



South West Native Title Settlement

About the Settlement

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.

The Settlement, involving six Noongar Native Title Agreement Groups, and covering 200,000 square kilometres of land, represents significant social and economic investment in the Noongar community and the shared future of Western Australia.

For the latest Settlement information visit wa.gov.au (the WA Government website).

Where is the South West Native Title Settlement Area?

The Settlement Area with the six Indigenous Land Use Agreements (ILUA) boundaries, covers approximately 200,000 square kilometres. For detailed maps of the Settlement Area and the six ILUA areas (with boundary descriptions) visit wa.gov.au (the WA Government website).



Map of the Settlement Area showing the six ILUA boundaries

Who are the Noongar Native Title Agreement Groups?

The Noongar Nation is one of the largest Aboriginal cultural blocs in Australia and covers the entire south-west corner of Western Australia. At the time of British settlement up to 15 Noongar language dialects existed.

Six Noongar Regional Corporations have been established under the ILUAs to benefit, advance and promote the six Noongar Agreement Groups and their communities, as well as care for the cultural land within their ILUA regions.

To learn more about the Noongar people visit [the South West Aboriginal Land and Sea Council \(SWALSC\) Website](#), including [Kaartidijin Noongar](#), and the [Noongar Language Centre](#), and view the [map of Indigenous Australia](#).

Find below links to the 6 ILUA maps that form the Settlement, the major towns within these areas, and links to the six Noongar Regional Corporation websites.

The Noongar Regional Corporations were appointed by the Noongar Boodja Trust across October and November of 2022, following endorsement by their Agreement Groups and the WA Government.

In June 2022, the South West Aboriginal Land and Sea Council (SWALSC) was appointed by the Noongar Boodja Trust as the supporting Central Services Corporation, following endorsement by all six Agreement Groups and the WA Government.

On 9 December 2022 the rights and obligations under the Settlement's ILUAs were transferred from the six Noongar Agreement Groups to the Noongar Regional Corporations, who along with the Central Services Corporation are the sole beneficiaries of the Settlement. Read the [Noongar Corporations](#) page for further information on the obligations and rights of all of the Noongar Corporations.

Who are the Noongar Native Title Agreement Groups? – *Continued*

| Noongar Agreement Group ILUA | Noongar Regional Corporation | Towns within the Indigenous Land Use Agreement Area |
|---|--|--|
| Ballardong ILUA | <u>Ballardong Aboriginal Corporation</u> | York, Northam, Hyden, Kondinin <u>ILUA Map</u> |
| Gnaala Karla Booja ILUA | <u>Gnaala Karla Booja Aboriginal Corporation</u> | Mandurah, Bunbury, Donnybrook <u>ILUA Map</u> |
| South West Boojarah ILUA | <u>Karri Karrak Aboriginal Corporation</u> | Busselton, Dunsborough, Margaret River, Pemberton, Nannup <u>ILUA Map</u> |
| Wagyl Kaip and Southern Noongar ILUA | <u>Wagyl Kaip Aboriginal Corporation</u> | Katanning, Gnowangerup, Albany <u>ILUA Map</u> |
| Whadjuk ILUA | <u>Whadjuk Aboriginal Corporation</u> | Perth metropolitan area <u>ILUA Map</u> |
| Yued ILUA | <u>Yued Aboriginal Corporation</u> | Jurien, Moora, Lancelin, Gingin <u>ILUA Map</u> |

What does the Settlement include for the Noongar people?

| Settlement Component | Description |
|---|---|
| Noongar Recognition through an Act of Parliament | The <i>Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016</i> (proclaimed on WA Day – 6 June 2016) recognises the Noongar people as the Traditional Owners of the south-west region of Western Australia. |
| Noongar Boodja Trust (NBT) | <p>Receives, holds and manages all benefits and assets arising from the Settlement.</p> <p>The NBT has the potential to deliver enduring economic, social and cultural benefits to the Noongar people for generations to come.</p> <p>The WA Government will contribute 12 annual payments to the NBT. This consists of a Future Fund payment of \$50 million and an Operations Fund payment of \$10 million.</p> <p>The first payments were made on 22 April 2021.</p> |
| Noongar Regional Corporations | Represents the rights and interests of each of the six Noongar Agreement Groups. |
| Central Services Corporation | Supports and connects the six Noongar Regional Corporations. |
| Noongar Land Estate | Up to 320,000 hectares of land is being transferred to NBT for development and cultural purposes by the Department of Planning, Lands and Heritage (DPLH). The first land transfers were made on 14 July 2021. |
| Co-operative and joint management | The Department of Biodiversity Conservation and Attractions (DBCA) and the six Noongar Regional Corporations will enter into Co-operative Management Agreement arrangements for the care and protection of the South West Conservation Estate. Over ten years, at least 2 Joint Management Agreements will also be entered into in each ILUA area. |
| Land Access | <p>Land Access licences will be provided to the six Noongar Regional Corporations to give the Noongar people lawful access to certain unallocated Crown land and unmanaged reserve land for defined customary activities.</p> <p>Separate to the licence, amended water by-laws also enable Noongar people to undertake some land based Aboriginal customary activities in public drinking water source areas within the Settlement Area.</p> |

Continued

| Settlement Component | Description |
|---|---|
| Community Development Framework | <p>A commitment between the WA Government and the Noongar people to a set of principles and priorities aimed at improving the Noongar community development opportunities.</p> <p>The Framework provides greater scope for direct communication and collaboration between the WA Government and Noongar people.</p> |
| Capital Works Program | <p>Includes funding for the establishment of a Noongar Cultural Centre in the metropolitan area and office accommodation for the Noongar Regional Corporations.</p> |
| Noongar Land Fund | <p>\$46,850,000 over 10 years will support land, joint management and heritage objectives.</p> <p>The fund facilitates partnerships between the WA Government's key land agencies and the Noongar Regional Corporations.</p> |
| Economic Participation Framework | <p>A framework to support partnership in the building of Noongar business capacity, interests and participation in the wider economy.</p> |
| Noongar Standard Heritage Agreement (NSHA) | <p>A uniform and efficient approach for conducting Aboriginal Heritage Surveys in the Settlement Area in compliance with the <i>Aboriginal Heritage Act 1972</i>. The NSHA came into effect 8 June 2015.</p> |
| Noongar Heritage Partnership Agreement | <p>A framework for the DPLH and the Noongar Regional Corporations to work in partnership to improve the recording, protection and preservation of Aboriginal sites within the Settlement Area.</p> |
| Noongar Housing Program | <p>Transfer, in freehold title, of 121 Housing properties to the NBT. Funds will be available for the maintenance and upgrade of these properties.</p> |

What work was done prior to the commencement of the Settlement?

- Proclamation of the *Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Act 2016*;
- Formal selection and announcement of the initial Trustee, *Perpetual Limited* for the NBT;
- Proclamation of the *Land Administration (South West Native Title Settlement) Act 2016*;
- Gazettal of Water By-Law Amendments;
- Formal commencement of the Noongar Standard Heritage Agreements; and
- Finalisation and release of the Transition Programs which set out how the Noongar Regional Corporations will be established by the ILUA Agreement Groups. Please see the following links:
 - The Establishment of the Regional Corporations [Transition Program](#); and
 - The Central Services Corporation [Transition Program](#).

The Settlement has commenced – what does this mean?

The Settlement commenced on 25 February 2021 followed by Trust Effective Date on 29 March 2021. This triggered the establishment of and the flow of benefits to the Noongar Boodja Trust, including the commencement of annual payment of funds and the transfer of lands. With the establishment of the Noongar Regional Corporations, other significant commitments under the Settlement can commence, including partnership arrangements in relation to heritage management, the conservation estate, community development and economic participation.

On 9 December 2022 the rights and obligations of the six Noongar Agreement Groups under the ILUAs were novated to the six Noongar Regional Corporations. This means the six Noongar Regional Corporations have become parties to, and are now bound by the terms and conditions contained in the ILUAs, together with SWALSC and the WA Government parties.

For further information on these commitments, visit wa.gov.au (the WA Government website).

Does the Native Title Act still apply?

No. Any native title rights and interests that may have existed in the ILUA area were resolved through the Settlement on the 13 April 2021.

While future act processes will no longer occur within the Settlement area, existing ILUA and legislative obligations relating to the protection of Aboriginal heritage continue. Land users are also encouraged to continue agreement making and engagement with the Noongar community and the Noongar Regional Corporations, to ensure activities acknowledge and benefit the recognised Traditional Owners.

Further information

Further information about the Settlement, including the six ILUAs made in compliance with the Commonwealth *Native Title Act 1993*, can be found on the website of the WA Government

<https://www.wa.gov.au/organisation/department-of-the-premier-and-cabinet/south-west-native-title-settlement>