



# NEWSLETTER



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PO Box 2145 | Broome WA 6725 | Ph: (08) 9194 0100 | Fax: (08) 9193 6279 | [www.klc.org.au](http://www.klc.org.au)



## Middle Dampier Peninsula native title recognised

Read about the outcome of the Bindunbur (Nimanbur, Nyul Nyul and Jabirr Jabirr) native title decision from Justice North on pages 4 and 5.

*Jabirr Jabirr Traditional Owner Frank Parriman, Sydney, February 2010*

*Anthony Watson, Frank Parriman, Rita Augustine, Cissy Djaagween, Frank Sebastian and Ignatius (Iga) Paddy, James Price Point, 2010.*



*KLC Chairman Anthony Watson in Sydney February 2010.*







PROTESTING FOR SELF DETERMINATION, A PHOTOGRAPH FROM THE ATSIC MELBOURNE OFFICE. (NATIONAL MUSEUM OF AUSTRALIA)

## ► 1982 - 35 years ago

### Diamond boom causes problems

The State and Federal Governments and multinational companies continue to disregard both the religious and economic needs of Aboriginal people. "Between 1978 and 1982, \$58 million will have been spent on exploration and development... The Argyle pipe alone has a potential value of between \$9 billion to \$15 billion."

Aboriginal people would like to see some sort of agreement signed between themselves and CRA (56.8 per cent shareholder in the Ashton Joint Venture) and positive steps taken to record and protect their sacred sites and their hunting and fishing spots. This is a long way from land rights and yet even this is difficult to achieve.

*(right) Article 'Diamonds! More problems for Aboriginal people in the Kimberley Land Council '30 Years Strong' Newsletter 2008.*

## ► 1987 - 30 years ago

### ATSIC - the new Commission

In December 1987, the KLC received a telex from the office of the Minister for Aboriginal Affairs with a statement outlining plans for legislation to set up the Aboriginal and Torres Strait Islander Commission (ATSIC). The statement said the new commission "would be made up of and work for Aboriginal and Islander people". The commission would replace the four government bodies handling Aboriginal Affairs, the Department of Aboriginal Affairs, the Aboriginal Development Commission, Aboriginal Hostels Limited and the Australian Institute of Aboriginal Studies.

#### Diamonds! More problems for Aboriginal people

The diamond boom in the north-east Kimberley has continued in 1981 and 1982. The State and Federal Governments and multinational companies continue to disregard both the religious and economic needs of Aboriginal people.

"Between 19778-82, \$58 million will have been spent on exploration and development..... The Argyle pipe alone has a potential value of between \$9 to \$15 billion."

Aboriginal people would like to see some sort of agreement signed between themselves and CRA (56.8% shareholder in the Ashton Joint Venture) and positive steps taken to record and protect their sacred sites and their hunting and fishing spots. This is a long way from asking for land rights and yet even this is difficult to achieve.



# Message from the Chairman



And here we are again – the end of another year full of achievements, challenges and anticipation for a New Year of hard work.

Before I start my report, I would like to acknowledge that it has also been a sad year, with the loss of a number of our KLC senior leaders and elders. I would also like to acknowledge all of the other losses we have had this year of our mob and we pay our respects to those people and their families.

The past three months have been hugely busy for everyone at the KLC. In September we held our AGM with sister organisations KALACC, Kimberley Language Resource Centre and Aarnja. Held at Lombadina/Djarindjin communities it was a deadly week of meetings and festivities, especially because it was also the KALACC Jalalay Festival year.

Every night we were treated to special performances and strong demonstrations of our law and culture. I was pleased to see so many Kimberley mob there. Next year will be even bigger given it is our 40th birthday. We'll be celebrating and remembering at our AGM in September 2018, but we'll also be holding lots of other exciting events throughout the year so stay tuned!

One of the amazing events to happen in 2018 is the National Native Title Conference, which will be held for the first time in Broome. The KLC has been announced as the co-convenor of the conference together with main organiser AIATSIS. We'll be working closely with AIATSIS and Yawuru in the lead up to the event, which will run from 5 to 7 June, and is expected to bring more than 700 people to our region.

The KLC recently returned from COP 23 in Bonn where we announced the start of a new international fire management initiative. The project has received almost \$4 million of Federal Government funding and will spread the use of Indigenous fire management and carbon methodology to Botswana in Africa.

This is a huge opportunity to showcase the knowledge of Kimberley Aboriginal people on the world stage and will provide our mob with the chance to travel to Botswana to transfer their knowledge. Many years of hard work have led to the KLC being recognised as the right organisation to take this project on. This highlights the importance of KLC's international presence and influence, and is recognition of our expertise in this field.

Last month, the KLC received

a decision from the Federal Court confirming the existence of native title over the Middle Dampier Peninsula. The decision recognises the Bindunbur and Jabirr Jabirr native title claim groups as the native title holders over the area covered by their claims. This means that Nyul Nyul, Nimanbur and Jabirr Jabirr/ Ngumbarl people will be recognised as the native title holders.

This was a very special occasion for the Traditional Owners and means that we are well on our way to reaching our long-term vision of finalising all native title claims in the Kimberley.

Finally, I would like to wish everyone a happy Christmas and wet season break. I'd like to pay tribute to our KLC staff who have worked hard all year to deliver services for Kimberley Aboriginal people. I would especially like to thank the KLC members for continuing to support the organisation and for making us what we are today – strong and united.

**Anthony Watson**  
Chairman





## Bindunbur native title recognised

A Federal Court decision has confirmed the existence of native title over the Middle Dampier Peninsula.

Handed down by Justice Anthony North in November, the judgment dealt with three different native title claims known as Bindunbur, Goolarabooloo and Jabirr Jabirr.

The decision recognises the Bindunbur and Jabirr Jabirr native title claim groups as the native title holders over the area covered by their claims. This means that Nyul Nyul, Nimanbur and Jabirr Jabirr/Ngumbarl people will be recognised as the native title holders. The Bindunbur and Jabirr Jabirr claims cover approximately 12,000 square kilometres of land and sea country.

The Goolarabooloo claim which in part overlapped the Jabirr Jabirr claim was not successful.

Kimberley Land Council Chief Executive Officer Nolan Hunter said the decision is momentous for Nyul Nyul, Nimanbur and Jabirr Jabirr/Ngumbarl people.

"This judgment finally sees native title recognised on the Middle Dampier Peninsula," Mr Hunter said.

"Many years of hard work have led to this day and I pay tribute to all those people past and present who have contributed to the outcome.

"Native title has a profound impact on Kimberley Aboriginal people as it provides the recognition that they are Traditional Owners – something they have been waiting their entire lives for."

The Bindunbur and Jabirr Jabirr native title claims are the first Kimberley native title case to be forced to go through litigation in the past decade, with other recent determinations being delivered via consent of all the parties rather than a litigated process.

"I acknowledge the strength and the resilience of the native title holders throughout this process before the courts," Mr Hunter said.

"Native title litigation is an arduous and emotional process. We need a better and fairer way of determining native title and a thorough review of the Native Title Act.

"Kimberley Aboriginal people's connection to their country and culture is strong. Of the five native title claims the KLC has taken to litigation all of them have come down in favour of the native title party.

"Aboriginal people should not be forced into native title litigation by the State Government when the State knows full well that the Traditional Owners will win."

The KLC is now working with the native title claimants, the State Government and other parties to finalise the terms of a native title determination that will accord with the Judge's decision.



# Overlapping claim dismissed

The native title decision handed down by Justice North provides clear direction that the Jabirr Jabirr people are the native title holders of their country, which had been subject to an overlapping claim by the Goolarbalooloo people.

During the James Price Point gas negotiations, the Jabirr Jabirr people faced significant criticism about their legitimacy as Traditional Owners. The

KLC also faced criticism for its support of the Jabirr Jabirr people and their right to make choices about country.

The Middle Dampier Peninsula native title decision is vindication for the Jabirr Jabirr people who will now be recognised under Australian law as the Traditional Owners of their country.

## Gas protest fought on false native title claim

AMOS AIKMAN  
NORTHERN CORRESPONDENT

An Aboriginal group that sought to block Woodside's now-defunct \$80 billion gas development in the Kimberley on native title grounds has been found to have moved into the area in the 1930s and have no ownership rights over land and water there at all.

The bombshell Federal Court ruling follows a star-studded international campaign in which musicians John Butler and Missy Higgins and former Greens leader Bob Brown backed activists portraying the Goolarabooloo as custodians of the area, whose songlines were under threat from the proposed project.

The decision has left legitimate native title holders elated. But some have voiced fury at environmentalists and professional protesters whose interference, they say, helped to deny disadvantaged Kimberley residents access to about \$15bn in direct benefits. Some are calling for changes to native title to preclude vexatious use of such land claims.

The Goolarabooloo were also recently refused a controversial application for heritage listings over parts of Broome. That request, which caused panic over property rights, surprised Broome's Yawuru native title holders, who did not support the claim.

The Federal Court ruling comes as the remaining partners in the Browse gas project, originally earmarked to supply an LNG plant at James Price Point, north of Broome, step up work on plans that will see the gas processed through the existing North West Shelf LNG facility hundreds of kilometres down the coast.

Frank Parriman, who negotiated on behalf of his Jabirr Jabirr people in support of Woodside's original plan to pipe the gas to

James Price Point for processing, said the \$80bn project would have brought huge economic benefits had it not been scrapped in 2013.

"I'm absolutely over the moon about the court's decision; it's something I always expected. But I'm also frustrated that the James Price Point development didn't go ahead," Mr Parriman said.

"There's just nothing happening here except tourism, which isn't really benefiting

*Continued on Page 6*



Missy Higgins at a James Price Point protest in Perth



Musician John Butler in the Cottesloe Beach crowd

*The Australian Newspaper  
Friday 1st December, 2017.*



Bindunbur on country hearing at Red Cliffs on the Dampier Peninsula in 2015.



The Kimberley Land Council's Frank Parriman at the James Price Point site near Broome yesterday

PAUL HELL

## Gas protest fought on false title claim

*Continued from Page 1*

Aboriginal people. By not having that project, it has put us back another generation or two."

He said the region's most significant industry was human services. "We've got Aboriginal people filling up prisons and hospitals; the only thing we're not filling up is schools," he said.

Woodside's now-abandoned James Price Point plan was once billed as a game-changer for the Kimberley's roughly 17,000

Aborigines, many of whom live in extreme poverty. While the James Price Point plan attracted strong opposition from environmental groups and celebrity activists, Woodside and its partners have always insisted it was economics that killed off the project. Its final estimated capital cost of \$80bn was about double original expectations for the project.

Litigation and mounting costs ultimately led Woodside to abandon the project in 2013. The Bob

Brown Foundation posthumously named the Goolarabooloo's charismatic leader, J. Roe, its environmentalist of the year soon after, for his role in stand-offs with Woodside that bore echoes of the "No Dams" movement in Tasmania in the 1980s.

The Federal Court judgment handed down last week examined a patchwork of native title claims over the Dampier Peninsula. It found the Jabirr Jabirr and Bindunbur groups were native title holders, in addition to members



Bindunbur on country hearing at LaDjadarr on the Dampier Peninsula in 2015.



## KLC exports Indigenous fire management to the world

The Kimberley Land Council has been named as a leading project partner in a new international savanna fire management initiative which will see Australia's knowledge of Indigenous fire management exported to the world.

Announced at COP 23 (Conference of the Parties) in Bonn, Germany, the project is the result of national and international recognition of the knowledge of Australia's first people in reducing carbon emissions through right-way fire.

The ground-breaking project will see the implementation of savanna burning at a series of pilot sites in Botswana, southern Africa.

With Federal Government funding of \$3.87 million over four years, the project will help deliver savanna carbon abatement methodology suitable to the Botswana landscape. The project will also provide Kimberley Aboriginal people with the opportunity to travel to Botswana to pass on their knowledge.

Kimberley Land Council Chief Executive Officer Nolan Hunter travelled to Bonn with Project Leader Sam Johnston to launch the initiative together with Minister for the Environment and Energy Josh Frydenberg.

Mr Hunter said the project highlighted the valuable role Indigenous people play in looking after country.

"Every year wildfires make news headlines across the world," Mr Hunter said. "They are a major threat to human lives, biodiversity, property, and economies.

"But Indigenous people in Australia have developed a solution to this threat and Kimberley Aboriginal people are leading the way.

"The Kimberley Ranger Network is delivering world's best practice. Indigenous rangers across Australia are making a significant contribution towards Australia's conservation, biodiversity and environmental outcomes."

Indigenous fire management is now practiced right across northern Australia. There are 75 projects registered across northern Australia worth over \$100 million and employing more than 400 Indigenous rangers.





*Project lead Sam Johnston, Minister for the Environment and Energy Josh Frydenberg, KLC Strategic Business Development manager Ariadne Gorring, Thabang L Botshoma, Ministry of Environment, Natural Resources Conservation and Tourism, Botswana, and KLC CEO Nolan Hunter at COP 23 in Bonn.*



*Indigenous fire management is practiced right across northern Australia.*



## PM rejects 'Voice' proposal

The Prime Minister has not taken the views of Indigenous people seriously, says KLC Chief Executive Nolan Hunter following news that Prime Minister Malcolm Turnbull has dismissed a recommendation for a Voice in the Constitution.

Mr Hunter said the outright rejection of the Referendum Council's recommendation, which was supported by Indigenous people at the Uluru convention last May, was extremely disappointing.

In a joint statement with the Attorney General, George Brandis, and the Indigenous Affairs Minister, Nigel Scullion, the Prime Minister said the government did not believe a voice in the constitution was "either desirable or capable of winning acceptance in a referendum".

Mr Hunter said the comments were mischievous and misleading.

"The government has jumped to the conclusion that this proposal would be some kind of threat to people's civic rights," Mr Hunter said.

"The Prime Minister has made a point that there is a direct threat to Parliament which is not the case at all. None of the details about how the voice would work had been decided and that would be for the government to work out.

"His comments lead me to conclude that they either have not read the Referendum Council's report or they have misconstrued the report."

Mr Hunter said significant time and effort went into the 12 dialogues held across the country, as well as the final gathering in Uluru where the Uluru Statement from the Heart was finalised.

"The government has spent the last 10 or more years talking about this," he said. "They have been saying all the right things, but when it comes to the pointy end they falter, and that indicates to me that there was never a genuine intention behind any of this.

"My understanding from the dialogues is that Aboriginal people don't want symbolism. We've heard the UN Declaration on the Rights of Indigenous Peoples, we've heard Closing the Gap, we've heard the apology, but still nothing changes statistically for Aboriginal people."

"There is an irony about the Australian Government going to the High Court recently to seek redress on what they considered was an important issue on the protection for Australian politicians, as a result of the limitations of the Australian Constitution on dual citizenship.

"There is an inherent hypocrisy that the Government of Australia didn't think it was an important issue for Aboriginal people seeking protection by having our voices enshrined in the Constitution."

Mr Hunter is part of the Uluru Statement working group and is a board member of Uphold and Recognise, an organisation committed to recognising Indigenous Australians and upholding the Australian Constitution.





## First threatened compulsory acquisition since James Price Point

A group of Kimberley Traditional Owners is at risk of having a portion of their land forcibly acquired by the State Government, the first time since the controversial James Price Point decision.

Barnicoat Island, part of the Mayala native title claim, is currently the subject of a 'Notice Of Intention To Take' by the WA Department of Planning, Heritage and Lands.

The extraordinary decision to forcibly acquire the island was first agreed to by the previous Barnett Government and has been referred to the National Native Title Tribunal for a final decision.

Kimberley Land Council Deputy Chief Executive Officer Tyrone Garstone has written to Minister for Transport, Planning and Lands, Rita Saffioti, about the matter and called on the McGowan Government to reverse the decision.

"If carried out, this compulsory acquisition will extinguish all native title over Barnicoat Island," Mr Garstone said.

"The extinguishment will be permanent, and the Mayala Traditional Owners will never be able to recover rights to that land.

"This would be the first compulsory acquisition of native title in the Kimberley without Traditional Owner consent which the KLC is aware of.

"And the first threatened compulsory acquisition since the controversial steps taken by the Barnett Government in relation to James Price Point."

The purpose of the compulsory acquisition is to assist Marine Produce Australia (MPA), which carries out an aquaculture business in Cone Bay.

The business has been operating for many years on Turtle Island, but has been advised that their current lease will not be renewed. MPA has indicated that Barnicoat Island is its preferred option.

"Before seeking access to Barnicoat Island, MPA never engaged with Mayala Traditional Owners, despite the company operating for years in Mayala sea country," Mr Garstone said.

"Even though negotiations between MPA and Mayala Traditional Owners regarding a lease had begun, the previous government decided to override this process, following pressure from the company, and issued the notice to forcibly acquire the island.

"This is not the way that business should be done in the Kimberley. It is in the long term interests of all involved that there be a sustainable and positive relationship between Kimberley Traditional Owners and businesses operating on native title lands and waters."





DANCERS AT THE 2017 COMBINED AGMS OF KLC, KALACC, KLRC AND AARNJA.

## Kimberley mob call for new approach to Aboriginal affairs

The following statement was agreed to and endorsed at the AGMs of KLC, KALACC, KLRC and Aarnja Sep 19 – 21.

*Our ancestors walked this land for thousands upon thousands of years. They had laws, languages and cultures that survive until this day.*

*We are gathered here at Lombadina/Djarindjin communities for three days of deliberations as part of our four peak organisations' annual general meetings. During this week we display our continued connection to traditional lands and the continued practice of our languages and cultures.*

*Fifty years ago Australia voted yes to change the constitution and twenty-five years ago the Mabo decision was handed down recognising our rights to the land. Today, the Federal Court recognises Kimberley Aboriginal people as the traditional land owners of 80 per cent of this region.*

*But in 2017, Aboriginal people are yet again on the wrong side of social indicators as proven by this year's Closing the Gap report. We still have one of the worst suicide rates in the country and the world, and we are still failing to carve out a positive future for our children. Despite continued acknowledgment of the importance of our cultural practices, actions*

*speak louder than words. Government support for our continued cultural practices only represents three quarters of a per cent of the total Aboriginal budget.*

*Languages are the core of our land and cultures. We are still waiting for a government to publicly acknowledge our human right to speak our languages and to work with us on appropriate ways of reclaiming, reviving and maintaining languages to ensure our continued connection to land and practicing of culture.*

*The Federal and previous WA State Liberal and National Governments said they wanted to work with us through Empowered Communities to deliver outcomes for our people on the ground. Instead they decided to prioritise matters for Aboriginal people according to Mr Andrew Forrest's Creating Parity report. Once again doing things to Aboriginal people rather than with them.*

*The previous State Government failed to recognise our native title rights to make an income. They never acknowledged our rights to generate income from carbon trading. And they never recognised our rights to sustain our remote communities or protect our heritage.*



*The previous Premier said he “didn’t want to see...the Kimberley tied up in conservation or by Aboriginal corporations where you get unproductive stations and a lack of control of feral species”.*

*Nothing can be further from the truth. Positive legacies are created by working with us. Aboriginal people get their native title and should be able to determine what they do on their land.*

*We challenge the new Western Australian Labor Government not to be like the last – a Liberal National Government which sought to shut us out completely.*

*We call on the McGowan Government to work with us. You have a unique opportunity to truly change the conversation about Aboriginal affairs in this state. Time is of the essence.*

*We are still waiting for action on the protection of the Fitzroy River. We are still waiting for real action on the divestment of ALT lands. This is not the first time we have heard a promise from a Labor or a Liberal Government to transfer lands back to the rightful owners.*

*Our Member for the Kimberley, Josie Farrer, has worked hard to have Aboriginal people recognised in the WA constitution. Now we want to bring force to those words to truly reflect this recognition.*

*We, the Kimberley mob, endorse and support the Uluru statement. We call on the Australian Government and Opposition to support a referendum on a voice in the constitution and we call again on the WA Labor Government to engage with us and Indigenous people throughout the state about a process of comprehensive settlements.*

*The Kimberley Land Council, Kimberley Aboriginal Law and Cultural Centre, Kimberley Language Resource Centre and Aarnja call on the State Government to prioritise funding and support for the following areas:*

**- Respect and recognition of native title –**

*Native title should be seen as an opportunity, not a barrier. We want native title to be recognised as being equal to other property rights in Western Australia.*

**- Language** – Kimberley Aboriginal languages are primarily oral languages. We need support

*for our goal of teaching on country to ensure the continuation of languages and knowledge. Programs such as language nests should be resourced Kimberley-wide. New technologies are needed to make written resources accessible to language groups. Funding should be directed to ensure Aboriginal languages interpreters are readily available across the region. Genuine collaboration is needed to ensure that languages and knowledge are integrated into the western education system.*

**- Culture** – We need proper support for our cultural practice. Culture is the fundamental authority for our connection and decision making for our land.

**- Land tenure reform** – It is not right to extinguish native title merely for development certainty. We need land tenure reform that supports and sustains native title.

**- Aboriginal Heritage Protection** – We require assurance that Aboriginal heritage will be given the highest level of protection.

**- Economic development** – Companies should not be able to develop projects without a native title impacts agreement. We, the Traditional Owners, want the opportunity to develop our lands for the benefit of our regions and the nation.

**- Strong families and communities** – We call for urgent action to address the significant overrepresentation of Aboriginal children being removed from families and taken into out of home care. We want a government that supports us to strengthen our communities with our right to free, prior and informed consent at the forefront of any policies designed to help our mob.

**- Engagement** – Commit to a process of engagement so we can sit at the table as equals. We require long-term commitments to plan and jointly decide long-term resourcing which focuses on family development designed by and for local people.



# 2017 AGMs of KLC, KALACC, KLRC and Aarnja











## Ngurrara Canvas II awakened in the desert

More than 100 people gathered in the Great Sandy Desert to celebrate the 20-year anniversary of the Ngurrara Canvas II. The canvas, measuring 8m by 10m, is a vivid map of Ngurrara country, and was prepared as evidence for the Ngurrara native title claim.

It was the first time the canvas had been returned to the banks of Lake Pirnini, where it was originally painted in 1997.

Terry Murray, the youngest of the 40 artists to work on the canvas and the head of the Ngurrara Canvas Management Committee, said it was time to 'Parnkimanu Ngurrara'—to awaken the canvas back out on Ngurrara country.

"Now is the time to celebrate, to 'Parnkimanu Ngurrara' with the power of the Ngurrara artists that painted the canvas," Mr Murray said.

"We want to recognise those who are deceased, and those who are still standing. Now is the time to come together after 20 years to celebrate and awaken our unique Ngurrara canvas."

During the canvas celebrations, the management committee held discussions around the canvas' future.

"The celebration will give us the momentum to move forward, hand-in-hand with Yanunijarra Aboriginal Corporation, to develop a plan to look after the canvas," Mr Murray said.

"We would like to take the next generation and the standing elders on a journey to explore how we can celebrate the canvas' power going forward."

The canvas illustrates the significant jila (springs) and jumu (soaks) across Ngurrara country, with the only concession to western mapping a depiction of the Canning Stock Route. Ten years after the canvas was painted, Ngurrara were granted exclusive possession native title over approximately 77, 595 square kilometres—an area larger than Tasmania.

The Parnkimanu Ngurrara event was supported by Yanunijarra Aboriginal Corporation, the registered native title body corporate established to manage the Ngurrara native title area.





The Ngurrara Canvas. Painted by Ngurrara artists and claimants, coordinated by Mangkaja Arts Resource Agency



# Ngurrara Canvas N 20th celebration











## Mambo Jambo: Rangers in Africa

We now know that it's actually Jambo, Mambo? – Swahili for “Hello, how are you?”

In October, Kimberley Rangers Imran Paddy (Kija), Virgil Cherel (Gooniyandi) and Conan Lee (Nyikina Mangala) travelled to Kenya as part of a world first international ranger exchange. They joined rangers from Jawoyn (near Katherine, NT) and Martu (Western Desert) in the experience, which was organised by the Thin Green Line Foundation (<https://www.thingreenline.org.au/>).

It took a few days and 15,000 kms to travel from communities in the Kimberley all the way to the Chyulu Hills in southern Kenya where the group visited rangers employed by Big Life Foundation (<https://biglife.org>). This is a landscape of open plains, rolling hills and arid scrublands – a bit like the Kimberley, except millions of people living all across country – their bright colourful clothes a stark contrast to the bare yellow earth.

Rangers had a week spending time with Maasai Rangers, both at their base and at outstations, sharing their work with rangers and learning how these rangers operate, the issues they encounter and understanding the cultural context in which they work – learning about local customs, meeting local people and seeing how they all live.

While the trip may be a once off opportunity, it is hoped the Maasai rangers will travel to Australia to see how Indigenous rangers work and live in the near future.

### Maasai people

There are approximately 2 million Maasai people, living in southern Kenya and Tanzania. Their homelands were substantially reduced through colonisation but they are the dominant people across the region known as the Maasai Mara. Maasai don't hunt game animals – they only eat cattle and goat, and occasionally giraffe.

Maasai warriors used to hunt lions to prove their strength but this has been outlawed and new cultural practices have been developed to replace the hunt. Maasai are famous for a number of their customs, including wearing a Shúkà – sheet worn around the body, beaded jewellery, piercings and stretching of earlobes, and their jumping dance.

### Visiting outstations

The rangers travelled out to two Big Life outstations where rangers are sent in teams of 10, for 23 days, then return home for a week





and repeat. They eat very simple food, mainly spinach, rice and ugali – a local staple cake made from maize flour.

### On patrol

Foot patrol is the main activity and mode of transport for rangers in Africa. Maasai Rangers walk up to 20km everyday – without taking water! They can do a few activities when on patrol, such as tracking and recording numbers and movements of animals, spotting and removing traps, snares and poaching equipment, checking camera traps, inspecting stock wells and rescuing stuck animals.

### On safari

Giraffes, zebras, gazelles, impalas, wildebeest and ostriches were all very common – like kangaroos in Australia – but the rangers also got to see elephants, rhinos, warthogs and a couple of sleepy lions. We saw one of the oldest elephants in Africa – Tim, the 48-year-old tusker with massive tusks nearly 2 metres long.

### Imran Paddy, Kija Ranger -

“We went back to HQ to meet the Maasai elders. They sat down with one of the Martu rangers and elder to share each other’s knowledge. We ended up doing the same and the culture and law we shared was so

compatible. I am so grateful to experience something like this. It is so special. They ended up giving the Martu elder a specially made walking stick for which only an elder of a tribe can have and the Martu elder gave a gift back to them, a hunting stick. The Maasai elders were so amazed, and smiles and laughter went all around everyone.”





# KLC appears before Cashless Debit Card Senate Inquiry

KLC Deputy CEO Tyronne Garstone and Deputy Chair Merle Carter recently appeared before the Senate Committee looking into the Cashless Debit Card (CDC).

In his opening statement to the Inquiry, Mr Garstone made the following comments:

*In the 18 months since the Cashless Debit Card was introduced, the KLC has noted significant and sustained political will to see the CDC policy work, continue and expand. In recent months, our region has received multiple visits by Australian politicians, including Prime Minister Malcolm Turnbull, former Prime Minister Tony Abbott, and Minister for Indigenous Affairs Nigel Scullion.*

*This unprecedented political interest in the Kimberley region of Western Australia is in response to the perceived epidemic of substance and gambling abuse among Aboriginal people. In reality the 14,000 Aboriginal people, including children, who live in the Kimberley make up approximately 0.56 per cent of the entire WA population.*

*In designing an appropriate response to the problem of substance abuse and excessive gambling within a sector of the population, it is important that the scale of the problem is not confused with the number of people in the population who engage in these behaviours. The solution should fit the problem and address the harm caused, not indiscriminately impact on those who fit a particular profile.*

*While we acknowledge the widespread negative impacts of alcohol and drugs in the Australian community, it is evident that it is Aboriginal people and communities who are most often penalised by punitive, experimental*

*and top-down policies regarding an issue that impacts the whole of society.*

*The government has taken what the KLC would characterise as a 'sledgehammer' approach, which does little to address the root cause of the issues faced by Aboriginal people, particularly those in the East Kimberley. The KLC is concerned that for those people who need assistance to overcome alcohol and drug dependence, the CDC has very little proven ability to improve lives or create meaningful change.*

*In 2014 the Federal Government announced its \$5 million Empowered Communities program, promising Aboriginal people a "greater say and greater responsibility about how best to respond to local issues". Only two years later, we see Empowered Communities being undermined by the implementation of the Cashless Debit Card, and the views of those most affected, local Aboriginal people, sidelined by a government seemingly determined to implement a flawed policy.*

*The Federal Government has cited two evaluation reports as its main evidence for its continuation of the card in the East Kimberley and Ceduna, as well as a further roll out in the Goldfields and Bundaberg/Hervey Bay regions.*

*We have significant concerns about the validity of these reports, the evaluation methods used and the communication of these reports to the wider Australian public.*





## Yi-Martuwarra Ngurrara consent determination authorisation

After more than 18 months of hard work and negotiations by the Yi-Martuwarra Ngurrara Mediation Team, the Yi-Martuwarra Ngurrara claim group met at Fitzroy Crossing on 13 and 14 November 2017 and authorised a consent determination for their claim.

The Mediation Team is Josephine Forrest, Benjamin Laurel, Malcolm Moora, Harry Yungabun, Bernadette Williams, Mervyn Numbagardie, Elsie Dickens, Claude Forrest, Sammy Costain, Peter Murray, Maria Hand, Anthony McLarty and Ronnie Jimbidee (who also worked as our interpreter).

As a result of the hard work of the Mediation Team, the Yi-Martuwarra Ngurrara native title claim is on track to be finalised by a consent determination in early 2018. Stay tuned for further updates in the next KLC newsletter!

*Questionable results from income management policies are not new. Since the introduction of the Basics Card as part of the Northern Territory Intervention, there has been significant criticism of its effectiveness and of compulsory income management overall.*

*We believe that the CDC policy serves as an unhelpful distraction from the many pressing issues facing Aboriginal communities in our region, such as the unrelenting suicide of our youth, lack of employment and economic opportunities, as well as widespread education failure.*

*Positive change will only occur when Aboriginal people are at the centre of the planning, design and delivery of policies that impact our people.*

*Conversely, government programs that are forced onto communities, such as the Cashless Debit Card, work to undermine Aboriginal people's ability to take on accountability and develop local, appropriate and effective solutions.*

*Prime Minister Malcolm Turnbull said it is time for governments to do things with Aboriginal people, not to them. The government's top-down approach to the enforcement of the CDC in the East Kimberley does not meet this commitment and is in fact the opposite of this sentiment.*

Mr Garstone's full opening statement is available on the KLC website [www.klc.org.au](http://www.klc.org.au)







PARUKU RANGERS, WWF AUSTRALIA AND ENVIRONS KIMBERLEY ARE RESPONSIBLE FOR THE NIGHT PARROT DISCOVERY

## Paruku rangers' night parrot discovery

The Paruku rangers have gathered photographic and audio evidence of what is believed to be the 'holy grail' of birds, the incredibly rare night parrot.

The ranger group had been conducting biodiversity surveys in the Great Sandy Desert when the photograph of the mysterious bird was taken.

The photographic evidence has also been backed up with an audio recording of a night parrot call recorded last month in the same area as where the bird was snapped earlier in the year.

The discovery was more than 1,500 km from the East Murchison region – the only other confirmed location for the species in WA, dramatically increasing the known range of the night parrot in Australia.

Considered by some as the world's most mysterious bird, for 100 years the night parrot was feared extinct until 2013 when it was rediscovered in western Queensland.

Paruku Ranger Lachlan Johns said that elders of the community had reported hearing the distinctive call of the mysterious bird while travelling and hunting, alerting the rangers to the possibility of its existence in the region.

Traditional Owner Hanson Pye said he was "very happy" to capture an image and now an audio recording of the bird after hearing stories of its existence from his grandfather.

"I remember my grandfather telling me that one day I'll see it, but this bird is very clever and only comes out at night," Mr Pye said. "It wobbles around when walking and comes out to eat the seed from the plants at night time."

Mr Pye said there are traditional songs and stories about the night parrot, but they are sacred and only known to a few people.





(left) Photographic evidence of the rare night parrot.

Paruku Ranger Coordinator Jamie Brown said he had heard about the bird through ecological conferences and ranger workshops, but also from talking to his grandmother and other elders.

“(My grandmother) knows this bird and remembers hearing them and seeing them as a child, so we know that the night parrot has existed in this area,” he said.

“Now that we have the evidence that the parrot is in the area, we need support for more rangers to manage fire in the region and the threat of feral predators like cats to keep this habitat safe.”







THE KARAJARRI RANGERS WILL BE BASED AT THE BIRD PARK TO GIVE TOURISTS A WARM WELCOME TO COUNTRY.

## Karajarri dreams realised - Bird Park acquired

On Friday, 17 November, the Karajarri community gathered to celebrate the purchase of the four hectare Bird Park property behind the culturally significant Port Smith lagoon area (*Purnturpurntur*).

The Bird Park, which hasn't been an operational business since 2010, has been purchased by the Indigenous Land Corporation on behalf of the KTLA to establish the 'Karajarri Tourism Hub and Cultural Base' to provide tourism and land management training and employment opportunities and expand the Karajarri Ranger Program.

Chairman of KTLA Thomas (Dooley) King said Karajarri will continue to work in collaboration with current partners, such as the ILC, Ernst and Young, the Kimberley Land Council, Morrgul and Tourism WA, while seeking additional investment partners to create a vibrant cultural hub for visitors.

"We will have Karajarri rangers based at the Bird Park and they'll give tourists a warm welcome to our country," Mr King said.

"Visitors will have the opportunity to become involved in Karajarri storytelling sessions,

dances, and to join us for on-country cultural tours.

"The area around the Bird Park has a significant modern history. The early pearlers had a base on our country in the late 1800s and many Karajarri people were black-birded to work as pearl divers.

"This period was a dark time for our people, we were enslaved and lost our traditional lands. KTLA is committed to following through on our old people's wishes to get back control of Karajarri country."

KLC Native Title Services Unit Manager (West Kimberley) Chad Creighton attended the acquisition ceremony last month.

"KTLA and the Karajarri people have made significant strides to realise the dream of acquiring control of all of Karajarri country," Mr Creighton said.





“Supporting PBCs on their road to independence is a key focus of the KLC, so we are really pleased to see KTLA and the Karajarri people take this big leap and develop such an exciting project.

“Karajarri are an example of Kimberley resilience, innovation and determination that all Kimberley Traditional Owners can be proud of and take inspiration from.”

KTLA will also use the Bird Park as a base for marine scientists conducting research on Karajarri country and to manage visitation in a culturally and environmentally appropriate way.

Over the next three years, the ILC will work with the KTLA board to officially hand back the title to the land.







MEMBERS OF THE NAMED APPLICANT PRESTON MANADO, FRANCESCA ISHIGUCHI (FRONT), MARIE MANADO AND NATHAN LEONARD.

## TOs lodge appeal after Sheffield conduct condemned

Kimberley Traditional Owners of the Mount Jowlaenga area have lodged an appeal with the Full Federal Court of Australia against mineral sands miner Sheffield Resources Ltd and the State of Western Australia.

The appeal comes after Justice Barker of the Federal Court ruled that Sheffield Resources was no longer obliged to conduct itself in good faith at a time it engaged in negotiation tactics that the Judge condemned in strong terms.

Justice Barker found that Sheffield's conduct "flew in the face" of an agreed protocol which was designed to ensure Traditional Owners "would not be taken advantage of" by the company in its negotiations.

Kimberley Land Council Chief Executive Officer Nolan Hunter said there should be no loss of the good faith protection at any point of the negotiation process.

Mr Hunter said if the decision was not challenged it would set a concerning precedent for future native title negotiations and would pave the way for companies to circumvent the requirement for formal agreement making. In

the past many of the companies operating in the Kimberley have acted in good faith and respected that they need to have an agreement in place with Traditional Owners.

"The Mount Jowlaenga Traditional Owners are not opposed to development, but they are opposed to a mining company that is seeking to operate on their traditional lands without an agreement in place," Mr Hunter said.

"If this mine is allowed to go ahead it will mean 40 years of operation without an agreement with the Mt Jowlaenga Traditional Owners.

"Sheffield Resources does not have a social licence to operate its Thunderbird mine in the Kimberley."

In relation to the proposed Thunderbird mine, there is no agreement in place to protect the Mount Jowlaenga Traditional Owners' cultural





heritage, to compensate them for the impacts on their native title, or to ensure their participation in the project via employment or contracting.

Mr Hunter said the latest ruling of the Federal Court highlights the increasing inability of the Native Title Act to protect and look after the interests of Aboriginal people.

“The Native Title Act is failing the people whose rights it was created to protect. The Australian Government must commit to a thorough overhaul of this legislation.”

Good faith is imposed by the Native Title Act 1993 on parties seeking to reach an agreement relating to activities that may affect native title rights and interests. It is intended to ensure parties can negotiate on an equal footing, to redress the disparity between the bargaining strength of a mining company as opposed to a native title party which may lack capacity to do this.

In a statement released by the Named Applicant for the Mount Jowlaenga people on whose native title area the Thunderbird mine is proposed to be built, Traditional Owners said:



.....

*“The Judge said that Sheffield Resources treated us in a way that “flew in the face” of the agreed negotiation protocol that is supposed to make sure our “best interests would not be compromised” and that we “would not be taken advantage of”. But the judge also said that at that time, we no longer had the good faith protection under the Native Title Act.*

*What this decision means to us is that instead of it protecting us, the Native Title Act has been used by Sheffield Resources to take advantage of us.*

*We have the responsibility of looking after our native title and cultural heritage for our old people and for our future generations. We should be able to rely on the good faith law under the Native Title Act to protect us from companies using bad faith negotiation tactics to get our consent for their project.*

*What shield does the Native Title Act give us if it allows companies to lie and trick us into giving them our consent? It's one thing that the Native Title law doesn't allow us to stop a company from mining our native title lands without our consent. But it is another thing to see the Native Title Act be used to let a company act in bad faith and still be allowed to get its licence to mine.*

*Sheffield can say it has the ‘overwhelming support’ of the local community for its project. But we don't know how it can say that when it plans to go ahead and mine the Mount Jowlaenga people's native title lands for the next 40 years without the Mount Jowlaenga people's consent. We're trying to stay strong in the face of bad faith tactics, with or without the protection of the Native Title Act.”*

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BARDI JAWI OORANY RANGERS HENARLIA REX AND JONELLE KETCHELL, AND NYUL NYUL RANGER VANESSA COX WHO HAVE ALL BEEN AFFECTED BY THE GREEN ARMY FUNDING CUT.

## KLC says thanks to Green Army rangers

The Kimberley Land Council has paid tribute to the more than 30 Indigenous rangers who will leave the organisation's ranks, following the end of Green Army funding.

The axing of the Federal Government program will mean the loss of one third of the Indigenous rangers hosted by the Kimberley Land Council and more than half of the KLC's women rangers.

Six Kimberley Ranger Network groups have been impacted, such as the Kija rangers who are based at Warmun Community and will have their team reduced from eight rangers to just two. The Bardi Jawi Oorany women's ranger team, based at One Arm Point, has been reduced from seven rangers to one.

KLC Deputy Chief Executive Officer Tyronne Garstone this week thanked the rangers for their commitment to working on country and caring for country.

"Since working as rangers, these young men and women have become leaders in their community," Mr Garstone said.

"The rangers have developed skills, employment experience and had important opportunities to learn from elders about culture and country.

"For many, this program provided employment in remote communities where jobs don't exist, allowing people to leave the welfare system and take control of their income.

"These achievements are inspirational and something all of the rangers employed under Green Army should be proud of.

"It is disappointing to lose these positions and see people forced back into the welfare system, rather than working on country as rangers."

Kimberley Ranger Network groups impacted by the Green Army funding cuts include, Karajarri, Bardi Jawi Oorany, Kija, Ngurrara, Nyul Nyul and Nyaliga rangers.





KIMBERLEY LAND COUNCIL BOARD OF DIRECTORS WITH SENATOR PATRICK DODSON

# Native title conference comes to Broome

The Kimberley Land Council has been announced as the co-convenor of the 2018 AIATSIS National Native Title Conference. The Conference will be hosted in Broome together with Yawuru, from Tuesday 5 to Thursday 7 June 2018.

“Next year we mark 40 years since the historic Noonkanbah dispute between Kimberley Aboriginal people, the WA Government and an international mining company, which led to the establishment of our Land Council to protect the enjoyment of our rights and interests in our traditional country,” KLC Deputy CEO Tyronne Garstone said.

“We look forward to sharing our strong sense of community spirit with conference delegates from around the country, and to showcase the diversity of native title groups and Aboriginal community organisations operating in the Kimberley.”

# Kimberley leaders stand strong

The KLC would like to acknowledge the strong Kimberley leaders who have continued to advocate for our people throughout this extremely busy year.

KLC Chairman Anthony Watson said Senator Patrick Dodson had been an inspirational leader in Federal Parliament and the local community, taking a stand on many issues that affect Aboriginal people.

He also acknowledged June Oscar, who became the first Aboriginal woman to take on the role of Aboriginal and Torres Strait Islander Social Justice Commissioner.

‘We are proud to have a leader like Senator Dodson to hold government to account and take a stand on Aboriginal issues,’ Mr Watson said.

“The fact that we continue to have so many strong Kimberley leaders shows just how important and powerful the Kimberley remains when it comes to Aboriginal issues in this country.”

The KLC Chairman also paid tribute to Member for the Kimberley Josie Farrer who was re-elected to government earlier this year.

(right) KLC Board Meeting, April 2017



(left) The conference will be held at Cable Beach Resort



# 2017 - A year in review

## JANUARY

### The big wet



Kimberley communities experience one of their biggest wet seasons in recent years, but that didn't stop our rangers from getting the job done. Wunggurr rangers pictured showing their ingenuity making a temporary raft to ferry equipment across a flooded crossing earlier this year.

## FEBRUARY

### McGlade decision handed down

On 2 February 2017, the McGlade decision is delivered by the Full Federal Court of Australia throwing into doubt ILUAs across the country. The KLC voices its concerns about the government rushing to make changes to the Native Title Act without proper consultation. Changes to the legislation are eventually passed in June.

### Referendum Council visits Broome



Noel Pearson and fellow members of the Referendum Council travel to Broome to talk about Constitutional reform. The regional dialogue is co-convened by KLC CEO Nolan Hunter and Goolarri's Jodie Bell, with more than 100 people in attendance.

### Indigenous all stars



Fifty-five Indigenous footballers travel to the Kimberley for a four-day camp. The Indigenous all-stars visit One Arm Point where they spend time with the Bardi Jawi rangers learning about country and culture.

## MARCH

### Saving the bilby



Indigenous rangers from across the Kimberley gather in Fitzroy Crossing in an effort to better understand and protect the iconic Australian bilby. The workshop receives a visit from NITV who report on the work of Indigenous rangers on their current affairs programme 'The Point'.

### 18C changes rejected

The Kimberley Land Council applauds a decision of the Senate to throw out changes to Section 18C of the Racial Discrimination Act. CEO Nolan Hunter says the changes are unnecessary and would create opportunities for discrimination against Australia's most vulnerable.

## APRIL

### Derby Board meeting

The KLC Board meets for the first time in Derby to discuss business. Senator Patrick Dodson attends and addresses the Board about changes to the Native Title Act.

### Chairman delivers Intervention



KLC Chairman Anthony Watson and CEO Nolan Hunter travel to the Sixteenth Session of the UN Permanent Forum in New York. The Chairman puts forward a series of recommendations in relation to the UN Declaration on the Rights of Indigenous People, particularly the lack of implementation of the declaration in Australia.

## MAY

### Bardi Jawi rangers go viral

In May 2017 the Bardi Jawi rangers make national and international headlines for their discovery of a Nicobar pigeon – the closest living relative to the extinct dodo – in a One Arm Point front yard.

### History made at Uluru



Kimberley delegates travel to Uluru for historic talks about changing Australia's founding document – the constitution. The convention concludes with the issuing of the Uluru Statement from the Heart. PM Malcolm Turnbull will later reject the Uluru Statement's main recommendation for a 'voice in the constitution'.

### '67 referendum remembered

On May 27, the KLC marks the 50th anniversary of the 1967 referendum when Indigenous Australians were recognised as citizens at law and in the mind's eye of the Australian public. Mr Hunter says the anniversary is an important reminder of the ongoing struggle for constitutional recognition and urges people to reject a minimalist approach to constitutional reform.

## JUNE

### The Hub launches



The KLC's Cultural Enterprise Hub launches in Perth. The Hub aims to decrease sole reliance on government funding, increase job opportunities in remote communities, improve biodiversity, reinvigorate Indigenous culture and improve health by enabling people to move back onto country.

### 25 years of native title

The 25th anniversary of the Mabo decision is marked on 3 June 2017. CEO Nolan Hunter says the decision paved the way for



native title in Australia, but it is now time for a thorough overhaul of the Native Title Act.

### Staff march for NAIDOC Week



KLC staff take part in the NAIDOC Week march in Broome to celebrate and promote history, culture and achievements of Aboriginal people.

## JULY

### Mining company win

Australian mining company Oil Basins Ltd is ordered to pay court costs of around \$200,000 for exhibiting what was described as "thoroughly unreasonable conduct" in relation to a native title claim. CEO Nolan Hunter says he hopes the Nyikina Mangala people feel vindicated by the ruling and that the long-running matter can finally be resolved.

### Cashless debit card

KLC Directors meet with former Senators Jacqui Lambie and Skye Kakoschke-Moore at their quarterly board meeting in Kununurra. They tell the Senators they support



measures to assist people to overcome substance abuse issues, but are unsure about any real benefits of the card. Deputy CEO Tyrone Garstone and Deputy Chair Merle Carter later appear before a Senate Inquiry into the Cashless Debit Card.

### Governance workshops

The KLC delivers a series of governance training workshops in Broome, Fitzroy Crossing and Kununurra designed to drive PBCs forward on their journeys to independence. The workshops are very successful, with lots of collaborative discussion and engagement from participants.

## AUGUST

### Biggest ranger forum ever



Indigenous rangers travel thousands of kilometres from locations all across northern Australia for a massive ranger gathering in the Kimberley. Held at Gurrbalgun (Pender Bay) on Bardi country, the three-day Kimberley Ranger Forum is a celebration of everything it means to be an Indigenous ranger.

## SEPTEMBER

### AGMs draw huge crowd

KLC, KALACC, KLRC and Aarnja hold their annual general meetings over three consecutive days at Lombadina/Djarindjin. The AGMs coincide with the 'Jalalay KALACC Festival', with amazing cultural performances throughout the week.

### Statement calls for new approach

The four peak Kimberley Aboriginal organisations issue a joint statement calling on the State and Federal Governments to work with Aboriginal people to create a better, more prosperous future for all. The statement is read out at the KLC AGM to government Ministers Alannah MacTiernan, Stephen Dawson and Josie Farrer.

## OCTOBER

### TOs lodge appeal



Kimberley Traditional Owners of the Mount Jowlaenga area lodge an appeal with the Full Federal Court of Australia against mineral sands miner Sheffield Resources Ltd and the State of Western Australia. The appeal comes after Justice Barker rules that Sheffield Resources was no longer obliged to conduct itself

in good faith at a time it engaged in negotiation tactics that the Judge condemned in strong terms.

### Night parrot discovery

The Paruku rangers discover the 'holy grail' of birds in the Great Sandy Desert. The social media video of the remarkable night parrot discovery is the best performing KLC facebook post ever reaching more than 70,000 people.

## NOVEMBER

### Fire project in Botswana

The KLC is named as a leading project partner in a new international savanna fire management initiative. The ground-breaking project will see the implementation of savanna burning at a series of pilot sites in Botswana and Kimberley Aboriginal people will travel to Africa to share their knowledge.

### Conference comes to Broome

The KLC is announced as the co-convenor of the 2018 National Native Title Conference, which is set to bring 700 native title practitioners and others to the region.

### Native title recognised

A Federal Court decision confirms the existence of native title over the Middle Dampier Peninsula, meaning the Nyul Nyul, Nimanbur and Jabirr Jabirr/Ngumbarr people will be recognised as the native title holders of their country.

## DECEMBER

### Merry Christmas!

Merry Christmas to all of our members from the Board and staff at the KLC.







## Scott Cox completes NY Marathon

Congratulations to the KLC's Scott Cox who successfully completed the gruelling 42km New York City Marathon in November.

Coming in with a time of 4 hours and 35 minutes, it was a huge effort by the KLC field officer.

Scott undertook a challenging six-month training program under the tutelage of Australian marathon legend Rob de Castella as part of the Indigenous Marathon Foundation.

Speaking to ABC Kimberley not long after the race, Scott said he started crying with joy after crossing the finishing line.

"I thought about my family, where I am from, my kids and was just thinking to myself I can do this.

"I just ran a marathon. If I can do it anybody can do it."



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.

