SOUTH WEST NATIVE TITLE SETTLEMENT – AN INTRODUCTION

Update for Local Government

Department of the Premier and Cabinet: Aboriginal Policy and Coordination Unit
February 2019
Aboriginal Policy and Coordination Unit

• The Department of the Premier and Cabinet’s *Land, Approvals and Native Title Unit* and *Aboriginal Policy Unit* have merged to become the Aboriginal Policy and Coordination Unit (APCU)
• In keeping with WA Government’s broader reform program, APCU will have an emphasis on centralised and coordinated policy development and support across Government, Aboriginal community engagement strategies and agreement-making.
• APCU’s Recognition and Partnership Projects team is responsible for coordinating and supporting whole of Government implementation of the South West Native Title Settlement.
South West Native Title Settlement Area
What is the South West Native Title Settlement?

• 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 Government.
• Legal Settlement in 6 ‘Indigenous Land Use Agreements’ (ILUAs) signed on 8 June 2015; ILUAs registered in October 2018 but now subject to ADJR process.
• Will commence in full following successful registration – late 2019?
• The *Native Title Act 1993* (Cth), and the future act regime will continue to apply until the Settlement commences.
• First steps: establishment of Noongar Boodja Trust and Noongar Corporations, following which Settlement initiatives/benefits can commence.
Settlement Outcomes

- **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** - NSHA and Partnership agreements
- **Cooperative and joint management** of SW Conservation Estate
- **Access** to certain crown lands for customary activities
- **Noongar Land Fund** – up to $46,850,000, for land-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
SWNTS Governance Structure

Noongar

South West Booriara Regional Corporation
Central Services Corporation
Gnaala Karla Booodja Regional Corporation
Whadjuk Regional Corporation
Wagyl Kaip Regional Corporation
Yued Regional Corporation

Community

Noongar Corporations Committee (NCC) (7 x Corporation Chairs and CEOs)

Noongar Boodja Trust
A perpetual, charitable trust managed by a Professional Trustee. Trust holds:
- Operation Fund
- Future Fund
- Land Estate
- Housing Stock

Noongar Advisory Company
Investment Committee
Nominations Committee

Noongar Relationships Committee (NCC + Trustee)
Governance Structure: Noongar Corporations

- Six Noongar Regional Corporations 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.

- Exclusively for charitable purposes, toward Noongar self-governance, independence, overcoming disadvantage

- Not intended to duplicate or compete with existing organisations; rather, complement, develop partnerships with and promote the services of other organisations toward improved Noongar outcomes

- Supported by the Central Services Corporation which will support the Regional Corporations with financial, administrative and legal services
Community Development Framework

• Establishes a broad structure and set of principles and priorities aimed at improving Noongar community development
• 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 should include Local Government representatives) to lead regional implementation of the Framework.
Economic Participation Framework

• Maximise the potential for the Noongar community to engage in employment, business establishment and home ownership
• Primary focus will be on building capacity within the Noongar community about government tendering and contracting policies, as well as the development and submission of tender documentation
• Aimed at increasing Noongar competitiveness in taking advantage of existing government (State and Federal) policies and support systems for Noongar business development
Noongar Land Estate

• A key component of the Settlement is the transfer of up to 300,000 ha of Crown Land allocated as reserve or leasehold and up to 20,000 ha allocated as freehold, to the NBT, to create a Noongar Land Estate.
• Land is identified and selected through a strategy agreed to by the parties – DPLH (previously DoL), DPC and SWALSC, implemented by DPLH.
• Land identification and selection process has commenced and will continue during implementation of the agreement - can be cultural or development land.
• Land being considered for transfer is mostly UCL and unmanaged reserve, as well as from the ALT Estate. None from private landholdings.
Further information

• SWALSC and WA Government can offer further briefings to local governments in the south west
• We will continue to work with WALGA to promote local government engagement in relation to the Settlement
• DPC website: [www.dpc.wa.gov.au](http://www.dpc.wa.gov.au)
• DPC South West Settlement Implementation Team:
  • Email: southwestsettlement@dpc.wa.gov.au
  • Phone: 08 6552 6191