

NEWSLETTER



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

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••••••• HISTORIC DAY ON COUNTRY





BEST NATIVE TITLE CONFERENCE EVER!

The 2018 National Native Title Conference has been declared the best ever, following a huge week in Broome with more than 800 people in attendance.

Held in the Cable Beach amphitheatre and car park, the location provided a stunning backdrop to what is the key native title event in the country.

Convened by the Kimberley Land Council and AIATSIS, and hosted by Yawuru, the conference coincided with the KLC's 40th anniversary year, enabling the organisation to tell its story to a national audience. **Read more on pages 8 and 9.**



▶ 1993 - 25 years ago

Peace Plan

On 27 July 1993, Aboriginal people representing a coalition of major land councils and legal services across the country presented a "Peace Plan" to the Prime Minister and Cabinet subcommittee concerned with the proposed Commonwealth legislative responses to Mabo.

The eight principles of the plan were based on already well-established Aboriginal political positions and demands. It sought, as its central position, the exercise of the Commonwealth's primary role under its constitutional powers, justice for Aboriginal people as a national commitment.

1998 - KLC turns 20

Our Place, Our People

The KLC hosts a conference called Our Place, Our People, on the issues that face Aboriginal people and the Kimberley region. The conference is facilitated by Patrick Dodson.

Kurijinpi McPhee, Foreword, Our Place Our Future conference, 1998. For two days in July, over 300 people from

different backgrounds met in Broome to talk about "The Kimberley - Our Piace, Our Future" There was much to talk about, including issues from the past and hopes for the future.



these issues in different ways - but it is clear that the things that unite us are far more important than the things that divide us. Importantly, the meeting recognized that we all want economic development in the Kimberley region. But we want development that does not damage the unique society, environment and cultures of the Kimberley. And we want development that provides substantial local economic benefit to all the peoples of the region.

Finally, the meeting expressed a shared vision of partnership between all the residents of the region, devising new ways of working together, living together and sharing the resources of the region in a sustainable manner.

We look forward to developing the spirit of partnership expressed at the Broome meeting and hope that this publication of proceedings will provide a catalyst to that process.



Marboo Ngimbi,

What an incredible first six months of the year. We have already celebrated two native title determinations and an amazing week coconvening the National Native Title Conference in Broome.

I would like to congratulate the Ngurrara people on the Yi-Martuwarra Ngurrara consent determination handed down earlier this year. This determination covers more than 20,000 square kilometres of land and recognises the Ngurrara people as the rightful owners of this country.

Just a month later hundreds of people gathered in Beagle Bay for the Bindunbur and Jabirr Jabirr/ Ngumbarl on country native title determinations. This was a very special day for all those involved and marked the culmination of the first litigated native title claim undertaken by the Kimberley Land Council in the past decade.

In June, the KLC took on one of its biggest projects ever, co-convening the National Native Title Conference in Broome. The conference is one of the largest gatherings of Aboriginal and Torres Strait Islanders in the country and was the biggest conference ever to be held in Broome.

The conference was a huge success, with many attendees saving it was the best National Native Title Conference ever. I was very proud to see the strength of Kimberley Aboriginal culture on show throughout the week, as well as the many strong Kimberley voices advocating for Indigenous rights to land and water.

We now turn our minds to the big KLC 40th anniversary celebration in Ngumpan this September. This will be a very special event and I encourage all KLC members to make the trip to the central Kimberley for a celebration of everything the land council has achieved over the years.

As Chairman of the KLC, I believe getting the message out to our members about what we are doing day in and day out as being very important and core to what we do. The KLC newsletter is a helpful way of finding out information that affects you. We also produce many other newsletters that are targeted at specific claims or areas of the Kimberley to give you more detailed information

The KLC in the early days printed out a small number of newsletters and these newsletters were like gold for our members that didn't read or write, but were looking forward to hearing updates. Family members would read the newsletters out loud to those people so they could keep up with all the latest news.

Nowadays we have the KLC newsletter, with hundreds of copies being sent to PBCs and communities, as well as the KLC facebook page, but we aren't sure how well our message is getting across. I encourage you all to share this newsletter, read it out loud to your community members and show people who have social media our facebook page.

Tell your family and friends that the Kimberley is now 80 per cent native title determined and that we are working hard to have the rest of the Kimberley claimed in the next 20 years.

If you have suggestions about how we can improve the way we tell our story please contact the KLC office on 9194 0100. We always want to know how we can do things better.

I look forward to seeing all you Kimberley mob in September.

Anthony Watson



Historic day on country

Hundreds of people gathered in Beagle Bay for the on country determination of the Bindunbur and Jabirr Jabirr/Ngumbarl native title claims in May.

The historic judgment recognises the Nyul Nyul, Nimanburr and Jabirr Jabirr/Ngumbarl people as the native title holders over a combined area of approximately 12,000 square kilometers on the Middle Dampier Peninsula.

Delivered by Justice North, the determination extends from Willie Creek in the south to Pender Bay and Disaster Bay in the north and includes the Lacepede Islands, the Beagle Bay community, pastoral stations and unallocated crown land.

The judgment brings to an end the first litigated native title claim to occur in the Kimberley in the past 10 years. The Kimberley region of Western Australia is approximately 80 per cent determined as native title land.

Kimberley Land Council Acting Chief Executive Officer Tyronne Garstone said today's native title determination is the culmination of years of hard work and persistence by the Nyul Nyul, Nimanburr and Jabirr Jabirr/Ngumbarl people to have their rights to land recognised at law.

"This is a historic day for the Nyul Nyul, Nimanburr and Jabirr Jabirr/Ngumbarl people, the Traditional Owners of the Middle Dampier Peninsula," Mr Garstone said. "A determination of native title recognises the unbroken and continuing connection to country of the Traditional Owners before sovereignty was declared across Western Australia in 1829.

"Native title gives Traditional Owners a genuine and real say on what happens to and on their land."

The Kimberley Land Council has been the legal representative for the Nyul Nyul, Nimanburr and Jabirr Jabirr/Ngumbarl people throughout the Bindunbur native title claim.

What the Traditional Owners said:

"It was a bit of a struggle but we all came together and have had a good win. We were together in the past, we are together now, and we will be together in the future. We have shown good strength working side-by-side. But we still have more work to do."

 Bindunbur Named Applicant - Damien Manado, Cecilia Churnside, Alec Dann, Betty Dixon, Walter Koster and Phillip McCarthy.



Ngumbarl, Nyul Nyul Traditional Owner and native title holder

Damien Manado, Nimanburr Traditional Owner and native title holder

"In the space of five years we have been recognised and gotten our native title. Now the Dampier Peninsula can be whole. This determination means from Broome to One Arm Point there is native title."

- Damien Manado, Nimanburr Traditional Owner and native title holder

"I think it is important to have native title recognised because as it is now our old people and our ancestors haven't been able to talk up for themselves, but now we have the right to make sure our country is protected. I feel free finally being recognised as a Traditional Owner and respected by the government."

- Henry Augustine, Jabirr Jabirr/Ngumbarl/Nyul Nyul Traditional Owner and native title holder

We have lost a lot of our old people who have advocated and fought very hard to see this day of recognition. Having our native title recognised is a welcome achievement for the Nyul Nyul people. Native title gives us as Traditional Owners a much stronger position at the table to negotiate agreements for our country. Native title for us is a tool to work together and aim to bring prosperity in many ways for our

people. Our apical ancestors' spirits will be with us every step of the way. We owe it to them and our future generations moving forward.

- Mary O'Reeri - Nyul Nyul Traditional Owner and native title holder

What a great result, a vindication to all For some of us it has been a long time coming, the highs and the lows, the expectations have now all come to finition for the Bindunbur and Jabin Jabin/Ngumbarl native title claim groups and people of the Dampier Peninsula in addition to the Yawwu and Kavajami peoples. I'd life to acknowledge all the hard work and thank all the witnesses, Blackshield Lawyers, and, arguably the most successful land council in the country, the Kimberley Land Council. It is incumbent on us now to make this work for all of us, for every group on the peninsula, I say let's not be wasteful of this opportunity but to take the advantage and build a working model which is inclusive, which protects, preserves and grows the true meaning of native title for all in the vegion."

- Frank Parriman - Jabirr Jabirr Traditional Owner and native title holder







Best Native Title Conference ever!

The 2018 National Native Title Conference has been declared the best ever, following a huge week in Broome with more than 800 people in attendance.

Held in the Cable Beach amphitheatre and car park, the location provided a stunning backdrop to what is the key native title event in the country.

Convened by the Kimberley Land Council and AIATSIS, and hosted by Yawuru, the conference coincided with the KLC's 40th anniversary year, enabling the organisation to tell its story to a national audience.

Kimberley Land Council Chairman Anthony Watson said the conference had brought together delegates from all across Australia to discuss key issues in native title and Indigenous land and sea management, as well as the transition from a pre native title to a post native title determination era.

"The National Native Title Conference is an opportunity for all our mob across the country, to get together and talk about our native title rights," Mr Watson said.

"Rights to land, rights to freshwater, rights to saltwater, our cultural rights and our own human rights.

"Events like this conference allow us all to walk this path together, to learn from each other, to share our success and our experience for the benefit of all our people." Kimberley Land Council Acting CEO Tyronne Garstone said the conference was an incredible logistical feat and thanked everyone involved in making the event a reality.

"The KLC is used to staging big meetings. Our AGMs regularly attract hundreds of people. But this conference has been a feat within itself," Mr Garstone said.

"What most people didn't see were the many months of hard work organising this event and the huge task of managing logistics throughout the week.

"There were teams of KLC staff cooking hundreds of serves of food, moving chairs and tables, setting up wifi, serving food, directing cars and camels, taking photos, looking after rubbish and facilities and so much more.

"I am very proud to be at the helm of an organisation with such dedicated employees and members."

KLC Chairman Anthony Watson gives welcome speech at National Native Title Conference, Broome 2018.











KLC calls for Aboriginal Heritage Act rewrite

The Kimberley Land Council has called for a complete overhaul of the Aboriginal Heritage Act, following the commencement of a WA State Government review into the legislation.

KLC Acting CEO Tyronne Garstone says the Act is in dire need of a rewrite and urged the government to start afresh, rather than amending the current Act piecemeal.

"For many years the Kimberley Land Council has been calling on the WA State Government to make real and positive changes to the Aboriginal Heritage Act." Mr Garstone said.

"The current Act, being from a pre-native title and pre-racial discrimination legislation era, is fundamentally flawed and should be repealed and replaced, rather than amended piecemeal.

"The overriding purpose of the legislation should be the protection of Aboriginal sites for the benefit of Aboriginal people. Currently, the Act is primarily directed at processes that provide for damage to and destruction of Aboriginal sites. Applications to damage or destroy Aboriginal sites are almost never rejected."

Mr Garstone says the current Act and the way it is administered is unfairly weighted towards proponents, developers and the community at large, rather than Aboriginal people.

"Aboriginal heritage is living, ongoing, and constantly around us," Mr Garstone said.

"Aboriginal people are the experts on their cultural heritage and what is important to us.

"We urge the State Government to work with us to improve the Aboriginal Heritage Act so it benefits the Aboriginal community first and foremost."

The Kimberley Land Council is calling for key changes, including:

- Any new legislation should require rigorous consultation with and the consent of affected native title holders, consistent with consultation requirements under the Native Title Act.
- Legislation should not permit holders of mining tenements to make applications to alter (damage, destroy, conceal or alter) Aboriginal sites. This should be a matter for resolution between the relevant miner and native title holding group. Currently, the Act provides an inadequate and biased appeals process that enables mining companies to seek a review of decisions but arguably not Aboriginal people.
- All affected native title holders must have the ability to seek a review of decisions under the Act.
- More funding should be committed by the government to enforcement of provisions under the Act and prosecution of offences,

Minister for Aboriginal Affairs Ben Wyatt announced the review into the Aboriginal Heritage Act 1972 in March this year.

According to the government, it aims to have an amended Aboriginal Heritage Act passed by both houses of Parliament by the end of 2020.

State Government raises new Aboriginal advocacy role

Kimberley Land Council Acting CEO Tyronne Garstone has cautiously welcomed a move by the State Government to look into the potential for creating a new advocacy role for Aboriginal people in Western Australia.

Announced by Minister for Aboriginal Affairs Ben Wyatt at the National Native Title Conference, there will be two main roles for the position – advocating for Aboriginal people's interests in government policy and performance, and strengthening government's accountability.

Mr Garstone said in order for the position to have any merit it would need to have real power to influence government policy and legislation.

"We need to be assured that this is not a simple public relations exercise or token gesture by the government," Mr Garstone said.

"For this position to be successful, it must have real ability to influence and advise government to make a difference for Aboriginal people across WA.

"The position must be independent from government and for that to happen it needs to be legislated.

"It is also important that such a position does not undermine the work of Aboriginal advocacy voices and bodies already speaking strongly on Aboriginal issues in WA."

The State Government is seeking input from the public, particularly from Aboriginal people, communities and organisations, prior to making any decisions on the proposal.

Submissions to the State Government discussion paper about the new position will inform a model to be considered by the Government. If approved, legislation will be required to establish the position and provide it with statutory powers.

To read the discussion paper and provide feedback, visit http://www.dpc.wa.gov.au

Submissions close on September 7, 2018.



Images of historic land rights dispute unveiled

The Kimberley Land Council has unveiled a special 40th anniversary exhibition of photographs taken during one of the most influential land rights disputes in Australian history.

The rarely exhibited images depict crucial moments during what is known as the Noonkanbah dispute - a land rights dispute involving an international mining company called AMAX, the Western Australian Government and Kimberley Aboriginal people, which ran from the late 1970s.

The images are the work of former Kimberley Land Council photographer Michael Gallagher.

Kimberley Land Council Acting Chief Executive Officer Tyronne Garstone said the Noonkanbah dispute was a "David and Goliath battle".

"AMAX wanted to drill for oil at a sacred place, but the people decided they'd had enough of mining companies coming onto their land and destroying their sacred sites," Mr Garstone said.

"The people put their position forward, they petitioned the government and when that failed they marched for their rights and blockaded the path to the drill site.

"Many were arrested and carted two hours away to Fitzroy Crossing. AMAX eventually went on to drill for oil and found nothing."

The Kimberley Land Council was formed at Noonkanbah in 1978 and played a key role

in supporting Kimberley Aboriginal people throughout the dispute - a galvanising period in the organisation's 40 year history.

Mr Garstone said what people were fighting for at Noonkanbah, remains the same today - protection of culture and heritage.

"In 1978 when the KLC was formed there was no Mabo decision, there was no native title and there was no apology," he said.

"We have come a long way since 1978, but the fundamentals of what people were fighting for then and what they are fighting for today, remain the same.

"Aboriginal people want to protect our culture, our heritage and our land."

Kimberley Land Council Chairman Anthony Watson remembers the Noonkanbah dispute. His father, Mr John 'Darraga' Watson, took part in the historic Noonkanbah march and was one of the men arrested at the blockade.

While challenges remain for Kimberley Aboriginal people, Mr Watson said 2018 is a time for celebration and reflection on everything the Kimberley Land Council has achieved.



"Since 1978 Kimberley Aboriginal people have been united, speaking with one voice through the Kimberley Land Council," Mr Watson said.

© PHOTOGRAPHS BY MICHAEL GALLAGHER

"Our organisation works at the grassroots, but we aren't afraid to speak loudly and strongly on the national and international stage.

"We will always stand up for our mob, like when the WA Government wanted to close our communities, and we always speak up for our native title and human rights.

"I am proud to be Chairman during this 40th anniversary and look forward to seeing all of the Kimberley mob at our big celebration at Ngumpan later this year.

"Today we are as strong as ever and we will continue walking the long road to justice for Kimberley Aboriginal people."

The Noonkanbah exhibition was displayed during the National Native Title Conference in Broome. The exhibition will also be shown at the KLC 40th anniversary celebrations at Ngumpan in September.



ABORIGINAL ACTIVIST DON MCLEOD LED A CEREMONIAL PROCLAMATION RECLAIM LAND AND REJECTING THE LEGITIMACY OF THE STATE'S ADMINISTRATION OF ABORI AFFAIRS. ATTEMPTS ARE MADE TO PRESENT THE PROCLAMATION TO THE POLICE OFFICHARGE OF THE DRILL SITE. PHOTOGRAPH BY MICHAEL GALLAGHER







Kimberley Traditional Owners establish Martuwarra Fitzroy River Council

Kimberley Traditional Owners have met with State Government representatives in Perth during the first ever gathering of the newly formed Martuwarra Fitzroy River Council.

The Aboriginal body urged government and industry to support the council as the new Traditional Owner representative group for management of the Fitzroy River and its catchment.

In a statement, Traditional Owners called for the implementation of the 2016 Fitzroy River Declaration, immediate design and implementation of a Martuwarra Fitzrov River Catchment Management Plan, and a moratorium on all future water allocations in the Fitzroy River catchment until the plan is in place.

In the Fitzroy Valley, native title has been determined along the length of the Fitzroy River and across the entire catchment area. Traditional Owners also own approximately half of the pastoral leases in the catchment, meaning Aboriginal people are the key group government and industry must work with in relation to management of the river.

This is the first time that so many Traditional Owners hold native title rights across an entire catchment area, setting a precedent for how government and industry engage with Traditional Owners. 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.

Martuwarra Fitzroy River Council member and Nyikina woman Dr Anne Poelina says Traditional Owners want to see culturally and environmentally appropriate development that is sustainable in the long-term.

"We have an obligation globally with climate change and water scarcity to work together to prevent a disaster on this National Heritage Listed Fitzroy River and learn from the lessons of the Murray Darling Basin," Dr Poelina said.

"This is not about stopping development, this is about doing development the right and sustainable way with Traditional Owners at the front and centre of any decision making."





The Martuwarra Fitzroy River Council was established following a meeting of Traditional Owners in Fitzroy Crossing on May 15 and 16, 2018.

The meeting was in response to the WA State Government's proposal to develop a management plan, water allocation plan and a national park along the Fitzroy River concurrently, as well as significant development pressure from industry.

At the meeting Traditional Owners expressed concerns about the proposals, including:

- Any management plan must address the issues that are outlined in the Fitzroy River Declaration.
- The applicability of the current State Government joint management approach on lands already under existing sole Indigenous ownership, control or management.
- The view that all of the river needs protected area status, not just some smalls areas, and that it would be difficult to consider the details of a protected area or national park without first developing a catchment wide management plan.
- The need for government to engage in a consistent and transparent way with all groups.
- That Traditional Owners should not be asked to give away land or cultural sites to anyone for any reason, and that all groups should be involved in any future protected area negotiations as what happens in one part of the river impacts of all of the river.
- Traditional Owners will not accept any water allocation plan that leaves Traditional Owners with leftover water after everyone else has taken out water first.

Traditional Owners collectively raised their concerns about development pressure along the Fitzroy River in November 2016, with the issuing of the landmark Fitzroy River Declaration.

The historic declaration identified eight key steps to protect and manage the Fitzroy River, including a buffer zone for development, a joint position on fracking, development of a Fitzroy River management plan complemented by an Indigenous Protected Area, and a management body for the river.

The establishment of the Martuwarra Fitzroy River Council is the next step in this process. The council includes representation from Prescribed Bodies Corporates and native title applicants along the Fitzroy River.

Read the full statement of the Martuwarra Fitzroy River Council on page 18.





Martuwarra Fitzroy River Council Statement from Combined Meeting of Traditional Owner Groups for the Fitzroy River Catchment

Traditional Owners met in Fitzroy Crossing on the 15th and 16th May 2018 and called for a collaborative catchment scale approach to manage the challenges, risks and opportunities related to northern development.

We have a responsibility as a nation and globally to learn from the Australian Murray Darling Basin story and we can prevent a disaster in the Fitzroy River Catchment and the urgency is now.

Traditional Owners assert the Fitzroy River Declaration (2016) establishes the fundamental principles and philosophy for a cultural and environmental heritage governance model for sustainable river and catchment management. It is a collective response from Traditional Owners to maintain the spiritual, cultural and environmental health of the catchment, providing the basis for a collaborative approach for an inclusive water governance model and catchment management plan.

Traditional Owners call for the following:

- · Recognising that the Principles from the FITZROY RIVER DECLARATION of November 2016 reflect the values and aspirations of Traditional Owner groups across the Fitzroy River Catchment.
- · Recognising that the ultimate decisionmaking responsibility for the land, sea and waters encompassed within the Fitzrov River Catchment resides with the Prescribed Bodies Corporates and Registered Native Title Claimants that are responsible for each of the Native Title Groups in the Fitzroy Catchment.
- The meeting endorses a proposal that the WA State Government legislates for the future management of the Fitzroy River Catchment with legislation that formally recognises that the Fitzroy River is central to the law, culture, traditional practice and responsibilities of the Traditional Owners who are the custodians of the land and waters of the Fitzroy River Catchment.
- That the groups representing native title interests at the meeting agree to establish a Council of Traditional Owner Groups with traditional responsibility for land and waters within the Fitzroy River Catchment and to approach the Commonwealth and WA State Governments to engage with the proposed

- Martuwarra Fitzroy River Council in matters relating to the development of a comprehensive Fitzroy River Catchment Management Plan.
- The meeting calls on the WA State Government to recognise the Martuwarra Fitzroy River Council as the agreed forum for the WA Government, its agencies and other third-party interests to engage with in matters relating to Aboriginal interests in the future planning and management of the Fitzroy River Catchment.
- · The meeting calls on the WA Government to initiate the comprehensive Fitzroy River Catchment Management Planning process in which Aboriginal interests are at the table from the outset and involved in all aspects of future decision making in relation to the future of the Fitzroy River Catchment.
- The meeting requests the Commonwealth and WA State Governments to adequately resource the operations and deliberations of the MFRC to allow it to formulate informed policies and sustainable positions regarding the planning and sustaining of the Fitzroy River Catchment and to enable the Council to obtain the consent of PBCs and Registered Native Title Claimant Groups for the adoption of the Management Plan.
- That a Moratorium be placed on all future Water Allocations in the Fitzroy River Catchment until a Martuwarra Fitzroy River Catchment Management Plan is completed and implemented.
- The meeting recognises that the KLC as the Native Title Representative Body has a role in supporting the deliberations of the Native Title Traditional Owner Groups in the Fitzroy River Catchment and that the KLC should be resourced appropriately to fulfil their responsibilities as the Representative Body in supporting the MFRC and the development of the Martuwarra Catchment Plan.

At the May 15 and 16 meeting, the establishment of the Martuwarra Fitzroy River Council was endorsed by representatives from Traditional Owner groups of the Fitzroy River Catchment, from the Fitzroy River's headwaters in the northern Kimberley ranges to the river mouth near Derby. These groups include: Wilinggin, Kija, Bunuba, Gooniyandi, Walmajarri, Nyikina Mangala and Warrwa.



First ever women's ranger camp a huge success

More than 40 women rangers experienced an incredible week on Karajarri country for the inaugural Kimberley Women's Ranger Camp.

Staged by the Kimberley Land Council, the weeklong camp included a range of activities, from bush medicine to chainsaws, vegetation surveys, vehicle recovery and looking at social enterprise models.

One of the highlights of the week was the camp oven cook off. The Bunuba Dawangarii Women Rangers took out top spot with their fresh beef spare ribs and goanna cooked on the coals!

The KLC sees huge value in supporting the development of women rangers to strengthen the Kimberley Ranger Network overall.

The importance of women rangers has also been highlighted nationally in a newly released report called Strong Women on Country. The full report can be accessed by visiting https://www.countryneedspeople.org.au/strong_women_on_country

The Kimberley Land Council would like to acknowledge all the women who travelled from far and wide to attend as well as all the local organisations who helped support the KLC to stage the event.

















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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.



