

*The Victorian Traditional Owner Land Justice Group (LJG) is an unincorporated body which provides a voice for traditional owner groups in Victoria. It lobbies governments for improvements to policy, legislation and in how government goes about its business, to achieve greater land justice for all of the traditional owners of Victoria.*

## Message from the Co-chairs

Welcome to our first newsletter for 2011! We have made significant progress in our pursuit of land justice over the past year. The passing of the *Traditional Owner Settlement Act* in September 2010 was a significant achievement and will provide a new framework for the settlement of native title claims in Victoria – a framework that **every** Victorian group will be able to benefit from.

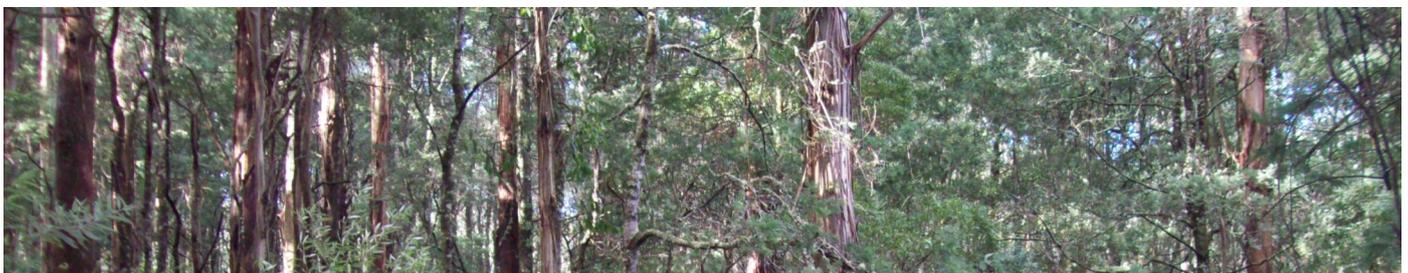
Negotiations under the settlement framework stalled with the change of Government in November 2010 and the new Government indicated it needed time to consider its position. However, following our meeting with the new Attorney General, Mr Robert Clark, the State indicated it was prepared to re-enter negotiations on the basis of all elements of the *Traditional Owner Settlement Act*.

We'd like to pass on our congratulations to two groups who recently reached settlements with the State - Gunaikurnai in October 2010 and Gunditjmara/Eastern Maar in July 2011. The Gunditjmara and Eastern Maar settlement is the first time two TO groups have been acknowledged to hold native title over the same country.

We are also delighted to announce that Graham Atkinson has been appointed to the Indigenous Land Corporation (ILC) Board. This is an appropriate recognition of Graham's leadership and a great development for Victorian Traditional Owners, who have not had a representative on the ILC Board for some years.

Yours in the struggle

Co-chairs - *Graham Atkinson, Bobby Nicholls, Melissa Jones, Annette Xiberras*



### Review of the Aboriginal Heritage Act & Parliamentary Inquiry into the Establishment and Effectiveness of Registered Aboriginal Parties (RAPs)

Currently there are two processes seeking input from Victorian TOs about your experiences of how cultural heritage is being protected in Victoria.

#### Review of the *Aboriginal Heritage Act*

AAV is reviewing the operation of the *Aboriginal Heritage Act 2006*

#### Parliamentary Inquiry into the Establishment and Effectiveness of RAPs

Victorian Parliament is holding an inquiry into the establishment and effectiveness of RAPs.

Although these are separate processes, there is overlap between the two and the Inquiry may consider submissions made to the Review. Lucy MacMillan is working for the secretariat to develop the LJG submissions, her contact details are below. The aim is to consult with TOs on both the Review and the Parliamentary Inquiry at the same time.

#### The Review of the *Aboriginal Heritage Act*

The Review offers an opportunity to reflect on the first five years of the Act's operation, identify what has worked well, what has not worked well and suggest ways to improve its efficiency and effectiveness. AAV has released a Discussion paper which outlines key themes to consider when preparing a submission. They are a good starting point for discussion and include:

1. According respect and status to Aboriginal people
2. Timely and efficient cultural heritage assessment
3. Cultural Heritage Agreements
4. Dispute resolution
5. Penalties and enforcement
6. Maintaining the Victorian Aboriginal Heritage Register

7. Integrating cultural heritage management with other land use planning systems
8. Public Awareness of Aboriginal Cultural Heritage
9. Recognising, protecting and conserving Aboriginal cultural heritage

The following **key points** might form the basis of an LJG submission:

1. Traditional Owners are the only appropriate people to manage cultural heritage
2. Greater ownership and control of cultural heritage needs to be given to Traditional Owners.
3. The standard of protection given to cultural heritage under the AHA needs to be maintained and improved.
4. Both intangible and tangible cultural heritage needs to be protected
5. There needs to be greater consistency between Cultural Heritage processes and Native Title / Alternative Settlement processes.
6. The need for a holistic approach between cultural heritage and Natural Resource management

#### The Parliamentary Inquiry into the Establishment and Effectiveness of RAPs

The areas covered by the terms of reference for the Parliamentary Inquiry include:

- ◇ The appointment of RAPs, including consideration of the policies of the Victorian Aboriginal Heritage Council (VAHC) and the factors that should be taken into account when making a decision about the appointment of a RAP.
- ◇ The effectiveness of the established RAPs.

### **Please consider making your own submission(s)**

**If you would like to contribute to the LJG submissions, please contact your LJG representative or Lucy MacMillan on 0439 566 114, email: [lucy.macmillan@gmail.com](mailto:lucy.macmillan@gmail.com)**

**We will be discussing draft LJG submissions at the next meeting of the Land Justice Group on 11 & 12 November 2011**

### Cultural Knowledge & Education Centre: Possum Skin Cloak Project

The Land Justice Group (LJG) is a partner in a project to develop a concept for a *Victorian Indigenous Cultural Knowledge and Education Centre in Melbourne*. The project was presented to and endorsed by the LJG back in 2008 and again in 2009. The aim of the centre is to act as a gathering place for all TOs from around the state, offering land justice to Aboriginal Victorians who live off country in Melbourne.

In 2010, the Australian Research Council funded a small group of architectural academics to do background research to advance this concept further. A number of designs for the proposed centre have been developed by architecture students in consultation with representatives from the LJG over the past 3 years. Some have been reproduced in a brochure that is available at [www.indigenousplace.com](http://www.indigenousplace.com)

A detailed study of key Indigenous cultural centres in cities around the world is underway to gather information about the best practices and processes for developing a contemporary cultural centre.

Currently a state-wide **Possum Skin Cloak Project** is underway. Each TO group is invited to nominate a representative elder and artist to inscribe one skin with their group's reflection on 'place'. Once completed they will be stitched together to form a single cloak that represents the unity and diversity of the south-east Australian Aboriginal community, and a commitment to work towards securing a centre in Melbourne. For more information and an opportunity to register interest, please visit <http://indigenousplace.com/victorian-possum-skin-cloak-project/> or contact Janet Mcgaw on 8344 3038 or [mcgawjk@unimelb.edu.au](mailto:mcgawjk@unimelb.edu.au).

### Developing a State Policy on Victorian Aboriginal Languages

The Victorian Aboriginal Corporation for Languages (VACL) is collaborating with Aboriginal Affairs Victoria to develop a State language policy that will seek to recognise, promote and support the reclamation of Victorian Aboriginal Languages. Language is central to strong culture, and the goal of the project is to develop in Victoria a cross-departmental strategy in line with the national agenda to preserve Aboriginal languages.

Various stakeholders are involved in this process and a State Policy on Aboriginal Languages Reference Group (SPALRG) is proposed as a forum for implementing the project. This reference group will work with Aboriginal and government organisations to develop a policy that meets the needs of the Victorian Aboriginal Community and provides targeted support for their wellbeing and future sustainability.

**For further information or to express interest in becoming involved in the project, please contact:  
Mr Paul Paton, Executive Officer, VACL on (03) 9600 3811, 0418 897 842 or [ppaton@vaclang.org.au](mailto:ppaton@vaclang.org.au)**

### Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples

In September, the LJG made a submission to the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples. The submission endorses change to the Australian Constitution to recognise the First Australians and enshrine protection of Aboriginal and Torres Strait Islander rights. The submission makes four key recommendations; that a recognition of traditional land owners be inserted into the Constitution, that the s 25 'Race Power' be removed, that s 51(xxvi) be removed and replaced with a formal Constitutional protection against racial discrimination, and that the Constitution include a formal agreement making power. The LJG submission encourages the amendments as an important step in recognising Indigenous history and stimulating national conversation for reform. A copy of the submission will be soon on the LJG website or you can contact the secretariat if you would like us to send you a copy.

The Expert Panel is now seeking further views from the Australian community on the range of ideas arising from consultations and submissions. Let them know what you think by completing the survey on [www.youmeunity.org.au/surveys/constitutional-recognition](http://www.youmeunity.org.au/surveys/constitutional-recognition) by 8 November 2011.



### Policy Update:

The **Traditional Owner Settlement Act (TOS Act)** was passed into law in 2010. This legislation formalised the then State Government's policy on resolution of native title matters in Victoria. The current State Government has indicated its general support for the TOS Act and there are signs that it intends to make use of all the settlement options set out in the 2008 Framework Report.

For example the Government continues to negotiate with the Dja Dja Wurrung and the Wadi Wadi, Wamba Wamba and Barapa Barapa native title groups on all elements of the Framework and all parties hope to reach agreement on a full settlement package by June 2012. However it is worth noting that the Gunditjmarra/Eastern Maar settlement in July 2011 did not include any outcomes under the TOS Act or ILUA prior to determination.

**The Framework Executive Group** comprising senior government officials, NTSV's CEO and an LJG Co-Chair, continues to meet regularly to supervise the implementation of framework policy initiatives. Of particular importance is the **Right People for Country Project** – an Aboriginal led agreement making project assisting Traditional Owner groups resolve group membership and boundary issues. (More on the Right People for Country project in this newsletter). The Executive Group also receives reports from DSE on the work being done on the development of a **Statutory Right** for Aboriginal people throughout Victoria to access natural resources (timber, fish, wildlife, etc). This right would in essence ensure that all Victorian Aboriginal people, regardless of whether they hold native title or have a TOS Act agreement, do not require a permit or license to hunt, fish and gather on Crown land.

**Templates:** Recent negotiations between the LJG Co-Chairs, NTSV and the State reached incomplete agreement on draft templates. These templates are skeleton agreements that have been developed to assist negotiations under the TOS Act. While the State will continue to use the templates in negotiations, Traditional Owner groups should know that the templates have not been endorsed by the LJG and NTSV.

**Threshold Requirements :** Earlier this year members of the LJG engaged in a series of workshops to develop guidelines for what information TO groups need to provide the State when entering into negotiations under the TOS Act. The guidelines are likely to include a description of the area they wish to make agreement over; a description of the TO group; and a summary of what research they have undertaken in support of their application. These guidelines are called Threshold Requirements and once a draft of the guidelines has been produced an opportunity for further consultation will be provided.

**Natural Resource Management Collaborative Body:** Consistent with core principle #34 of the 2008 Framework Report and the Land and Biodiversity White Paper, DSE is now considering how to progress the idea of a Natural Resource Management Collaborative Body as a key engagement mechanism for TOs at state level. NTSV has recently prepared a background paper and engaged with the PBCs, and will continue the conversation with the Land Justice Group at its next meeting.



### Right People for Country Project

The Right People for Country project provides support for Traditional Owners in Victoria to make their own agreements about who is a member of the group and what is the extent of traditional country: issues that can stand in the way of Traditional Owner groups negotiating native title settlements and gaining recognition as Registered Aboriginal Parties.

A project committee was established in July 2009, to develop an Indigenous led agreement making approach to resolving "right people for country" issues. Traditional Owner consultations were held last year and the advice provided by Traditional Owners has helped shape the Project Committee's Report released in March 2011.

A new Steering Committee has been established to oversee implementation of the project and includes representatives from the Land Justice Group, NTSV, the Department of Justice, Aboriginal Affairs Victoria and the Victorian Aboriginal Heritage Council. The Steering Committee is chaired by LJG representative Bobby Nicholls.

Support offered by the Project is tailored to the needs of each group. Types of support include: skilled facilitators agreed to by Traditional Owner groups, negotiation skills training and mentoring, organisational structures support, mapping and meeting resources.

If you would like more information please contact the project manager Sally Smith on 9208 3580 or email [Sally.Smith@dpcd.vic.gov.au](mailto:Sally.Smith@dpcd.vic.gov.au)

### Future Fisheries Strategy: Proposals for Reform

The Department of Primary Industries (DPI) is developing a Future Fisheries Strategy and last week released the *Future Fisheries Strategy: Proposals for Reform* paper. Public comment is invited (until 30 November 2011) and a series of regional workshops will be organised.

You can access the paper on the DPI website: [www.dpi.vic.gov.au/fisheries](http://www.dpi.vic.gov.au/fisheries) or if you would like a printed version, by contacting Anna Battese on (03) 9658 4357 or [anna.battese@dpi.vic.gov.au](mailto:anna.battese@dpi.vic.gov.au)

### A new Victorian Strategy for Healthy Rivers, Estuaries and Wetlands

A new *Victorian Strategy for Healthy Rivers, Estuaries and Wetlands* (currently known as VSHREW) will be released in late 2012 and will provide updated direction for waterway management across the state. The VSHREW team have requested some time to attend the LJG meeting in November to:

- provide further information on the VSHREW project
- receive feedback on draft policy commitments and actions

A package of information including some background on the relevant chapters of the document and draft policy actions and commitments will be sent out to LJG members prior to the meeting.



### LJG Representatives

<b>Barapa Barapa</b>	Bobby Nicholls	<b>Tati Tati</b>	Richie Kennedy
<b>Bidawal</b>	Bevan Harrison	<b>Robinvale</b>	Lal Pearce
<b>Boonwurrung</b>	Carolyn Briggs	<b>Taungurung</b>	Mick Harding
<b>Dhudhuroa</b>	Gary Murray	<b>Wadawurrung</b>	Bryon Powell
<b>Dja Dja Wurrung</b>	Graham Atkinson	<b>Wadi Wadi</b>	Jacinta Chaplin
<b>Goolagin</b>	Ron Arnold	<b>Wamba Wamba</b>	Ken Stewart
<b>Gunaikurnai</b>	Albert Mullet	<b>Waywurru</b>	Margaret Gardiner
<b>Gunditjmara</b>	John Lovett	<b>Wergaia</b>	Gayle Maddigan
<b>Eastern Maar</b>	Geoff Clark	<b>Wotjobaluk</b>	
<b>Latji Latji</b>		<b>Yupagulk</b>	Melissa Jones
<b>Monaro</b>	Julie Mongta	<b>Yorta Yorta</b>	
<b>Ntait</b>	Darren Perry	<b>Wurundjeri</b>	Annette Xiberras

If your group does not have someone listed here, please consider nominating a representative, in writing to the Secretariat.

### For further information contact:

**Graham Atkinson** Co-Chair

**Melissa Jones** Co-Chair

**Bobby Nicholls** Co-Chair

**Annette Xiberras** Co-Chair

**Drew Berick** Community Liaison Officer

9321 5304 [dberick@ntsv.com.au](mailto:dberick@ntsv.com.au)

**Jill Webb** LJG Secretariat, 03 9321 5319

[jwebb@ntsv.com.au](mailto:jwebb@ntsv.com.au)

**Tony Kelly** LJG Secretariat, 03 9321 5300

[tkelly@ntsv.com.au](mailto:tkelly@ntsv.com.au)

### Address formal business to:

Co-Chairs

Land Justice Group Secretariat

PO Box 431

North Melbourne Victoria 3051

Toll free: 1800 791 779 or

Ph: (03) 9321 5319

**Visit our website**

[www.landjustice.com.au](http://www.landjustice.com.au)

## Next Meeting

The next meeting of the  
Land Justice Group will be held  
on

**11 & 12 November  
2011**

Please contact Drew Berick or Jill  
Webb for further information

## Has your family seen this newsletter?

If not, pass it on and encourage  
them to contact Drew Berick to  
be added to the mailing list