

## MEMORANDUM OF UNDERSTANDING

MEMORANDUM OF UNDERSTANDING BETWEEN THE DJA DJA WURRUNG CLANS  
ABORIGINAL CORPORATION (**DDWCAC**) AND BENDIGO ORIENTEERS INC (**BOI**)

### GENERAL AGREEMENT

The Dja Dja Wurrung are recognised by the State of Victoria as traditional owners of part of Central Victoria through a Recognition and Settlement Agreement (RSA) registered on 24 October 2013. A Land Use Activity Agreement (**LUAA**) which forms part of the RSA categorises activities on public land which affect traditional owners' rights and sets out a system for ensuring consultation and engagement with the traditional owners about those activities.

DDWCAC represents the Dja Dja Wurrung and BOI is the entity whose members participate in orienteering within the RSA area..

DDWCAC and BOI wish to record their understanding of their obligations under the RSA in this document and set out the basis for a responsible, productive and respectful relationship in the future.

BOI recognises the Dja Dja Wurrung as the traditional owners of the region in which they recreate, and agree to certain rules to protect cultural heritage and promote recognition of the Dja Dja Wurrung.

DDWCAC recognise that most activities in which the BOI members participate are routine activities which will have little impact on Dja Dja Wurrung Peoples' rights.

DDWCAC recognises that BOI's approach to conservation and protection of Aboriginal cultural heritage is largely consistent with Dja Dja Wurrung peoples' land management goals.

DDWCAC agree that if BOI takes certain measures when organising and managing events then Dja Dja Wurrung will not require formal notification of those events within the meaning of the LUAA.

### BOI and DDWCAC SPECIFICALLY AGREE THAT:

1. This agreement applies to public land within the Recognition and Settlement Area (RSA) - map attached.
2. BOI acknowledges the Dja Dja Wurrung as traditional owners of their land and adopt the Recognition Statement (attached), and recognises the Dja Dja Wurrung as holding distinct cultural rights and having a unique relationship with their land.



3. DDWCAC understand that BOI runs orienteering events which require participants to run or walk through forested areas of land within the RSA area, mainly off tracks.
4. Dja Dja Wurrung will not require formal notification by BOI of particular events, provided that:
  - a. BOI acknowledges, in a form provided by DDWCAC, that the Dja Dja Wurrung are the traditional owners of the area in which the events are conducted, and makes this acknowledgement in newsletters, the BOI website and social media, in event notes, at the commencement of events when appropriate, and when opening BOI meetings;
  - b. If, from time to time, DDWCAC notifies BOI that a particular area is out of bounds for ceremony or other purposes then BOI will ensure courses to avoid those areas and note them as out of bounds on maps, and BOI will disqualify participants who enter out of bounds areas;
  - c. BOI provides its members a copy of the Recognition Statement (attached);
  - d. BOI will acknowledge the Dja Dja Wurrung as traditional owners on the maps provided to orienteers, and, if possible and when appropriate, acknowledge the Dja Dja Wurrung as traditional owners at the beginning of events on Dja Dja Wurrung country;
  - e. BOI provides links to cultural heritage fact sheets on its website, and actively encourages participants to:
    - i. Actively and respectfully avoid harm to all Dja Dja Wurrung cultural heritage values;
    - ii. Report any discovery of Dja Dja Wurrung places and objects in accordance with section 24 of the *Aboriginal Heritage Act 2006*;
    - iii. Not disturb or remove any suspected human remains; and
    - iv. Not harm or remove any suspected Dja Dja Wurrung places and objects.

SIGNED

On behalf of DDWCAC

DATE 19/5/2018

SIGNED

on behalf of BOI

DATE 19/5/18

# Recognition Statement

The State recognises that the Dja Dja Wurrung People are the Traditional Owner Group for the country covered by this Recognition and Settlement Agreement.

Aboriginal Peoples have lived in the part of Australia known as Victoria for more than a thousand generations. The people belonging to the country of the Recognition and Settlement Agreement area, through bloodline and kinship, are known as the "Jaara" (people of the area). Over time, many Jaara have come to identify as "Dja Dja Wurrung" (Yes Yes tongue/speak), which relates to the collective language group. Jaara spoke the Dja Dja Wurrung language. For the purpose of this Recognition and Settlement Agreement, the people have resolved to be known as the "Dja Dja Wurrung".

The Dja Dja Wurrung ancestors are recorded as having had sixteen or more clans with similar dialects and are traditionally part of the Kulin (Nation) alliance of tribes. In common with other Kulin peoples, Bunjil the Wedge-tailed Eagle and Waa the Crow form the moieties of the traditional patrilineal kinship system.

The State recognises that the Dja Dja Wurrung People have a special relationship with their country, which is of great significance to them. In the Dja Dja Wurrung worldview, dreaming stories of Djandak (country) and Dja Dja Wurrung date back to the creation of these lands and all within them. Dja Dja Wurrung evolved with Djandak. Djandak has been shaped and nurtured by the traditional way of life of the Dja Dja Wurrung People and their ancestors, reflecting principles embedded in kinship, language, spirituality and Bunjil's Law. Bunjil is the creator being who bestows Dja Dja Wurrung People with the laws and ceremonies that ensure the continuation of life. Dja Dja Wurrung People know Mindye the Giant Serpent as the keeper and enforcer of Bunjil's Law.

Dja Dja Wurrung country is a cultural landscape that is more than just tangible objects; imprinted in it are the dreaming stories, Law, totemic relationships, songs, ceremonies and ancestral spirits, which give it life and significant value to Dja Dja Wurrung People. The values Dja Dja Wurrung People hold for their country are shaped from their belief systems that all things have a murrup (spirit) – water, birds, plants, animals, rocks and mountains. Dja Dja Wurrung People see all the land and its creatures in a holistic way, interconnected with each other and with the people. Prior to European colonisation, all natural places within Dja Dja Wurrung country were well known, had a name and song and were celebrated as a part of country and culture.

The State recognises that the arrival of Europeans in Victoria caused a rupture in the spiritual, environmental, political and economic order of Dja Dja Wurrung People. Unrecorded numbers of Dja Dja Wurrung ancestors had their lives taken in their fight for Djandak and Martinga Kulinga Murrup (Ancestral Spirits). Other Dja Dja Wurrung were forced from their traditional country. Dja Dja Wurrung ancestors struggled to maintain their way of life. Their food and water sources and many important cultural sites and places were destroyed or damaged by European land uses, including the introduction of exotic flora and fauna. European explorers and colonialists renamed many Dja Dja Wurrung places and landscape features using foreign names. The practice and survival of cultural tradition was gravely threatened.

From 1841, many of the surviving Dja Dja Wurrung ancestors were forced to take refuge at a site that was named the Loddon Aboriginal Protectorate station at Franklindford. Known to the Dja Dja Wurrung as Larnnebarumul, meaning the 'habitat of the emu', Franklindford provided a measure of protection and rations for a period. During the operation of the station, Dja Dja Wurrung continued cultural practices and lifestyle of seasonal resource use and movements where possible.

During the 1850s goldrush, as station hands rushed to the gold fields leaving farms without labour, some Dja Dja Wurrung ancestors seized the opportunity to rebuild their lives by negotiating paid work in the pastoral sector. This allowed some Dja Dja Wurrung ancestors to continue to reside on or near their traditional country.

With shifts in government policies and legislation, by the late 1800s many Dja Dja Wurrung ancestors, like other Victorian traditional owners, were restricted to living on missions and reserves, where mission managers enforced much tighter restraints on movement, employment and cultural practices. Dja Dja Wurrung families recount stories from the mission period of their ancestors being punished for use of Dja Dja Wurrung language and customs.

With the dismantling of the missions and reserves by the early 1900s, Dja Dja Wurrung People moved to living in the Aboriginal communities that formed in and around former missions and reserves, including in nearby regional towns, as well as further south in Melbourne. Some Dja Dja Wurrung People continued to live and work on pastoral properties in central and northwestern Victoria and southern New South Wales. Whether Dja Dja Wurrung People lived on their traditional country or elsewhere, they sought to maintain kinship obligations and relations and their connection to their country. Those who lived elsewhere maintained their relationship with kin and country through periodic visits.

The State acknowledges that over time, the policies and practices of successive governments, their agencies, other organisations and individuals substantially obstructed the ability of Dja Dja Wurrung ancestors to practice their traditional law and customs and to access their country and its resources. The dispossession of the Dja Dja Wurrung People and their ancestors from their traditional country prevented Dja Dja Wurrung People from maintaining well-being and from generating and passing down wealth from that country across the generations.

Today, Dja Dja Wurrung People proudly survive. They continue to practice their culture and customs and uphold the obligations of Bunjil's Law. Dja Dja Wurrung People experience a close cultural, spiritual, physical, social, historical and economic relationship with the land and waters that make up their country. The State recognises the traditional and cultural association of Dja Dja Wurrung People to their country today.

The Constitution Act 1975 of Victoria recognises that Victoria's Aboriginal people have made a unique and irreplaceable contribution to the identity and wellbeing of this State. Dja Dja Wurrung People, as the original custodians of the land covered by this Recognition and Settlement Agreement, will continue to contribute to the well-being of their country and of the State.

In addition, Victoria's Charter of Human Rights and Responsibilities Act 2006 recognises that Aboriginal people hold distinct cultural rights. These are the rights to: enjoy their identity and culture; maintain and use their language; maintain their kinship ties; and maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

In a constructive step towards reconciliation, the State of Victoria and the Dja Dja Wurrung People have come together in good faith to reach this Recognition and Settlement Agreement and to recognise the traditional owner rights under the Traditional Owner Settlement Act 2010, as a means of settlement of the Dja Dja Wurrung native title claims.

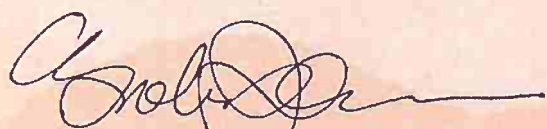
The State has reached this Recognition and Settlement Agreement with the Dja Dja Wurrung Clans Aboriginal Corporation as the traditional owner group entity appointed by the Dja Dja Wurrung People to represent them in relation to the area covered by the agreement and for the purposes of the agreement.

This Recognition and Settlement Agreement binds the State of Victoria and the Dja Dja Wurrung People to a meaningful partnership founded on mutual respect. It is a means by which Dja Dja Wurrung culture and traditional practices and the unique relationship of Dja Dja Wurrung People to their traditional country are recognised, strengthened, protected and promoted, for the benefit of all Victorians, now and into the future.



The Honourable Robert Clark, MP, Attorney-General

For and on behalf of The State of Victoria  
15 November 2013



For and on behalf of Dja Dja Wurrung Clans Aboriginal Corporation  
(ICN 4421)

15 November 2013

