

BARENGI GADJIN LAND COUNCIL – RECOGNITION AND SETTLEMENT AGREEMENT

An important action from Southern Grampian Shire Council's 2021-25 Council Plan is to develop a **Reconciliation Action Plan (RAP)** with First Nations people. The First Nations people in our community are represented by Gunditj Mirring Traditional Owners Aboriginal Corporation, Eastern Maar Aboriginal Corporation and **Barengi Gadjin Land Council Aboriginal Corporation (BGLC)**.

Council is currently developing a RAP in consultation with these organisations. Once the plan is at a draft stage, this will be shared with the community for comment and feedback.

This is important work, which we believe will ultimately benefit our whole community through understanding, cultural awareness, and providing opportunities for the community as a whole.

Council has become concerned about incorrect misinformation being circulated around our community, in recent weeks, regarding the **Recognition and Settlement Agreement (RSA)** between BGLC and the Victorian State Government. Council is committed to free speech, but would like to address incorrect information. Therefore, in the interests of transparency and keeping our community fully informed, Council would like to share some further information which it hopes will clarify the situation for the community.

We have prepared the following Frequently Asked Questions (FAQS) to help the community understand the history and impact on our Shire of the RSA between the BGLC and the Victorian State Government.

The questions and answer have been prepared in factual manner, without opinion, and have been vetted by our lawyers, who have expertise in Native Title legislation, for accuracy.

If there are other questions regarding the RSA, or more broadly Native Title legislation, please email council@sthgrampians.vic.gov.au and we will endeavour to respond to these.

Who is Barengi Gadjin Land Council (BGLC)?

Barengi Gadjin Land Council is the trustee for the Native Title rights and interest of the Wotjobaluk, Jaadwa, Jadawadjali, Wergai and Japagulk peoples, collectively known as the Wotjobaluk (WJJWJ) peoples as recognised in the Consent Determination on 13 December 2005. The Consent Determination in 2005 provided Native Title rights to BGLC.

The 2005 native title settlement included:

- an Indigenous Land Use Agreement (LUA), recognising close ties to traditional lands and agreements to transfer culturally significant land parcels
- licensing arrangements for hunting, fishing, and gathering
- a consultation process for public land use
- a Cooperative Management Agreement over areas including parts of the Little Desert and Wyperfeld National Parks and Mount Arapiles-Tooan State Park, and funding for the BGLC.

In 2013, the 2005 native title agreements were reviewed by the Victorian State Government and the BGLC. The review recommended that the Victorian State Government and the WJJWJ People consider future opportunities to deliver the goals of 2005 agreements, by entering into a RSA under the **Traditional Owner Settlement Act 2010 (Vic) (TOS Act)**.

In August 2017, the Victorian Government and the WJJWJ People formally commenced negotiations towards a RSA under the TOS Act, which was finalised in October 2022.

What is the Traditional Owner Settlement Act 2010 (Vic)?

The Victorian Traditional Owner Settlement Act 2010 (TOS Act) provides for an out-of-court settlement of native title. The Act allows the Victorian Government to recognise traditional owners and certain rights in Crown land. In return for entering into a settlement, traditional owners must agree to either:

- where no determination has been made under the Native Title Act withdraw any native title claim and not to make any future native title claims; or
- where a determination has been made under the Native Title Act, enter and register an Indigenous Land Use Agreement pursuant to the Native Title Act electing an out-of-court settlement under the TOS Act.

What is the BGLC Recognition Settlement Agreement?

In October 2022 BGLC, acting on behalf of the WJJWJ People, signed a Recognition and Settlement Agreement (RSA) with the Victorian Government under the Traditional Owner Settlement Act 2010 (Vic) (The Act).

The TOS Act allows the Victorian Government to recognise traditional owners and certain rights in **Crown land**.

The RSA provides for an out-of-court settlement of native title on similar terms to the previous ILUA. It allows the Victorian Government to recognise the WJJWJ People as the Traditional Owners of the RSA area and afford them certain rights in relation to Crown (Public) land.

The BGLC settlement package includes a range of redress measures including:

- State Government funding to support BGLC to manage the settlement's benefits and obligations, and undertake economic development measures to strengthen WJJWJ People's culture
- Grants of 12 State parks and reserves as Aboriginal title, to be jointly managed through a management plan with the State under exiting State legislation
- grants of up to four surplus public land parcels as State Government owned freehold title; and
- resourcing and strategies for the WJJWJ People to access, use, and manage natural resources.

The agreement places obligations on both the State Government and BGLC.

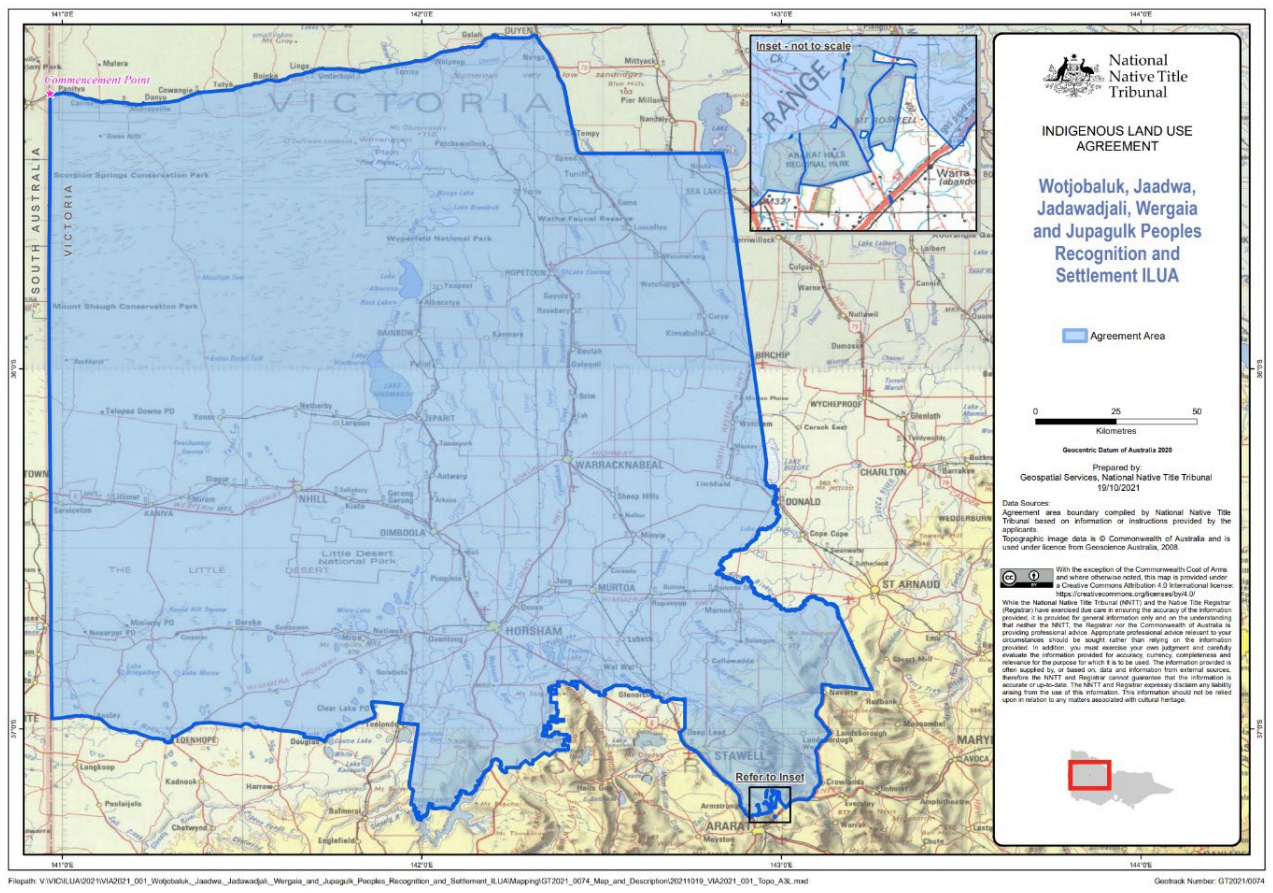
Where can I read a copy of the RSA between the BGLC and the Victorian State Government?

A copy of the agreement can be found at [09fcd2_396b6d4fec204d0a80c40a33b9f64db1.pdf \(usrfiles.com\)](https://www.usrfiles.com/09fcd2_396b6d4fec204d0a80c40a33b9f64db1.pdf)

Why is Southern Grampians Shire impacted by the RSA?

A small portion of the Southern Grampians Shire, to the north of Rocklands Reservoir northern shore and to the south of Rocklands Cherrypool Road, which is largely managed by Parks

Victoria, is within the RSA agreement area. This is approximately 37 square kilometres out of a total Shire area of 6,652 square kilometres and is made up primarily of state-owned Crown Land. **No other land within Southern Grampians Shire Council is affected by the RSA.**



How does the RSA affect Council and Southern Grampians Shire residents?

The agreement has no impact on any current council laws and regulations. Southern Grampians Shire Council are not a party to this agreement.

The RSA will not affect freehold title rights. It includes public lands and waters only within the RSA agreement area. Further, existing leases, licences and other rights and interests will not be affected. Recreational fishing and hunting will continue.

Black Range State Park within the Shire will be jointly managed by the State and BGLC through a Traditional Owner Land Management Board. In relation to access of the jointly managed areas will continue to be managed under the relevant public land Act under which they are reserved.

Protections around existing use and access contained in these Acts and regulations will continue to apply but subject to an approved joint management plan. The drafting process for the plan will include public consultation. The joint management plan must be consistent with the State Government's state-wide policy to maintain public access.

Will the RSA affect free hold title interests in Southern Grampians Shire?

The agreement will **not** affect freehold title rights, including farming land, in Southern Grampians Shire.

Will the RSA affect government roads or managed roads on freehold land in Southern Grampians Shire?

The agreement will not affect government roads or managed roads on freehold land in Southern Grampians Shire. It applies specified crown land only.

Will the RSA affect recreational activities like hunting and fishing in Southern Grampians Shire?

The agreement will not affect recreational activities like hunting and fishing in Southern Grampians Shire.

Will the RSA affect existing leases, or licences for farming, grazing and forestry?

Existing leases, licences and other rights and interests will be protected for their full term. Examples include farming, fishing, grazing and forestry.

What consultation obligations does Council have with First Nations Groups?

The Local Government Act requires Council to undertake deliberative consultation and engagement with all of its community, including our First Nations People. The State Government and BGLC's RSA does not add to this requirement.

What does Council have to do differently now the agreement is in place?

The agreement includes a 'Local Government Engagement Strategy' which provides proposed actions for local government related to community engagement. The proposed actions are non-binding and there is no regulatory obligation for local councils. There is also no regulatory obligation for local councils to employ WJJWJ People under the agreement.

Council is in the process of developing a Reconciliation Action Plan which will include a range of practical actions to guide our understanding of our First Nations peoples and our communication, engagement and reconciliation with them in an ongoing capacity. BGLC are a party to this Reconciliation Action Plan alongside Gunditjmirring and Eastern Maar.

For the facts on the BGLC RAS please visit: [The Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk People of the Wotjobaluk Nations Recognition and Settlement Agreement | First Peoples - State Relations \(firstpeoplesrelations.vic.gov.au\)](https://www.firstpeoplesrelations.vic.gov.au/)