**Video Transcript**

**Goldfields Tender Briefing Traditional Owners**

*Fiona Clarke*

I’d now like to invite Jane Burton, our Acting Director of Earth Resources Policy and Programs to the podium to open the traditional owners session.

Thank you.

[Slide: Dja Dja Wurrung Clans Aboriginal Corporation]

*Jane Burton - Acting Director of Earth Resources Policy and Programs*

Thanks very much Fiona.

This next session I think we’ve flagged a few times throughout the day so far, that engagement with traditional owners is a really important part of this tender and the tender evaluation.

And as part of the tender evaluation process the Traditional Owners Advisory Panel will be established to review specific elements of each tender received.

The panel will comprise representatives of the Dja Dja Wurrung Clans Aboriginal Corporation, the Taungurung Land and Waters Aboriginal Council, and the Yorta Yorta Nation Aboriginal Corporation, and will consider the policies, approach and experience of each tenderer in engaging with traditional owners as part of their operations.

This is something that we are obviously taking seriously.

We think it’s an important part of the exploration.

And the assessment, we’ve actually allocated 20% of the final assessment score to this particular element of the tender.

We’re expecting that successful tenderers will not only engage closely with the traditional owner corporations, but will actually collaborate with them on an ongoing basis.

And I have to say just during some conversations I’ve had over the break, it feels like a lot of people are saying to me we do that already, and it’s something that is a part of our everyday business which is really refreshing to hear.

To assist with this new approach and to ensure the protection of Aboriginal cultural heritage, we are also looking to include a condition on any exploration licence that’s issued through the process that requires the licensee to engage with a traditional owner representative from the relevant registered Aboriginal party to be present during all on ground exploration activities.

And really to help us understand more about, I guess the expectations and of how this might look, we’re actually really pleased to have representatives here with us today from both the Dja Dja Wurrung Clans Aboriginal Corporation and the Taungurung Land Waters Council, to provide further information about the expectation of traditional owners when it comes to mineral explorations in the Northern Bendigo Zone.

So without any further ado I’d like to invite Rodney Carter who is the CEO of the Dja Dja Wurrung Clans Aboriginal Corporation to wander on down.

And Rodney is going to walk us through just a few slides.

He’ll come next, yeah, I’ll introduce Matthew, yeah, I’ll introduce Matt next.

So Rodney, I’ll handover to you.

*Rodney Carter - CEO, Dja Dja Wurrung Clans Aboriginal Corporation*

Thank you.

So Matt and I are going to share the presentation.

I’ll start off and then handover to Matt.

So as part of my traditions and customs this is Dja Dja Wurrung country, it’s really important in my responsibility culture to determine what thinking are to the traditional owners of this land, their ancestors and the people today in their leadership, and those that are not yet born.

The Dja Dja Wurrung practice this quite frequently and suggest to others for that moment in time to be able to turn your thoughts to those that are less fortunate than us potentially being present in the room, it’s really important for so many reasons culturally.

So for me, this area it’s Woiwurrung and Daungwurrung people.

We’ve structured today’s presentation in three parts.

[Slide: Who are the Dja Dja Wurrung?]

The first part is very similar for my presentation the Bunurong, and it was to give you an idea of who are the Dja Dja Wurrung.

There’s a few points there to stimulate some thinking, but the Dja Dja Wurrung are a group within central Victoria, 11 clan structures or family structures that lived, that farmed, that had villages, had homes in central Victoria.

When newcomers came to central Victoria they raised their villages to the ground, they destroyed our farms and conducted themselves, I would say from a Dja Dja Wurrung point of view, inappropriately.

History tells another story.

History is usually written by the victor.

It’s a bit more eloquent.

It’s a bit more positive in terms of are the conqueror or the person that’s present within the landscape.

As a society I think we’re moving to a degree of being more honest and open and trying to understand actually what is the real history of Australia when we say it has the oldest living culture in the world.

Just that last point, I guess to touch on it briefly, the Dja Dja Wurrung, if you think of them as a family not dissimilar to your own families and extended families, your corporate family, it is our right to manage our domain and our family business.

The challenge for us then is how do we become wealthy and prosperous given that Australia is our home, Dja Dja Wurrung country, is our country, our home, and largely everyone else has taken the benefits from country and disempowered it aside.

So we think we’ve been extremely honourable with the people in the last few years on how we’ve actually tried to support our family to be more healthy again, more functional, and a real contributor as a leader to the country that we’re responsible for.

[Slide: What is DDWCAC?]

The Dja Dja Wurrung Clans Aboriginal Corporation is a corporate entity, so if you think of the CATSI Act, the Office of the Register Indigenous Corporations, and what we would do in a sporting type association club structure entity, we’ve founded upon that but much more complex in the way that we’re structured.

So we’re subject to all the compliance and governance requirements that you would need to maintain successful registration, and then you use the Aboriginal Corporation as the vehicle for all of your trust and your subsidiaries that you undertake all of your commercial operations.

The Settlement Agreement with the state, which I’ll touch on shortly, really requires us to be able to do that if you think that for all of the successes that we’ve made, we are not funded to do this.

We have rights, recognition, we come from a disadvantaged position, and now we have to be better than anyone else, and more competitive, to show that we can do things in environmental sites, there’s mine and civil construction, leading policy change for the state and for the Commonwealth.

What we’ll do too later, at the end of the slides we’ll cover some matters around Yoonderup and remind ourselves all as Australians, the importance of supporting what we’ve agreed to as a nation internationally around the rights of indigenous people.

[Slide: Dja Dja Wurrung’s Recognition & Settlement Agreement]

So the Dja Dja Wurrung’s Recognition Settlement Agreement took nine years of negotiations with the State of Victoria as the sovereign entity on behalf of the people to utilise a piece of legislation call the Traditional Owner Settlement Act, that has enabling components in its sections to create a commercial type contract that’s subject to commercial and contract law if it’s every litigated against.

What it does though, is it creates a degree of freedom in your rights recognition that there’s that many acts that have offence provisions that as a first person, when you undertake your life ways, when you want to access resources, you should not be subject from your ancestral laws to committing an offence under the idea of modern law.

So very simply, that’s what a settlement agreement does.

It’s then a complex document with a package of rights associated with it.

One thing the mining, as an industry that’s subject to, is the Land Use Activity Agreement component of a settlement agreement that tries to give sense and description of the technical elements the industry should adhere to, and we’d say that’s a minimum standard.

We expect this idea of social development, people to do much better.

[Slide: Dja Dja Wurrung ILUA Area]

That’s a visual idea of what you know what is a country.

That’s is Dja Dja Wurrung country largely because we’ve come to an arrangement with the other traditional owners around us, that they can accept in our recognition that this area is Dja Dja Wurrung country.

That in itself is such a significant achievement when, largely for the Dja Dja Wurrung when we did this, the neighbours around us had nothing, still have nothing, and they’re on their own journey about their rights recognition, and it’s really opportune now to introduce you to Matt Burns, because his mob has done the same thing and is on the same journey.

Thank you.

*Jane Burton - Acting Director of Earth Resources Policy and Programs*

So now I’d like to introduce Matt Burns who is the CEO of the Taungurung Water and Land Council.

So, Matt over to you, and then we’ll call Rodney back and we’ll have a little bit of a panel and Q&A.

[Slide: Taungurung Land and Waters Council (TLaWC)]

*Matthew Burns - CEO, Taungurung Land and Waters Council*

There’s also a bit of a joint presentation that we’ll be doing as well just covering off on a couple of things.

Firstly, I’d also like pay respects to the Bunurong and Woiwurrung people of the lands that we’re standing on today and pay respect to their elders, and also any non-indigenous people in the room today that support our cause.

I am Matthew Burns, I’m the CEO of Taungurung Land and Waters Council, and we’re also a traditional owner group from central, central east of Victoria.

[Slide: Who are the Taungurung?]

The Taungurung are also a traditional owner group of the Kulin Nation.

The Kulin Nation is a collective of individual nations that I guess you could refer to almost like the United Nations.

We historically traded, shared religious beliefs together, and largely shared a similar language, not completely the same but a similar language.

Like Dja Dja Wurrung, or indifferent to Dja Dja Wurrung, Taungurung were actually forced off their lands entirely and went to a place called Acheron Station.

There’s some very big history about Acheron Station and how it came about.

Then Mohican Station and some of you may be familiar with Coranderrk Station as well which is at Hillsville and part of Hillsville Sanctuary now.

Rodney did refer to some of these acts that have been performed or that occurred to traditional owners, Djaara people and Taungurung people, and I guess when we’re talking about settlements we’re also talking about truth telling, certain histories that all of you, and potentially myself growing up at a public school, may not have ever been told about.

My family, in my circumstance, was subject to something called the Half-Caste Act, so not only were they, I guess, moved into an Aboriginal mission, but the solution to Aboriginal people was to assimilate them.

And if you were a half-caste you were then forcibly removed from the Aboriginal mission and then forced to assimilate into white society.

That occurred to my family, but some of our other family then stayed, sisters, brothers, and others, so my mum spent her time growing up travelling down to Lake Tyers Mission to go and see family.

[Slide: What is TLaWC?]

Also, we’ve just gone through this with Rodney, we are also a traditional owner group entity, and we are responsible for the decision making rights on country on behalf of our members.

We obviously assert rights.

We are the decision making power as I’ve said.

And we also ensure compliance with a number of different acts.

So we are the decision making authority for lots of different things, but also apply the Aboriginal Heritage Act which Jane referred to earlier, around the cultural heritage measures that the state are taking with the issue of permits.

[Slide: Taungurung’s Recognition & Settlement Agreement]

Unlike Dja Dja Wurrung’s Recognition and Settlement Agreement that’s already in force, Taungurung’s was signed on the 26th of October 2018, and for some of you, or all of you, you may be familiar with an Indigenous Land Use Agreement Registration process.

The Registrar is in a position, as of now, to make a decision to register Taungurung’s RSA.

From all reports, we’re expecting the implementation of this to be occurring in January if not very early February, so the ILUA LUA from the RSA will definitely apply in this situation.

[Slide: Map of the Taungurung ILUA Area]

So this is the Taungurung ILUA area that is about to be registered.

So, it is 11% of Victoria, and Rodney had nicely put on the areas of allocation and mine do not have that.

But if you look on the map to the western side, which is the Campaspe River, then you’ll see Heathcote-Graytown National Park, in that leftish area there is where the permits will be allocated for the mining licences there.

[Slide: What is a Recognition and Settlement Agreement or RSA?]

I might invite Rodney to come down, because this is where we’ll start sharing and just collaborating on discussing a few of these things, just to make clear about what an RSA is to give you some familiarity and then we’ll take you through a couple other aspects as well.

The Recognition and Settlement Agreement is the state agreeing to enter into an official agreement acknowledging the rights of the traditional owner people from that area, so it’s actually recognising them as the right people for the right country.

As was discussed previously in both presentations that we are a decision making authority on country, but there are other rights that come in through this agreement that we would think are inherit rights, but I guess we wouldn’t be charged for doing them now, and that is hunting, camping, fishing, taking fauna for personal use and for family use without being charged, which is something that we would otherwise have been.

If you wanted to step up as well and get involved in the conversation if you’d like?

Rights also on crown land, so crown land, you will all be familiar with the Native Title Act.

Native Title effectively means that traditional owners have ownership over Native Title land or an element of ownership, and therefore all crown land activities have a responsibility to traditional owners.

And we are depending on the impact on the land, or the tenure of the land or sometimes the decision making authority in those circumstances as well.

We also have planning rights for national parks within our regions, specific parts.

So from Taungurung perspective we have nine national parks that we will officially takeover from Parks Victoria for planning for what occurs on country, and we will establish a statutory authority that sets about specifically planning for a number of parks.

So for instance Mount Buffalo, Lake Eildon, Cathedral Range, Great Heathcote National Park, Alpine National Park as well to name a few.

*Rodney Carter - CEO, Dja Dja Wurrung Clans Aboriginal Corporation*

Just a bit broader and probably to be courteous about it but to be challenging, in the discussions and I guess your own experiences you would think that you would have good outcomes or relationships with Australia’s first people.

As good as it is to have process and structure around them I think in our corporate type world we need that, it helps us to be calm and sure about what we do.

The challenge going forward and I think we’ve done really well as Victoria’s first people, is challenging the state government and policy when it says that we’re going to improve the social licence or the requirements for industry in central Victoria, you’d know that’s the Central Victorian Goldfields Ground Release.

And I guess the advocacy on the importance of our rights to create forms of benefits that are not to be squandered by my own or our own mobs that create a lasting positive effect for future generations.

That’s the challenges for me and Matt and our boards and our groups, that we create these real foundational things.

I would then suggest if you’ve got existing relationships, or you think that they’re good relationships, now is the time to challenge yourselves when you work with our groups and our entities to be accepting of positions that we put forward that we would believe are realistic.

And the challenges I think in partnerships and relationships however they work out, the really important thing that we should take away as a collective achievement is how that will improve, I think, opportunities for future generations.

But it allow traditional owners this opportunity to lead.

So I think to the state’s credit and as challenging as it is to industry, to have a 20% component of the assessment around, you know, what is this traditional owner assessment of industry, we want to be as open as possible to share with you what that might mean.

And I will say that we won’t be unrealistic.

We won’t be unrealistic in our imagining of what it could be, because we want industry to succeed.

We want it to be best practice.

And now with our involvement, this idea of the social licence, we want if we can, we believe we can do this together, lift the bar in terms of what might happen in our patch of Victoria which is central and eastern-central Victoria.

So I just wanted to add that Matt.

*Matthew Burns - CEO, Taungurung Land and Waters Council*

Thank you.

Just, I mean the other things are pretty straightforward except for the procurement rights.

Taungurung in their Settlement Agreement has a requirement for each state agency that has management or responsibilities or activities within natural resource management, that they’ve got a target of 10% of their annual procurement spent to be spent with Taungurung and a traditional owner group entity, and the ability to deliver as an entity to deliver on those natural resource services.

So, I thought I’d put that out there just as, I guess, a thought bubble for future works in the Goldfields Land Release.

*Rodney Carter - CEO, Dja Dja Wurrung Clans Aboriginal Corporation*

[Slide: DDWCAC & TLaWC Joint Expectations]

I guess some of the things that I was touching on, and Matt is, is that these are examples, you know, so it’s not the only thing I guess in the sense that we’re interested, but they’re things that we’re probably more comfortable with.

Now this idea of creating jobs, you know I can say openly and I say it from my heart, the challenges to employ my mob given education standards, there’s standards, a lack of standards, high degrees of family dysfunction and the things that we need to be doing to make people healthier, to live to the values of our entity, our culture and our traditions is our business and extremely challenging.

But these are things that we believe that we can’t do completely ourselves, even though it is our business to be dealing with it.

Increasingly we are building brilliant capabilities in our commercial environment.

So I’m going to talk about environmental sciences.

What we can do as traditional owners in our commercial arms, is some of the most interesting and innovative ways of reinstating our thoughts, our history, our ancestor’s past practices of landscape.

Even our generation in this room have been subject to previous practices of people before us, has it been opportunistic in utilising landscapes.

And we’re not necessarily the direct beneficiaries of that.

And I talk about landscape, I talk about country.

So there’s really exciting examples that we can assist, so that’s what I’m sort of saying there.

[Slide: What does this mean for miners?]

You know the principles and whether how good we’re doing this looking after country together, what is – and we say this culturally, what is actually the story, the memory that industry, a successful corporation will actually leave embedded in country’s history when the activities are finished and they’ve implemented their exit strategy and done their rehabilitation?

And we would suggest that there’s an opportunity by your present activity that leaves that lasting effect.

Collaborative approaches that would come from intimate discussions, the land remediation in terms of the standards we’ve got around land remediation.

One example is if you look through south-eastern Australia it’s largely devoid of food and fibre type plants.

The original plants that were here that graziers and others took advantage of that aren’t there now, will have had to put modern plants and the bladed grasses into their environment.

There’s a real opportunity for us, I guess in a small area, a responsibility to redress some of that, so they’re the creative ideas that we can support you with.

[Slide: United Nations Declaration on the Rights of Indigenous People - Articles 19 & 27]

So we’re probably running out of time but I wanted to introduce this moment briefly.

If you’ve never seen this before there’s some articles that we’re referring to around the Declaration of the Rights of Indigenous People called the Yoonderup.

So Article 19 is about the idea of the free prior formed consent and how people work together in good faith, and what they should do.

I guess while we’re covering this, the state of Victoria, Australia understand, so these are the standards we’re supposed to be working to.

And if you can take away today at least an interest in looking into this and what it might mean for a relationship with traditional owners, we would suggest this would be really useful.

I don’t think we achieve this largely, and it’s what we should really collectively aspire to try and get our heads around.

*Matthew Burns - CEO, Taungurung Land and Waters Council*

So to add to that also, the Australian Government were late to adopt this.

This was something that was adopted very early by lots of countries and the Australian Government decided not to adopt this until later on.

Article 27, we can provide the slides through Earth Resources to enable you to review this if you like, but essentially it just talks about participation, so indigenous peoples, traditional owners of the land are required to be able to have participation in the process all the way through.

Now Earth Resources have enabled that to occur with Dja Dja Wurrung and Taungurung, but expect that to continue through to I guess the eventual successful miners.

[Slide: United Nations Declaration on the Rights of Indigenous People - Articles 31]

Article 31 refers to cultural heritage and the rights of traditional owners and I guess their entities to protect, preserve and enhance cultural heritage.

So when we talk about the permits that being applied for monitoring and other things like that, that’s just in effect a function of protecting cultural heritage.

Now we can go into a lot more of this information if you’d like in question time, but that’s essentially the crux of it.

Just to clarify, Part 2 in conjunction with the rights of indigenous people, the state shall take effective measure to recognise and protect the exercise of these rights.

[Slide: United Nations Declaration on the Rights of Indigenous People - Article 32]

Article 32 refers specifically to mining.

If you look in the second, number 2 refers to decision making activities in regard to resources particularly in connection with the development and utilisation, exploitation of mineral and water and other resources.

Part 3 says state shall provide effective mechanisms for just and fair redress for such activities.

Now obviously we’ve covered off on a couple of things in the presentation already, but that should give some flavour to some of the things that we have for consideration.

Well that’s about it, and I believe we’ve also got someone else coming down for a panel discussion as well if anyone would like to ask any questions.

[Slide: Dja Dja Wurrung Clans Aboriginal Corporation - Taungurung Land & Waters Council]

So, I’m happy to introduce him, it’s Ben Wurm from the Native Title Unit of the Department of Justice who specifically has a role and has a lot experience in Native Title, but also in the implementation of these agreements as well, so someone who has very significant knowledge as well.

I’d like to welcome Ben up to the stage as well.

*Jane Burton - Acting Director of Earth Resources Policy and Programs*

I do need to also acknowledge that we did also invite a representative, there is one other traditional owner group who unfortunately couldn’t be here today, the Yorta Yorta Nation Aboriginal Corporation.

So if you are interested in a block that is Yorta Yorta country then we suggest that you speak directly with their CEO who is Monica Morgan.

But we can help facilitate that introduction.

So now we’d like to invite all three of you to take a seat.

And I think we said it once we’ve said it twice we’ve said it a few times that this is a really important part of the tender process.

So here you have the people here, a fabulous opportunity with wealth of knowledge, so I’d really encourage you to make the most of this time and ask Rodney, Matt or Ben any question that’s burning in your mind right now.

So who’s going to start?

Perhaps if you can just say your name and if possible where you’re from that would be great.

*Dennis O’Neill - Resource Futures*

Good afternoon.

Dennis O’Neill from Resource Futures.

Thank you for all of that background explanation and the roles that you play.

One aspect was not discussed at all and I’m most intrigued about it.

Victoria is a leading jurisdiction in promoting the development of a treaty with first nations peoples, and I’d like to know whether any of you see the ongoing development of treaty discussions or negotiations impacting on existing agreements that are in place with each of your bodies, or do you indeed have a role yourselves in how those treaty discussions will play out, and how you might see those discussions impacting on whoever turns out to be the successful tenderer or tenderers for these areas?

I have a second related question if I can throw it in quickly, and that is given that Native Title’s extinguished on some of those areas, can you explain your role, ongoing role, in relation to those zones or those portions of the lands in which Native Title is extinguished but which there will obviously be ongoing cultural or heritage protection issues?

*Matthew Burns - CEO, Taungurung Land and Waters Council*

The second part you’ve almost partly answered because of the Aboriginal Heritage Act that applies in that circumstance.

But again, one of the things we didn’t mention that was in the spirit of the agreement that the Recognition Settlement Agreement and other agreements are the bare minimum.

It’s the spirit of the agreement that we’re trying to enhance and have relationships being built to go over and above that bare minimum.

I guess, I’m happy to speak on the Assembly first because I am on the Assembly actually, so I’m one of the representatives negotiating the treaty.

I can’t answer that specifically.

But I would say, and I would imagine given the Traditional Owner Settlement Act and the Recognition and Settlement Agreement, there is grandfathering on existing agreements in place between traditional owner groups and mining companies.

So whatever is existing will apply.

But if there are certain aspects of treaty that implicate some of these things I would imagine the renewal of licences would therefore have a different context.

I’m happy for anyone else to extend on the Native Title extinguishment.

*Ben Wurm - Native Title Unit, Department of Justice*

Thanks Matt, and thanks for your question.

I think it’s important just to clarify that there are some areas of the ground release area where Native Title may have been extinguished.

But where there is a Land Use Activity Agreement in the case of the Taungurung people and Dja Dja Wurrung people, past extinguishment is disregarded, so all public land is subject to the LUA.

A second, if I might just elaborate on that comment about the treaty process and its relationship to the Traditional Owners Settlement Act, the advancing the treaty process for Aboriginal Victorians, and some legislation that was passed in March this year, expressly states that nothing in the Treaty Process Act diminishes or undermines any expectation or entitlement of traditional owners under the Traditional Owners Settlement Act or the Native Title Act.

But there are some, as Matt’s already said, there are some – there’s a road that’s yet to unfold ahead following the election of the First Peoples Assembly, and some really exciting opportunities lie ahead.

*Rodney Carter - CEO, Dja Dja Wurrung Clans Aboriginal Corporation*

Probably the only thing I could add is Native Title extinguishment is the confirmation by another power in the dispossession of the first people.

If industry can describe it that way in its mind and its heart to actually what that means other than seeing it as just another opportunity to kick people when they’re down, that for me is a legacy thing, it’s a positive thing.

It mightn’t necessarily mean that my people are any better off from it, but for my mind it would show another degree of maturity on how we collaborate and we work together when our history judges us later and they look at this point in time and go these people were true leaders, they were visionary.

It wasn’t perfect, you know nothing is ever perfect, that’s how it’s sort of commented about Native Title extinguishment.

*Adam Place - Tesbury Consulting Services*

Hi, Adam Place from Tesbury Consulting Services.

Rodney, initially just a quick question to yourself, and I think it continues from what you were both describing around an evolution and minimum standard that existing land use agreements that Taungurung have that are that bit older, there’s the expectation of the documents that new agreements will be negotiated.

Is the intent with that that you’ve got older ones but we can do it better, and you’d like a better current and future agreement?

*Rodney Carter - CEO, Dja Dja Wurrung Clans Aboriginal Corporation*

Look, you can always do it better, and it’s hard when the whole discussion thing, negotiations is hard when somebody comes from a position of authority and has something, and you think, you know for my mob or a group doesn’t, but they have their rights recognition.

I think where we were five or six years ago in what schedule sit for a settlement agreement was about was what was everyone else prepared to accept in recognising actually that this mob of people got a really bum deal in history and life and what had happened, and so how do we take that first step in a relationship and recognising those rights, because they in a form become a resourcing or an economic imposition on somebody doing an activity and going about their business.

So that’s where I think it’s – I believe it’s the minimum standard.

I understand the cost of one of my community’s children from birth and the challenges they face to, I believe to have the most acceptable standards in their life to go onto tertiary education.

And we are just so far removed as a people from that to be able to give our families those opportunities.

They deserve that.

History has been so cruel to people.

So maybe that’s the Rolls Royce version, somewhere we’ve got to land in between, otherwise you get this perpetuating generational disadvantage.

And we know if you’re an economic analysist and you look at the social disadvantage, our democratic society cannot afford that, so when do we all, you know, the light bulb goes on and think gees, we’ve got influence governments to be assisting, we’ve got to influence industry and our community leaders at every opportunity to making sure those less fortunate don’t become the masses.

*Adam Place - Tesbury Consulting Services*

And just a quick one, and I think people, a few in the room may have this as a query, and it’s just regarding the expectations of on-ground monitors during different exploration activities, there’s anticipation that there’ll be monitors in attendance.

But it’s really people want to have an understanding particular for how they make the allowances in those areas.

Is it all exploration activities will have monitors in attendance or is it if there’s ground penetrating activities?

I think that’s just a bit of a query.

*Jane Burton - Acting Director of Earth Resources Policy and Programs*

I guess we can look to provide some advice though once we have to people in developing our fair responses.

*Matthew Burns - CEO, Taungurung Land and Waters Council*

It says on the LUA, Taungurung’s LUA is newer, therefore there is maybe some things that we would consider are better.

Maybe there are some things that Dja Dja Wurrung might think are worse in our agreement.

But my understanding it’s simplified a little bit because there was too much grey maybe.

But by no means does that stand still.

My understanding is that there’s always going to be an expectation to go over and above within industry, but then also the agreements will consistently upgrade and change.

So as we speak there is something called a First Principles Review Process, and that is where traditional owners and the state are negotiating aspects of LUA and other parts of agreements as well to improve, refine as well.

*Ben Wurm - Native Title Unit, Department of Justice*

Thanks Matt.

If I might just add to Matt and Rodney’s comments, so in entering into these settlements with traditional owner groups, the state sees itself as a partner with those traditional owner groups.

And so it’s essentially resetting the state’s relationship with traditional owner groups which was appalling from the outset in 1835, and now since the Native Title Act and then the Traditional Owner Settlement Act, we have had collectively in the state, the opportunity to reset that relationship.

So the state does not see the traditional owner group corporations as a stakeholder who has to be dealt with and boxes ticked and so on.

Certainly both traditional owner groups have distinct enforceable procedural rights under their Land Use Activity Agreements.

But I think it’s important for tenderers and people in the industry to look at those processes as a wonderful opportunity to demonstrate corporate responsibility, and to build value, and to look at sharing benefits with traditional owner groups.

And to send back to the micro a little bit, there is a – all the settlement agreements have built into them a five-year review clause under which the state and the traditional owner group agree to review the operation of agreements, and are they really meeting traditional owner’s aspirations?

Are they delivering intended benefits?

So the thinking behind that is a process of continual improvement and adding public value, and not just sitting on our haunches and you know, blindly implementing things without any regard to the impacts of those things.

*Jane Burton - Acting Director of Earth Resources Policy and Programs*

Right.

Do we have another question?

Thank you.

It’s Trevor Island and Catalyst Metals.

Just a very practical question, there are some tens of people representing perhaps some tens of companies present here today potentially interested in tendering.

If half of those people, let’s say 15 people wanted to talk to either of our representative gentlemen after the next 40 days before the tender is due, is that practically possible?

*Rodney Carter - CEO, Dja Dja Wurrung Clans Aboriginal Corporation*

Probably not but we’ll make our best attempt to be available.

I’m really lucky, when I say I manage a corporate entity I’ve got 70-odd staff that structure, there’s diversity and expertise.

It’ll push our capability but we’ll make every attempt I guess to try and support people and have those conversations.

I would say the diligence too would be whoever has to do the backgrounds and stuff in relationships, get them to go into the public tomorrow and get them to search media stuff, you know, try and get their head around who are these traditional owners or just why do they operate that way.

It just adds much more value to asking the questions and interrogating us I guess, about who we think we are.

*Matthew Burns - CEO, Taungurung Land and Waters Council*

I support those comments.

People can feel free to reach out that’s fine, but yeah, I speak for myself and say that I’m booked out until mid-January for meetings already.

But our groups are always available on the phone all the same.

*Jane Burton - Acting Director of Earth Resources Policy and Programs*

Do we have a – are the people best to go directly through yourselves or do you have somebody you’d like to nominate from your organisations who would be sort of the liaison point?

Or you might want to think about that.

Are you looking for Jim?

Anyway, that’s something you can take on notice and perhaps think about that.

That’s something we can provide to the companies afterwards if you have a particular pathway that’s the most appropriate to make contact.

*Matthew Burns - CEO, Taungurung Land and Waters Council*

Look, initially make contact through myself.

I’ll speak for myself say through myself, but we have a lawyer that might be – who works for us that might be the point of contact as well.

*Jane Burton - Acting Director of Earth Resources Policy and Programs*

Good question, do we have any other questions?

*Dennis O’Neill - Resource Futures*

Thank you.

Dennis O’Neill again, Resource Futures.

Gentlemen, given the ideal that this plays out as a partnership relationship depending on which areas are involved, there will be a range of skillsets that may be required, and ideally better provided through say your organisations.

Have you, or are you undertaking any work to identify amongst the traditional owners skillsets, whether they’re corporately structured or not for contracting purposes, or whether they are skills-based relating to land management issues, survey type work, etcetera, which will facilitate the entire degree or a range of commercial activities that a successful tenderer would have to enter into to get the right people on board?

*Matthew Burns - CEO, Taungurung Land and Waters Council*

Just to support Rodney’s comments before about trying to raise that high watermark for getting our community up into that tertiary education space, I just whispered to Rodney, in Taungurung’s case I don’t know of another community that has really highly educated Taungurung people, and then just a great deal under-educated Taungurung people in that same community that are family.

Yes, to answer your question, yes.

Taungurung has undertaken a bit of a skills audit within our membership base to understand who we have available.

Depending on the kind of activity that’s got to be a discussion that any of the successful tenderers will have to have.

And we can just bring our understanding of community and say look, these are areas where we can definitely partner in or take lead in, from Taungurrung’s perspective.

But yeah, depending on the opportunity then I guess it will draw different members of the Taungurung community.

*Rodney Carter - CEO, Dja Dja Wurrung Clans Aboriginal Corporation*

Yes, so haven’t got the ready-made.

Through our own processes surveying, just trying to find the skills, qualifications, experience, interest, we’ve got a reasonable understanding of what that is within our group.

But it’s really clear when you look at that healthiness of families and individuals, the structure and are parent’s guardian’s ability to be getting children educated grown, we see that’s real foundational sort of work.

So we would be looking at relationship, partnership, actually coming from a poor point of view and capability to hopefully build some generational or the instance of a generational relationship if it can be afforded, that it impresses positively, I think, on a future generation.

And you know, we want to help our mob, and if they leave central Victoria when the industry leaves and goes wherever else, and you know, they nurture that within their family unit, that’s what we want.

So for us that’s the bigger picture.

So I’m afraid we’d be challenged to meet immediate needs.

And it’s not that we can’t do it, where we’ve been reasonably good is we’ve seen in Victoria we’ve become a unique employer, where we employ people that other employees don’t necessarily want to employ, old TAFE teachers that have a wealth of experiences in the workforce that aren’t good enough for the system, middle-aged women that want to have a crack in environmental sciences, in the field services, in natural resources that don’t fit the mould of a male dominant crew elsewhere with other employers, wayward youth kids that aren’t engaging in school.

We’ve become actually quite unique to be able to do that, and we’re quite proud as an employer.

So we’ve got degrees of capability but we’re quite unusual.

*Jane Burton - Acting Director of Earth Resources Policy and Programs*

Is there any other questions?

If we don’t, I’ve probably got one just to wrap it up if that’s okay just before we go and have an afternoon tea break.

I think we’re certainly hoping that a lot of people leave here today and get busy on their tender application.

We’ve talked all about importance of this traditional owner engagement as part of that application.

What’s your one piece of advice that you can give the people here in the room, that you think would be beneficial to them in preparing their submissions over the coming weeks and days?

*Rodney Carter - CEO, Dja Dja Wurrung Clans Aboriginal Corporation*

I think don’t – as nice as it is to have experiences and previous relationships don’t rely on that.

Do the work now so we can create something unique in Victoria.

The government is trying to challenge us, the department, traditional owners are trying to challenge everyone, I think if we rise to that we potentially will leave something brilliant.

*Matthew Burns - CEO, Taungurung Land and Waters Council*

Yeah, to extend on that, just whatever the high watermark is for your entities, organisations, let’s see if we can push that in ways that don’t necessarily require, you know, additional resourcing.

Although, you know, there’s going to be an element of that required, but different ways to establish and secure a very strong partnership moving forward is kind of what Taungurung are looking for.

It really is going to be a partnership from our perspective, and we want to see that to be long-lasting.

*Ben Wurm - Native Title Unit, Department of Justice*

Just very quickly, I think it’s important for tenderers obviously are aware that the ground release area is in the country of three traditional owner groups, and it’s probably useful, as Rodney and Matt have already flagged, to sort of look to the long-term future and build relationships as a partnership with the respect of traditional owner groups.

They have distinct legal and cultural rights in the land so that is the basis for the relationship, and there are fabulous opportunities for traditional owners and successful tenderers to form enduring relationships that are mutually beneficial.

*Jane Burton - Acting Director of Earth Resources Policy and Programs*

Fabulous, what a great way to wrap this session.

I’m not sure if the guys are staying – oh, are you going to say something more?

*Matthew Burns - CEO, Taungurung Land and Waters Council*

I was just going to say thank you.

*Jane Burton - Acting Director of Earth Resources Policy and Programs*

You can say thank you.

And I’d like a big round of applause because that was a great session.

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