



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 Western Australian Government

About the Settlement: 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>).



South West Native Title Settlement

The South West Native Title Settlement (the Settlement) is the most comprehensive native title agreement proposed in Australian history, comprising the full and final resolution of all native title claims in the South West of Western Australia.

The Settlement will provide the Noongar people with long-term benefits and opportunities for developing Noongar interests. It will also provide pathways for the WA Government to work in partnership with the Noongar people to improve economic, social and cultural outcomes for the Noongar community. In addition, the Settlement will deliver long term cost benefits to the WA Government and land users through the resolution of native title and the removal of all 'future act' obligations across the south west.

The Settlement involves around 30,000 Noongar people and covers approximately 200,000 square kilometres. The full details of the South West Native Title Settlement (Settlement) is recorded in six Indigenous Land Use Agreements (ILUAs) made in compliance with the Commonwealth Native Title Act 1993 with the six Noongar Native Title Agreement Groups.

Who are the Noongar Native Title Agreement Groups?

The six Noongar Native Title Agreement Groups, and the main regional centres around which they are located, are:

- Ballardong (York, Northam, Hyden, Kondinin);
- Gnaala Karla Booja (Mandurah, Bunbury, Donnybrook);
- South West Boojarah (Busselton, Dunsborough, Margaret River, Pemberton, Nannup);
- Wagyl Kaip and Southern Noongar (Katanning, Gnowangerup, Albany);
- Whadjuk (Perth Metropolitan area); and
- Yued (Jurien, Moora, Lancelin, Gingin).



Where is the South West Native Title Settlement Area?

Map of the South West Native Title Settlement Area with the six ILUA boundaries



Detailed maps of the South West Native Title Settlement Area and the six ILUA areas (with boundary descriptions) can be found on the Department of the Premier and Cabinet website (www.dpc.wa.gov/lantu).



What does the Settlement include for the Noongar people?

Settlement Component	Description
Noongar Recognition through an Act of Parliament	The <i>Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016</i> (proclaimed on WA Day – 6 June 2016) recognises the Noongar people as the Traditional Owners of the south-west region of Western Australia.
Noongar Boodja Trust	<p>The Trust will receive, hold and manage all benefits and assets arising from the Settlement.</p> <p>The Trust has the potential to deliver enduring economic, social and cultural benefits to the Noongar people for generations to come.</p> <p>The WA Government will contribute \$50 million annually for 12 years to the Noongar Boodja Trust, and \$10 million annually for 12 years to the Noongar Regional Corporations.</p>
Noongar Regional Corporations and Central Services Corporation	Six Noongar Regional Corporations and a supporting Central Services Corporation will be created to represent the rights and interests of each of the Noongar Native Title Agreement Groups.
Noongar Land Estate	Up to 320,000 hectares of land will be transferred to the Noongar Boodja Trust for development and cultural purposes.
Co-operative and joint management	The Department of Biodiversity Conservation and Attractions (DBCA) and the six Noongar Regional Corporations will enter into Co-operative and Joint Management Agreement arrangements for the care and protection of the South West Conservation Estate.
Land Access	Land Access licences will be provided to the six Noongar Regional Corporations to give the Noongar people lawful access to certain unallocated Crown land and unmanaged reserve land for defined customary activities.



Separate to the licence, amended water by-laws will also enable Noongar people to undertake some land based Aboriginal customary activities in public drinking water source areas within the Settlement Area.

Noongar Standard Heritage Agreement

The Noongar Standard Heritage Agreement (NSHA) provides a uniform and efficient approach for conducting Aboriginal Heritage Surveys in the Settlement Area in compliance with the *Aboriginal Heritage Act 1972*. The NSHA came into effect 8 June 2015.

Noongar Heritage Partnership Agreement

The Noongar Heritage Partnership Agreements (NHPAs) provide a framework for the Department of Planning, Lands and Heritage (DPLH) and the Noongar Regional Corporations to work in partnership to improve the recording, protection and preservation of Aboriginal sites within the Settlement Area.

Noongar Housing Program

The Housing Authority will transfer, in freehold title, 121 properties to the Noongar Boodja Trust and provide funding for the maintenance and upgrade of these properties.

Economic Development

The Noongar Economic Participation Framework is intended to assist in building Noongar business capacity, interests and participation in the wider economy.

Community Development

The Community Development Framework is a commitment between the WA Government and the Noongar people to a set of principles and priorities aimed at improving Noongar community development opportunities.

The Framework will provide greater scope for direct communication and collaboration between the WA Government and Noongar people.

Capital Works Program

A Capital Works Program will include funding for the establishment of a Noongar Cultural Centre in the



metropolitan area and office accommodation for the Noongar Regional Corporations.

Noongar Land Fund

The Noongar Land Fund will receive up to \$46,850,000 over ten years to resource land-related projects facilitated by partnerships between WA Government land agencies and the Noongar Regional Corporations.

The six Indigenous Land Use Agreements (ILUAs) have been executed – what does this mean?

From signing (execution) on 8 June 2015, the six ILUAs bind the Government of Western Australia and the South West Land and Sea Council (SWALC), as representative of the six registered Noongar Native Title claim groups, to the terms and conditions contained in the six Indigenous Land Use Agreements.

Following execution, the Noongar Standard Heritage Agreement (NSHA) is the only component formally commenced. The remainder of the terms (as set out in Table 1, above) will be rolled out after the six Agreements have been conclusively registered in accordance with the *Native Title Act 1993 (Cth)*, and any related court proceedings have been resolved.

What work must be done prior to the commencement of the Settlement?

Prior to the formal commencement of the Settlement, there are a number of significant milestones that must be met. Some of these have already been fulfilled either partially or in full, including:

- formal selection and announcement of the initial Trustee for the Noongar Boodja Trust;
- proclamation of the *Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016*;
- proclamation of the *Land Administration (South West Native Title Settlement) Act 2016*;
- gazettal of Water By-Law Amendments;
- formal commencement of the Noongar Standard Heritage Agreement including the development NSHA resources and a working group; and



- finalisation and release of the Transition Programs which set out how the Noongar Regional Corporations will be established by the ILUA Agreement Groups.

When will the Settlement commence?

The Settlement can only fully commence once the six Indigenous Land Use Agreements have been conclusively registered on the National Native Title Tribunal (NNTT) [Register of Indigenous Land Use Agreements](http://www.nntt.gov.au) (www.nntt.gov.au) and any related court proceedings have concluded.

See the DPC website for the latest information about the status and the commencement of the Settlement (www.dpc.wa.gov.au/lantu)

Does the Native Title Act still apply?

Until the Settlement commences the *Native Title Act 1993* (Cth) still applies to *all* land users planning activities in the Settlement Area. Land users will need to consider any planned developments or activities proposed in the Settlement Area that may affect existing native title rights or interests.

These native title rights may vary from the right for native title applicants to be consulted, to the right to negotiate and the right to compensation - See the *Native Title Act 1993*. It is recommended that land users seek professional or legal advice in respect to their individual circumstances.

WA Government agencies and officers planning activities that may affect native title rights and interests, prior to the commencement of the Settlement should contact the South West Settlement Implementation Unit or the State Solicitor's Office in the first instance.

The commencement of the Settlement will resolve all native title rights and interests that may have existed in the ILUA area. For the latest information about the commencement of the Settlement please check the Department of the Premier and Cabinet website (www.dpc.gov.au/lantu).

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>)