

44 Darglish Street
Wembley
WESTERN AUSTRALIA 6014

27 April 2010

Ms Louise Anderson
Registrar Native Title and Eservices
Federal Court of Australia
By email to Louise.anderson@fedcourt.gov.au

Application to be included on list of mediators

Dear Ms Anderson

In response to the letter from the Chief Justice, dated 19 March 2010, I am pleased to submit an expression of interest to join the list of mediators which is being compiled to assist the Court in the management of its native title work. I am very keen to be considered when the Court is referring a matter or part of a matter to a mediator. While I continue to regard myself as a trainee in Indigenous matters, I have considerable knowledge, skills and experience in mediating with Indigenous people developed since 1995.

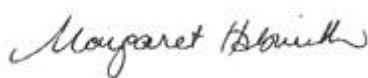
My expression of interest, below, and my short profile, attached, describe examples from my fifteen year practice as a full time mediator and demonstrates my capability, skills and experience working with Indigenous people in a wide variety of settings. Many of the issues I have mediated for Indigenous people have been underpinned by issues relating to differing perceptions and beliefs regarding parties' connection to the land.

I am employed full time in my mediation practice. In the absence of an integrated legislative or professional framework, I have created a unique and highly successful practice through my commitment to excellence, to innovation and to collaboration with other mediators.

I hold a number of mediator accreditations. Within Australia I am accredited under the National Mediator Accreditation System and I am a registered Family Dispute Resolution Practitioner. Within Australasia I am accredited as a LEADR advanced mediator and internationally I am accredited by the International Mediation Institute.

I am very enthusiastic about the prospect of contributing to native title work and anticipate your favourable consideration of my expression of interest which describes my relevant experience, specialized training and availability.

Yours sincerely



Margaret Halsmith

Relevant experience mediating with Indigenous parties

solo and co- mediation of two party and multiparty disputes for Aboriginal people in families, government and business since 1995, listed alphabetically by issue. The table below demonstrates my experience and my specialized knowledge regarding working with and mediating for Aboriginal people. My mediation practice, my public roles, my university teaching roles and my pro bono roles referred to in my Profile, attached, indicate the considerable breadth and depth of my understanding of mediation.

Demonstrated experience over 15 years

Substantive issue	Examples of issues expressed in mediation terms	Examples of Locations
Burial	Whether there will be a cremation or a burial Location of interment Roles of people in the preparation for and during the ceremony Payment of the funeral and expenses	Yalgoo Geraldton Mt Magnet
Business/Commercial	Financial settlement Clarification of roles Decisions re moving forward	Perth
Communities	Keeping the peace Validating identities Clarifying roles	Narrogin Kalgoorlie Kalumburu
Family Dispute Resolution [formerly described as Family Law]	Settlement of property, assets & debts Children's living arrangements	Perth
Institutional	Reparative financial settlement	New Norcia
Interpersonal	Roles in the family	Kalgoorlie
Intra- & inter familial behaviour	Respectful behaviour incl communication Making amends Safety Access to property and land	Narrogin Kalgoorlie Perth
Reunification	Redeveloping trust	Perth
Sexual Abuse	Reparation Steps toward healing	Perth Bunbury
Victim-Offender	Reparation Safety Staying 'clean' on parole etc	Prisons throughout WA
Workplace	Establishing, restoring and maintaining respectful working relationships following racism discrimination harassment insubordination	Kalgoorlie Geraldton Perth
Youth	Restraining Orders through Children's Court	Kalumburu Carnarvon Perth
Clinical supervision	Indigenous mediators	Perth

Relevant specialized training for mediating with Indigenous parties

Specialised knowledge

I am as familiar with the history, society and culture of Aboriginal people in Australia and WA in particular as I can be. I maintain an ongoing interest through listening, discussion, reading and the media, particularly ABC Radio National programs such as “Away” and documentaries like “The First Australians”.

I have completed a number of ‘cross-cultural’ training courses. Most recently, in February 2009, I participated in:

Interviewing Aboriginal Clients and using Aboriginal Interpreters
Vicki Platt & Matt Panayi - Kimberley Interpreter Service

Cross Cultural Workshop

Tammy Solonec - Aboriginal Legal Service

I am very mindful that, while I have a reasonable knowledge base, I remain a visitor and a cultural trainee at each mediation. I prepare and debrief each mediation with some assistance from a cultural advisor, with regard to the broader local culture and society as well as the detailed aspects specific to the mediation. I find the mediation participants are often very generous, even under the pressure of conflict, in taking the time to explain aspects of local culture to me. I attempt to convey that I am demonstrably open to learning. I regard each mediation as an opportunity to learn culture while demonstrating conflict resolution.

My ability to apply my growing knowledge and understanding to effectively communicate with Aboriginal people, communities and organisations is demonstrated through the outcomes of the mediations I have undertaken for Aboriginal people. Even people reluctant to participate in mediation are willing to discuss their reluctance with me, ie they are comfortable with me even if not yet with the process. In each situation, to date, people have been willing to ‘come to the table’ after discussions with me and among support people.

Mediation and ADR

With respect to receiving and delivering training in mediation and other forms of ADR, I have attended numerous basic and advanced courses and written and delivered even more basic, advanced and specialised training courses and academic units. Please refer to my cv attached.

Availability and any limitations

Capacity

For 15 years I have managed a busy full time practice which has included regular travel within WA and Australia. I am confident I can continue to do this. While my practice is consistently fully booked, I am keen to extend my experience to include and to contribute to native title matters so I will accommodate native title opportunities as they arise, as I do with all mediation opportunities as they arise.