



Government of **Western Australia**
Department of the **Premier and Cabinet**

The South West Native Title Settlement

An Agreement reached between the Noongar People and the
WA Government

Noongar Boodja Trust: Factsheet

The South West Native Title Settlement (the Settlement) is the largest and most comprehensive agreement to settle Aboriginal interests over land in Australia. The Settlement, involving six Noongar Native Title Agreement Groups, and covering 200,000 square kilometres of land, represents significant social and economic investment in the Noongar community and the shared future of Western Australia.

On 8 June 2015, after extensive negotiations, and authorisation by the Noongar people, the Western Australian Government signed (executed) the six South West Native Title Settlement Agreements with the Ballardong, Gnaala Karla Booja, South West Boojarah, Wagyl Kaip & Southern Noongar, Whadjuk and Yued groups.

The Settlement as a whole will only become fully effective after all of the six Agreements have been conclusively registered in accordance with the *Native Title Act 1993 (Cth)*, and any related court proceedings have been resolved

For the latest information see the 'status of the Settlement' section of the Department of the Premier and Cabinet website (<http://www.dpc.wa.gov.au/lantu>).

Noongar Boodja Trust

The Noongar Boodja Trust (NBT) will receive, hold and manage all benefits and assets arising from the South West Native Title Settlement (the Settlement). The function of the NBT is to hold money, land and property for the Noongar Regional Corporations and the Central Services Corporation for the benefit of the Noongar people for generations to come. The NBT will be managed by an independent professional Trustee.

What assets are the WA Government contributing to the NBT?

1. The Government of Western Australia will make yearly payments over 12 years of:
 - \$50,000,000 to the Noongar Future Fund; and
 - \$10,000,000 for operational funding for the Noongar Corporations.
2. The Noongar Land Estate (NLE), to be held and managed by the NBT, will be created to hold up to 300,000 hectares of reserve land and a maximum of 20,000 hectares of freehold land. The NLE will be sourced from unallocated Crown land, unmanaged reserves and Aboriginal Lands Trust properties.

Read the [Fact Sheet about the Noongar Land Estate](http://www.dpc.wa.gov.au/lantu) to learn more about the NLE (www.dpc.wa.gov.au/lantu).

3. The WA Housing Authority will transfer 121 Housing properties and will provide funding for maintenance and upgrades to these properties.
4. A Capital Works Program that includes:
 - funding and up to 2 hectares of land for development of a Noongar Cultural Centre in the metropolitan area; and
 - funding for the Noongar Corporations office accommodation.

Who are the beneficiaries of the NBT?

The six Noongar Regional Corporations and the Central Services Corporation are the only direct beneficiaries of the NBT. No individual will receive direct monetary payments. The key purpose of the Regional Corporations is to benefit, advance and promote the Agreement Groups and their communities within the ILUA area and to manage and care for the Cultural Land in the region.

Who is the Initial Noongar Boodja Trustee and how were they selected?

Once the NBT is established, Perpetual Trustee Company Limited (Perpetual) will become the initial Noongar Boodja Trustee.

Perpetual was chosen through a formal tender and selection process developed between the WA Government and the South West Aboriginal Land and Sea Council (SWALSC). The tender process took place in accordance with WA Government procurement policies and was managed collaboratively by the WA Government and SWALSC, who delegated their authority to facilitate the selection of the Trustee to the 'Noongar Boodja Trustee Selection Taskforce'.

The Taskforce was made up of an Independent Chair and four representatives from both SWALSC and the WA Government. The Taskforce commenced work in July 2015 and established the 'Noongar Boodja Trustee Selection Panel' (Panel) who was ultimately responsible for the selection of the Trustee.

When does the Initial Trustee commence its role?

On 27 June 2016 Perpetual were notified as the successful initial trustee. Perpetual cannot be formally appointed or commence the role of Trustee until the Settlement commences and the NBT is established at the 'Trust Effective Date'. This can only occur after the Settlement commences, following the conclusive registration of the six Indigenous Land Use Agreements.

Prior to the conclusive registration of the six ILUAs, Perpetual is preparing for its new role. Once Perpetual is formally appointed it will be primarily focused on asset management and development, and administering the distribution of funds to the Noongar Corporations.

How will the NBT operate?

The NBT will operate as a perpetual fund and is subject to all usual Commonwealth financial regulations. The WA Government will retain oversight of the NBT for the first 12 years of its operation.

Investment decisions about NBT assets will be made by the Trustee who will be advised by both Noongar and independent directors through mechanisms prescribed in the ILUAs and the Trust Deed.

To ensure decision making processes are relevant and transparent the Trustee will establish a Noongar Advisory Company – to assist the Trustee to manage its relationship with Noongar community and the relevant committees.

During the 12 years of operation the Trustee is expected to work in partnership with the Noongar People, and bring all of its resources, expertise, connections and experience to enable the Noongar People to build their economic, social and cultural future through enduring relationships with government, business and the wider community in Western Australia.

How will the NBT distribute money?

Each year the Trustee must prepare a budget in line with budget principles contained in the Trust Deed. In making decisions about the distribution of funds, the Trustee will be required to draw on advice from expert committees about investment and allocation decisions. Committees include the:

- **Noongar Advisory Company** – primary decision making body and relationship manager, central to building capacity, systems and processes;
- **Noongar Relationship Committee** - facilitate and streamline a process for the Trustee and the NAC to have direct, regular and meaningful engagement with the Noongar Corporations;
- **Investment Committee** – reviews proposals from the Investment Manager(s), reviewing the Trustee’s compliance with its investment obligations and providing recommendations to the Trustee, in line with the Trust Deed.

Each committee will have relevant experts who hold extensive knowledge and experience in working with Trusts and must comply with a central Code of Conduct and relevant policies.

The Trustee must distribute enough funding to a Regional Corporation each year to enable the Regional Corporation to deliver its ‘core functions’, such as land management, delivery of cultural and community programs, governance compliance and communication.

What happens to the NBT after 12 years?

After 12 years the NBT will be able to distribute a fixed percentage of the value of the Future Fund annually to ensure that there is an ongoing source of funds for Noongar cultural, social and economic programs.

After 12 years the Noongar Advisory Company (NAC) may transition to become the Noongar Boodja Trustee. The Initial Trustee will build the NACs capacity during the 12 years of operation with the aim of the NAC becoming the future Trustee.

Further information

Further information about the Settlement, including the six Settlement Agreements (or Indigenous Land Use Agreements – ILUAs) made in compliance with the Commonwealth Native Title Act 1993, can be found on the website of the Department of Premier and Cabinet (<https://www.dpc.wa.gov.au/lantu>).