



NEWSLETTER



DECEMBER 2020

• GETTING BACK COUNTRY • CARING FOR COUNTRY • SECURING THE FUTURE

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Joint AGM's at Kooljaman

The joint AGM's of the Kimberley Land Council, Kimberley Aboriginal Law and Culture Centre, Kimberley Language Resource Centre and Aarnja were held in Kooljaman on November 10-12 and although held later than usual, due to COVID, there was a strong turn out and plenty of worthwhile discussions about key issues for our Kimberley mob. Read more on page 4.





FROM THE CHAIRMAN

Marboo Ngimbi,

Welcome to the last newsletter of the year. 2020 has been a year of achievements and unprecedented challenges as we learnt how to do business in the face of a global pandemic. I am proud to report that our mandate of native title, advocacy, enterprise development and land and sea management has been achieved.

I'd like to acknowledge the work of Tyronne Garstone, who lead the KLC as CEO through this difficult time. Tyronne also coordinated a regional taskforce to link with other Kimberley organisations and service providers to tackle issues affecting our Kimberley mob as a result of the pandemic. We assisted in relocating people back to their communities, and dealing with other challenges caused by community lock downs.

I would also like to thank those that supported my re-election as Chair at the recent AGM at Kooljaman, and welcome our new, and returning, directors and cultural advisors. It was encouraging to see a significant increase in the number of Board positions appointed, from 26 to 30. This is great news that means even wider representation for the Kimberley mob across our region, and shows the strength of PBCs and the KLC.

As Chair, it is my promise that for the next two years, I will continue to listen closely to the concerns and views of our members, and we will work together to achieve all that we

can for the benefit of the Kimberley mob.

Our strong record of securing native title recognition for the Kimberley also continued this year, and our region is now proudly 96 per cent native title determined.

Congratulations to the Booroola Moorool Moorool and the Warrwa Mawadjala native title claimants on their recent on-country determinations.

Our ranger teams developed new ways of working during the COVID lock down to ensure their essential work in fire and conservation was not delayed. Whilst the KLC office teams put systems in place to allow them to work from home for several months earlier this year. Congratulations to everyone for adapting and achieving during what was a difficult time for our team and our members.

The KLC welcomed the recent news that the proposed Aboriginal Cultural Heritage Bill (2020) will not be introduced to Parliament this year, and will be delayed until 2021. In October the KLC facilitated a gathering of representatives from Prescribed Bodies Corporate (PBCs) and native title groups to discuss new bill.

The clear message from these discussions is that it not be introduced to Parliament and there must be proper consultations with Aboriginal people who must be

recognised as the only authoritative decision makers of their cultural heritage. We will continue to advocate for meaningful change to the States heritage protection laws, and will not support anything less than Traditional Owners having the final say over what happens on their country.

Late this year we said goodbye to our CEO, Nolan Hunter and Deputy CEO, Tyronne Garstone, who after many years of dedicated service will be exploring new opportunities. I'd like to thank Nolan and Tyronne for their strong leadership and dedication, and their skills in leveraging opportunities for Kimberley Aboriginal people that have grown our organisation.

We look forward to finalising the recruitment for both positions early in the new year. I'd like to wish everyone a very happy Christmas and New Year and a safe holiday. Looking forward to a positive 2021 for the KLC and our Kimberley people.

Anthony Watson

Chairman,
Kimberley Land Council.



KOOLJAMAN STATEMENT

The Kimberley Land Council, Kimberley Aboriginal Law and Culture Centre, Kimberley Language Resource Centre and Aarnja held their AGM at Kooljaman in November and spent time considering the key issues faced by our Kimberley mob. The below statement is a summary of these issues. The statement has been issued to the state and federal government on behalf of our key regional organisations.

This year all state and territory governments signed up to the targets set out by the National Agreement on Closing the Gap, more than a decade after the previous Closing the Gap targets were set. We are heartened that, for the first time, they include action on suicide prevention, land and sea rights, language and partnering with Aboriginal people to achieve change.

As the peak Aboriginal organisations in the Kimberley, we know that change is only possible if Kimberley Aboriginal people participate, lead and determine the development of socio-economic, cultural and governance strategies and programs delivered in our region. Our role in this process must be acknowledged and resourced to deliver successful, meaningful and sustainable outcomes.

In the Kimberley, we continue to face challenges and our people continue to suffer. Over the course of the past few days, members of our peak regional organisations have been considering the key issues faced by the Kimberley mob. The failure of law to protect our cultural heritage; a continued lack of an Aboriginal Voice in the Constitution; the dire social and emotional challenges facing our young people; and the critical failure of systems to prevent, or prosecute those responsible for the deaths of Aboriginal people in custody.

Aboriginal heritage must be protected under the law. The unequivocal message from Kimberley Aboriginal people is that the proposed Aboriginal Cultural Heritage Bill (2020) should not be introduced to Parliament, and that there be proper consultations with Aboriginal people who are the only authoritative decision makers of their cultural heritage. Aboriginal people are not asking for a right of veto on mining and industry, we are asking for a right of veto on the destruction of our cultural heritage.

Concern continues over the management of our vital water system, the Fitzroy River. Traditional Owners have native title rights all along the river, and we reject the pressure from government and industry to push for a premature water management plan without the full and engaged consultation and consent of all native title holders. We are committed to supporting and advocating on behalf of all Traditional Owners with an interest in the river and its catchments.

Our communities continue to be over-represented in the judicial and mental health systems. Our young people are taking their own lives and our children remain in out-of-home care. Our future needs a voice, and it must be our voice. Since the Royal Commission into Aboriginal Deaths in Custody in 1991 there have been 437 Indigenous deaths in custody. It took more than a year for the State Government to release its final response to the Coroner's inquiry, which promised improved access to mental health services and better community engagement, packaged as a \$266 million initiative. Yet the bulk of this money did not address any of the Coroner's 86 recommendations, nor was it directed toward improving social and emotional wellbeing or culturally focused programs. As a result, meaningful change on the ground has not occurred.

We are asking for funding to be directed to culturally appropriate support and programs developed by Aboriginal men and women that use traditional law, culture and language, and for service providers, government and non-government, to work together to address these chronic issues. The importance of supporting men and women's groups to lead, develop and deliver gender specific, place-based, regionally focused approaches and solutions should be supported.



We also call on government to get serious about true reconciliation and strengthening their relationship with First Nations people. Governments approach to the repatriation of sacred remains and cultural objects is not consistent with the core fundamentals of reconciliation. For true healing to occur our old people must be returned to their rightful places.

The fight for a First Nations Voice in the constitution is not new. It's been more than 50 years since Australia voted 'yes' to change the constitution; 27 years since Mabo and 3 years since the Uluru Statement from the Heart. In 2020, we have legally recognised rights over 95 per cent of land in the Kimberley yet we have no voice to express our rights. The constitution is Australia's highest rule book, yet does not include a voice for Indigenous people.

Legislative change is not enough. This is about human rights and we are calling for the same rights other people are afforded. The constitution empowers the government to make laws for Aboriginal people but it does not empower Aboriginal people to have a say on decisions made by parliament that affect them.

The preservation and sharing of traditional languages remain central to keeping our communities and culture strong. Of the known Kimberley traditional languages, all are critically endangered. Closing the Gap targets released this year demand a sustained increase in the number and strength of Aboriginal languages being spoken by 2031. A goal that will remain unachievable without proper resourcing and the direct involvement of Kimberley Aboriginal people.

We challenge governments to hear our words and work with us toward a just, equitable and reconciled Australia.



Congratulations to our newly appointed KLC Directors and Cultural Advisors

This year's board elections saw a significant increase in the number of Board positions appointed, from 26 to 30. This is great news that means even wider representation for the Kimberley mob across the region, and shows the strength of PBCs and the KLC. Special congratulations to Anthony Watson, who was re-elected as Chairman. The new board will meet for the first time for a board meeting and governance training in Broome in December.



This year's AGM shirt was designed by Bardi ranger, Tamara Moore

It's the first time Tamara has had one of her designs commissioned. Tamara spent a lot of time on working on her design, which she created by using an app on her phone.

"This year's AGM is being held on Bardi country during Lalin Season. It's the time for Oondoorrd (married turtle). The turtles are going off to mate along the current. The fist represents the Black Lives Matter movement." Amazing work Tamara!





BOORoola MOORool MOORool CELEBRATE ON-COUNTRY DETERMINATION

Congratulations to (BMM) Native Title claimants who celebrated their determination at Munkayarra Wetlands just outside Derby on November 30. The claim was first lodged by the Nyikina people in 2016 and the determination event was a happy celebration of the conclusion of a long process. The BMM is one of the last remaining parts of the Kimberley to be native title determined and we congratulate everyone who made this amazing day possible.



WARRWA MAWADJALA CONSENT DETERMINATION HELD AT MAY RIVER

A consent determination of native title was made by the Federal Court on Meda Station at May River Crossing on December 1. The determination was attended by representatives from the State of Western Australia and the Warrwa native title claimants for the Warrwa Mawadjala Gadjidgar claim and the Warrwa Combined claim (Part A). The Warrwa claims have taken nine years to finalise and hot weather did not stop a heartfelt celebration.

Warrwa woman, Patricia Juboy, expressed her feelings, and that of her family, about the importance of the day.

"I feel very emotional, today is a very special day for us," she said.

"Getting our land back and our country is a big thing. I feel so excited being here, back home, where I used to walk around, run around and come fishing with my grandparents as kids.

It's the best thing for us and the new generations behind us for their future to come."

The KLC is continuing to work with the Warrwa people and the other parties who hold rights and interests in the remainder of the Warrwa Combined claim area to progress the remainder of the claim to a consent determination of native title.



DELAY OF ABORIGINAL CULTURAL HERITAGE BILL

The KLC welcomed the news that the proposed Aboriginal Cultural Heritage Bill (2020) will not be introduced to Parliament this year, and will be delayed until 2021.

In October, the KLC facilitated a gathering of representatives from Prescribed Bodies Corporate (PBCs) and native title groups from across the Kimberley to consider the proposed new bill, which will replace the Aboriginal Heritage Act (1972).

Key outcomes of the meeting were:

- The bill NOT be introduced to Parliament.
- There be proper consultations with Aboriginal people and they are recognised as the **ONLY** authoritative decision makers of their cultural heritage.
- Development of a law to replace the Aboriginal Heritage Act must be consistent with the Native Title Act (1993), the United Nations Declaration on the Rights of Indigenous People and the Best Practice Standards in Indigenous Cultural Heritage Management and Legislation.

The KLC is continuing to advocate for meaningful change to the States heritage protection laws, and will not support anything less than Traditional Owners having the final say over what happens on their country.



KLC HELPS TO BUILD BUSINESS IN THE KIMBERLEY

Hot on the heels of the release of our new strategic plan, the KLC has reached out to PBCs and their ranger groups across the Kimberley to hear their views as to what enterprise opportunities exist and where the KLC can best act as a catalyst for increased economic development and empowerment.

The feedback has been enlightening. Many groups have shared that they wish to effectively manage Country to fully engage in, but also to manage the risks of, Kimberley's booming tourism market.

Other groups have shared their plans to develop business opportunities for their ranger teams, including protecting unique cultural heritage and restoring Country after mining projects. Reflecting strong cultural priorities, KLC members across the Kimberley have told us that they are seeking economic independence to support their own ambitions, while supporting community needs and aspirations.

The KLC is ramping up its ability to support groups across the region, and will continue to be actively engaged with our members in seeking to support smart enterprise solutions throughout 2021. We will continue to listen to and support groups in defining their own economic pathways, focusing on member-driven enterprise solutions.

KIMBERLEY REGION IS NOW 96 PERCENT NATIVE TITLE DETERMINED

Following the recent Warrwa Mawadjala Gadjigar, Warrwa Combined and Booroola Moorool Moorool determinations, the Kimberley region is now proudly 96 per cent native title determined. This milestone has taken more than 40 years of struggle and commitment by Kimberley Traditional Owners and it's an incredible achievement.

Western Australia has more native title determined land than any other state in Australia, with the 42 native title determinations in the Kimberley containing high levels of both exclusive and non-exclusive possession native title

As our families and communities know, securing native title is a long, often traumatic process, and we acknowledge and pay respect to our old people who started this journey so many years ago. Without their strength and pride, and that of those who followed, we would have not have reached this momentous achievement.

Moving forward, the new challenge is to ensure we keep, and make the most of our hard-won rights; a challenge the KLC is ready for. How we will do this, and other important work to build a strong future for Kimberley Aboriginal people, is outlined in our new Strategic Plan. Copies of the strategic plan are available from the KLC office or online at www.klc.org.au



MAYALA INNINALANG, BARDI AND JAWI NIIMIDIMAN AGMS AT KOOLJAMAN

November 17-18, 2020.

Mayala Inninalong PBC and the Bardi and Jawi Niimidiman PBC held their AGMs at Kooljaman and had a great turn-out on both days. During the course of each AGM, the PBC board presented their required reports and successfully appointed new boards of directors.

The KLC would like to acknowledge the leadership and sound governance demonstrated by Bardi and Jawi and Mayala people in the management of their PBCs and their commitment to their commitment to thier country, people and culture.

BUCCANEER ARCHIPELAGO MARINE PARK

Representatives from Bardi and Jawi, Dambimangari and Mayala, with support from the KLC, have been working with the Department of Biodiversity, Conservation and Attractions (DBCA), to negotiate the potential for three marine parks in the Buccaneer Archipelago.

Congratulations to Mayala, Bardi Jawi and Dambimangari Traditional Owners who have successfully negotiated with the state government in the creation of three new jointly managed marine parks in the Buccaneer Archipelago. The marine parks aim to protect sea country for future generations and will be managed by Traditional Owners and the state government, with day to day management undertaken by local ranger teams.

Environment Minister Stephen Dawson formally released the interim Joint Management Plans for public comment on December 16 at ceremonies at Kooljaman and Derby, following authorisation of Indigenous Land Use Agreements for each proposed park by the three native title groups.

The parks will be created in 2021 once the management plans are finalised. The plans will guide management of the parks for the next 10 years. All stakeholders, especially, Traditional Owners and local communities, are encouraged to review and comment on the plans.

Copies of the Mayala and Bardi Jawi marine parks management plan is available at the KLC office in Broome and Bardi Jawi Ranger Base in Ardyaloon or online at www.dpaw.wa.gov.au/parks/management-plans/draft-plans-open-for-public-comment



RIVER IS OUR SPIRIT

Powerful opinion piece by Anthony Watson, KLC Chairman, as featured in National Indigenous Times calling for the protection of the Fitzroy River.



I grew up living and learning the laws and customs of the river. Our old people were born on the banks of the river; it gives us life from the beginning and to our end when our spirit goes back to country. The Martuwarra (Fitzroy River) is a vital, inseparable part of our culture and our spirit.

We have fought for more than 40 years for rights to our land and as Native Title holders, we are now the recognised legal custodians of the land and its waterways. The Fitzroy River has been National Heritage Listed for its Indigenous cultural values but to date there is no plan for the management and protection of these values

We are demanding that government commit to resourcing further discussion through the Kimberley Land Council, and the native title groups. These discussions must include all Traditional Owners and Native Title holders with an interest in the river and its catchments. The Martuwarra is one living system; what happens in one part of the river, affects the whole river and therefore all voices must be considered.

Protecting the Martuwarra and investing in a meaningful dialogue with Traditional Owners to make plans for sustainable development would be revolutionary for the Fitzroy River catchment. It would fill people with pride and hope; knowing that government is finally listening to our wishes and needs. Protection of the Martuwarra is about more than squaring away a neat water management plan. The river is an intertwined part of Kimberley Aboriginal people's spiritual connection to their country and customs and this must be respected.

Big business wants to take water from the river for their own purposes. The government has started water allocation planning that would take water from the river to create new irrigation for cattle and agriculture. These plans are being made without our consent or meaningful involvement. They are being made against the wishes of our people and run counter to the considered views we have on what is best for our future. We want to see the river protected and development that aligns with our values and views.

The McGowan Government promised to protect the Fitzroy River and support sustainable development. A commitment we support. However, this progress has been slow and increasingly driven by the aspirations of industry over those of local people.

We have made our position very clear. Native title holders have passed formal resolutions opposing the taking of water from the river and met with and written to government to make to our views known. We have made statements such as the Fitzroy River Declaration, which makes clear the need to protect the traditional and environmental values that underpin the river's National Heritage Listing.

It has been disappointing to see disingenuous statements from government claiming that Traditional Owners have mixed views on development and without acknowledgment to any of our formal statements. We are united in our stance on protecting the Martuwarra.

The government claims that it is developing water plans to deliver much needed jobs in the Fitzroy valley. It is true that we need and want more jobs. However, we have our own ideas and plans for those jobs and how to make them sustainable and attractive to local people.

We share the desire to lift people out of long-term unemployment, but the government must listen to us to understand local aspirations and own our plans to empower our people. Agriculture does play a role in these plans.

However, we must invest in other financial and land management incentives that could do much better for the region, other than taking water from the river.

The Martuwarra is best protected, not exploited. This is something that we have known through generations of experience and knowledge.



LAND AND SEA MANAGEMENT UNIT UPDATE

Biggest Night Parrot survey completed in the Great Sandy Desert

The Paruku and Kumirri Ranger team joined forces with the Ngurra Kayanta and Ngururpa Rangers in the Great Sandy Desert to complete the largest helicopter survey undertaken yet to look for further populations of the mysterious Night Parrot.

Jointly funded by the 10 Deserts Project, the survey operated across 600,000 hectares of country. The Rangers also undertook remote fire training, learning how to manage fire on country through helicopter mounted incendiary machines and using GIS technology to develop fire management plans for country.

Twenty-five people including Rangers, Desert Support Services and the Kimberley Land Council participated in the week-long effort, deploying over 30 remote sensing devices to record pictures and pick up the songs of these elusive birds. Helicopters were used to reach most of these remote areas which are inaccessible by vehicle.

With the exciting recent news of populations of Night Parrots being found on Ngururpa IPA, we are all very confident this recent survey will produce some very positive results. The collaboration of the Great Sandy Desert ranger groups was a huge success and we're all really excited to recover the devices and analyse the data in the new year!



Women's Ranger media training

Women Rangers from across the Kimberley came together in Broome for three days in November to learn about all things media! Sessions focused on different aspects of media including; voice techniques, interview tips, how to use the media to share stories and how to record a short video for social media. Coordinated by the Kimberley Land Council, the training is aimed at giving the rangers the confidence and skills they need to share their amazing work with the world. Deadly work ladies!



Bardi Jawi and Nyul Nyul Rangers hit the water

The ranger teams spent three weeks in the classroom and on the water this year, working towards their Coxswains qualification. More than 15 rangers and community members completed training blocks this year, covering sea survival, risk assessment, flares, safety, pre-start checks, vessel stability, environmental management, rope work and knot tying.

The training is part of a long-term plan to increase Saltwater Ranger Groups' capacity to manage remote sea country, particularly with the pressure of increasing visitor access with the sealing of the Cape Leveque Road. These maritime qualifications open additional career pathways into tourism and maritime operations for rangers and community members. Coxswain qualifications allows operation of a Commercial Vessel.

Congratulations to Yoshi Akune, Preston Cox, Zac Ejai, James Gallagher and Phillip Mitchell who completed

the Grade 1 Coxswains training, it's a great personal achievement for these rangers and something they have been working on for several years. The qualification means they can now run a Ranger Patrol vessel and undertake coastal patrols.

Special shout out also to the ten women rangers who completed the classroom component of the Grade 2 training. It's great to see more women joining in fire and marine operations and they certainly give the men a run for their money!



LAND AND SEA MANAGEMENT UNIT UPDATE

Congratulations to the winners of the first ever Kimberley Ranger Network Achievement Awards!

The Panel of esteemed Judges had a tough time deciding between 21 heart-warming nominations. But the winners were.....

Female Ranger of the Year: Henarlia Rex Bardi Jawi Oorany, for completing her Cert II in Conservation & Land Management, being a reliable worker with a positive attitude whilst juggling being a mother

Male Ranger of the Year: Virgil Cherel, longstanding Gooniyandi ranger, for showing exceptional personal growth and being great role model in his community

And the 4 joint winners of the Leadership Achievement Award were:

1. Jamie Brown for his long history of working for the Paruku rangers, and support for the Kumirrk women rangers team.
2. Luke Russ, Wilinggin, for showing great personal growth stepping up into his new role as Fire and Biodiversity officer, going the extra mile and never stopping learning!
3. Suzie Gilbert: For her influence as a cultural advisor and sharing her extensive knowledge of bush foods and the use of plants to Nyangumarta rangers.
4. Dale Marshall: For being the backbone of the Nyul Nyul rangers, his massive role in keeping the Nyul Nyul machine running and stepping up in the management team!

Thank you to our esteemed Panel of Judges: Jess Bangu, Kevin George and Robin Dann. Their key message was that all nominated rangers deserve recognition of the huge efforts they put into their work on country and their personal and professional growth! Congratulations everyone!



More than 90 students from 11 Ranger Groups from across the Kimberley have completed their Remote First Aid Training

The KLC worked closely with DBCA, AWC, Wunambal Gaambera and Ranger Groups to coordinate a roadshow of six training blocks across the Kimberley, from the Dampier Peninsula down into the Great Sandy Desert and along the Gibb River.

The training provides the students with important skills to perform first aid in remote areas and challenges students to put theory into practice with realistic scenarios... plus lots of fake blood and great acting... (no students were hurt during the training event!) It was deadly to work with so many ranger groups and partners to make this training possible, thank you to everyone involved.



Makeover time at One Arm Point

The nursery at One Arm Point has been in need of a makeover for quite some time. With the help of the Aamba rangers, the Bardi Jawi Oorany Rangers honed their irrigation and green thumb skills to upgrade the nursery reticulation system. The nursery is a key part of the Oorany ranger work plan, and will enable the team to manage and revegetate Monsoon Vine Thickets (MVT) on Bardi country.

To support the nursery work, the rangers are completing a Certificate 2 in Conservation and Land management training. North Regional TAFE visited the ranger base to teach the Nyul Nyul and Bardi Jawi rangers about plant propagation, seed collection and sustainable work practices. The training gives the team scientific and technical skills to manage healthy country and ensure that the vital ecosystems maintain their cultural and ecological value.





KIMBERLEY LAND COUNCIL

DECEMBER 2020 NEWSLETTER



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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.