

*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

Happy New Year to all Traditional Owners in Victoria. The Land Justice Group (LJG) has been busy over the past few months. Submissions on cultural heritage, emphasising the importance of Traditional Owners being responsible for protecting and managing cultural heritage, have been prepared for both the Review of the Aboriginal Heritage Act and the Parliamentary Inquiry into the establishment and effectiveness of Registered Aboriginal Parties (RAPs). Annette Xiberras, supported by David Yarrow, also appeared before the Parliamentary Committee for the LJG providing a strong voice for Victorian Traditional Owners.

A sub-committee was nominated at the November Land Justice Group meeting to progress work on governance and the templates (skeleton agreements that have been developed to assist negotiations under the TOS Act). The sub-committee met in January to develop a submission for the Department of Justice's consultation process on the draft exposure LUAA and ILUA templates, and met again in early March to develop a draft report and recommendations on governance to take to the next LJG meeting.

We warmly welcome Matthew Storey as NTSV's new CEO. Matthew has a wealth of experience in native title and we look forward to working with him.

We would like to congratulate all Victorian Traditional Owners who have been recently honoured for their outstanding contributions: to Carolyn Briggs for winning the National NAIDOC 2011 award as Elder of the Year (female) and to all those listed on the State's new Indigenous Honour Roll (see below).

Congratulations also to Jill Webb (LJG Secretariat) who has recently been admitted as a solicitor and will take up one of the legal positions at NTSV, while maintaining the secretariat role with the Land Justice Group.

Finally and most importantly, we would like to thank Victorian Traditional Owners for your support and all members of the Land Justice Group for your time and commitment to progressing land justice in Victoria.

Yours in the struggle

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

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## Victoria's Indigenous Honour Roll

Congratulations to the 20 outstanding Indigenous Victorians who were recently inducted to the nation's inaugural Victorian Indigenous Honour Roll acknowledging their achievements, both past and present, and the important and lasting contributions they have made to our society. The list includes:

Alfred Bamblett  
William Barak (1824 – 1903)  
Geraldine Briggs AO (1910 – 2005)  
Albert Clark  
William Cooper (1861 – 1941)  
Lester Marks Harradine  
(1920 – 2010)  
Merle Jackomos OAM

Melva Johnson  
Johnny Mullagh (1841 – 1891)  
John Stewart Murray OAM JP  
(1926 – 1989)  
Sir Douglas Nicholls KCVO OBE JP  
(1906 – 1988)  
Lorraine 'Bunta' Patten  
Dorothy Peters

Elizabeth Pike  
Joan Robinson (1939 – 2009)  
Archie Roach  
Lionel Rose MBE (1948 – 2011)  
Nessie Skuta OAM (1926 – 1995)  
Alma Thorpe  
Joan Vickery AO



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

The Victorian Traditional Owners statewide Possum Skin Cloak project has commenced! In December last year representative artists, elders and youth from six of the north west language groups met in Boort to share stories of country, inscribe possum skins with their own stories of place, and to consider and discuss what a Centre for Indigenous Culture, Knowledge and Education in Melbourne might offer regional Traditional Owners.

Represented were Dja Dja Wurrung (Jida Gulpilil Murray), Tati Tati (Brendan Kennedy), Wadi Wadi (Trevor Kirby), Neri Neri (Gayle Madigan and her son Levi Ruenelin), Barapa Barapa (Esther Kirby and her daughter Isabelle Dunn, and niece Emily Livesey) and Wotjabuluk (Gail Harradine). We were welcomed to country with song, dance, smoking ceremony and stories by Jida Gulpilil Murray and didgeridoo player Andrew Murrenda Clarke Travis. Each language group then worked on a possum skin with wood burning tools and paints, to record significant aspects of their country, customs, stories, landmarks and animals. We hope to hold similar workshops in other regions around the state. We have expressions of interest from four other language groups and would be pleased to hear from your group if you are interested in becoming involved.

Esther Kirby with Isabelle Dunn and Emily Livesey working on Possum skin.  
Background image of possum skin by Trevor Kirby.

The Possum Skin Cloak project is funded by the Australian Research Council and the Melbourne City Council Indigenous Arts Program with support from the VTOLJG and Reconciliation Victoria. All materials, including possum skins, are provided by the grant and participants are paid. It is part of a broader research agenda to collect knowledge that will be important for the creation of an Indigenous Cultural Knowledge and Education Centre in Melbourne that could be a gathering place for Traditional Owners from around the state. The knowledge generated through the research will be made available to the Land Justice Group at the end of the project.

For more information and an opportunity to register interest, please visit: [Indigenouseplace.com/victorian-possum-skin-cloak-project/](http://Indigenouseplace.com/victorian-possum-skin-cloak-project/) or contact Janet Mcgaw on 8344 3038 or [mcgawjk@unimelb.edu.au](mailto:mcgawjk@unimelb.edu.au)



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

A report titled 'Recognising Aboriginal and Torres Strait Islander Peoples in the Constitution' has been presented to the Prime Minister by the Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples. The Report contains a number of recommendations for Constitutional Amendment, including that:

- Section 25 be removed, as this section permits racial discrimination in the State electoral system;
- Section 51(26) (the 'race power') be removed;
- A new section 51A be inserted to allow the Federal Government to continue to make laws with respect to, and for the advancement of, Aboriginal and Torres Strait Islander peoples;
- The new section 51A explicitly acknowledges, recognises and respects: the special status of Indigenous Australians as the First Peoples of Australia; the continuing cultures, languages and heritage of Indigenous Australians; the continuing connections to Country of Indigenous Australians;
- A new section 116A be inserted to prohibit racially discriminatory laws from being enacted by Federal and State Parliaments, whilst allowing for laws or measures aimed at overcoming disadvantage or protecting the cultures, languages or heritage of any group;
- A new section 127A be inserted, stating that English is the national language of Australia whilst recognising that Indigenous languages are Australia's original languages and are a part of Australia's national heritage.

The Report was the product of months of nation-wide community consultation, to which the Land Justice Group contributed through its written submission to the Expert Panel. This submission is accessible via the Land Justice Group website, at [www.landjustice.com.au](http://www.landjustice.com.au)

It is now up to the Federal Government to decide whether (and to what extent) the options will be put to the Australian people in a Referendum to change the Constitution. The Expert Panel Report can be accessed at [www.youmeunity.org.au/final-report](http://www.youmeunity.org.au/final-report)

### Natural Resource Management Update

#### Aboriginal Fishing Strategy (AFS)

The Aboriginal Fishing Strategy has now been finalised and approved, with an announcement and launch planned in the coming weeks. Once this happens, the Department of Primary Industries (DPI) has indicated that it would be happy to meet with the LJG to present the final Strategy and discuss the next steps towards its implementation. To this end, DPI would like to develop an on-going relationship with Traditional Owners, seeking guidance around the delivery of specific actions.

#### Aboriginal trainee positions (Fisheries)

In support of the Victorian Government's *Closing the Gap* agenda, Fisheries Victoria (FV) have developed a program to support employment outcomes in the public sector for Aboriginal Victorians. It will also contribute to the Aboriginal Fishing Strategy target of achieving 5% Aboriginal employment within FV.

Applications are currently being sought for Aboriginal Trainees, both for a fixed term period of two years. The objective is for the trainees to achieve 'Job Ready' status after two years' employment, and the traineeship will include opportunities for work placements in a range of situations and locations within the fishing and fisheries-related industries. Training, mentor support and on-the-job supervision will enable participants to develop a range of skills and networks, increasing their potential to obtain permanent employment following completion of the program.

The trainee positions are designated for Aboriginal and Torres Strait Islander people. Applications for the trainee positions close on Sunday 1 April 2012. Further information can be obtained by contacting Michael Gilby, Aboriginal Policy Officer, Policy and Strategy, Fisheries Victoria on 03 50514558 or 0427724198 or email [michael.gilby@dpi.vic.gov.au](mailto:michael.gilby@dpi.vic.gov.au)

#### Forests and Parks Strategy

The original timeline for the development of this Strategy remains in place, with an expected completion date towards the middle of the year. The growing role of Victorian Traditional Owners in land management has meant that Traditional Owners are regarded as key stakeholders in the Strategy, and DSE has expressed its gratitude for the opportunity to discuss the early thinking around the Strategy with PBCs (and a LJG representative) in December 2011.

#### Victorian Strategy for Healthy Rivers Wetlands and Estuaries (VSHREW)

A new *Victorian Strategy for Healthy Rivers, Estuaries and Wetlands* (currently known as VSHREW) will provide updated direction for waterway management across the State.

Based on discussions at the last LJG meeting an additional chapter, dealing with Victorian Traditional Owner and Indigenous involvement in waterway health management, is being drafted for inclusion in VSHREW. This chapter may also include a case study on the Lake Boort complex. The NRM working group of the LJG will have the opportunity to comment on the draft in the coming weeks, and it is anticipated that future engagement between DSE and the LJG on this strategy will be based on the content of this chapter.

#### Victorian Catchment Condition Report (CCR)

The Victorian Catchment Management Council (VCMC) is the State Government's key advisory body on catchment management. Every five years the VCMC is required, under the *Catchment and Land Protection Act 1994*, to report to Parliament on the condition and management of Victoria's land and water resources. In the next report, which is due to be completed in upcoming months, there is an opportunity to include a case study on joint management which summarises successes to date, issues and future directions. NTSV will develop a draft report to be reviewed by the NRM working group.



### Cultural Heritage

The Land Justice Group has recently prepared submissions for the Victorian Government *Review into the Aboriginal Heritage Act 2006 (Vic) (AHA)* and the *Parliamentary Inquiry into the Establishment and Effectiveness of Registered Aboriginal Parties (RAPs)*.

The core principle presented in both submissions was ***the importance of Traditional Owners being responsible for protecting and managing their cultural heritage***. The Land Justice Group made a number of recommendations aimed at achieving this core principle, including:

- that the AHA be amended so that RAP applications can only be accepted from Traditional Owners – that is, groups with traditional links to the area;
- that the AHA be amended to make it mandatory to consult with Traditional Owners in relation to cultural heritage matters and to take the views of Traditional Owners into consideration to the fullest extent possible, whether or not a RAP exists for an area;
- where there are no RAPs appointed to an area, Aboriginal Affairs Victoria (AAV) should adopt and implement a policy of acknowledging the Traditional Owners as having responsibility for cultural heritage in those areas, and direct all Government departments and relevant parties to engage and consult directly with the Traditional Owners of those areas on cultural heritage matters;
- that the AHA be amended so as to align RAP outcomes with native title and alternative Framework agreements by ensuring: that registered native title claimants are deemed temporary RAPs for the relevant area; automatic registration of a group as a RAP once it is recognised as the Traditional Owner group for an area under the *Traditional Owner Settlement Act 2010 (Vic)*.

The Land Justice Group submissions also made recommendations with respect to matters such as:

- managing conflicts of interest that may arise for members of the Victorian Aboriginal Heritage Council (VAHC);
- ensuring that Traditional Owners are provided with adequate information relating to their RAP applications;
- replacing or reforming the VAHC so that it is a more deliberative, faster, more efficient and more representative body so as to improve its decision making;
- adequate resourcing to Traditional Owners as well as RAPs for effective consultation on cultural heritage matters;
- ensuring that Traditional Owners and RAPs are adequately resourced to enable them to protect and preserve cultural heritage;
- the need to set minimum standards for the protection and preservation of cultural heritage;
- the need for the AHA to protect cultural heritage as defined by Traditional Owners, including the need for the AHA to protect and preserve both tangible and intangible aspects of cultural heritage;
- the need for the AHA to be amended to enhance its ability to prevent damage to, and to preserve, cultural heritage (including the possibility of RAPs exercising enforcement powers).

The Land Justice Group submissions can be accessed at [www.landjustice.com.au](http://www.landjustice.com.au)

The Parliamentary Committee responsible for the *Parliamentary Inquiry into the Establishment and Effectiveness of RAPs* is currently engaging in a series of public hearings, which you may attend if you wish to obtain further information about the Inquiry. If you would like to speak to the Committee at one of its public hearings you must make a request to the Committee by contacting the Committee Secretariat on (03) 8682 8202. Towns and dates for the public hearings can be found on [www.parliament.vic.gov.au/enrc/inquiries/article/1416](http://www.parliament.vic.gov.au/enrc/inquiries/article/1416)

### Murray-Darling Basin Plan

The Murray-Darling Basin Authority ('MDBA') is currently inviting comments and submissions from Traditional Owners with respect to the draft Murray-Darling Basin Plan. This is aimed at ensuring that Traditional Owners have a voice in how Government makes decisions about the lands and waters of the Murray-Darling Basin.

#### What is the MDBA?

The MDBA is a Commonwealth government agency responsible for the high level planning for the Murray-Darling Basin – together with Queensland, New South Wales, Victoria, South Australia and the ACT.

The MDBA works closely with two self-determining Traditional Owner organisations: the Murray Lower Darling Rivers Indigenous Nations ('MLDRIN'), and the Northern Murray-Darling Basin Aboriginal Nations. (continues over page...)

### Murray-Darling Basin Plan continued....

#### What is the Basin Plan?

The Basin Plan is a high-level plan for how water in the Basin will be managed into the future. The Plan will help to ensure that water resources in the Basin are managed in an integrated and sustainable way.

The States will implement the Basin Plan and will write water resource plans that follow the rules in the Basin Plan. The Basin Plan is expected to be passed into law in 2012 and the water resource plans will be adopted by Victoria in 2019.

#### How can Traditional Owners get involved?

There are two ways in which Traditional Owners can express their views about what should be included in the final Plan:

1. **Written Submissions:** The MDBA is accepting comments and submissions until 16 April 2012. Details on how to make a submission can be found on the MDBA website: [www.mdba.gov.au/have-your-say](http://www.mdba.gov.au/have-your-say).
2. **Public consultations:** Over a period of 20 weeks (ending April 20), the MDBA will be travelling to towns throughout the Basin to talk with Aboriginal people on their Country.

Towns and dates can be found on the MDBA website: [www.mdba.gov.au/explore-the-basin/communities/indigenous-communities/indigenous-meeting](http://www.mdba.gov.au/explore-the-basin/communities/indigenous-communities/indigenous-meeting) or by calling 1800 230 067. There will be independent persons available if needed, at the consultations to assist you in writing a submission.

Once the public consultation period has finished, the views of Traditional Owners will be considered for inclusion in the final Basin Plan.

MLDRIN is exploring how Traditional Owners can most effectively respond to the Murray Darling Basin Plan, and is currently putting together a formal submission. The LJG will consider making a submission at the March meeting. NTSV is also in the process of developing a submission that will both support MLDRIN's work and provide additional legal analysis on Aboriginal water rights.

To find out more about the draft Basin Plan, visit [www.mdba.gov.au](http://www.mdba.gov.au) or call 1800 230 067.

## Right People for Country Project

### Pilot projects

The Right People for Country project is currently working with a number of Traditional Owner groups to support them to reach agreements about group composition or extent of country issues.

Support is tailored to the needs of each group. Examples of support being provided by the project include:

- Facilitators to assist groups to talk and reach agreement on group composition issues and decision making structures.
- Support for groups to undertake desk top analysis and walk country in order to reach agreement about a common boundary.
- Negotiation skills training and mentoring to enable groups to negotiate directly with each other about a common boundary.

Lessons and outcomes will be captured through an independent evaluation of the pilot projects. The evaluation will inform the project's future development.

### Traditional Owner perspectives

The Right People for Country project is led by a Steering Committee that includes Traditional Owner and Government representatives.

*Right People for Country project is about Traditional Owners taking the lead, involving younger ones and working out our own agreements that respect our cultural business. The pilot projects will show government that, with support, Traditional Owners can negotiate their own solutions to right people for country issues.*  
Bobby Nicholls, RP4C Chairperson

*Its about building capacity of Traditional Owner groups from the start so that we can negotiate agreements with our neighbours ourselves and manage our own native title and cultural heritage.* Mick Harding, RP4C Deputy Chairperson

### Native Title Report 2011

The Aboriginal and Torres Strait Islander Social Justice Commissioner, Mick Gooda, commended the Right People for Country project in the Native Title Report 2011 for incorporating the rights set out in the UN Declaration on the Rights of Indigenous Peoples. Visit: [www.hreoc.gov.au/social\\_justice/nt\\_report/ntreport11](http://www.hreoc.gov.au/social_justice/nt_report/ntreport11)

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)

### 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>	Thomas Day	<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

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### Address formal business to:

Co-Chairs

Land Justice Group Secretariat

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## Next Meeting

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

**30 & 31 March 2012**

Please contact Drew Berick or Jill Webb for further details

### 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

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