

**Anne Sheehan** is a barrister and mediator with extensive experience in Native Title.

Admitted in 1983, Anne joined the independent Bar in Western Australia in 1998 and the Victorian Bar in 2001. She has been a National Accredited Mediator since 2010.

Anne's work with, and for Aboriginal and Torres Strait Islanders has developed her cultural knowledge and communication style. Her broad expertise in litigation, informs her thoughtful, engaged, practical and fair approach to ADR and mediation.

### **Qualifications**

BA/LLB Monash University	1982
Arbitration: Certificate Adelaide University	2001
Mediation: LEADR course	1995 & 2009
Nationally Accredited Mediator	6 May 2010
Admitted to practise:	
Victoria	7 April 1983
Western Australia	2 September 1994
High Court	10 August 1995

### **Native Title Experience**

As **Senior Solicitor** Land & Heritage Unit Aboriginal Legal Service WA (Inc) 1994-1998

- preparing for trial on country, obtaining instructions from both individuals and the broader community.
- negotiations on behalf of traditional owners under the *Native Title Act* and more broadly.
- in house team in trial preparation and appeared as junior counsel to the Hon M.L. Barker QC in *Ward on behalf of Miriuwung & Gajerrong People v WA* 159 ALR 483 .
- leading the gender restricted women's evidence following the Full Court decision with respect to gender restricted evidence, *WA v Ward on behalf of Miriuwung & Gajerrong People* 145 ALR 512 .
- leading evidence and agreement of facts as to extinguishment.
- advancing the jurisprudence and best practice with respect to the Right to Negotiate: *Walley v WA* 137 ALR 561, *WA v Ward & Ors* 141 ALR 753
- advancing the jurisprudence with respect to the native title right to fish and defence of criminal proceedings: *Dershaw v Sutton* (1996) 17 WAR 419, *Underwood & Ors v Gayfer* [1999] WASCA 56

As a **Barrister** and **Mediator**:

- Advice on:
  - Extinguishment issues- legal and factual
  - Post Native Title Determination planning and agreements
  - Prescribed Bodies Corporate
  - ILUAs and other agreements
  - Future Act provisions of *Native Title Act*
  - Trial preparation, anthropological review
- Review, Facilitation and Mediation of Representative Bodies assistance decisions
- Advice and representation to Native Title claimants separately represented
- Advice to corporations with respect to respectful engagement with Native Title groups
- Counsel, Nharnuwangga, Wajarri & Ngarlawangga Federal Court Native Title claim, *Clarrie Smith v Western Australia* [2000] FCA 526, *Clarrie Smith v State of Western Australia* [2000] FCA 1249
- Junior Counsel, for Miriuwung & Gajerrong People in Full Federal Court, *WA v Ward* 170 ALR 159
- Junior Counsel, *Drill on behalf of the Purnululu Native Title Claim Group v State of Western Australia* [2020] FCA 1510
- Counsel, *Gardiner v Taungurung Land and Waters Council* [2021] FCA 80, *Gardiner v Taungurung Land and Waters Council (No 2)* [2021] FCA 253
- Junior Counsel in mediation in Supreme Court proceedings regarding *Traditional Owner Settlement Act 2010 (Vic)*, *Gardiner & Ors v State of Victoria* [2021] VSC 290

**Publications in Native Title**

*“Indigenous Land Use Agreements: A Pathway for Negotiating the Future”* (1998) 17 AMPLJ 300 Sheehan and Mascher

*“The Duty to Negotiate in Good Faith”* (1996) 3 Aboriginal Law Bulletin 4 Bartlett and Sheehan