

# Boorna-Wangkiny

Boorna-Wangkiny (Message Stick) South West Aboriginal Land and Sea Council Newsletter

December 2020

## Chairperson's message

This is the first newsletter to members since the new directors were elected. I am honoured to have been elected a director by the members of the Whadjuk Ward. I take my responsibilities as a director seriously and I will do all that I can to ensure SWALSC is a professional organisation that serves the interests of all Noongar people.

At our first directors' meeting held after the 2020 annual general meeting, I was elected by my fellow directors as the Chairperson of SWALSC for a twelve-month period. I would like to thank my fellow directors for putting their trust and faith in me to undertake this role on behalf of our organisation. On behalf of the directors, I would also like to thank the outgoing directors and chairperson for their service to our organisation.

In addition to myself representing the Whadjuk Ward, Barry Winmar was elected to represent the Ballardong Ward, and Noelene McCormick was re-elected to represent the South West Boojarah Ward for a second term.

We three Noongar member-elected directors are joined by Mr David Ashton, who continues as an expert director and Ms Vanida Lennon, who is a newly appointed expert director. The remaining vacancies for member-elected directors for the Yued, Gnaala Karla Booja, and Wagyl Kaip / Southern Noongar wards will be filled following elections in those wards in early 2021.

As a proud Whadjuk Noongar, I am deeply honoured to have been given the trust of my fellow directors to be appointed as the Chairperson of SWALSC during this very important and exciting time for Noongar people.

On 26 November 2020, the High Court of Australia rejected the applications for special leave to appeal. This means that five years after the authorisation meetings, we can now

begin the important work of implementing the South West Native Title Agreement for the benefit of all our Noongar people.

In 2015, the Noongar people voted to accept the negotiated agreement between the Noongar people and the State of Western Australia. While we have waited for the court processes and appeals to work their way through the legal system, we have lost many of our elders who worked so hard to see this agreement to come to pass. While it is sad that many of those elders passed before they were able to see the negotiated agreement implemented, we will do everything we can to honour their vision and their memory.

The new directors of SWALSC will focus on developing the capacity and capability of SWALSC and earning the trust and support of the Noongar community as we work towards implementation of the settlement.

I ask all of our Noongar community to join us in this task. Every Noongar person needs to be part of this journey, because we are stronger when we work together. If we work together, we can make sure we do not repeat the mistakes of the past, we can make the most of the opportunities the negotiated agreement can deliver to our people, and we can build a future for Noongar people that we can all be proud of.

On behalf of the board and everyone at SWALSC, I would like to wish you and your families a safe and happy Christmas and wish you all the very best for the new year.

Kindest Regards,

**Vanessa Kickett**  
**Chairperson**



# High Court of Australia

RESULTS OF APPLICATIONS LISTED AT

## MELBOURNE

THURSDAY, 26 NOVEMBER 2020

SPECIAL LEAVE APPLICATIONS

HEARD IN MELBOURNE

AND BY VIDEO LINK

No.	Applicant	Respondent	Court appealed from	Result
1.	Yarran	South West Aboriginal Land & Sea Council Aboriginal Corporation & Ors (P1/2020)	Full Court of the Federal Court of Australia [2019] FCAFC 238	Application dismissed with costs
2.	Yarran	South West Aboriginal Land & Sea Council Aboriginal Corporation & Ors (P2/2020)	Full Court of the Federal Court of Australia [2019] FCAFC 238	Application dismissed with costs
3.	McGlade (formerly Wanjurri-Nungala) & Ors	South West Aboriginal Land & Sea Council Aboriginal Corporation & Ors (P3/2020)	Full Court of the Federal Court of Australia [2019] FCAFC 238	Application dismissed with costs
4.	Smith & Anor	South West Aboriginal Land & Sea Council Aboriginal Corporation & Ors (P4/2020)	Full Court of the Federal Court of Australia [2019] FCAFC 238	Application dismissed with costs
5.	Smith & Anor	South West Aboriginal Land & Sea Council Aboriginal Corporation & Ors (P5/2020)	Full Court of the Federal Court of Australia [2019] FCAFC 238	Application dismissed with costs
6.	Culbong & Ors	South West Aboriginal Land & Sea Council Aboriginal Corporation & Ors (P6/2020)	Full Court of the Federal Court of Australia [2019] FCAFC 238	Application dismissed with costs
7.	Mackay	South West Aboriginal Land & Sea Council Aboriginal Corporation & Ors (P12/2020)	Full Court of the Federal Court of Australia [2019] FCAFC 238	Application dismissed with costs

# SWALSC welcomes High Court Decision

The High Court of Australia, on 26 November 2020, rejected all of the applications for special leave to appeal the decision of the Federal Court in December 2019.

This decision of the High Court means that all avenues for review of the Native Title Registrar's decision to register the ILUAs in October 2018, have now been exhausted.

The High Court's decision brings to a close the legal process that followed the six authorisation meetings in 2015 and clears the way for the conclusive registration of the six Indigenous Land Use Agreements (ILUAs), that form the South West Native Title Settlement.

After twenty long years of struggle, we have successfully resolved all native title claims in Noongar country in exchange for a package of land and other benefits worth around \$1.3 billion for Noongar people.

## Director election update

There are currently three vacancies for member-elected directors on the SWALSC board, one for the Gnaala Karla Booja Ward, one for the Wagyl Kaip Ward, and one for the Yued Ward.

These vacancies will be filled by election of the SWALSC members in those wards in early 2021.

A new election will be held in the Yued Ward and nominations will open shortly. As a result of the tied vote in the Gnaala Karla Booja Ward and the non-declaration of a successful candidate in the Wagyl Kaip Ward, voting will be conducted again in those wards but no new nomination process will be held. The candidates will be the tied candidates in the Gnaala Karla Booja Ward and the existing nominations in the Wagyl Kaip Ward.

A new selections committee and returning officer have been appointed and all candidates in the three wards will be vetted for eligibility by the new selections committee.

## Grant Thornton, Project Manager

Following the departure of the former CEO, the accounting firm Grant Thornton was appointed to the role of Project Manager for SWALSC until at least 31 March 2021.

The Grant Thornton team is being led by Mr Anthony Beven. Anthony Beven is a legal practitioner with over 20 years experience as a senior statutory officeholder, including ten years as Registrar of Aboriginal and Torres Strait Islander Corporations and eight years as an ASIC Regional Commissioner. The arrangement shall come to an end by the mutual agreement of the Commonwealth and SWALSC.

The Project Manager, under the direction of the SWALSC board of directors, is undertaking all of the functions that would otherwise be performed by the CEO. This includes managing the selection process and induction process for a new CEO as well as assisting with the settlement implementation.



## Negotiated Agreement Next steps

The six Indigenous Land Use Agreements (ILUAs), that set out the terms of the negotiated agreement between the Noongar people and the State of Western Australia to resolve all Noongar native title claims, were registered on 17 October 2018.

Following the High Court decision, conclusive registration of the ILUAs will occur on 27 January 2021. The settlement effective date notice will be

issued to SWALSC by the state of Western Australia up to 20 days after conclusive registration, and the settlement effective date will occur 20 business days after this notice is given.

The future acts regime under the native title act will cease 30 business days after the settlement commencement date and the trustee for the trust will be formally appointed within 60 days of the settlement commencement date.

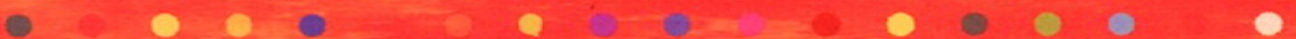
SWALSC will be conducting a series of community information meetings and providing further detailed information about these steps early in the new year. Please check our website for regular updates and information.

## What the negotiated agreement will deliver for Noongar people

The agreement that was negotiated between the Noongar people and the state of Western Australia is the biggest native title settlement in Australia's history.

In exchange for the Noongar people agreeing to end claims under the Native Title Act 1993, the State of Western Australia passed an Act of Parliament recognising the Noongar people as the traditional owners of Noongar Boodja, and agreed to provide the Noongar people with a package of benefits under legally enforceable ILUAs. These benefits include, amongst other things, the State of Western Australia:

- surrendering 320,000 hectares of development land and cultural land back to the Noongar People and providing \$46.8m over ten years for land projects on that land
- committing to jointly manage National Parks and the conservation estate on Noongar Boodja with the Noongar people
- recognising access rights for Noongar people to undertake customary activities on 'Crown land'
- paying \$600 million over twelve years into a trust fund for the use and benefit of Noongar people
- paying \$120 million over twelve years in operational funding and \$6.5m in capital funding for the establishment of the Noongar corporations
- providing 121 houses and \$10m to develop and refurbish these houses
- granting \$5.3 million and up to two hectares of land for the creation of a Noongar Cultural Centre
- and much more.





Picture above: SWALSC Noongar Ranger Trainees on Boodja in Collie with Noongar Elders and professionals learning about cultural heritage site management.

## Noongar Ranger Trainees Come Together to Learn About Heritage

Since its commencement in 2017-18, the SWALSC Noongar Ranger program has continued to train and employ Noongar people as rangers to undertake a wide range of land and sea management activities including: biodiversity monitoring and research; fire management; cultural site management; feral animal and weed management; and providing cultural awareness and cultural immersion experiences for visitors.

A key feature of the SWALSC Noongar Ranger has been the transfer of traditional knowledge through cultural mentoring and training camps.

The SWALSC Noongar Ranger Trainees, who work with the Department of Biodiversity Conservation and Attractions (DBCA) in regional offices across all six Noongar regions, came together recently for an intensive training camp in

Collie to learn about Aboriginal heritage site identification and site management.

The training camp provided a great opportunity for the Ranger Trainees to come together on boodja and to learn from Noongar Elders and professionals. The trainees were also able to learn from each other and share experiences.

SWALSC did not apply for funding from the limited third and final round of the WA Government's Aboriginal Ranger Program to make space for other Noongar organisations to access the remaining funds available from the program before it ends.

SWALSC has continued to advocate to the State Government to renew funding for the Aboriginal Ranger Program so this very important work can continue for years to come. SWALSC is confident that the State government will make an announcement about the future of the program prior to the next State election in March 2021.

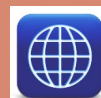


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