

Assessment Task 2

Part 1 - Research Report

Instructions

Now that you have further details from your client (see **Role Play Case Study**) you will need to review the information to support your client's case for the native title claim. You are reviewing the information that supports the client's connection to the land in question. The information you find must be presented in a Research Report (using the **Research Report Template** provided).

You must ensure your Research Report follows this template and includes:

- a cover page
- contents
- introduction
- body
- conclusion
- bibliography.

For this assessment task, you must use a variety of sources to research a real example of an Indigenous Nation in Australia, for example Yaegl, Dharawal or Wiradjuri. You must include the following in your Research Report:

- Identify which Indigenous nation you have chosen to research
- Outline the borders of their traditional lands
- Address the following, with reference to your chosen peoples:
 - The importance of land on cultural practice
 - You must provide **three (3)** specific examples and, where possible, discuss at least **one (1)** activity in relation to land and **one (1)** activity in relation to water

- The impact of loss of land on culture
- Ensure anything you mention is linked back to land
- Impact of the dissemination and fragmentation of culture. For example, loss of sacred sites (land) might mean lack of men's business (culture) and young men acting up and being locked up (impact) as they are no longer connected to cultural support systems.
- Once you have completed your Research Report and examined the client's familial history and other documentation received from the client, you determine that the client has a strong enough case to make a native title claim.
- You present your report and findings to the solicitor for review and the solicitor agrees that based on your report she is of the view that the native title claim could succeed.

Roleplay Case Study

1. Client is Eddie Bilson, D.O.B. 22/05/1972, an elder of the X People, address 92 Mabo Street, Brooms Head, NSW. He has come to XYZ Legal for assistance in completing the registration form for a Native Title Claim.
2. The client is authorised by the X people to be the applicant in a Native Title registration application for non-exclusive native title rights and interests over Y land and waters located in Z country.
3. The client has brought with him proof that he is authorised to make the application by the native title claim group and act on their behalf in relation to the application.
4. The client has brought with him a description of the native title claim group as being made up of all the descendants of, named ancestors.
5. The client informs you that the National Native Title Tribunal Registry is assisting with the map of the area.
6. The Native Title Rights claimed by the X People are the right to:
 - Access the area
 - Camp
 - Erect shelters
 - Live on the area
 - Hunt
 - Fish
 - Conduct ceremonies
 - Protect places of importance.

7. The client has brought evidence in the form of affidavits provided directly by members of the native title claim group and anthropological and historical reports provided by academics at ABC University. These documents support the claims regarding:
- The identity of the claimants;
 - The traditional language of the claimants;
 - The claimants' connection to country and responsibilities to country;
 - The claimants' social and cultural system – the body of law and custom which is acknowledged and observed;
 - The claimants' rights and interests in land and water;
 - Traditional activities carried out by claimants on their country; and
 - The relationship between the rights and interests and the law and custom of the claimants. The evidence is usually contained in experts' anthropological and historical reports and in affidavits provided directly by members of the native title claim group.