

# Warwick Robert Baird

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## Career Profile

I am a highly qualified lawyer with a proven track record of achievement in the law. During my 13 years working as a legal consultant, primarily in Indigenous affairs, I have undertaken significant assignments including:

- Director of the Native Title Unit at the Australian Human Rights Commission
- Senior Registration Delegate at the National Native Title Tribunal
- Research into carbon emissions trading and the Kyoto Protocol
- Registrar of the Aboriginal Land Rights Act
- Producer, director, and writer of a documentary on Indigenous relationship with land and sacred sites ('Flooded Dreams').

Prior to being a consultant I worked:

- For a private firm specialising in Indigenous law
- As a prosecution lawyer for the Commonwealth DPP
- As an associate to Justice Michael Kirby.

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## Qualifications

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### Master of Laws

The University of New South Wales (2001)

### Bachelor of Fine Art

National Art School, Sydney (2004)

Painting major, Photography minor

### Bachelor of Laws

The University of Sydney (1987)

### Bachelor of Arts

The University of Sydney (1987)

Government major, Political Economics minor

### Additional Training

- Managing People (5-day course) – University of New South Wales
- Financial Markets & Economics (single subject in Graduate Diploma in Finance & Investment) – Securities Institute
- Project Management (2-day course) – Numerix
- Practical Legal Training Program – College of Law, Sydney
- Spanish for Business (one year) – Spanish Chamber of Commerce

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## Key Skills & Strengths

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### **Leadership and advanced people skills**

Demonstrated in leading and managing public sector teams, managing projects, leading film crews and producing documentaries, and leading Himalayan expeditions

### **Strong negotiation skills**

With a high distinction grade in Negotiation at Masters level

### **Providing high level legal advice and advocacy**

Covering a wide range of law including native title, Indigenous, environmental, administrative, criminal, and intellectual property law

### **Highly developed written and oral communication skills**

Experience in preparing reports – including the AHRC Native Title Report 2007, research papers, legal documents, ministerial briefs, funding applications, and plain English guides to legislation, court advocacy, and explaining complex areas of law to non-lawyers

### **Highly developed research, conceptual, and analytical skills**

Demonstrated in post-graduate studies and research, and a list of publications across diverse areas of law (see later)

### **Financial management skills**

Acquired through managing public sector budgets, operating a small business, and raising finances and controlling budgets for documentary production and climbing expeditions

### **High levels of initiative, vision, and creative flair**

Evidenced by a track record of success in writing, directing, and producing documentary films, and exhibiting in the visual arts

- Computer expertise includes keyboard skills, proficiency in MS Office, and Internet research
- Highest levels of integrity, reliability, commitment, and flexibility

## Career History

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### Self-employed

1996 – Current

Legal consultant

#### Responsibilities

Providing legal, research, negotiation and mediation services

#### Achievements

- Provided advice on complex areas of law including the release of government information, copyright, Indigenous cultural heritage, and identification of traditional owners of land
- Obtained protection for sacred sites in NSW
- Mediated the selection of Aboriginal board members for the Mutawintji National Park
- Wrote a guide to the joint management of land with Indigenous people in NSW
- Project managed research teams identifying traditional owners of land in NSW
- Provided advice on the review of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth) and appeared before the review
- Appeared before Commonwealth Parliamentary Senate Legal and Constitutional Legislation Committee hearing on the Aboriginal and Torres Strait Islander Heritage Protection Bill 1998 (Cth)
- Acted as legal adviser to Peats Ridge Music & Arts Festival, including drafting film agreements and artists' contracts

### Australian Human Rights Commission (AHRC)

2007 – 2008

Director

Native Title Unit

#### Responsibilities

A senior management role with responsibilities including:

- Managing staff of the native title unit
- Producing the ATSI Social Justice Commissioner's annual native title report reviewing the native title system and human rights, discussion papers, and speeches.
- Conducting high level research into human rights and the *Native Title Act 1993* (Cth)
- Networking and liaising with Aboriginal and Torres Strait Islander organisations, government, non-government, industry and community organisations regarding human rights
- Attending consultative and other meetings and representing the Social Justice Commissioner at meetings, seminars and conferences
- Administering a budget.

#### Achievements

- Produced and was lead author for the Native Title Report 2007 (available at [http://www.hreoc.gov.au/social\\_justice/nt\\_report/ntreport07/index.html](http://www.hreoc.gov.au/social_justice/nt_report/ntreport07/index.html))
- Delivered speech 'Climate change and Indigenous Peoples' at the AIATSIS Native Title Conference 2008 (available at [http://www.hreoc.gov.au/about/media/speeches/social\\_justice/2008/20080605\\_climate.html](http://www.hreoc.gov.au/about/media/speeches/social_justice/2008/20080605_climate.html))

## **National Native Title Tribunal, Sydney**

2006 – 2007

Acting Senior Delegate

### **Responsibilities**

Making detailed written administrative decisions in the assessment and determination of complex native title claims under the *Native Title Act 1993* (Cth)

### **Achievements**

Drafted a plain English guide to preparing native title applications for registration

## **Macquarie University - Warawara**

1999 – 2009

(Dept of Indigenous Studies)

Lecturer (sessional)

### **Responsibilities**

Teaching Indigenous law and politics at undergraduate level to Indigenous students from diverse backgrounds throughout Australia

### **Achievements**

Ensured that Indigenous people from disadvantaged backgrounds gained a solid grounding in the system of law and government in Australia.

## **Macquarie University – Division of Law**

2000

Senior Research Assistant (part-time)

### **Responsibilities**

Researching international climate change law and the implementation of the Kyoto Protocol and its market mechanisms

### **Achievements**

Jointly authored a paper on the market mechanisms including emissions trading under the Kyoto Protocol, which was published in a highly regarded, peer-reviewed journal.

## **NSW Government**

2000

Acting Registrar, *Aboriginal Land Rights Act 1983* (NSW)

### **Responsibilities**

A senior management position responsible for:

- Conducting workshops, mediations and field consultations with Indigenous people
- Liaising with external stakeholders
- Commissioning and managing researchers identifying traditional owners of land
- Office management, budgetary control and staff leadership.

### **Achievements**

- Managed research projects to identify the traditional owners of Mt Grenfell Historic Site, and the Biamanga, and Gulaga National Parks.
- Instigated the process leading to the transfer of these lands to joint management with Indigenous people
- Established a Register of Aboriginal Owners of Land in NSW

## **Self-Employed**

1996 – 1997

Documentary Writer, Director and Producer

### **Responsibilities**

Independently writing, producing, and directing a documentary on a dispute at Lake Victoria in NSW over the flooding of the largest known pre-industrial Aboriginal burial site in Australia

### **Achievements**

- Broadcast of the documentary nationally on SBS Television
- Acquired skills in raising finance, scriptwriting, producing, directing, and filmmaking

## **Andrew Chalk Associates / Horowitz & Bilinsky**

1995 – 1996

Solicitor

### **Responsibilities**

- Advising on draft legislation
- Preparing hearings, conducting negotiations for Aboriginal land claims and Indigenous heritage protection, and lobbying government

### **Achievements**

- Case preparation on land claims at Fingal on the far north coast of NSW
- Preliminary work obtaining protection for the sacred site at Boobera Lagoon, NSW

## **Commonwealth Director of Public Prosecutions**

1988 – 1995

Principal Legal Officer/Legal Officer

### **Responsibilities**

- Worked on major corporate fraud cases, including prosecutions arising from the collapse of Budget Rent-A-Car
- Appeared as an advocate in numerous Local Court hearings
- Briefed counsel in trial matters in the District Court and in appeals in the Supreme Court
- Project management and staff supervision

### **Achievements**

- Preparation of a very complex, highly political case against a number of company directors and their legal and accounting advisers, to the stage of readiness for committal hearing
- Project managed a review of a national system for the collection of fines and costs, resulting in an overhauling of the system and its administration

## **Supreme Court of NSW**

1987

Graduate Law Clerk

### **Responsibilities**

- Associate to the Hon. Justice Michael Kirby (at the time, President, NSW Court of Appeal)
- Conducting legal research, writing draft judgments, performing general courtroom duties

Summer Clerk

**Responsibilities**

- Assisting partners in the Mergers & Acquisitions and Commercial Litigation practice groups

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**Publications**

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**Research papers** (produced while completing Master of Laws degree)

- The Harvard model of principled negotiation applied to the 1998 waterfront dispute
- Analysis of four European Community decisions on mergers in the communications industries and the application of the Merger Regulation
- Analysis of the Copyright (Digital Agenda) Bill 1999 (Cth)
- The OECD's draft Multilateral Agreement on Investment (MAI), multilateral environment agreements, and the WTO
- The effect of the MAI on investment in the Australian film and television industry
- Analysis of the cross-media ownership rules in the *Broadcasting Services Act 1992* governing the exercise of control through an 'associate'
- Critique of the introduction of open competition in the telecommunications industry
- Corporations suing for defamation and the implied constitutional right of communication on political and government matters

**Articles**

- Using market-based incentives to curtail greenhouse gas emissions: Factors to consider in the design of the clean development mechanism, joint implementation and emissions trading under the Kyoto Protocol (Asia Pacific Journal of Environmental Law, 2001) (co-authored)
- Recent developments in joint management of Aboriginal-owned land in NSW and the Register of Aboriginal Owners (Journal of Indigenous Policy, 2004) (co-authored)
- Sharing the mountains? Joint management of Australia's alpine region with Indigenous people (Historic Environment, 2003) (co-authored)
- The process in NSW leading to joint management of Aboriginal-owned land and the Register of Aboriginal Owners (Environmental & Planning Law Journal, 2002) (co-authored)
- Recent developments in joint management of Aboriginal-owned land in NSW and the Register of Aboriginal Owners (Journal of Indigenous Policy, 2004) (co-authored)
- Guide to Aboriginal ownership and joint management of lands in NSW (Office of the Registrar, Aboriginal Land Rights Act 1983, <http://www.daa.nsw.gov.au/publications/43.html>)

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## Cultural & Sporting Interests

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### Filmmaking & Media

Written, produced and directed a number of documentaries including 'Flooded Dreams' – a 26 min. documentary, and 'Climbing Makalu' and 'Postcards from Makalu' – educational and corporate videos documenting an attempt to climb the world's fifth highest mountain

Further training undertaken:

- The Business of Creativity (creating a sustainable media business) – Australian Film Television & Radio School (AFTRS)
- Actorphobia – The 5 Day Cure (director/actor collaboration) – AFTRS
- From Information to Emotion (scriptwriting) – AFTRS.

Member of the Screen Directors Guild of Australia

### Fine Art

Exhibited paintings in:

- Transitions (Watermark) – Mary Place Gallery, Paddington (2007)
- Transitions – Mary Place Gallery, Paddington (2006)
- A Season of Twelve – Mary Place Gallery (2005)
- NSW Parliament House (2004)
- Cell Block Graduate Show (2003).

Member of the National Association for the Visual Arts

### Mountaineering & Rock Climbing

Led or participated in rock climbs and expeditions to Mt Aspiring (New Zealand), Mt Makalu and Mt Ama Dablam (Nepal), Mt Thalay Sagar and Mt Shivling (Northern India), and in Australia, the US, Canada and Europe.

Member of the New Zealand Alpine Club

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## Referees

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The names of referees will be made available upon request.