

# Victorian Traditional Owner Land Justice Group

Newsletter 18 March, 2008

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## Steering Committee announced in Parliament

On Thursday 13 March, Attorney-General Rob Hulls announced that Mick Dodson will be chairing a Steering Committee which has been asked by the Government to provide a new policy framework for native title and land justice. This announcement presents an historic opportunity to deal with the land grievances of Traditional Owners in this State.

The Steering Committee will be made up of five Land Justice Group ("LJG") representatives, an NTSV representative and senior State officers. It is expected that the Steering Committee will meet for the first time on 31 March and cover a broad range of issues before providing a report to Cabinet at the end of 2008. One of the key goals of the process will be to provide land justice across Victoria, whether or not a determination of native title is being sought.

This Steering Committee is the fruit of LJG lobbying over the past two years. In the most recent phase of lobbying, the LJG authorized five representatives on 17 September 2007 to sit on the Steering Committee. They are Bobby Nicholls, Len Clarke, Graham Atkinson, Sandra Onus and Gail Harradine, with Uncle Albert Mullett as proxy.



Co-chairs Bobby Nicholls, Graham Atkinson and Len Clarke

The LJG reps will advocate for the strongest possible outcomes for Traditional Owners in the following 7 key areas:

1. Ownership and management of land and waters
2. Relationship between "alternative settlements" and cultural heritage (that is, where a determination of native title is not being sought)
3. Compensation
4. Exercise of traditional activities in public land and waters
5. The effective participation of Traditional Owners in relation to planning, mining and other development-related activities
6. Funding and other support for bodies corporate to manage outcomes
7. Process and evidence required for accessing the above rights.

Any new policy framework will not infringe on the rights of each group to conduct their own negotiation with the State Government and to make decisions for their own country. Rather, the framework will be designed to fast track local agreements and deliver outcomes at the local level. The Framework may also be used to review existing agreements between the State and Traditional Owner groups with respect to new policy developments, if all parties agree.

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## The Story behind the Steering Committee

The story behind the current negotiations go back to a meeting at Darebin Arts Centre in February 2005 that brought together about 300 representatives of virtually all the first nations in the State. The meeting agreed on a 'Statement' of land justice principles (available on the NTSV website), and the document was provided to Rob Hulls and Gavin Jennings at the end of the meeting.

The meeting also decided that a reference group should be formed in order to negotiate with Government on behalf of Traditional Owners. It was agreed that each nation would nominate their own representative on to this lobby group. On 5 August 2005, representatives met at the Downtowner Hotel, and it was decided that the reference group would be called the *Victorian Traditional Owner Land Justice Group*.

A smaller negotiating team of eleven individuals was elected by the reference group at the meeting on 5 August, including three co-chairs: Bob Nicholls, Len Clarke and Graham Atkinson. The negotiating team have met with Ministers on several occasions since that time, with the focus of discussions falling on the weaknesses of the Aboriginal Heritage Act ("AHA"), but it is now clear that Traditional Owners are being given primacy under the AHA. While there are still concerns about resourcing under the AHA, attention has returned to the broad agenda of land justice issues.

At a meeting devoted to negotiation training on 17-18 November 2006, it was decided that the primary purpose of the LJG was to negotiate a Framework Agreement with the State Government, setting out the aspirations held in common by the majority of traditional owner groups. The LJG will not be dealing with local business, and a Framework Agreement will allow local priorities to be sorted out at the grass roots.



**Participants at the negotiation training. Back row from left:**

Bobby Nicholls, Richie Kennedy, David Bryson (trainer), Uncle Ralph Harradine, Uncle Albert Mullett, Bryon Powell, Rex Harradine, Albert Fagan, Graham Atkinson, Len Clarke, David Moore (trainer), Mark Brett (LJG Secretariat);

**Front row from left:** Carolyn Briggs, Sandra Onus, Ken Stewart, Mick Harding, Mick Dodson.

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## Expected New Policy Framework discussed in the Federal Court Directions Hearing 17 March 2008

Speaking on behalf of the State of Victoria, Mr Peter Willis said:

"The State does not see the framework as a substitute for direct settlement negotiations in individual claims... It's intended to provide, as its name suggests, a framework, a series of overarching principles which, or a smorgasbord of options, which can be picked up and adapted and adopted in individual claims depending on the aspirations of the claimants and of the appropriate circumstances in the area."

The Steering Committee process will "enable a *wider* range of settlement options to be adopted, but it's not intended to take away the direct face-to-face negotiations with the claimants."

**Please note that the Steering Committee members are required to report back to the full Land Justice Group every three months.**

### Recent Meetings with DSE and AAV

The Land Justice Group met with DSE in December 2007 to discuss DSE's "Land and Biodiversity" Project, which will involve consultations with Traditional Owners throughout 2008. Discussion included fire management and Aboriginal involvement in Natural Resource Management ("NRM") more generally.

There was also an earlier meeting of the Land Justice Group with NRM agencies in May 2007, including the ILC and the Commonwealth Dept of Environment, Water, Heritage and the Arts (DEWHA). It was proposed by the LJG that a statewide organisation needs to be established to assist Traditional Owners with both NRM projects and cultural heritage management.

Having been asked by the LJG to develop options in conversation with Government agencies, the LJG co-chairs met with representatives from DSE and AAV on 7 March 2008. The agencies provided in-principle support for a one-year pilot project to work on Traditional Owner involvement in NRM and cultural heritage management. It was thought that the Steering Committee would provide significant input into longer term arrangements designed to support Traditional Owner organisations across the State.

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## **Current Membership of the Victorian Traditional Owner Land Justice Group**

Please contact your representative with any feedback, bearing in mind that the Land Justice Group will advocate for the common policy objectives of the majority of traditional owner groups.

The Land Justice Group does not deal with local business.

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Bangerang  
Barapa Barapa  
Bidawal  
Boonwurrung  
Dhudhuroa  
Dja Dja Wurrung  
Gunai / Kurnai  
Gunditjmara  
Kirrae Wurrung  
Latji Latji  
Nyeri Nyeri

Uncle Sandy Atkinson  
Bobby Nicholls  
Bevan Harrison  
Carolyn Briggs  
Ken Stewart  
Graham Atkinson  
Uncle Albert Mullett  
Sandra Onus  
Len Clarke  
Rex Harradine  
[to be confirmed]

Tati Tati  
Taungurung  
Tjapwurrong  
Wadawurrung  
Wadi Wadi  
Wamba Wamba  
Way Wurru  
Wergaia  
Wotjobaluk  
Yapagulk  
Wurundjeri

Richie Kennedy / Lal Pearce  
Mick Harding  
[to be confirmed]  
Bryon Powell  
Reg Edwards  
Gary Murray  
Margaret Gardiner  
Gayle Maddigan  
[to be confirmed]  
Melissa Jones  
[to be confirmed]

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