

Workshop Series: Thresholds for Traditional Owner Settlements in Victoria

Lara Wiseman, AIATSIS

The Native Title Research Unit at AIATSIS, represented by Toni Bauman, facilitated a series of three workshops involving native title stakeholders in Victoria including representatives/staff of the Victorian Traditional Owner Land Justice Group, the Victorian Aboriginal Heritage Council, Native Title Services Victoria, the Native Title Unit in the Department of Justice, the Victorian Government Solicitor's Office, the Right People for Country Project and Aboriginal Affairs Victoria. The workshops were co-ordinated by a working group comprising representatives of the Department of Justice, the Victorian Government Solicitor's Office and Native Title Services Victoria.

The overall aims of this collaborative workshop series were to facilitate dialogue around the nature and processing of the threshold statement as required in order to enter negotiations under the *Traditional Owner Settlement Act 2010*; to work towards a model for demonstrating thresholds in Victoria; to identify easily agreed issues and those that need further clarification, how and by whom; and to identify the process for arriving at shared definitions.

Workshop 1: Setting the Scene was held in May and commenced with a review of the past and present context for processing 'connection' in Victoria within the context of moving from the *Native Title Act 1993* to the *Traditional Owner Settlement Act 2010*. This workshop brought native title stakeholders together to identify terms in Appendix 7 of the 2008 Report of the Steering

Committee for the Development of a Victorian Native Title Settlement Framework requiring further clarification and development and set the agenda for future workshops in the series. During this workshop participants identified elements of the threshold statement requiring further consideration. Following the workshop the Working Group established cross-agency discussion groups to examine five elements of the threshold statement in more detail, outcomes from these discussions were then considered at Workshop 2.

Workshop 2: Exploring Terms and Concepts was held in July and examined the key concepts, terms and issues relevant to creating a Traditional Owner threshold statement. In particular discussion focused on five elements of the statement: description of the Traditional Owner group, description of the area, statement of association, negotiation capacity and the research process overview. The Victorian Aboriginal Heritage Council also produced a discussion paper entitled *Threshold statement or threshold process? Creating an alternative path towards land justice* to inform these discussions.



Workshop 3 Participants (August 2011, University College, Parkville). Photo courtesy Native Title Services Victoria

Workshop 3: Shared processes was held in August and provided an opportunity to discuss process

issues which had been identified throughout the previous two workshops. The aims of this workshop were to discuss and explore staged processes for preparing, presenting, notifying and assessing threshold

statements; to explore the roles, responsibilities and priorities of agencies and stakeholders in the various stages of the threshold process; to explore opportunities for collaboration, build relationships and promote communication between stakeholders with regard to threshold processes; to clearly identify issues which require further discussion and consideration, and to identify future processes to continue to work on these issues. A Right People for Country paper, *What is the role of agreement-making in the threshold process?* also informed this workshop.

Workshop 3 participants discussed various aspects of the threshold statement process including: community education and capacity building; agreement making between Traditional Owner groups and the potential role of the Right People for Country project; authorisation processes; prioritisation principles; shared, collaborative and Traditional Owner-led research processes; and the notification process following submission of a threshold statement.

Outcomes from the workshop series will inform further collaboration between native title stakeholders in Victoria to develop a *Towards Threshold Guidelines* document articulating the requirements of a Traditional Owner threshold statement.

Foundations of the Kimberley Aboriginal Caring for Country Plan — Bungarun and the Kimberley Aboriginal Reference Group

**Bruce Gorring, Research Coordinator
Nulungu Centre for Indigenous Studies
of the University of Notre Dame**

**Steve Kinnane, Senior Reseacher
Nulungu Centre for Indigenous Studies
of the University of Notre Dame**

The idea of a Kimberley Aboriginal Caring for Country Plan came from Kimberley Traditional Owners at a meeting held at Bungarun in 2004. It was at this meeting that Traditional Owners identified how particular areas of country would be separated into categories that represented how people related to different regions and different types of Country; Fresh Water, Salt Water, Desert and Cattle and Rangelands. They also decided on what principles would guide Caring for Country in the Kimberley. These 13 core principles have guided the creation of the Caring for Country Plan;

1. Aboriginal people are committed to caring for Country.
2. The diversity of Aboriginal land, law language and culture is highly valued.

3. Land, law, language and culture are totally connected and underpin Aboriginal peoples' perspectives of 'healthy country'.
4. Aboriginal Knowledge must be maintained, protected and valued.
5. The transmission of language, cultural skills and practices from elders to younger generations is vital.
6. Improved collaboration requires appropriate consultation, engagement and communication processes.
7. The ways that Kimberley Aboriginal people like to do business must be adopted and maintained.
8. Creating employment and building empowerment in businesses, especially on Country, is essential.
9. Recognising Aboriginal ownership of land and the need for people to be on Country is critical to achieving Healthy Country and Healthy people.
10. Language is a critical part of Aboriginal engagement with the landscape.
11. Aboriginal livelihoods and community capacity can be encouraged and empowered by caring for Country.
12. Caring for Country has a vital role in building leadership and instilling cultural, political and social values in younger generations.
13. Kimberley Aboriginal people need to establish ways to get control over their future by improving social, cultural, environmental, language and economic positions.

Traditional Owners called for a plan to:

- help government and non-government agencies understand Aboriginal priorities and values;
- show the work already being done; and
- build relationships through agreements and protocols to work together.

It was from this meeting that the Kimberley Aboriginal Reference Group (KARG) was created, comprising four representatives from each of the four types of Country, and also each of the four peak regional Aboriginal organisations; the Kimberley Land Council (KLC), the Kimberley Aboriginal Law and Culture Centre (KALACC), the Kimberley Language Resource Centre (KLRC) and Kimberley Aboriginal Pastoralists Incorporated (KAPI). KARG's role was to; represent Indigenous interests on the Kimberley NRM Board, seek secure funding for Aboriginal people to participate in NRM activities, engage with Kimberley Aboriginal