



Dja Dja Wurrung Clans
Aboriginal Corporation

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Senate Legal and Constitutional Affairs
Legislation Committee
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Submission on the Native Title Amendment (Indigenous Land Use Agreement) Bill 2017

Background

Dja Dja Wurrung Clans Aboriginal Corporation (**DDWCAC**) is the Traditional Owner Group Entity recognised by the State of Victoria as the corporation that represents the Dja Dja Wurrung People in Victoria. In 2013 DDWCAC entered into a comprehensive Recognition and Settlement Agreement (**RSA**) and an Indigenous Land Use Agreement (**ILUA**) with the State of Victoria that finally settled the Dja Dja Wurrung native title claims and formally recognised the Dja Dja Wurrung as the Traditional Owners of our traditional country.

The Recognition and Settlement Agreements and ILUA established the foundation for a partnership with the State and other agencies and organisations in Central Victoria. These agreements enable Dja Dja Wurrung People to protect, strengthen and promote our culture and traditional practices, actively manage and care for our country, provide employment and training, and make a major contribution to the cultural, social and economic life of our regional community for the benefit of Dja Dja Wurrung People and all Victorians.

Dja Dja Wurrung People have worked tirelessly for many decades to achieve recognition as the Traditional Owners of our country. In the 1990s the *Native Title Act 1993* (**NTA**) provided a new way for us to achieve this and protect our traditional country and culture and we lodged our native title claims in 1999. It took 14 years to settle our native title claims with the State, and this finally occurred in 2013 after we concluded our settlement negotiations under the *Traditional Owner Settlement Act 2010 (Vic)* (**Settlement Act**).



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Throughout the long NTA process and the successful Settlement Act negotiations, the Dja Dja Wurrung were assisted and advised by Native Title Services Victoria (**NTSV**) which has assisted all the other Traditional Owner Groups that have successfully negotiated native title settlements in Victoria. The relationship that we have developed with the NTSV is of a significant mutual respect and stems from our RSA and ILUA achievements and is viewed by other Traditional Owner Entity's in Victoria with high regard.

DDWCAC Submission

Based on the experience the Dja Dja Wurrung People have had with processes under the NTA, DDWCAC strongly supports the amendments in the Native Title Amendment (Indigenous Land Use Agreements) Bill 2017 (**Bill**).

The decision of the Federal Court in *McGlade v Native Title Registrar* has created concern and uncertainty for DDWCAC about the validity of several exploration, mining, and development ILUAs we have negotiated in good faith over the past five years, and the current status of the obligations and benefits that are specified in these agreements.

Of even greater concern is the uncertainty that now surrounds our settlement ILUA and the comprehensive settlement agreements that we finalised with the State in 2013. The *McGlade* decision raises doubts about the validity of these agreements and the ILUA and its registration.

Our settlement ILUA and agreements provide the foundation for what we are working to achieve for present and future generations of Dja Dja Wurrung People. The agreements provide us with formal recognition by the State, resources that support our core operations and activities, Aboriginal title to and joint management of parks and reserves, active participation in natural resource management, an alternative future act regime, and business and economic development opportunities.

In our view it is essential that the Bill is passed as soon as possible to confirm the validity of our settlement ILUA and agreements as well as our future act ILUAs, so that Dja Dja Wurrung People can continue to build on the significant progress we have made under these agreements.

DDWCAC supports the other amendments in the Bill that confirm that a native title claim group can use a decision-making process agreed to and adopted by them to authorise the making of an ILUA and the making of a native title application. Our experience in authorising ILUAs and native title applications is that this option should be available as a decision-making process for native title claim groups.



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DDWCAC also supports the amendments that will enable a native title claim group to nominate which members of the group will sign and become a party to an ILUA. We share the sad experience of many other native title groups where some of the elders we authorised to make our native title applications nearly 20 years ago, had passed away or were not able to sign when we finally authorised our settlement ILUA and agreements.

DDWCAC thanks the Committee for the opportunity to make this submission, and would be happy to provide additional information that would assist the Committee's inquiry.

Regards,

Rodney Carter
Group Chief Executive Officer