

**NOONGAR (KOORAH, NITJA, BOORDAHWAN)  
(PAST, PRESENT, FUTURE) RECOGNITION BILL 2015**

**EXPLANATORY MEMORANDUM**

**Introduction**

This Bill recognises the Noongar people as the traditional owners of the Noongar lands and forms part of the settlement of the native title claims made by the Noongar people in the South West of the State.

Six indigenous land use agreements have been entered into with Noongar people. Each agreement relates to a different area of land in the south west and is made with a differently described group of Noongar people, representing all the persons who hold or may hold native title in those areas. The six indigenous land use agreements contain similar settlement terms, which provide for a single comprehensive package of benefits to be provided to the Noongar people in return for the surrender of any native title rights and interests in an area of land referred to as the Noongar lands and the validation of acts that may have been done invalidly in those lands.

The passage and commencement of the Bill is a precondition to the commencement of the settlement under the six indigenous land use agreements.

**Clauses**

**Preamble**

The preamble provides a statement about the background against which the Bill has been developed. In particular it provides a description of the relationship and responsibilities that Noongar people have had and continue to have in relation to the land they call Noongar boodja that is set out in more detail in Schedule 1.

It refers to the contributions that the Noongar people have made and will continue to make to the State. It also provides for the background of the recognition of the Noongar people as the traditional owners of the Noongar lands in the context of the package of measures that has been agreed in settling the claims made under the *Native Title Act 1993* (Commonwealth) by the Noongar people.

**Clause 1            Short title**

This clause provides that the short title of this Act is the *Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2015*.

**Clause 2            Commencement**

This clause provides for the commencement dates for the Act.

Sections 1 and 2 commence on the day on which the Bill receives Royal Assent.

The rest of the Act commences on a day fixed by proclamation, and different days may be fixed for different provisions.

**Clause 3            Noongar lands**

This clause identifies the area of the Noongar lands by reference to the description and map at Schedules 2 and 3 respectively. These lands extend over an area that is approximately 195,500 square kilometres located south and west of a line from Geraldton in the north to Cape Arid in the south-east.

#### **Clause 4            Purpose**

This clause sets out the purpose of the Bill which is to recognise the Noongar people as the traditional owners of the Noongar lands.

#### **Clause 5            Recognition of the Noongar People**

This clause provides for the formal acknowledgement and honouring by Parliament of the Noongar people as the traditional owners of the Noongar lands. It also provides that Parliament recognises the special relationship Noongar people have with those lands and the significant contribution the Noongar people have made, are making and will continue to make to the heritage, cultural identity, community and economy of the State.

#### **Clause 6            Effect of the Act**

This clause provides that the Bill does not:

- create any legal or equitable rights, title or interests; or
- give rise to or affect any:
  - civil claim, action or proceeding; or
  - right of review of an administrative decision; or
- affect the interpretation of any law of, or that applies, in the State.

#### **Schedule 1        Noongar recognition statement**

Schedule 1 is a statement prepared by Noongar people to describe their relationship to Noongar lands.

#### **Schedule 2        Noongar lands: description**

Schedule 2 contains a written description of Noongar lands for the purposes of the Act.

#### **Schedule 3        Noongar lands: map**

Schedule 3 contains a map of Noongar lands as described in Schedule 2.