

The South West Native Title Settlement

Settlement management

The South West Native Title Settlement (Settlement) is a landmark native title agreement negotiated between the Noongar people and the Western Australian Government (WA Government). The Settlement commenced 25 February 2021.

This fact sheet contains information about the Noongar Boodja Trust and the Noongar Corporations.

For the latest information visit noongar.org.au.

The Noongar Boodja Trust

The Noongar Boodja Trust (NBT) receives, holds and manages all benefits and assets arising from the South West Native Title Settlement.

The function of the NBT will be 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 Perpetual Trustee Company Limited (Perpetual), an independent professional Trustee.

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 Indigenous Land Use Agreement (ILUA) area and to manage and care for the Cultural Land in the region.



What assets are the WA Government contributing to the NBT?

- **Yearly cash payments:** \$50,000,000 to the Noongar Future Fund; and \$10,000,000 operational funding for the Noongar Corporations over 12 years. The first payment was made on 22 April 2021.
- **Land:** 300,000 hectares of reserve or leasehold land and a maximum of 20,000 hectares of freehold land to the Noongar Land Estate (NLE), this land will be sourced from unallocated Crown land, unmanaged reserves and Aboriginal Lands Trust properties. For more information on the Noongar Land Estate, visit the Department of Planning, Lands and Heritage website.
- **Housing:** The Department of Communities, Housing will transfer 121 Housing properties and will provide funding for maintenance and upgrades to these properties.
- **Office Accommodation and Land:** Funding and up to two hectares of land for development of a Noongar Cultural Centre in the metropolitan area; and funding for the Noongar Corporations office accommodation.





When did the Initial Trustee commence its role?

Perpetual was formally appointed and commenced the role of Initial Noongar Boodja Trustee at the 'Trust Effective Date' on 29 March 2021.

Prior to formal appointment, Perpetual had been preparing for its role with the WA Government and SWALSC. Perpetual is now primarily focused on asset management and development, assisting SWALSC with the establishment of the Noongar Corporations, and the distribution of funds.

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

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

On 27 June 2016 Perpetual was notified as the successful Initial Noongar Boodja Trustee (Trustee).

Perpetual was chosen through a formal tender and selection process developed between SWALSC and the WA Government.

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.





How will the NBT operate?

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 the Noongar community and the relevant committees in the Noongar Governance Structure.

During the 12 years of operation the Trustee will 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 will prepare a budget in line with budget principles contained in the Trust Deed.

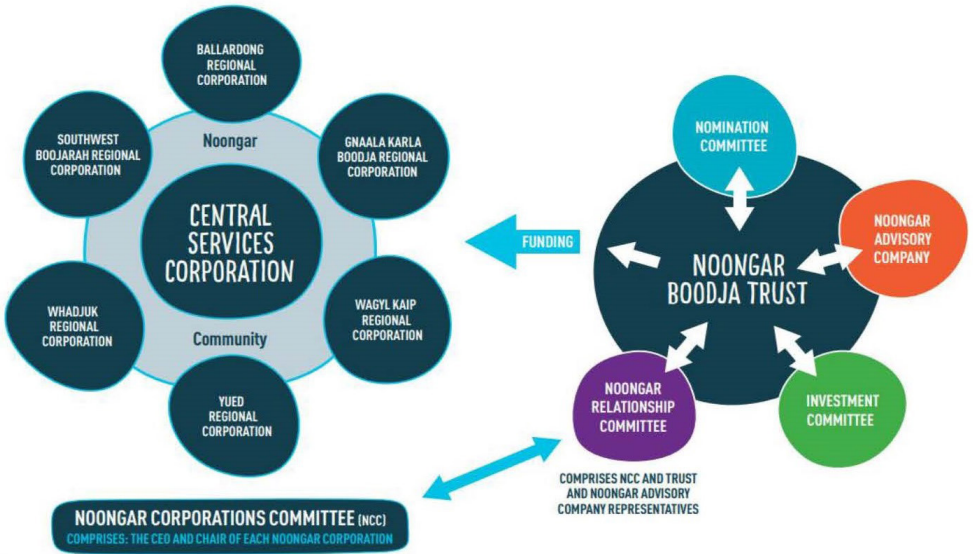
In making decisions about the distribution of funds, the Trustee will be required to draw on advice from expert groups making up the Noongar Governance Structure about investment and allocation decisions, Committees including:

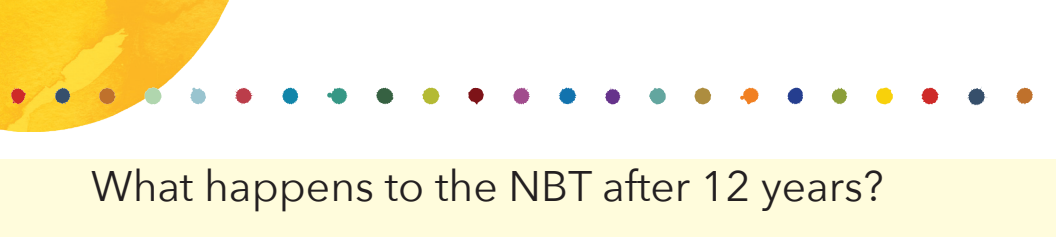
- Noongar Advisory Company (NAC) - primary decision making body and relationship manager, central to building capacity, systems and processes;
- Noongar Relationship Committee - facilitate and streamline a process for the Trustee and the NAC to have direct, regular and meaningful engagement with the 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 will distribute enough funding to the Regional Corporations each year to enable the Regional Corporations to deliver their '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 NAC may transition to become the Noongar Boodja Trustee. The Trustee will build the NAC's capacity during the 12 years of operation with the aim of the NAC becoming the future Trustee.

Year 1

NAC and Trustee will develop a 12 year plan for building the capacity of the NAC to become the Noongar Trustee in 12 years.

Year 2-5

The Trustee works on the delivery of the Trust outcomes to support the Regional Corporations, NAC works closely with the Trustee in its decision making. Trustee assists NAC with its capacity building.

Year 6-9

The Trustee delegates to NAC an agreed selection of trust management functions and works with NAC delivery.

Years 10-12

The Trustee delegates to NAC almost all of the trust management functions. The Trustee operates in the background to provide feedback and guidance as required by NAC.

Future

NAC becomes the Noongar Trustee and operates on its own.





The Noongar Corporations

As a part of the Settlement, six Noongar Regional Corporations have been formed to represent the rights and interests of the six Noongar Agreement Groups. A seventh Noongar corporation, the Central Services Corporation, provides support and services to all six of the Noongar Regional Corporations. The establishment of the Noongar Corporations will be guided by the Transition Principles.

The Transition Principles are located in Annexure Y of the Indigenous Land Use Agreements (ILUAs). The Transition Principles were negotiated and agreed to by the South West Aboriginal Land and Sea Council (SWALSC), as the body representing the Noongar Agreement Groups, and the WA Government.

The Regional Corporations are the major beneficiaries of the Noongar Boodja Trust (NBT). The Noongar Regional Corporations exist to:

- Benefit, advance and promote the Agreement Groups;
- Manage and care for Cultural Land;
- Develop a strategic plan based on regional priorities;
- Develop key policies, for example, a cultural advice policy;
- Engage with government and relevant stakeholders to further Noongar community interests and priorities;
- Maintain, protect, promote and support their culture, customs, language and traditions;
- Manage and use the land and waters within the region to which they have a traditional connection; and
- Manage the benefits and meet the obligations under the Settlement.





What are the functions of the Central Services Corporation?

The CSC will be funded by the NBT to provide assistance and core services to the Noongar Regional Corporations. The proposed purpose of the CSC is to:

- Provide administrative and corporate support to the Regional Corporations to manage the benefits and meet the obligations under the Settlement;
- Centralise systems, professional experience and expertise;
- Protect, promote and support the culture, customs, languages and traditions of the Noongar People; and
- Provide cultural, social, economic and environmental benefits to or for the Noongar People.

What is the role of SWALSC?

The South West Aboriginal Land and Sea Council (SWALSC) is supporting the Noongar Agreement Groups to establish the Noongar Regional Corporations and will maximise Noongar participation in the development of the Regional Corporations.

In doing so, SWALSC ensures that Noongar people are fully informed and have the opportunity to be involved in the process.





How do Noongar people become a member of Noongar Regional Corporations?

All Noongar people are encouraged to lodge an Expression of Interest form to become Members of their Regional Corporation/s.

Members can only be people that are included in the Native Title Agreement Group (Agreement Group) definition made up of Noongar People who are the descendants of one or more persons listed (the apical ancestors) as per Schedule 2 of the relevant ILUA, and who meet requirements set out in the relevant Regional Corporation Rule Book.

Applicants will become members once the Initial Directors have confirmed that the Applicant meets the eligibility requirements. For copies of the draft Rule Books and Expression of Interest Forms for membership to the Corporations, visit **noongar.org.au**.

How will the directors of the Noongar Regional Corporations be elected?

Each Noongar Regional Corporation will have four Member Directors, who will be elected by the members of that Regional Corporation by postal vote, and appointed at a Regional Corporation General Meeting.

Each Regional Corporation will also have two Expert Directors who will be appointed by the Member Directors based on their expertise (eg legal or financial experience).

For more information about the Settlement, SWALSC and the Regional Corporations visit noongar.org.au

