

*Victorian Traditional Owner
Land Justice Group*

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.

December 2008

LJG Co-chairs message

Enormous efforts have been put into developing a State Framework for land justice
Page 1

Settlement framework

The Steering Committee is close to delivering its report to Government and the Land Justice Group
Page 2

Natural Resource Management News

Land and biodiversity at a time of climate change
Page 4

LJG membership and future role

Important decisions early next year on the future of the LJG.
Page 3

2009 Native Title Conference

is coming to Melbourne on 3, 4 and 5th June 2009 along with opportunities to join the Trade Fair
Page 3

Update

On the Federal Government consultations on new representative national body for Indigenous people
Page 3

Message from LJG Co-chairs

What a busy year 2008 has been! The Land Justice Group (LJG) has achieved a lot since the statewide meeting in February 2005 where a 'Statement' of land justice principles was authorised - a statement of principles that the majority of Traditional Owner groups hold in common. These principles became the platform for the LJG to advocate for a reform of statewide policies and a comprehensive framework for getting beyond the limitations of the native title system.

Where are we now? It is December 2008 and the Steering Committee is about to deliver a Report on this draft Framework after eight months of tough negotiations. We and other members of the LJG negotiating team are pleased with the recommendations of the Steering committee. It will be a consensus report. We know that the Framework will provide huge opportunities for land justice, and a few challenges we're sure! We look forward to the next steps of hearing the Government's response to the Committee's Report (hopefully to be considered in Cabinet in February) and taking the recommendations to LJG members and traditional owners.

Since our last newsletter the LJG has also been represented in many forums:

- The Commonwealth's public meeting on a new National Indigenous representative structure in July;
- A meeting with Victorian conservation groups in August;
- Reconciliation Victoria's AGM in September;
- Meeting of the Committee for the Victorian Aboriginal Cultural Centre project in October;
- Various meetings of the advisory committee for the State's Green Paper on Land and biodiversity at a time of climate change; and
- The State/LJG Steering Committee on a new Framework for land justice.

We'd like to thank traditional owners for their support and all members of the LJG for their time commitment in representing their groups' views at a State level. We'd also like to thank Mark Brett, Secretariat for LJG for his hard work throughout the year. Mark will not be with us in 2009 having decided to return full time to teaching. His commitment and support, along with LJG members, has been critical to the success of the LJG and our achievements to date. We wish all Victorian Traditional Owners a safe and joyous Christmas.

Len Clarke, Bobby Nicholls and Graham Atkinson, Co-chairs.

Settlement Framework

What is the Framework?

LJG Co-Chair Len Clarke explained the Framework well in his recent speech to ANTAR and Reconciliation Victoria members:

"The main purpose of the Framework will be to provide better ways to resolve native title, including options for the ownership and joint management of Crown land. This is no longer about watered-down native title rights for groups who can demonstrate continuous 'connection to country' according to the standards required by the Courts. We are working on options within the Framework that will become available to a much broader range of recognized Traditional Owner groups across Victoria.

Each group will be free to negotiate their own settlement agreement, under the new Framework provided by State-based policy and legislation.

As Mick Dodson has pointed out on several occasions, what the Steering Committee is doing is in effect a treaty process. We are negotiating a Framework that considers the full range of issues: ownership of land, access to natural resources, control of Aboriginal cultural heritage, economic development, rights to participate in decisions about activities on Crown land, and the kinds of organizations that will be needed for each Traditional Owner group to exercise their rights.

After a lot of thought and debate, it's become clear that the Framework idea is the most effective way to balance the State's sovereignty with our own sovereignty. The Land Justice Group, as Victoria's peak body for Traditional Owners, is preparing proposals that will allow for each of the first nations to negotiate their own land justice settlements. We have never had such an opportunity in this State (certainly not back in the early 1980s when the Land Claims Bill fell over), and we are on the verge of an historic step forward."

What is happening now?

The Steering Committee is due to deliver its report at the end of December. Government and the Land Justice Group will then consider it. The

Land Justice Group will be meeting at the end of December to discuss the Steering Committee's report and will schedule a date to meet again in late January to provide a preliminary response to Government. LJG will hold meetings with Traditional Owners following the consideration by Cabinet, and prior to any announcement of any consensus reached between the State and LJG on the Framework. For more information about the draft Framework and the Steering Committee's work go to: www.landjustice.com.au.

Perspectives from the Steering Committee's Chair Professor Mick Dodson

In November, Professor Mick Dodson was the guest speaker at a forum 'Sharing Country, Sharing Thoughts'. LJG Co-chair Graham Atkinson opened the forum and introduced Mick to a large audience. Mick shared his reflections on the importance of land justice to reconciliation and talked about the work of the Victorian Steering Committee.

Below are extracts from The Age article 'Talks seek to ease way on land rights' Jewel Topsfield, November 12, 2008:

"Former social justice commissioner Mick Dodson, who is chairing a committee to develop a framework for the alternative

land settlements, described the proposal as a "huge breakthrough".

Professor Dodson said Victoria had the worst record of any state and territory in Australia when it came to returning land to dispossessed Aborigines.

Under the draft framework, which will be presented to the State Government next month, Aboriginal people could negotiate to obtain access to land on the basis of cultural heritage or traditional claims.

Professor Dodson said this would mean they had other options besides the "expensive and cumbersome" native title process, in which connection to the land must be proved in the Federal Court.

"We might find the Government is prepared to look at a different way of connecting people to the country than the native title test does," he said.

A possibility could involve traditional owners jointly managing national parks. He said observers from the Federal Government had sat in on all of the steering committee's meetings, and the framework could become a template for the other states.

Below L-R: LJG negotiators at a recent negotiation preparation meeting - Albert Mullet, Sandra Onus, Lenny Clarke and Graham Atkinson (Absent: Bobby Nicholls)



Future Role of the LJG

In the new year there will be important questions for the LJG to answer about its role, how to structure itself, how to secure funds and the necessary support to continue to be a voice for the commonly held aspirations all Victorian traditional owners. There are important questions about whether and how the LJG will continue its operations beyond the Steering Committee negotiations which are due to conclude later this month.

The time for these decisions will be after the State Cabinet and Traditional Owners respond to the Steering Committee's report on a new Framework for land justice. A State Cabinet decision is due in February. Once the Government responds to the Steering Committee Report there will be greater certainty about the opportunities and challenges for traditional owners in dealing with the State Government.

The political landscape will be very different depending on whether the State government accepts or rejects the draft Framework recommended by the Steering Committee. If the Government rejects the Framework or key parts of it, there may be a different role for the Land Justice Group in continuing the struggle for land justice. Whereas if the Government puts the Framework in place, there will be a role for LJG in making sure the Framework is implemented properly and quickly for

traditional owners and possibly supporting any Traditional Owner corporations who may request assistance.

The 2009 Native Title Conference in Melbourne

The annual national Native Title Conference is the leading Indigenous policy conference in Australia and in 2009 will be co-convened by Australian Institute for Aboriginal and Torres Strait Islander Services and Native Title Services Victoria, and hosted by the Wurundjeri people. The conference will be held at the Melbourne Cricket Ground's rooms from **3rd – 5th June 2009**.

The conference website will soon be launched with all the details for registering. We understand that the convenors will be looking for sponsorship to help get as many traditional owners to the conference as possible. However, if you are interested in attending you may wish to start thinking of possible sponsors (for registration and travel) and talking within your traditional owner group to have their support for your attendance.

We also wanted to give traditional owners early notice of the Trade Fair.

As part of the conference there will be a Trade Fair, which will include opportunities for participants to exhibit, display and sell art, craft and other products. The conference usually attracts over 600

traditional owners and native title workers from all over Australia so it is a great opportunity to showcase Victorian arts. If you're interested in exhibiting works you should give your name and details to Drew Berick, Community Liaison Officer at NTSV.

National Indigenous Representative Body

The Federal Government undertook public consultations earlier this year on the establishment of a new national body to represent Indigenous people. Co-chairs Graham Atkinson and Len Clarke attended the Melbourne Public meeting which was held on 29th July.

Submissions closed on 19 September (LJG has not made a submission at this time). Copies of all public submissions can be found at: http://www.fahcsia.gov.au/indigenous/rep_body_submissions/default.htm

The next step will be the Federal Government forming of a 'Round Table' of 100 people from around Australia. There job will be to look at all the submissions and make some recommendations to the Commonwealth Government about the way forward. Calls for nominations to the round table are likely to go out in the next few weeks so keep an eye out if you're interested – or call the Federal Government's freecall number 1800 202 366.



Victorian Traditional Owner Land Justice Group

Natural Resource Management News

Land and biodiversity at a time of climate change: The Victorian Government's Green Paper

The State government has recently finished its consultation on this Green Paper and the next step will be the release of the White Paper, due in mid-2009. On 8th October 2008 the Land Justice Group made a lengthy written submission on this Green Paper. The submission drove home some key messages of self-determination and economic development opportunities for traditional owners. Below is a brief extract from LJG Submission:

"Another critical aspect to successful engagement is establishing sustainable Traditional Owner organizations that are vehicles for land and sea management as well as cultural, social and economic development. These organisations require strategic and coordinated support to become self-sufficient. These corporations are then able to develop partnerships to deliver ecosystem services. Government should facilitate these partnerships with the private sector on both public and private land. ...what is critical for Victoria is that the Government shows real commitment by resourcing Traditional Owners to engage on these issues now, and through partnerships deliver a broad range of environmental and social benefits."

If you would like a copy of the LJG's submission please contact the LJG Secretariat. The State will be invited to attend the December 18 meeting of the LJG to provide a report on the consultations with Victorian traditional owners.

Land Justice Group membership

In October this year a paper was sent to LJG members on the membership protocols of the LJG and the future role and structure of the LJG. If you would like a copy of this paper or would like information on whom your groups' representatives are, please contact the Secretariat.

Upcoming Meetings

The Land Justice Group will be meeting again on *Thursday 18th December*.

Has your family seen this newsletter?

If not, pass it on and encourage them to get on the mailing list - they can contact Drew Berick to be added.

Further information

Bobby Nicholls — Co-Chair

Len Clarke — Co-Chair

Graham Atkinson — Co-Chair

www.landjustice.com.au

Formal business should be addressed to:

Co-Chairs

Land Justice Group Secretariat

PO Box 431

North Melbourne Victoria 3051

Toll free call: 1800 791 779 or (03) 9321 5300