

Western Australia

**Noongar (Koorah,
Nitja, Boordahwan)
(Past, Present, Future)
Recognition Bill 2014**

DRAFT BILL AS AT 18 FEBRUARY 2014

The Government intends to introduce into Parliament a Bill for the recognition of the Noongar people as the traditional owners of lands in the south-west of the State as part of the South West Settlement.

This draft Bill is published on the Department of the Premier and Cabinet's website as a public acknowledgement of the Government's intention.

Negotiations between the Government and the Noongar people about the South West Settlement are ongoing.

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Western Australia

**Noongar (Koorah, Nitja, Boordahwan) (Past,
Present, Future) Recognition Bill 2014**

A Bill for

**An Act for the recognition of the Noongar people as the traditional
owners of lands in the south-west of the State.**

Preamble

- 1 **Preamble**
- 2 A. Since time immemorial, the Noongar people have
- 3 inhabited lands in the south-west of the State; these
- 4 lands the Noongar people call Noongar boodja (Noongar
- 5 earth).
- 6 B. Under Noongar law and custom, the Noongar people are
- 7 the traditional owners of, and have cultural
- 8 responsibilities and rights in relation to, Noongar
- 9 boodja.
- 10 C. The Noongar people continue to have a living cultural,
- 11 spiritual, familial and social relationship with Noongar
- 12 boodja.
- 13 D. The Noongar people have made, are making, and will
- 14 continue to make, a significant and unique contribution
- 15 to the heritage, cultural identity, community and
- 16 economy of the State.
- 17 E. The Noongar people describe in Schedule 1 their
- 18 relationship to Noongar boodja and the benefits that all
- 19 Western Australians derive from that relationship.
- 20 F. So it is appropriate, as part of a package of measures in
- 21 full and final settlement of all claims by the Noongar
- 22 people in pending and future applications under the
- 23 *Native Title Act 1993* (Commonwealth) for the
- 24 determination of native title and for compensation
- 25 payable for acts affecting that native title, to recognise
- 26 the Noongar people as the traditional owners of the
- 27 lands described in this Act.

The Parliament of Western Australia enacts as follows:

1 **1. Short title**

2 This is the *Noongar (Koorah, Nitja, Boordahwan) (Past,*
3 *Present, Future) Recognition Act 2014.*

4 **2. Commencement**

5 This Act comes into operation as follows —

- 6 (a) sections 1 and 2 — on the day on which this Act
7 receives the Royal Assent;
- 8 (b) the rest of the Act — on a day fixed by proclamation,
9 and different days may be fixed for different provisions.

10 **3. Noongar lands**

- 11 (1) For this Act, the Noongar lands are the lands described in
12 Schedule 2.
- 13 (2) The map in Schedule 3 shows the location of the Noongar lands.

14 **4. Purpose**

15 The purpose of this Act is to recognise the Noongar people as
16 the traditional owners of the Noongar lands.

17 **5. Recognition of the Noongar people**

- 18 (1) Parliament acknowledges and honours the Noongar people as
19 the traditional owners of the Noongar lands.
- 20 (2) Parliament recognises —
- 21 (a) the living cultural, spiritual, familial and social
22 relationship that the Noongar people have with the
23 Noongar lands; and
- 24 (b) the significant and unique contribution that the Noongar
25 people have made, are making, and will continue to
26 make, to the heritage, cultural identity, community and
27 economy of the State.

28 **6. Effect of this Act**

29 This Act does not —

- 30 (a) create any right, title or interest, whether in law or
31 equity; or
- 32 (b) give rise to or affect any civil claim, action or
33 proceeding; or

s. 6

- 1 (c) give rise to or affect any right of review of an
2 administrative decision; or
3 (d) affect the interpretation of any law of, or that applies in,
4 the State.

Schedule 1 — Noongar recognition statement

[recital E]

Noonakoort moort nitja burranginge noongar boodja

Noonakoort moort kwomba

Djinunge nitja mungarrt — koorah

Noonakoort moort yirra yarkinje kwomba noongar boodja

Koorah — nitja — boordahwan

Noonakoort moort yarkinje noongar boodja

Nyidiung koorah barmenje noonakoort moort

Wierrnbirt domberrinje

Noonakoort moort koort boodja

Nitja gnulla moorditj karrl boodja

All our Noongar people stand here on Noongar land.

Past, present and future.

We stand strong on our land.

The mungart tree symbolises our strength and survival.

All of our people stand firm on our land.

Our people are here to stay — we will always be.

We, the Noongar people, are the traditional owners of South West Western Australia, and have been since before time immemorial. As the First People of South West Western Australia, we continue to practise the laws and customs of our culture. Through this culture, we continue to hold rights, responsibilities and obligations in relation to our people, traditional lands and waters.

We, the Noongar people, are the largest single Aboriginal cultural bloc on the Australian continent. We belong to one of the oldest surviving living cultures on this earth. As a people, we have a common ancestral language, and a similar history and spirituality. We know that our traditional country is south and west of a line that stretches from Geraldton in the north to Cape Arid in the south-east, and that the spirit of this place can never be conquered.

Noongar culture, spirit and economy have always depended on the resources of Noongar boodja. Families still return to the biddi (paths) of our ancestors. Our people continue to refer to natural landmarks, especially hills and waterways, when describing which families belong to different areas of Noongar boodja. Although barriers may exist, it is still in our hearts, in our blood, it is still our country.

Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future)

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Schedule 1 Noongar recognition statement

1 Our living culture, which is long and continuing in this part of the world,
2 begins with Noongar people. This is the opportunity for all Western
3 Australians to experience the ancient tradition of respect, relationships
4 and reciprocity with Noongar people. We have survived.

5 Note:

6 The Noongar nation is made up of a number of different groups. Variations in
7 pronunciation and spelling occur amongst the Amangu, Yued/Yuat, Whadjuk/Wajuk,
8 Binjareb/Pinjarup, Wardandi, Balardong/Ballardong, Nyakinyaki, Wilman, Wirlomin,
9 Ganeang, Bibulmun/Piblemen, Mineng, Goreng, Wudjari and Njunga. For instance, the
10 word "Noongar" can also be spelled "Nyungar", "Nyoongar" and "Nyoongah".

Schedule 2 — Noongar lands: description

[s. 3(1)]

All the lands and waters contained within a line that —

- starts at the intersection of the prolongation westerly of the northern boundary of the Shire of Coorow with the low water mark, being a point on a northern boundary of native title determination application WAD6192/1998 (WC97/71) as accepted for registration on the Register of Native Title Claims on 22 August 1997;
- then continues generally easterly and generally south-easterly along the boundaries of that native title application to the intersection with native title determination application WAD6181/1998 (WC00/7) as accepted for registration on the Register of Native Title Claims on 3 July 2008;
- then continues generally easterly, generally south-easterly and westerly along the boundaries of that native title application to the intersection with native title determination application WAD6286/1998 (WC98/70) as accepted for registration on the Register of Native Title Claims on 29 September 1998;
- then continues generally southerly along the boundaries of that native title application to the intersection with the low water mark;
- then continues generally south-westerly, generally north-westerly and generally northerly along the low water mark back to the starting point,

other than any land or waters the subject of native title determination application WAD6193/1998 (WC97/72-6) as accepted for registration on the Register of Native Title Claims on 12 December 2011.

And all the islands landward of the low water mark that exist within the area contained within a line that —

- starts at the intersection of the prolongation westerly of the northern boundary of the Shire of Coorow with the low water mark;
- then continues generally southerly, generally south-easterly and generally north-easterly along the low water mark to the intersection with longitude 120.465236;
- then continues southerly to the intersection of the 3 nautical mile limit with longitude 120.465236;

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Schedule 2 Noongar lands: description

- 1 • then continues generally south-westerly, generally north-westerly and
2 generally northerly along the 3 nautical mile limit to the prolongation
3 westerly of the northern boundary of the Shire of Coorow;
- 4 • then continues easterly along that prolongation back to the starting
5 point.

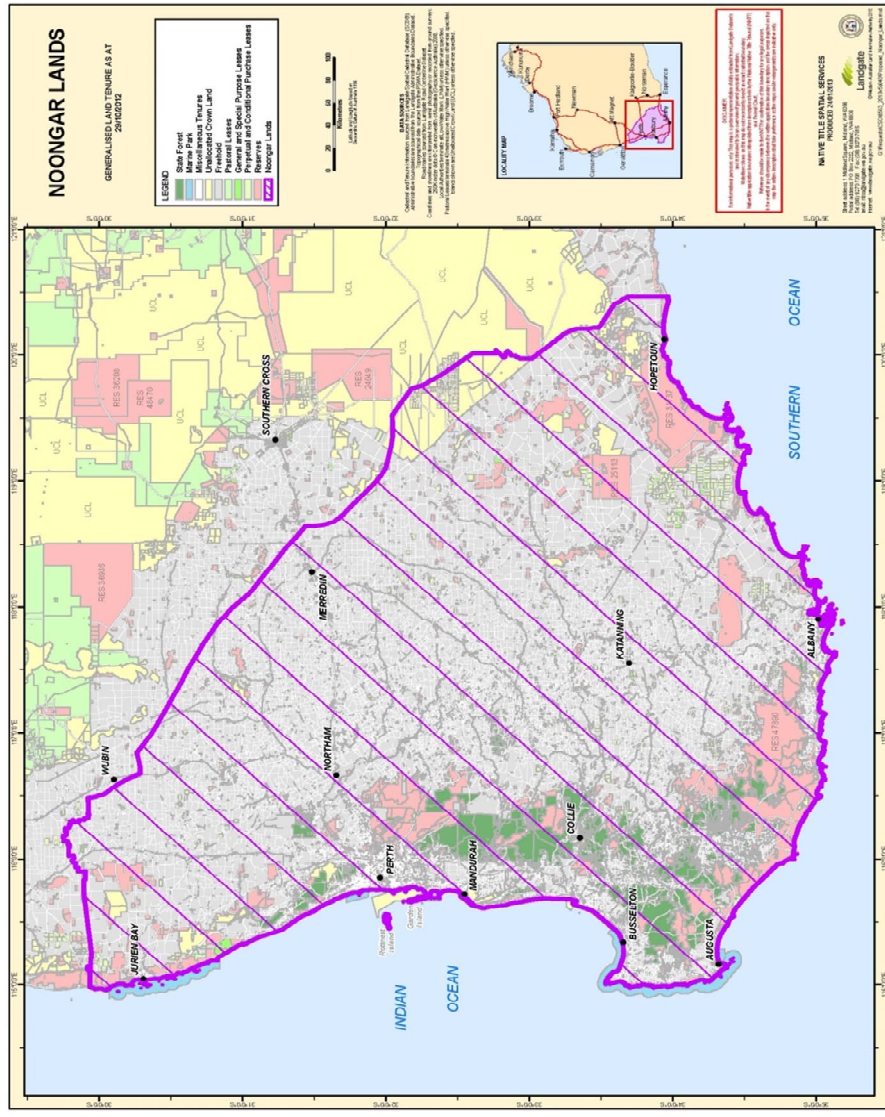
6 Notes:

- 7 1. The low water mark is sourced from the Spatial Cadastral Database maintained by
8 the Western Australian Land Information Authority as at 29 October 2012.
- 9 2. Coordinate references are to Geocentric Datum of Australia 1994 (GDA94)
10 coordinates in decimal degrees.
- 11 3. The 3 nautical mile limit is sourced from Australian Maritime Boundaries (AMB),
12 6th edition, released in February 2006.

1
2

Schedule 3 — Noongar lands: map

[s. 3(2)]



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