



# AGM REPORT



**Eastern Maar**  
Aboriginal Corporation

WARRNAMBOOL

30 November 2019

EASTERN MAAR ABORIGINAL CORPORATION

ANNUAL GENERAL MEETING REPORT



Eastern Maar Aboriginal Corporation  
RNTBC

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## About us

*Eastern Maar Aboriginal Corporation (EMAC) was determined by the Federal Court as a Registered Native Title Body Corporate (RNTBC) under the Native Title Act 1993 (Cth) in 2011, holding native title for an area of land shared with the Gunditjmara people in what is now known as South West Victoria.*

*In 2012, the Eastern Maar filed a native title claim over the remaining portion of their traditional land and waters. EMAC has been accorded Registered Aboriginal Party status (under Victorian Aboriginal heritage legislation) for the shared native title area and has applied to extend this to include the area covered by the 2012 native title claim.*

*The Corporation is governed by a Board of Directors, each representing a family group of the Eastern Maar People. Its role is to protect and advance the aspirations of Eastern Maar citizens by managing their native title and cultural heritage rights and interests and implementing aspects of the Eastern Maar Settlement Agreements to be negotiated with the State of Victoria under the Traditional Owner Settlement Act 2010. Eastern Maar is also responsible for providing high quality policy advice, leadership in developing key initiatives, and strengthening the capacity and independence of Eastern Maar citizens.*



## Outgoing CEO report



The past year has been a period of significant growth for Eastern Maar. We have witnessed Native Title and settlement negotiations progress while advancing the RAP application. It is an exciting and invigorating time to be involved in Eastern Maar particularly with the advancement of Treaty for Victoria.

We are at an unprecedented time in Victoria with the negotiations moving one step closer to a Treaty, with the election of the First Peoples' Assembly in late 2019.

I am proud to note that our former CEO Jamie Lowe is Eastern Maar's Treaty elected representative. I have full confidence in Jamie and am pleased to see his election to the Assembly.

On that note, I would like to pay tribute to our former CEO Jamie Lowe for all of his hard work while also welcoming our new CEO Marcus Clarke on board. I am confident that Marcus will work hard for the community and do an excellent job in furthering the interests of the Eastern Maar community. I look forward to working with Marcus and seeing him further grow the organisation and build capacity for our community.

In the past year we have also started to expand our wider team to meet the growing needs of the organisation. There are additional tasks and responsibilities as the Native Title, settlement negotiations and Treaty progress and we want to ensure we are prepared to better serve and communicate with the community.

For example, around the decision-making and communication process in limiting access at Gariwerd, to ensure the preservation of cultural heritage sites for future generation as we have similarly witnessed with Uluru. We will continue to make the appropriate decisions to make sure cultural-heritage values are protected and upheld on Eastern Maar Country.

Overall, great progress was made in 2019 and I look forward to watching the next CEO continuing on the path towards self-determination for Eastern Maar People.

**Jason Mifsud**  
**Outgoing CEO**

## CEO Introduction



I am truly humbled and honoured to be appointed to the role of CEO at Eastern Maar Aboriginal Corporation at such a pivotal time in the organisation's history. I am very excited to lead the next phase of the organisation as Eastern Maar progress our native title and settlement negotiations and continue on our path to Treaty.

Being an Eastern Maar Native title holder I have a strong interest in seeing Eastern Maar go from strength to strength not just for us here and now but for our future generations.

My vision as Eastern Maar CEO is clear - first and foremost forming a strong and trusting connection with our people leading to a strong sense of ownership of Eastern Maar is a key goal of mine. I see this as critical as the community is at the heart of what we do.

To ensure we are accountable to our community and future proofing our corporation for our next generations we must ensure that we have an agile, strong accountable and transparent corporation

To do this we must start with setting a clear strategic direction - this must be informed from the aspirations landed on through our Country plan and it must be owned by our people. Once set the corporation operations can structure and organise the way it works in order to move towards our strategic priorities. Additionally this will include setting a strong and accountable organisational culture, a purposeful tone that should also be felt externally by our citizens.

It will be vital to regularly update members on the work we are undertaking and the status of our progress and against our goals. I also want to help tell the stories of Eastern Maar citizens. Our commitment to overhaul the website will be one way to achieve this. I recognise that we will need more than a website to reach all members.

Next year I intend to look closer at the opportunities that the native title legislation offers our community, especially economic opportunities. I will work hard to ensure we are all well informed by providing context to the community and being transparent on for which topics traditional decision making via the family group structure is the best path as compared to decisions should be made by members of the corporation.

I will actively engage with key stakeholders outside the Eastern Maar community to influence decisions and policy that affect our community. I will also work swiftly to identify any shortfalls in resourcing inside the corporation and work to secure grant funding to build operational capacity as required. This will include designing and delivering targeted community programs in consultation with community.

I also want to acknowledge the hard work that has been undertaken to get us to where we are today. In particular I recognise and greatly appreciate the contributions of our community, elders and those we have lost along the way. I would also like to give special thanks to our previous CEO Jamie Lowe and interim CEO, Jason Mifsud, for all of their fantastic work.

**Marcus Clarke**  
**Incoming CEO**

## Highlights

### Native Title update and Settlement Act negotiations

2019 has been a significant year for Native Title and Settlement Act negotiations. Some key events are summarised below.

- On 14 December 2012, the Eastern Maar native title group filed a native title determination application in the Federal Court over an area of Country including Warrnambool, Lake Bolac, Mortlake, Camperdown and part of the Great Otway National Park.
- On 19 December 2012, the Eastern Maar also submitted a Threshold Statement with the State of Victoria to commence the threshold process under the *Traditional Owner Settlement Act 2010* (Vic) (Settlement Act). The Eastern Maar Settlement Act claim area extends beyond the native title claim area and includes Colac, Lake Corangamite and Skipton.
- Throughout 2013 – 2017, the native title claim was adjourned at successive directions hearing to enable the parties to focus on progressing discussions with the State under the Settlement Act. However, in early 2017, Justice Mortimer sought confirmation that the Eastern Maar wished to actively pursue their native title claim, and ordered that the claim be publicly notified.
- The notification period ended on 16 October 2019. A number of Indigenous and non-Indigenous parties have been joined as respondents, with a party list is to be settled by the Court following case management hearings in November 2019.
- Throughout this process, the Eastern Maar continues to actively seek outcomes both under the Settlement Act and the *Native Title Act 1993* (Cth). The Negotiation Team has met with the State to discuss approaches to progressing Settlement Act negotiations, while also pursuing a consent determination outcome under the NTA.



## Treaty

The First Peoples Assembly of Victoria was formed this year and will be the voice for Victorian Aboriginal communities as the Treaty process continues.

The Assembly, which will meet next month, will be made up of 33 Victorian Traditional Owners, with the State of Victoria bound by law to work with the Assembly to advance the Treaty process.

The First Peoples' Assembly's core job is to work out and determine the rules by which Treaty will be negotiated between the State of Victoria and Aboriginal communities.

The Assembly will set up an independent umpire commissioned with the responsibility of overseeing those negotiations to make sure they are fair and reasonable. On the Assembly there are 21 members elected from five different regions across the state.

There are also 11 members to represent each of the state's formally recognised Traditional Owner Corporations. For Eastern Maar, that elected member is Jamie Lowe, who will sit on the Assembly to help maximise our capacity.

The Assembly will meet for the first time in December in the Upper House of the Victorian Parliament. It will be independent of government.

There will be three main priorities to sort out which include:

- Setting up a Treaty Authority, this will act as an independent umpire during negotiations between Aboriginal people and the State of Victoria.
- Establishing a fund for Aboriginal groups to help make sure negotiations are taking place on an equal footing.
- Debating and determining what ideas, laws, policies and rights will be on the table for treaty negotiations.

It is a crucial time for the Treaty process and Eastern Maar will be involved and supportive of this historic initial formation of the First Peoples Assembly of Victoria.

## Cultural heritage

### **Gariwerd/Grampians National Park**

Eight registered Aboriginal Places have been identified by Parks Victoria staff as having harm done by activities undertaken by rock climbers. Parks Victoria closed these sites to climbing activities and implemented no climbing activities in Special Protection Areas (SPAs) as already prescribed in the Park Management Plan. These SPAs were extended to include all known rock art places and other cultural heritage that included areas where rock climbing was present.

The response from the rock climbing community was to establish an advocacy group with the singular objective of access back into those places.

Currently, these places remain closed save for Summerday Valley which has access open to Licensed Tour Operators only. Eastern Maar is continuing to work through these complex issues to ensure a measured and considered approach is taken in the best interests of Eastern Maar citizens.

The eight Aboriginal Places that have been harmed are now the subject of an Aboriginal Victoria (AV) investigation. EMAC will be meeting with the AV Compliance Manager in December. It is noteworthy that the identification of harm was submitted to AV over 12 months ago. AV is still to visit the identified places.

### **Belfast Coastal Reserve**

It had been identified that harm to coastal middens within Belfast Coastal reserve at Killarney was being caused by the increasing high volume of commercial racehorses accessing the beach and dune systems.

The increasing high volume of race horses on the special cultural landscape had resulted in harm occurring to a midden at the Gorman's Lane access which was subsequently reported to Aboriginal Victoria (AV). AV's investigation did not identify any individual as the cause of the harm; however, AV did identify the horses in general as the reason for the harm.

As a result, AV wrote to Parks Victoria, Moyne Shire and Warrnambool City Council informing them of the cultural values. It was then identified that a Cultural Heritage management Plan would be required for horse training to continue in that landscape. AV approved a CHMP that has still yet to be activated by Racing Victoria due to other thresholds not being met (i.e. DELWP Permits).

Racing Victoria and Warrnambool Racing Club are currently undertaking an amendment to the existing CHMP to change the activity area. EMAC will be participating in the CHMP process to ensure cultural heritage is best protected. EMAC is on the Belfast Coastal Reserve Working Group for the Management Plan.



## **Western Highway**

Major Roads Projects Victoria (MRPV) is currently undertaking a new Cultural Heritage Management Plan (CHMP) for a section of the Western Highway. EMAC is working with MRPV to ensure that cultural heritage within that area is protected.

Field assessments have not yet been undertaken for the new CHMP. EMAC will be invited to participate in that assessment when the time comes.

Trees that have been originally identified as birthing trees will not be removed or harmed and all other trees that have been identified as having tangible cultural modifications are also protected.

## **Barongarook Creek Ancestral Remains**

In April 2019, Ancestral remains were discovered as part of works to replace an existing bridge over the Barongarook Creek in Colac. This is a major thoroughfare as the bridge is part of the Princes Highway.

EMAC was given custody of the remains as soon as they were confirmed to be Ancestral by the Coroner's Office. EMAC responded immediately and recovered the remaining in situ remains that were partially under the road surface, guttering and footpath.

EMAC have since worked closely with MRPV, VEC (contractor), Department of Transport and Colac Otway Shire to embed cultural protocols into the daily operations of the worksite and to bolster the existing Contingencies in the CHMP.

The project is now in its final stages and now includes a comprehensive redesign of the immediate vicinity to reflect a culturally significant burial place is. Landscaping works will begin in the immediate future and a repatriation will occur early 2020.

## **Cultural Landscapes Project**

EMAC will be undertaking a comprehensive landscape management project that will reinstate cultural land management practices of our ancestors.

This project will begin with a data collation phase that will equip our knowledge of what was happening in Country prior to European invasion. With that information, we will develop a mapping program of our territory that will reflect the cultural mosaic that we live in. It will identify through early European reports, journals, maps, locality names (Eg: towns, roads, parishes), and human resources such as Eastern Maar citizens where and what Country is which.

This information will inform us of our cultural objectives in land and water management including fire management and feral animal and plant management in context of 2019.

This project is a first in the state and will lead to greater management of what is our cultural landscape.

## Who we are

### Board

#### Board member one

There is currently no director for family group one.

#### Board member two

Allan Miller is the Director for family group two.

#### Board member three

Geoff Clark is the Director for family group three.

#### Board member four

Rhonda Chatfield is the Director for family group four.

#### Board member five

Graham Hardine is the Director for family group five.

#### Board member six

Jamie Lowe is the Director for family group six.

#### Board member seven

Nicole Cassar is the Director for family group seven.

#### Board member eight

Aunty Janice Austin is the Director for family group eight.

#### Board member nine

John Clarke is the Director for family group nine.

#### Board member ten

Aunty Roslyn Howden is the Director for family group ten.

#### Board member eleven

Teresa Coverdale is the Director for family group eleven.

#### Board member twelve

Roslyn Clarke-Britton is the Director for family group twelve.



## Staff

### Marcus Clarke

CEO



Marcus Clarke is a Gunditjmara-Kirrae Whurrong man born, bred and based in Warrnambool. He started at Eastern Maar in November 2019 in the role of CEO. Marcus has held senior positions in government and community and has also sat on various boards over the past decade. Marcus most recently worked in the Department of Health & Human Services (**DHHS**) where he was the Manager for Aboriginal Engagement for three years. Prior to DHHS, Marcus was CEO at the Gunditjmara Aboriginal Corporative where he achieved the status of longest standing CEO.

Marcus' executive level experience coupled with his vision, calm approach, versatility and widespread network are all vital qualities that he brings to Eastern Maar. In his career thus far he has also demonstrated an ability to anticipate and navigate challenges, which will be key in the role. His engagement, knowledge and negotiation skills have been honed throughout his career and in previous roles where he has demonstrated significant emotional intelligence which is a large asset for the role. Marcus believes that the communities' voice and interests are paramount when making decisions and designing processes. Marcus also holds business qualifications from Monash University and is a proud husband and father to two children.

### Ange Jeffery

General Manager, Operations

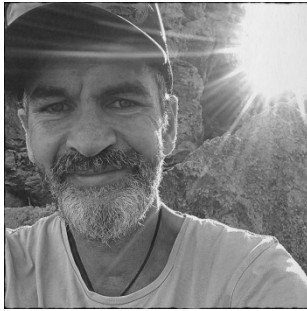


Ange Jeffery commenced with Eastern Maar in September 2019 as the General Manager of Operations and Policy. Ange grew up on Country and is a northern Wiradjuri woman. More recently Ange has been living on Gulidjan Country, Eastern Maar, for over six years. Over a few years, Ange successfully completed an Environmental Science Degree with Southern Cross University NSW as an external student.

Prior to Ange's appointment with Eastern Maar, Ange held positions in Natural Resource Management public organisations including VIC Fisheries, Catchment Management Authorities and the Department of Water VIC. Ange says Eastern Maar is at a very exciting time and that she really looks forward to being a part of the history of this deadly and strong organisation and community.

## John Clarke

### General Manager, Cultural Landscapes



Born and raised on Country, John is the grandson of Banjo and Audrey Clarke and Jack and Rita Abrahams. John is Eastern Maar's General Manager of Cultural Landscapes and has been in the role now for several months. John has come into the role after finishing at Parks Victoria where he had held several positions over the past two decades, starting as a seasonal ranger at Port Campbell and finishing in a senior state-wide position as Heritage Coordinator.

John is passionate about our heritage and Country and uses the skills he has gained over the years for the benefit of our community. John's other passion is football (soccer) and still plays for Colac. He is a huge Western United FC fan.

John is proud and honoured to be working for his nation and says he will do so to the best of his abilities. John looks forward to learning more during his time at Eastern Maar.

## Craig Edwards

### Cultural Heritage Natural Resource Manager



Trevor (Craig) Edwards began as the Cultural Heritage Natural Resource Manager for Eastern Maar in late 2018. Craig was born in Geelong and grew up at Framlingham before he ended up in Geelong where his dad, Trevor, was the founding member of the Wathaurong Aboriginal Cooperative and where Craig worked for nearly 25 years in various roles from health sector management to interim CEO.

Craig has also been drawn back to Framlingham and says he and his connection to Country is incredibly important to both him and his family. Craig says he is extremely passionate about working with the community to preserve cultural heritage for future generations.



## Alex Sheehy

### Media & Policy Advisor



Alex started at Eastern Maar in October 2019 as a Media and Policy Advisor. While, she currently resides in Melbourne she was raised and grew up across Western Australia, Queensland and the Northern Territory.

Alex is a former journalist, who has also worked at First Nations Legal & Research Services and the Federation of Victorian Traditional Owner Corporations, and is now also studying her Masters in Law. Alex is honoured to have the opportunity to work

at Eastern Maar during this exciting period, and will never underestimate the important role she has to play in ensuring the voices of Eastern Maar People are empowered and heard.

## Alice Ugle

### Community Engagement Officer



Alice has been Eastern Maar's Community Engagement Officer since August 2018. Alice was born and raised on Country living at Framlingham and maintains a deep connection to Country along with her six beautiful children. Alice has an extensive background in Aboriginal health which is applied to her role now working in community with Traditional Owners each day.

Alice hopes to continue to working with her mob at Eastern Maar and continue learning more about Eastern Maar Country. Outside of work, Alice is an avid sports player, with her main interests being netball, basketball and football, but most importantly playing sport with her mob

in our Aboriginal sports carnivals.

## Billy Briggs

### Forestry Project Officer



Billy began at Eastern Maar in October 2019 as a Forestry Project Officer. Billy joins Eastern Maar with experience as a Field Services Officer with Parks Victoria and as a former Youth Justice worker. Billy grew up at Framlingham with his nanna, Violet Clarke, before moving to Mornington to live on Bunurong Country with his mum. He has been living back on Country for the past 18-years based in Warrnambool. Billy brings a fresh perspective to Eastern Maar with his knowledge of land management and fire control.

Billy says he is extremely passionate about the opportunity to work at Eastern Maar and share his knowledge with other stakeholders and agencies to understand how we can care for Country together. He says using his voice in this role will be pivotal for future generations as we continue our spiritual connection to Country for each generation to come.



