

‘The dream of our ancestors’: Victorian bill gives Indigenous owners custodianship of Yarra

First legislation to go before state’s parliament with a dual Indigenous language title designed to give Wurundjeri people a voice in decisions around the river



Wurundjeri elders speak in the Victorian parliament on Thursday, marking the first time the area’s traditional owners have been invited on to the floor to speak. Photograph: Jim McFarlane

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Wrapped in a possum-skin shawl, Wurundjeri elder Alice Kolasa stood at the dispatch box on the floor of the Victorian parliament and read the name of a new piece of legislation designed to protect the health of the Yarra river, known in Woiwurrung language as the Birrarung. *Wilip-gin Birrarung murrn: keep the Birrarung alive.*

Kolasa is the first Wurundjeri person to speak from the floor of the parliament in their role as a traditional owner of land on which Parliament House is built.

The bill she supported, tabled by the planning minister, Richard Wynne, as the Yarra river protection (Wilip-gin Birrarung murrn) bill 2017, is the first legislation ever to go before the Victorian parliament with a dual Indigenous language title, and the first to include an Indigenous language preamble.

It was a historic occasion, Kolasa said. The legislation creates an independent body called the Birrarung Council, two members of which must be nominated from the Wurundjeri Tribe Land and Compensation Cultural Heritage Council.

That grants Wurundjeri people, who have struggled to get formal recognition of the ownership of their land, a legislatively-enshrined voice in the formal custodianship of the Birrarung.

“The journey to achieving this type of structural inclusion has been hard-won,” Kolasa said. “It commenced from the moment of first contact and was the *yiookgen dhan liwik-al*: the dream of our ancestors.”

The Woiwurrung people made two formal applications for land along the Yarra river in 1840 and again in 1863, the latter which resulted in the formation of the Coranderrk mission, Kolasa said.

“It is on their shoulders, and that of countless others that we stand here today to walk along a shared path of recognition, rights, repatriation and reconciliation,” she said.

“These are clearly milestones to be proud of, in a year that is already rich in milestones and anniversaries for Aboriginal Australia. There is a sense of change. A sense that we understand our shared past and are more committed to moving forward together, in unity.

“We hope that further partnerships can enable first nations from across Victoria to truly affect the decisions and policies which impact their country.”

Auntie Gail Smith, who sat to Kolassa’s left at the dispatch box, said it was a testament to the strength of Wurundjeri culture that the Woiwurrung language, all but stamped out by European settlers, had been revived and was now able to be used in an act of parliament. “This is recognition of language revival and the importance of Aboriginal languages,” Smith said.

In addition to the Birrung Council, which will be tasked with developing a strategic plan for the Yarra river and reporting annually on that plan to the minister, the legislation will combine all public land along the river as the Greater Yarra Urban Parklands.

It would give Wurundjeri elders a “central role” in decisions around development within 500m of the river banks, Wynne said.

“The Wurundjeri were involved at all key points in terms of the drafting of the legislation ... they were absolutely in the thick of it, and I think today they really felt like their work had been acknowledged by the parliament,” Wynne told Guardian Australia.

“As part of the commitment of the government we will ensure that there is appropriate funding made available to the Birrarung Council and indeed to the Wurundjeri to ensure that their involvement is properly resourced going forward.”

Wynne said the legislation was part of a broader movement in government to recognise Aboriginal rights to land.

The Andrews government is also funding community forums to explore options to negotiate a treaty between Aboriginal people and the state government.

There are have only been four positive determinations of native title in Victoria in the 25 years since the Native Title Act was introduced, and two registered claims are yet to be determined. According to a 2015 report by the Australian Law Reform Commission, native title has been settled – either recognised or rejected – over 40% of public land in the state.

In New South Wales, the only state to have been colonised longer than Victoria, there have been five positive determinations of native title and 21 registered active claims.