



Victorian Traditional Owner Land Justice Group

The Victorian Traditional Owner Land Justice Group (LJG) is the peak representative group for traditional owner groups across Victoria. LJG lobbies governments for improvements to policy, legislation and in how government goes about its business, to achieve greater land justice for all the traditional owners of Victoria.

June 2010

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Message from LJG Co-Chairs

Welcome to the first Land Justice Group (LJG) Newsletter for 2010.

Since our last Newsletter, so much has happened! From the moment the Victorian Government publicly endorsed the Settlement Framework last June, much work has been underway to put flesh on the bones of the broad policies articulated in the Steering Committee's Report. A significant number of projects required to implement the Framework have been devised, and we have been monitoring and having input in the progress.

One key project is the Government's drafting of legislation to enable the first settlements to take place. The LJG is hopeful that the Framework legislation will be tabled in Parliament in late June 2010. We look forward to seeing real benefits flow to traditional owners in the not too distant future. You can read more about the progress of different parts of the Framework on page 2.

It is with sadness that we farewell Len Clarke from the LJG, as our fellow Co-Chair. Len is an outstanding leader who has worked tirelessly throughout his many years as an LJG Co-Chair, and has made an impressive contribution to achieving land justice in Victoria.

To Victorian traditional owners, Len says: "We've got one chance... let's all stick together, we're all marching down 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."

We would like to thank Len for his dedication, passion and time. We wish you all the best in your future endeavours, Len.

It is with pleasure that we introduce 2 new Co-Chairs of the LJG: Melissa Jones and Annette Xiberras. The creation of these two female Co-Chair positions is a meaningful change that reflects the LJG's commitment to gender equality. All four of us look forward to leading the LJG as we work for land justice in Victoria.

The new Co-Chair arrangements are in accordance with the LJG review of its own governance arrangement. At the last LJG meeting it was decided that a review of the LJG governance structure and procedures was required. A working group has been established to examine the issues and develop a set of governance options for the LJG to make decisions about. The LJG will implement these changes in consultation with the broader traditional owner community, to ensure we move forward with clear purpose and direction.

We'd like to thank Victorian traditional owners for their support and all members of the LJG for their time and commitment in representing their groups' views at a State level.

Melissa Jones, Annette Xiberras, Graham Atkinson, and Bobby Nicholls, LJG Co-Chairs.

Settlement Framework

Legislation

The State Government is currently preparing draft legislation. The LJG were hoping to have been briefed on the legislation before now, however this has not yet occurred. We have been assured that legislation will occur in time for the first settlements to take place.

Progress Update on LUAR

The Land Use Activity Regime (LUAR) will be a simplified process for traditional owner input about activities on their country. The LUAR will maintain important rights that TOs have under the Native Title Act, but simplify the procedure. There are four categories of activity contained in a LUAR:

1. Routine – agreed activities that can go ahead without TO input;
2. Advisory – activities which require consultation before they proceed on Crown land;
3. Negotiation – activities that occur until a traditional owner group agrees, or independent body has given its approval; and
4. Agreement – activities which require permission from a traditional owner group before they can proceed

The Framework report recommends that VCAT will be the independent body for the negotiation category.

The legislation for this part of the Framework is being prepared by the State Government to allow the first settlements to take place.

Progress Update on Access to Land

Under the Framework, there are various ways that land can be transferred to traditional owner groups, including the transfer of freehold subject to certain conditions. It is clear that the legislation will provide for land to be handed back to traditional owners where the land will be jointly managed by a board of management with a traditional owner majority.

A real benefit of the Framework is that it provides for freehold transfer, which provides security and certainty for traditional owner groups.

Right People for Country Project

The Right People for Country Project was recommended by the Framework Report as an important way to assist groups to resolve inter and intra-group disputes. These disputes can be complex, seemingly intractable, and stand in the way of the resolution of native title. Given that the State's objective is to achieve a quicker resolution of native title under the Framework, then it has a role to play in supporting structured and concerted efforts to resolve disputes.

As recommended by the Steering Committee Report, a Project Committee has been established and is made up of representatives from the LJG, NTSV, DoJ, AAV and the VAHC. The Committee is seeking to have an Interim Report completed by the end of June.

At the February 2010 LJG meeting, the LJG decided that further consultation with traditional owners is necessary to ensure that traditional owners can participate in the implementation of the Project.

The Right People for Country project committee will use the Interim Report to consult with traditional owners. The outcome of consultations will be incorporated into the Final Report.

For more information, please contact the Secretariat, Romany Tauber on (03) 9321 5319 or toll free on 1800 791 779.

Commonwealth/State Funding Commitments

There is ongoing debate between the Victorian and Commonwealth Governments about the extent of Commonwealth funding for the framework.

The LJG fully supports the Victorian Attorney General Rob Hulls in his call for ample Commonwealth funding support. However, the LJG maintains that the Victorian Government should continue to take responsibility for implementing the Framework, even if Commonwealth funding is not substantial.

Freestanding Statutory Right

The State is currently considering a proposal for a freestanding statutory right for traditional owners to use and access natural resources for non-commercial purposes, regardless of whether a Framework agreement is in place or not. Victoria is the only state in Australia that doesn't already recognise these rights. Although the State is generally supportive of introducing such a right, it is seeking to evaluate the implications first.

The State has engaged a team of independent consultants who will prepare advice on the appropriate policy after consulting with various stakeholders including the LJG and Native Title Services Victoria. The Principal Consultant, Dr Dermot Smyth, is a very experienced in this area and will brief the Land Justice Group on this matter.

The LJG have discussed a number of questions about how this right might be framed.

The LJG will have the opportunity to be consulted about the issues raised by this proposal, and the draft report

Introducing... 2 new LJG Co-Chairs

Co-Chairs Bobby Nicholls and Graham Atkinson are now joined by two new Co-Chairs: Melissa Jones and Annette Xiberras.

Co-Chair Annette Xiberras is a Wurundjeri woman. Annette first represented Wurundjeri cultural interests in the field in 1989, and has been working in Aboriginal archaeology since that time. Annette reflects on land justice in Victoria:

“I see land justice in Victoria as recognising the ways of the old people, the ways of the land, and the ways to move forward”.

Co-Chair Annette Xiberras



Co-Chair Melissa Jones is a Latji Latji/ Yapagulk woman, who is experienced in working with Indigenous communities around family violence issues.



Co-Chair Melissa Jones

Melissa has a diploma in drug & alcohol community services from Swinburne, and is currently studying for a Bachelor of Arts in social science & humanities at Latrobe University in Mildura.

Melissa is committed to working towards land justice for Victorian traditional owners, and has been a Land Justice Group member for 5 years.

Indigenous Carbon Market Workshops

The Australian Government is conducting a series of Indigenous Carbon Market Workshops to explain the Carbon Pollution Reduction Scheme (CPRS) and how traditional owner groups can benefit. The CPRS is not yet in operation – the legislation still needs to be passed by the Federal Government.

However, in the form as it is currently proposed, the CPRS provides a way for landowners to generate income by trading rights in carbon. This means that land transferred under a new Framework Settlement Agreement may be used in such a way.

Groups will have the carbon right if they own the land completely or if there is another arrangement, such as Aboriginal title. If groups have the right to manage land, but do not own it, then no right to carbon exists.

Although the Scheme presents many potential benefits, groups will need to consider the economic viability of the project, given its long term nature and the risks involved.

For a copy of the presentation given by the Australian Government, please contact the Secretariat, Romany Tauber on (03) 9321 5319 or toll free on 1800 791 779.



Victorian Traditional Owner Land Justice Group

LJG Governance & Future Role

The LJG is continuing a long tradition of traditional owner activism and working together for land justice in Victoria. The cohesion of the group over time has been a central element in our success. To date, the LJG has resolved outstanding issues relating to governance through formulation of procedures which are agreed as necessary, and followed over time. This process has ensured the continued cohesion of a diverse group of traditional owners from across Victoria.

In late 2009, the LJG identified a number of issues relating to governance that need to be resolved. Development of effective governance structures and procedures is fundamental to ensuring the legitimacy of traditional owner representative bodies. This principle is described in Tom Calma's Report on the National Indigenous Representative Body. This Report, developed out of a number of meetings of Indigenous working groups, identifies some best practice principles for Indigenous Representative Bodies.

To ensure the LJG has the opportunity to be informed about the best options available for LJG governance, a five member working group consisting of the four LJG Co-Chairs and LJG member Richie Kennedy, has been set up to examine the issues, and develop a set of options for the LJG to make decisions about and implement.

Terms of Reference for the working group were developed by the Co-Chairs, and discussed & refined at the February 2010 LJG meeting. The issues in the Terms of Reference have been broken down into 3 stages to ensure adequate consideration of options available. The LJG believes that consultation with TO groups is crucial to the governance building process.

Land Justice Group governance

A working group of 5 LJG members has been appointed to develop a set of options on governance issues set out in Terms of Reference developed by the Co-Chairs and refined by the LJG. These issues include LJG membership appointment & terms, Co-Chair appointment & terms, meeting procedure, future role of the LJG, and other issues. If you would like more information, please contact the Secretariat, Romany Tauber on (03) 9321 5319 or toll free on 1800 791 779.

Upcoming Meetings

The Land Justice Group will be meeting again on **31 July/1 August 2010**. Please contact Drew Berick or Romany Tauber if you have any questions.

Has your mob 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 - (03) 9321 5304

Further information

Graham Atkinson — Co-Chair
Melissa Jones — Co-Chair
Bobby Nicholls — Co-Chair
Annette Xiberras — Co-Chair
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