

SOUTH WEST NATIVE TITLE SETTLEMENT: UPDATE AND NEXT STEPS

WALGA Forum: Building Positive Partnerships with Aboriginal Communities

Angela Elder - Department of the Premier and Cabinet: Aboriginal Policy and Coordination Unit
6 August 2019

South West Settlement - Update

- The South West Native Title Settlement ('Settlement') will resolve all South West native title claims through surrender of any native title rights in exchange for a negotiated package of benefits.
- Aimed at greatly improved opportunities for Noongar cultural, social and economic development; strong partnerships with State Government.
- Also provides significant partnership opportunities for Local Governments.

Timeframes

- Legal Settlement through 6 'Indigenous Land Use Agreements' (ILUAs):
 - Signed 8 June 2015.
 - Registered October 2018 but subject to further legal challenge.
 - Earliest Settlement commencement date - early 2020.
- The *Native Title Act 1993 (Cth)*, and the future act regime will continue to apply until the Settlement commences.



Settlement Outcomes - Overview

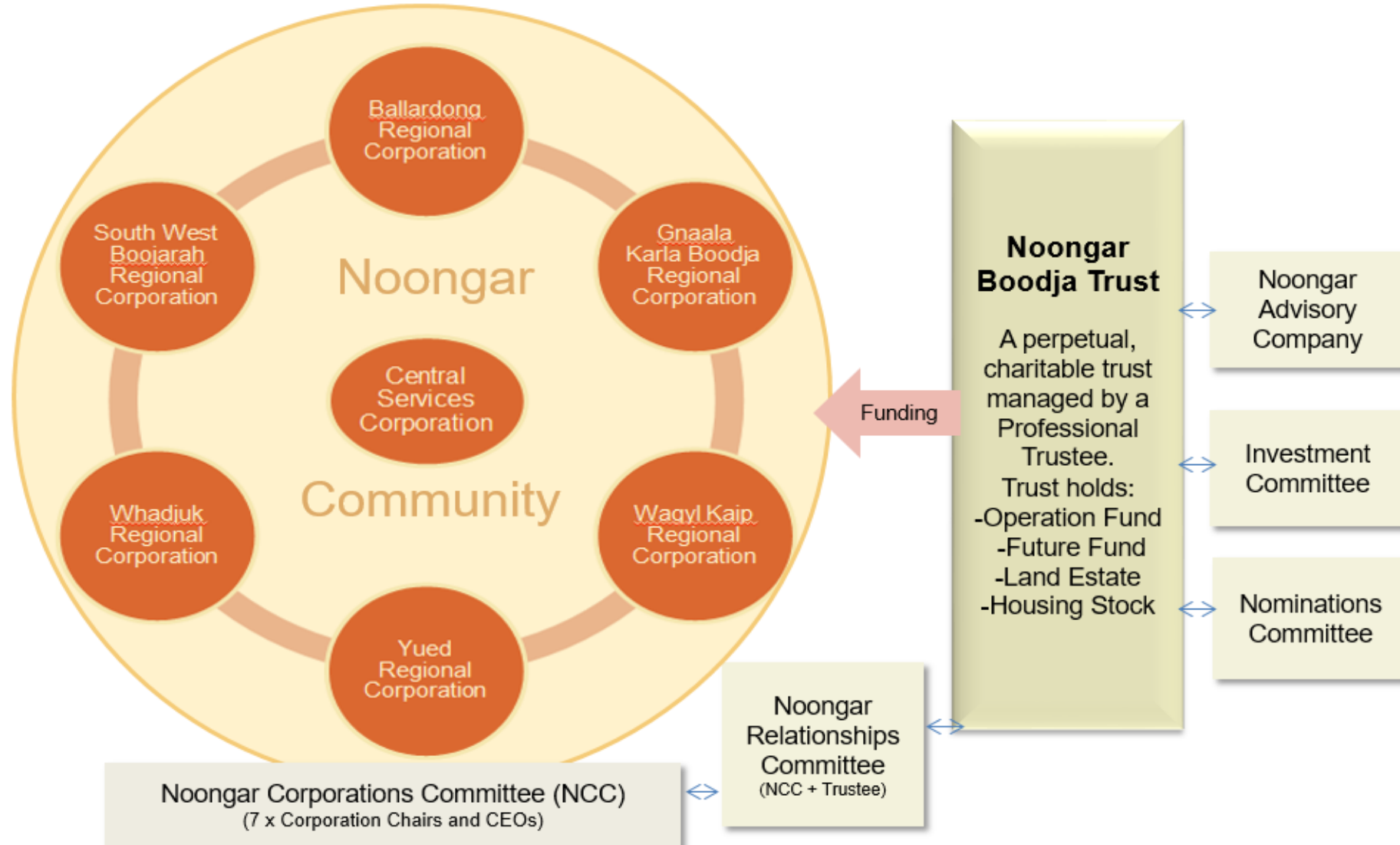
- **Noongar Recognition** – *Noongar (“Koorah, Nitja, Boordahwan”) (Past, Present and Future) Recognition Act 2016*
- **Sustainable Governance Structure:**
 - A Perpetual Trust (**Noongar Boodja Trust**) managed by a Professional Trustee, to manage a \$600 mill future fund (paid to the Trust over 12 years); and
 - **6 Noongar Regional Corporations + 1 Central Services Corporation** with operational funding (\$120 mill over 12 years, managed by the Trust)
- **Noongar Land Estate** – up to 320,000 hectares, held by the Trust
- **Heritage management regime** – Noongar Standard Heritage Agreement (NSHA) and Partnership Agreements
- **Cooperative and joint management** of South West Conservation Estate
- **Access** to certain crown lands for customary activities
- **Noongar Land Fund** – up to \$46,850,000 for land-management related initiatives
- **Noongar Housing Program** – transfer and refurbishment of 121 properties
- **Economic Participation Framework**
- **Community Development Framework**
- **Noongar Cultural Centre** support and **office space** for Noongar Corporations

Noongar Recognition Act 2016

- Noongar recognition through an Act of Parliament was always considered one of the most important elements of the Settlement.
- Premier's second reading speech acknowledged 45,000+ years of Noongar connection to country, the devastating effects of colonisation, the strength and resilience of the Noongar people, and their ongoing contribution to the development of WA.
- Bill was passed with strong bipartisan support.
- *Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016* was proclaimed on WA Day (6 June) 2016.
- Acknowledges and honours the Noongar people as the traditional owners of Noongar lands.
- Recognises the living cultural, spiritual, familial and social relationship that the Noongar people have with Noongar land; and
- Recognises the ongoing, significant and unique contribution of Noongar people to the heritage, cultural identity, community and economy of the State.
- Replaces recognition under the *Native Title Act 1993*.



SWNTS Governance Structure



Governance Structure: Noongar Corporations

- Six Noongar Regional Corporations will be established to directly assist the 6 recognised Noongar groups to:
 - maintain, protect, promote and support their culture, customs, language and traditions;
 - manage and use the land and waters within the Region to which they have a traditional connection;
 - manage their obligations under the South West Settlement.
- The Corporations are the direct beneficiaries of the Trust. Established exclusively for charitable purposes toward Noongar self-governance, independence, overcoming disadvantage.
- Key for collaborative engagement between the Noongar community and State, Local and Commonwealth governments, non-government and private-sector stakeholders to improve Noongar social and economic outcomes.
- Intended to complement (not duplicate or compete with) existing Aboriginal organisations; will develop partnerships with and promote their services.
- A Central Services Corporation will support the six Regional Corporations with financial, administrative and legal services. The South West Aboriginal Land and Sea Council is working to transition to become the Central Services Corporation.

Noongar Heritage Agreement and Partnership

- The Noongar Standard Heritage Agreement (NSHA), operational since 2015, ensures compliance with the *Aboriginal Heritage Act 1972* and provides a uniform, efficient approach to conducting Aboriginal Heritage Surveys.
- Local Governments are not bound to follow the NSHA but encouraged to consider its suitability or follow key NSHA elements to ensure a consistent approach across the South West.
- This includes seeking the names of suitable Aboriginal Consultants through SWALSC or the relevant Noongar Regional Corporation once established, and consulting with SWALSC or the relevant Corporation prior to making an application for consent to impact a site under section 18 of the *Aboriginal Heritage Act 1972*.
- Following Settlement, Noongar Heritage Partnership Agreements between the Regional Corporations and DPLH (Heritage), overseen by Regional Steering Groups, will facilitate the management, recording, protecting and preserving of Aboriginal heritage sites.

Economic Participation Framework

- Goal is to maximise the potential for the Noongar community to engage in employment, business establishment and home ownership.
- Primary focus in the early stages will be on building capacity within the Noongar community in State government tendering and contracting policies and increasing Noongar competitiveness in taking advantage of existing government (State and Federal) policies and support systems for Noongar business development.
- Local Governments can play an immediate role in supporting and promoting economic participation through local Noongar employment and procurement.

Community Development Framework

- Establishes a broad structure and set of principles and priorities aimed at improving the delivery of human services and outcomes for Noongar people.
- Housing, health, education, youth, strengthening Noongar culture, and capacity building are identified priorities
- Through the Noongar Regional Corporations, the Framework will provide human service agencies with greater scope for direct communication and collaboration with Noongar people to partner in the design and delivery of human services.
- Regional Corporations will work in partnership with District Leadership Groups/Human Service Managers Groups (which Local Governments are often represented on) to lead regional implementation of the Framework.

Reconciliation and truth-telling opportunities

- The State Government has partnered with Reconciliation WA to promote truth and reconciliation for all Western Australians.
- Opportunities to work together throughout the Settlement area to support community led reconciliation and truth telling initiatives.
- One immediate opportunity in this International Year of Indigenous Languages is for Local Governments to partner with local Aboriginal communities to identify opportunities to preserve and reawaken Aboriginal language through place naming.
- Aboriginal place naming, including understanding and celebrating existing Aboriginal place names, provides an opportunity to build community understanding and pride in local Aboriginal heritage and culture.

What next?

- State Government agencies continue to work closely with SWALSC and the future Noongar Boodja Trustee to prepare for Settlement implementation.
- SWALSC is supporting the six Noongar groups to establish their Corporations.
- DPLH (Lands) is actively engaging with SWALSC, Local Governments and other stakeholders in relation to the Noongar Land Estate.
- No need to wait for Settlement commencement to pursue opportunities for cultural, social and economic development at the local level.
- Local Governments have a pivotal role to play both now and from Settlement commencement in building partnerships with local Noongar communities to support Noongar economic and community development aspirations and a strong relationship into the future.

Further information

South West Settlement – General Information

- DPC website: www.dpc.wa.gov.au/swnts
- DPC South West Settlement Implementation Team:
 - Email: southwestsettlement@dpc.wa.gov.au
 - Phone: 08 6552 6191

South West Settlement – Heritage

- DPLH website: <https://www.dplh.wa.gov.au/projects-and-initiatives/south-west-native-title-settlement>
 - Email: SWSHeritage@dplh.wa.gov.au
 - Phone: Ph: (08) 6551 8070

South West Aboriginal Land and Sea Council

- SWALSC website: <http://www.noongar.org.au>
 - Email: reception@noongar.org.au
 - Phone:(08) 9358 7400

Landgate: Aboriginal Place Name Initiative

- Email: Charles.Hiew@landgate.wa.gov.au
- Phone: (08) 9273 7098