ability to construct sound and well reasoned arguments;
4. Demonstrated work experience of Commonwealth legislative framework, and jurisdiction of Federal Courts and tribunals;
5. Demonstrated experience in administrative law, civil law or commercial law and in particular the areas of native title law, property law, land management, local Government laws, environmental law or related fields, contract law, mining law or company law;
6. Good communication skills (oral and written) with the capacity to liaise effectively at all levels with members of the public including community groups and Aboriginal and Torres Strait Island people;
7. Eligibility for/or admission as, a Barrister or Solicitor through one of the State Registration boards;
8. A minimum of five years experience in legal practice; and
9. Current driver's licence.

Desirable

It is desirable that applicants demonstrate that they have:

1. Experience in the area of policy development;
2. 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
sarah.parriman@klc.org.au

or by post:
PO Box 2145
Broome WA 6725
Ph: (08) 9194 0100