



High court native title decision a big win for Traditional Owners

In a landmark decision, the High Court has ruled that the grant of and construction on mining leases does not extinguish native title rights.

What does this mean for Kimberley Traditional Owners? It means that the law now clearly states that non-exclusive native title still exists on the bits of country where there is mining or construction within the lease area. This is a big win for Aboriginal people across Australia.

The KLC is looking at which past determinations the High Court decision affects and how we can change them so Traditional Owners get to enjoy their rights under the new law.

Looking back on the KLC



2004 - 10 YEARS AGO

Wanjina Wunggurr Wilinggin native title determination

The Federal Court recognised the rights of the Wanjina Wunggurr Wilinggin people on August 27, 2004 at a native title determination at Mt Barnett community on the Gibb River Road.

The Wanjina Wunggurr Wilinggin was the first of the three Wanjina Wunggurr native title claims to be progressed and was litigated through the courts, with the trial starting in May 2001.

The Wanjina Wunggurr people are one group that share a single distinctive body of law and custom based on the belief systems of the Wanjina and Wunggurr. The Wilinggin claim sits in the middle of its neighbouring Wanjina Wunggurr Dambimangari and the Wanjina Wunggurr Uunguu native title claims. The Wilinggin claim is one of the largest to go before the courts and covers 60,150 sq km - an area about the size of Tasmania.



2009 - 5 YEARS AGO

Call for Emergency Summit

Kimberley Aboriginal people called on the Federal Government in 2009 to hold an Emergency Summit to address the disadvantaged position of Indigenous people.

The call came after research conducted by the Australian National University and commissioned by the KLC found that Kimberley Aboriginal communities were amongst the most disadvantaged in the world. The study also found that 26 out of 28 Indigenous communities in the region fell into the lowest quarter in measures of income, employment and education.

Kimberley leaders called for the Federal Government to sit down with Kimberley Aboriginal people so they could work together to Close the Gap before another generation of children were lost to the cycle of disadvantage.

"We don't want benefits handed to us on a plate. We want to be put in a position where we can win jobs on our own merits. We want to be able to set up enterprises that can compete for business," KLC CEO Wayne Bergmann said at the time.

Message from the Chairman



With the election of the Abbott-led government last year there has been a renewed political focus towards Aboriginal affairs and a push for reforms to end disadvantage and dysfunction.

As a result, there has been much happening on the political front and the KLC has been proactively lobbying Federal Government Ministers to make sure any changes are in the best interests of Kimberley Traditional Owners.

One of the projects the government is working on with Indigenous people is Empowered Communities. The KLC is one of eight regions across Australia to sign up to the reform which is led by Aboriginal people and backed by the Federal Government. It will empower our people to take responsibility and make the important decisions that affect their communities and families.

Our mob in the Kimberley has been talking about getting control of our future since the days at Crocodile Hole. Empowered Communities can help us do that but it will be up to organisations and communities to choose if they want to sign up or not. This program is not new, but builds on others we have tried in the Kimberley including Kimberley Futures, the Tripartite Forum and Remote Service Delivery. But the success of any project depends on us; and our commitment to step up and drive this change from the ground up.

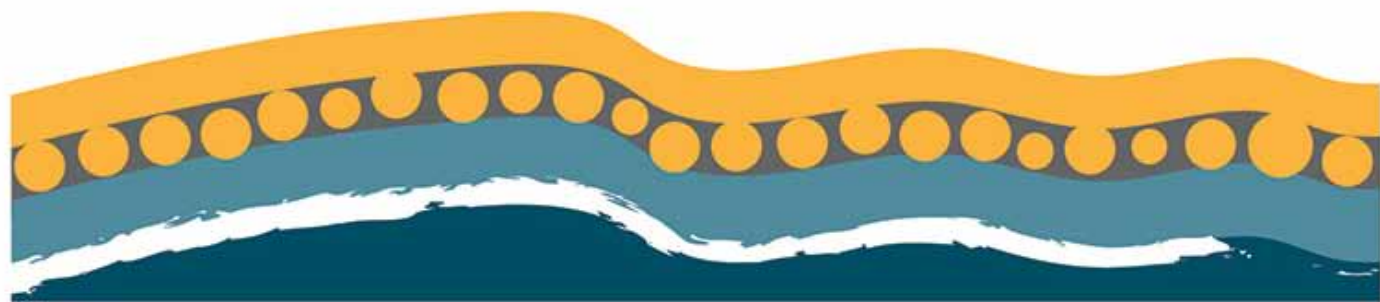
One of the most successful programs in the Kimberley has been the KLC Ranger Network. Nolan has recently been to Canberra to lobby Federal Government Ministers to make sure they continue to support and fund ranger jobs. Ranger jobs are real jobs that have proven to be successful.

Not only does the Kimberley Ranger Network provide increased employment and training in remote communities, it assists in the promotion and preservation of culture and language, creates leaders and is working to improve health and wellbeing.

Ranger jobs also require TAFE qualifications and all projects combine traditional knowledge with western science and the latest technology. In Oombulgurri, the Balanggarra Rangers are working with scientists and researchers on new field trials to try and teach wildlife that cane toads are not a food source but a poisonous predator. This is a ground-breaking project that aims to try and slow the destructive impact cane toads are having on our native animals as they spread across the Kimberley.

So as you can see, we are working on a number of varied projects that are all aimed at putting Kimberley Aboriginal people in the best possible position. As the dry season fast approaches, the number of meetings and events will increase and I hope to see you all out there participating and getting involved.

FRANK DAVEY



empowered

COMMUNITIES

Empowered Communities is a new way of doing things. It will empower Aboriginal people to take back responsibility for their families and communities and make the important decisions about their future. It will change the relationship with government from a top down, one-size all fits approach to a level playing field where Aboriginal people have a respected and strong voice.

What is Empowered Communities?

Empowered Communities is a new approach that empowers Aboriginal organisations, communities and leaders to be responsible for making decisions that affect them and find a solution to stop social and economic disadvantage. It will create a new platform for engagement between Aboriginal people and the government to improve policy design, service delivery and make sure any programs are in line with community wants and needs.

Why?

We've all had enough of disadvantage and dysfunction in our communities. Our elders in the Kimberley have been talking about getting control of the future since the days at Crocodile Hole.

Anthony Watson recently said: "We want to make change so that our mob live longer and stronger and our people have more culture. We want to participate in today's society, with all the dreams of owning a boat, owning a car, having a job and a good, healthy lifestyle."

Empowered Communities is offering Kimberley mob the chance to Close the Gap faster and create that change from the ground up.

Many governments before this one have all said the same; that they want to improve our lives and close the gap in Indigenous disadvantage. We've seen it in Kimberley Futures, the Tripartite Forum and more recently in Remote Service Delivery. So why will Empowered Communities work?

Why will Empowered Communities work?

We don't know if it will work but we have to be involved if we want change. What if it does work and we miss out and fall further behind? The success of Empowered Communities depends on us; we need to commit to creating change in our communities and driving this new approach from the ground up, if we want it to be successful.

Empowered Communities is led by Aboriginal people, has the support of government to make it happen and aims to shift the knowledge and power imbalance from government to Aboriginal communities.

Who?

Empowered Communities is led by Indigenous leaders from eight regions across Australia including Noel Pearson from Cape York. It also has the backing of Prime Minister Tony Abbott.

In the Kimberley, KLC CEO Nolan Hunter and Wunan Chairman Ian Trust are representing our region. Empowered Communities is not about the KLC or Wunan but about all Kimberley communities and organisations working together to put an end to social disadvantage and help us get control of our futures.

The plan is to roll out Empowered Communities across other communities and regions once it has proven to be successful.

How?

An Empowered Communities Taskforce made up of Aboriginal leaders, Australian business leaders and the Federal and State Government is looking at how the project is going to work on the ground.

Empowered Communities is still in its early stages and although we don't know what it is going to look like when it's finished, we know it will be based on:

- Community led decision making and involvement in service delivery
- Communities and organisations to opt-in
- Communities agreeing to principles and agreeing to take responsibility for actions

- Changing the way federal and state Indigenous funding is allocated and spent on the ground, to make sure investment is in line with community wants and needs
- Stronger regional governance
- All programs to suit individual needs of communities and organisations – must provide right cultural and governance match

In the Kimberley, we are really strong at cultural governance and coming up with new ways of doing things. We want Empowered Communities to build on our strengths and help us to create better futures for our children.



When?

The Kimberley region signed up to Empowered Communities in September 2013. Since then all the regions have been getting together to discuss how it will work. Now it is time for Kimberley organisations, communities and leaders to have their say about Empowered Communities – what you want it to look like and if you want to be involved. We have a team of people that will be doing a roadshow to come and talk to you all. If you think you want to be involved or want to know more about Empowered Communities, contact Dave Wirken in the west Kimberley on 0403 070 863 or Brenda Garstone on 0459 241 070 in the east Kimberley.

Big native title win for Traditional Owners

In a landmark decision, the High Court has ruled that the grant of construction on mining leases does not extinguish native title rights.

This decision ended a long-running native title dispute between the Ngarla people, the WA State Government and BHP Billiton, that a mining lease and associated activities extinguished the rights of Traditional Owners in the East Pilbara.

What this big decision means for Kimberley Traditional Owners is that there is now certainty in the law, that non-exclusive native title still exists on the bits of country where there is mining or construction within the lease area. The High Court decision also found that native title will exist on non-Indigenous pastoral leases where there are buildings or constructions, like stockyards and fences.

This is a big change in native title law. From previous Federal Court decisions, we thought Traditional Owners had lost their native title in those places forever but that's not the case anymore.

Once a mine closes or a pastoral lease is not being worked, Traditional Owners will again be able to enjoy their native title over those bits of country to hunt, fish, camp and visit sacred sites.

When a mine is operating and native title rights interfere with the operation of the mine, native title rights across that area will be suspended and not able to be used until it has closed. But this is only for a short while and not forever.

This decision is a really big win for Aboriginal people across Australia. The KLC is now considering which past determinations the High Court decision affects and how we can bring them into line with the change in law.



Dambimangari native title determination:
Janet Oobagooma with Justice Gilmour, 2011

Gooniyandi native title determination:
Joy Springs - June 19, 2013

Native Title update

Yi Martuwarra Ngurrara update:

An authorisation meeting will be held for the Yi-Martuwarra Ngurrara native title claim group on May 9 at the Fitzroy Recreation Centre.

The meeting will be held to discuss the history of the claim as well as anthropological research that has been conducted up until now for the Yi-Martuwarra Ngurrara group.

It is expected that decisions will be made by the group about amending the claim group description with the aim of finalising the claim as soon as possible.

Nyikina Mangala native title update:

The Federal Court is expected to hand down a determination of native title for the Nyikina Mangala people on May 29.

Justice Gilmour will deliver the decision at an on-country hearing on Nyikina Mangala country. The Nyikina Mangala people, whose country extends from the mouth of King Sound along the lower Fitzroy River Valley, and includes parts of the Great Sandy Desert, have been fighting for recognition of their native title rights for about 16 years.

At an authorisation meeting held on March 25 and 26, the Nyikina Mangala people authorised the terms of a consent determination and the rules for their PBC – the body that will hold and manage their native title rights and interests on their behalf following the determination.



Nyikina Mangala claim group meeting:
Jarlmadangah - June 25, 2012

Nyikina Mangala claim group meeting:
Annie Milgin and Aggie Puertollano

KLC Staff Workshop

KLC employees gathered in Broome for a two-day workshop to boost networking, discuss future project ideas, improve operations and focus on cultural awareness.

KLC Deputy CEO Frank Parriman said with more than 125 staff working across the Kimberley region, it was important for all staff members to get together.

"We wanted to bring staff together to share information, highlight our history and achievements, introduce new staff, improve communication and increase staff morale," he said.

"Having an all staff workshop is necessary because we want our staff to know what it is they are working towards and who they are working for while explaining what it is the different sections of the KLC do.

"One of the highlights was getting some of our board members to discuss the history of the KLC and what their vision is for the future of our organisation. They also did a Q&A session with staff which opened up the lines of communication and was a great way for everyone to get to know each other."

KLC Chairman Frank Davey, Deputy Chair Tom Birch and board members Irene Davey, Anthony Watson and Bonnie Edwards attended the staff workshop.



Anthony Watson said all board members were proud of the organisation and the steps it had taken to successfully achieve our vision of get back country, look after country and get control of the future.

"We're getting back our land, we're taking care of our country but now we have got to get control of our futures," he said.

"We've been through rough times with native title and there are still things we have got to fix but we've come out at the end. More than 10 years ago we pushed for rangers and jobs and now we have groups all across the Kimberley.

"But we still have all these social issues we need to address. Sometimes the land council says that's not on

their agenda but we push it back on them because the KLC is the only organisation in the Kimberley radical enough to stand up against government and say we need social changes.

"We want to participate in today's society with all the dreams of owning a boat, owning a car, having a job and having a good healthy lifestyle while we preserve our culture and language. This is the next step for Kimberley mob."

Mr Parriman said feedback from staff about the workshop had been positive and a cultural awareness session had been extremely informative for both Indigenous and non-Indigenous staff. Ideas discussed in the cultural awareness workshop will be used to create a new KLC cultural awareness course and information kit.





KLC heads to Canberra to lobby for ranger program and IPAs



The KLC has been in Canberra lobbying Federal Government Ministers about the importance of ranger jobs in the Kimberley.

KLC CEO Nolan Hunter said he wanted to secure the long-term future of the Kimberley Ranger Network and make sure the government supported the work of rangers.

He met with Indigenous Affairs Minister Nigel Scullion, Environment Minister Greg Hunt, Industry Minister Ian Macfarlane and Parliamentary Secretary to the Prime Minister Alan Tudge.

"We want to make sure the Federal Government understands that the Kimberley Ranger Network has been one of, if not, the most successful Aboriginal program ever rolled out in the Kimberley," he said

"The Ranger Network has created more jobs in remote communities than many other programs and we want to make sure it is here to stay.



“Being a ranger is a real job and involves a lot more than just pulling out weeds. The men and women, who are rangers in the Kimberley, are experts in conservation and land management, have TAFE qualifications and use science and technology combined with traditional knowledge to carry out projects.”

“We will be holding the Federal Government accountable and will make sure it does not step away from its obligation to support Indigenous economic development through funding programs.”

In the last financial year the Kimberley Land Council’s Ranger Network employed 85 full-time rangers, six part-time admin officers and 129 casual rangers and that’s not to mention the hundreds of elders that are contracted as cultural advisers.

Mr Hunter said being a ranger was a real job, even though it was government-funded.

“Just because ranger jobs are funded by the government doesn’t mean they’re not real jobs, because if that was the case there would be a substantial number of people in Australia not working in real jobs,” he said.

“Being a ranger is a real job and involves a lot more than just pulling out weeds. The men and women, who are rangers in the Kimberley, are experts in conservation and land management, have TAFE qualifications and use science and technology combined with traditional knowledge to carry out projects.

“The expertise and knowledge of our rangers is contracted out through fee-for-service contracts, used to create

business opportunities, inform research and develop strategies in climate change and to make sure the biodiversity and cultural values of the Kimberley remain at high standards.

“The success of the Kimberley Ranger Network has been proven. It is creating social and economic change in communities through increased employment and education, the creation of leaders, reduced poverty and improved health and well-being.”

KLC board member and Ngurrara head ranger Frankie McCarthy also went to Canberra so he could explain to federal ministers why ranger jobs were important and government support was needed for Indigenous Protected Areas.

“The Ranger Network is helping us to rebuild our communities. People and communities are taking control of their activities and making decisions about how we can make our lives better,” he said.

“Kimberley Aboriginal people don’t want to live a life on welfare, we want to Close the Gap and do our bit to make that happen. Being a ranger is a good and well-respected job that is helping our people to implement change for the future.”

New project teaches wildlife not to eat cane toads



In a bid to slow the destruction of the cane toad, the Balanggarra Rangers have teamed up with scientists to teach native wildlife not to eat the poisonous pest.

The innovative project is the first of its kind in Australia and involves feeding small amounts of juvenile cane toads to the goanna, so it has a negative reaction to the food but does not die. The process is repeated daily in an attempt to teach the goanna that the cane toad is not a food source but a predator.

The collaborative project is being led by the West

Australian Department of Parks and Wildlife and the University of Sydney and is being assisted by the KLC-facilitated Balanggarra Rangers. The project has undergone lab trials and is now being field tested around Oombulgurri, a remote area north of Wyndham in the Kimberley region of northern Western Australia.

Balanggarra Ranger James Birch said his team had been based at Oombulgurri since November last year and had been assisting in capturing the goannas and recording information.



"When we first came out here we caught 64 goannas and put radio transmitters on their tails so we could track them," he said.

"We have found that the goanna is usually looking for a feed in the morning, so we capture them early in the day and then put a juvenile cane toad on a fishing rod and hang it in front of the goanna so it eats it.

"We want the goanna to have a bad reaction and get a little bit sick so they know it's not good for them to eat. It definitely seems to be working. When we've been capturing the goannas a second or third time, they don't want to eat the cane toad as much."

Balanggarra Ranger Quentin Gore said he had witnessed the destructive and damaging impact the influx of cane toads into the Wyndham township, had had on native wildlife.



"The cane toad started coming across from Kununurra about a year and a half ago. There's no goanna left in Wyndham anymore and not many little frogs or lizards either," he said.

"The only animals that have learnt how to eat the cane toad is the crow and the kookaburra. They flip the cane toad over and eat its insides, avoiding the poison sac on its back."

Mr Gore said the numbers of cane toads at Oombulgurri were still relatively low which made it the perfect trial location for teaching the goanna not to eat the deadly vermin before it was too late.



KLC's new building

The KLC's new office building in Broome is moving ahead, with the outside walls going up in February and work starting on the construction of the upper floor.

During the first few rainy weeks in February, a huge crane was bought in to lift the pre-cast concrete wall panels into place. This took only four or five days, and construction went from a flat site to the outlines of a huge double storey building. With the roof structure still to go on, the KLC offices will stand much taller than the surrounding buildings.

Once the second floor slab is completed, all the steel work will be fixed in place and the internal walls, doors, and windows will be installed.

Our funding partners, the Commonwealth Government's Regional Development Australia Fund, the Indigenous Land Corporation, WA's Royalties for Regions program, and Lotterywest, are continuing their generous support for the new KLC building.

Construction is within budget and proceeding well, although a little bit behind schedule. We expect to be moving in to our new offices before the end of this year.



Australian Government
Indigenous Land Corporation

goes up



Australian Government





The Kimberley Land Council welcomes donations to support our activities – donations of \$2 or more are tax deductible. The Kimberley Land Council acknowledges the financial support provided by the Commonwealth of Australia and the Government of Western Australia.

