The *South West Native Title Settlement* and co-operative management

What is the South West Native Title Settlement?

The South West Native Title Settlement (the Settlement) is the largest and most comprehensive native title agreement to settle Aboriginal interests over land in Australia. It involves six Noongar Native Title Agreement Groups, and covers 200,000 square kilometres of land (Settlement area). The Settlement represents significant social and economic investment in the Noongar community and the shared future prosperity 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 Indigenous Land Use Agreements (ILUAs) with the Ballardong, Gnaala Karla Booja, Karri Karak (formerly South West Boojarah), Wagyl Kaip and Southern Noongar, Whadjuk and Yued groups. The Settlement began on 25 February 2021 once all legal proceedings were resolved.

How does the Settlement apply to the Native Title Act?

The *Native Title Act 1993* (Cth) no longer applies to the south-west region of Western Australia because the Noongar community surrendered native title rights and interests in exchange for a negotiated benefits package as part of the Settlement.

What is co-operative management?

The Settlement is unique in that it enables Noongar people to have a voice in how *Conservation and Land Management Act 1984* (CALM Act) lands and waters in the south-west are managed.
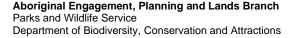
The south-west conservation estate covers approximately 3.8 million hectares and refers to all CALM Act lands and waters within the Settlement area. This includes State forests, national parks, nature reserves and other areas set aside for conservation. These areas are currently managed by the Department of Biodiversity, Conservation and Attractions (DBCA) Swan, South West, South Coast, Warren, Midwest and Wheatbelt regions.

Through the Settlement, DBCA and the six Noongar Regional Corporations (NRCs) will enter into Co-operative Management Agreements. These agreements will establish six Co-operative Management Committees (CMCs) made up of Noongar representatives and senior DBCA staff.

What will the Co-operative Management Committees do?

The CMCs will play a strategic, high-level role in managing the south-west conservation estate, aiming to build a strong and resilient foundation for the Noongar community and DBCA to work together. Specifically, they will advise on the selection of conservation estate for formal Joint Management Agreements (JMAs) under the CALM Act. There will be a requirement to enter into one JMA in each agreement area in the first five years, and a second JMA in each area in the following five years. The CMCs will also:
* advise on the preparation, implementation and monitoring of CALM Act management plans

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- advise on Aboriginal heritage management (including due diligence) and how best to fulfill the CALM Act requirement to 'protect and conserve the value of the land to the culture and heritage of Aboriginal people'
- advise on relevant policies, programs and other management documents
- advise on the conduct of customary activities in line with the CALM Act and regulations
- advise on Aboriginal employment and economic development initiatives
- review opportunities for Noongar participation in contracting and other economic development activities.

What about heritage protection?

A Noongar Standard Heritage Agreement is a negotiated heritage agreement template that the Western Australia Government is bound to use from the date the ILUAs were executed. It provides all parties with a clearly timetabled framework of their obligations to Aboriginal heritage management and prescribes the conduct and parameters for Aboriginal heritage surveys, where necessary. In January 2020 DBCA entered into Noongar Standard Heritage Agreements for each of the six ILUA areas. DBCA will continue to commit to the requirements of these agreements, or future agreements where they are renegotiated.

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