

Fact Sheet

Q & A – Settlement Framework

What happens to existing native title claims while these Steering Committee discussions take place?

The Steering Committee is looking at a new Framework of State policy regarding native title rights and other land justice issues. It is not talking about changes to any federal legislation like the Native Title Act 1993 (Cth). During the Steering Committee discussions all existing native title claims will continue to be run as they are now. These claims are legal claims in the Federal Court of Australia and the Applicants (traditional owners), the State and other parties continue to have obligations to mediate these claims and follow any Federal Court orders.

How will Steering Committee discussions impact on future claims and negotiations?

The Steering Committee is working to develop alternative settlement options. A new Framework would set out another path to land justice that groups could choose to take. It would still involve identifying the right people to speak for country and negotiating with the State. The aim is to provide more options in either a native title claim settlement package or an alternative settlement. Developing a new State Framework presents a unique opportunity that will allow groups to negotiate more beneficial outcomes than are currently possible. Nothing decided by the Steering Committee will affect any traditional owner group without their consent. It will only, if successful, create other options for the settlement of land issues. Traditional owner groups will not be obliged to take up the options if they don't wish to.

"The framework will be there to really make it a lot more easier if groups want to go down that path to get recognition of their traditional homelands. We hope and trust that at the end that's what it will come to. We'd like to see it legislated rather than just being a policy." **LJG Co-Chair Len Clarke**

Who makes final decisions about the State native title framework?

The Victorian Premier and the Cabinet (which is made up of all Ministers) will ultimately make the final decisions about what Victorian State policy will be. The Steering Committee process is the Government's way of working collaboratively with traditional owners of Victoria to develop policy.

Sandra Onus, LJG Negotiator: *"I believe that the steering committee process is a good process. It is something that I'm very keen to be involved in. There could be some real outcomes in this and I'm looking at the State government sitting around the table... and I'm feeling pretty confident that we have quite a strong voice. I believe there is a real genuineness about an outcome that will be beneficial to all. I know that it is not going to suit everybody, but we'll never be 100% correct – we'll never get it right on both sides of the fence but at least we're trying, and I believe out of this there will be real outcomes that will truly benefit people in Victoria in a more equal way than the native title legislation dictates to us..."*

Who supports and advises the Steering Committee?

The Steering Committee receives technical legal and policy advice from Working Groups. Each Working Group has staff from the relevant State departments, NTSV staff and expert consultants engaged to advise the State Government and the Land Justice Group. The Working Groups take direction from the Steering Committee.

When will the Framework be developed?

The Steering Committee plans to meet every 6 weeks this year with the aim to reach agreement on a draft framework at the end of 2008. The Steering Committee will need to report to the Government including reporting on expected timeframes for putting in place any new Framework.

Will the State be listening to non-Indigenous groups?

One of the responsibilities of the Steering Committee is to consider when and how best to engage with 'third party interests' - that is, individuals or organisations that have a legal interest in State-owned land such as local government, miners and public infrastructure providers.

Is the Aboriginal Heritage Council involved?

The Council is being consulted about the cultural heritage issues and how its work will fit in with the new Framework.

What are the Steering Committee representatives' obligations?

Both Government and traditional owner Steering Committee members have agreed to a Statement of Expectations. Expectations relate to confidentiality, conflict of interest, preparation for, and behaviour at, meetings and a protocol regarding observers at meetings.

Who are the LJG negotiators speaking for?

The Land Justice Group negotiators are there to represent the Land Justice Group, and in turn the commonly held aspirations of Victorian traditional owners. There are not going to be any negotiations about specific areas of land or benefits for specific individuals, families or groups. Everything being discussed relates to how native title land justice settlements could work across all of Victoria.

"What the individual traditional owner groups do with those principles or parameters that will be set out in the framework is their responsibility."

LJG Co-Chair Graham Atkinson

How were negotiators chosen?

The negotiators (the LJG's five Steering Committee representatives) were nominated by the full LJG at their meeting in September 2007. Those people who were nominated were available to commit a significant amount of time to the negotiations including reading papers, attending meetings, reporting back, as well as having had experience with negotiating with government.

What negotiation experience do the five Steering Committee representatives have?

All five Steering Committee representatives from the Land Justice Group have had a lot of experience as negotiators, and are supported by the rest of the Land Justice Group. They are also prepared and assisted by Barrister David Yarrow who is an experienced negotiator working throughout Australia with traditional owner groups. Negotiators have the support of other staff and consultants at NTSV as well.

"We got one chance let's all stick together, we're all marching the same road. We all hope to get to the destination at the same time and that is - some type of land justice recognition to our people that have missed out over the centuries and it's about time that we got recognised so let's all stick together."

LJG Co-Chair Len Clarke

Make sure we can stay in touch with you. Are you on our mailing list?

Contact **Mark Brett**, Secretariat if you would like to contact the LJG members. You can also talk to **Drew Berick** the Community Liaison Officer for the Land Justice Group.

Any formal business should be addressed to:

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