

TESSA HERRMANN

CURRICULUM VITAE

PERSONAL DETAILS

- Contacts: 043 330 5352; therrmann@francisburt.com.au
- Date of birth: 7 May 1983
- Admitted February 2008 to the Supreme Court of Western Australia, the Federal Court of Australia and the High Court of Australia

EDUCATION

2013 – 2014:

- Masters of Law (Mineral Law & Policy) (Distinction), Centre for Energy, Petroleum Mineral Law and Policy (CEPMLP), University of Dundee.
- Recipient of Australian Government / Rio Tinto Scholarship 2013-2014. Winner of the Laszlo Gombos Prize (LLM) 2013/2014, awarded by the Energy, Petroleum, Mineral & Natural Resources Law & Policy Education Trust.
- Dissertation topic: “Co-existence with and extinguishment of native title by mining leases created under Western Australian State Agreements: the significance of *Western Australia v Brown* [2014] HCA 8 (12 March 2014)”.

2001 – 2006:

- Bachelor of Laws / Bachelor of Arts (Hons First Class), University of Western Australia.

September – December 2005:

- Exchange Student, University of British Columbia, Vancouver, Canada.

1996 – 2000:

- Secondary education completed at Perth College Anglican School for Girls.
- Tertiary Entrance Rank: 99.8.

RELEVANT EMPLOYMENT HISTORY

Barrister, Francis Burt Chambers

September 2018 – ongoing

- Presently briefed on a number of ongoing native title proceedings in Western Australia and Queensland.
- Member of the Western Australian Bar Association

Registrar, Federal Court of Australia & Registrar, Federal Circuit Court of Australia

March 2017 – September 2018 (resigned)

Duties included:

- Conduct of listings, including case management hearings, directions hearings, return of subpoena hearings, and examinations;

- Conducting mediations, including multi-party disputes, in relation to native title, employment and industrial, and human rights matters;
- Provision of procedural guidance to practitioners and parties in relation to practice and procedure;
- Making administrative decisions concerning a range of matters, including party status, access to documents, and documents to be accepted or not accepted for filing;
- Exercise of powers and functions pursuant to the Rules of Court and other legislation, including the *Native Title Act 1993* (Cth); and
- Provision of case management assistance to Judges of the Federal Court of Australia in relation to native title matters.

In-House Counsel, Central Desert Native Title Services Limited:

Lawyer: December 2010 – December 2014; Senior Lawyer: December 2014 – August 2016; Manager of Legal Services Unit: February 2016 to August 2016; In-House Counsel: August 2016 – present.

Duties:

- In-House Counsel responsibilities including:
 - Acting as In-House Counsel on litigated matters in the Federal Court of Australia and National Native Title Tribunal;
 - Broadly coordinate legal and procedural issues associated with all litigation matters, including anticipated or likely litigation, including matters in the Federal Court and NNTT;
 - Carriage of native title proceedings (both determination and compensation applications) in the Federal Court of Australia including: conduct of mediation and case management conferences; drafting of submissions, affidavits and other court documents; and appearances at directions and interlocutory hearings;
 - Provision of internal corporate legal advice, including on matters associated with Central Desert’s functions under the *Native Title Act 1993* (Cth);
 - Provision of legal advice to Central Desert’s clients and staff in relation to the following areas of law: native title, environmental, administrative, mining and petroleum, contract, and Aboriginal heritage; and
 - Carriage of future act inquiries and determinations in the National Native Title Tribunal, including: preparation of contentions and evidence; and attendance at mediations, hearings and conferences.
- Legal Practice Head responsibilities including:
 - Ensuring quality practice, including: developing and maintaining precedents; ensuring awareness of ethical standards of practice; ensuring legal staff are alerted to significant developments in relevant law and practice; and assisting and advocating for legal staff with ethical concerns; and
 - Facilitation of Central Desert’s internal Continuing Professional Development program, including development of workshops and training sessions, and provision of CPD training.

Other duties performed:

- Senior Lawyer responsibilities included (in addition to many of the tasks currently performed):

- Carriage of future act and heritage negotiations, including the drafting of land access agreements for mining and petroleum exploration;
- Running native title claim group and Prescribed Body Corporate meetings, including: negotiations with third parties; facilitating and promoting consensus-based decision-making; and mediation and/or facilitating resolution of intramural disputes;
- Assisting Prescribed Bodies Corporate with: compliance with relevant legislation and regulations; negotiation of agreements; and capacity-building activities to foster good governance and effective decision-making;
- Project management, including project design, implementation and coordination; and
- Coordination and direction of other staff members as a team leader.
- Manager of Legal Services Unit responsibilities included:
 - Management and supervision of staff performance including undertaking annual performance evaluation and learning;
 - Management and supervision of staff workloads; and
 - Liaison and communication with other Central Desert teams and related entities to: ensure coordination of activities; establish effective systems and procedures; and provide advice on matters relevant to the Legal Services Unit.

Key achievements:

- Junior Counsel (to Stephen Wright SC of Francis Burt Chambers) in *Narrier v State of Western Australia* [2016] FCA 1519;
- Claim lawyer responsible for ensuring successful authorisation, lodgement, registration and determination by consent in *Helicopter Tjungarrayi & Ors v State of Western Australia* [2016] FCA 910;
- Instructing solicitor in *BP (Deceased) on behalf of the Birriliburu People v State of Western Australia* [2014] FCA 715 and *State of Western Australia v Willis on behalf of the Pilki People* [2015] FCAFC 186, regarding the use of resources for commercial purposes;
- Instructing solicitor in *Helicopter Tjungarrayi on behalf of the Ngurra Kayanta People v State of Western Australia (No 2)* [2017] FCA 587 concerning the application of s 47B *Native Title Act 1993* (Cth); and
- Resolution of a number of long-standing native title claims by consent determination through mediation and case management processes.

Lawyer, Yamatji Marlpa Aboriginal Corporation:

- February 2008 – March 2010 (resigned).
- Paralegal Officer: April 2006 – February 2007; Articled Clerk: February 2007 – February 2008.

PROFESSIONAL MEMBERSHIPS

- Australian National Mediation Accreditation from Resolution Institute, 17 January 2018 – 17 January 2020
- Member of Western Australian Bar Association, September 2018 – present
- Member of Australian Institute of Administrative Law

PRESENTATIONS & CONFERENCE PAPERS

- “The *Racial Discrimination Act 1975* (Cth) and the Federal Court of Australia”, Legalwise Discrimination Law Seminar, 27 March 2019;
- “Compensation Claims: What does Timber Creek tell us?” Yamatji Marlpa Aboriginal Corporation Native Title Seminar Series, 7 November 2016;
- “Workshop: Practical Implications of the Griffiths Decision”, National Native Title Tribunal & Gilbert + Tobin, 15 September 2016 (Sydney) and 19 September 2016 (Perth);
- “Compensation in Native Title”, Yamatji Marlpa Aboriginal Corporation’s Community of Practice, 28 June 2016;
- “Traditional, instinctive, elementary: the model litigant standard in native title”, National Native Title Conference 2016, convened by the Australian Institute for Aboriginal & Torres Strait Islander Affairs, 1 June 2016;
- “Ethical issues in litigation: communication with the Court, self-represented litigants, professional courtesy”, Central Desert CPD Workshop, February 2016;
- “Working in a Native Title Representative Body”, Native Title Anthropology Workshop, Aurora Project, January 2015 and January 2016;
- “Compensation Application Processes” (panel discussion), Legal Masterclass, Aurora Project, November 2015;
- “Recent decisions regarding native title extinguishment”, Central Desert CPD Workshop, December 2014;
- “Costs in native title”, Central Desert CPD Workshop, August 2013;
- “Confidence in country in the post-determination era: a case study of Mungarlu Ngurrarankatja Rirraunkaja Aboriginal Corporation”, National Native Title Conference 2013, convened by the Australian Institute for Aboriginal & Torres Strait Islander Affairs, 4 June 2013; and
- “Ethical Practices: How accepted codes of conduct for both legal and anthropological practice could be better adapted to suit the native title context”, National Native Title Conference 2012, convened by the Australian Institute for Aboriginal & Torres Strait Islander Affairs, 4 June 2012.

PUBLICATIONS

- “Effective case management in a native title context”, written in conjunction with Registrars Fewing and Stride, *Native Title News* (April 2018), Vol 12 No 9, published by Lexis Nexis Butterworths;
- “Western Australia: Uranium Mining”, *Encyclopedia of Mineral and Energy Policy* (June 2016), Springer Berlin Heidelberg;
- “Jurisdiction and scope: developments in relation to the expedited procedure”, *Native Title News* (March 2016), Vol 12 No 1, published by Lexis Nexis Butterworths; and
- “Confidence in country: a case study of Mungarlu Ngurrarankatja Rirraunkaja Aboriginal Corporation”, written in conjunction with Lindsey Langford, *Native Title Newsletter* (August 2013), published by the Australian Institute for Aboriginal & Torres Strait Islander Affairs.