



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

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## Celebrating law, language and culture at combined AGMs

Land, law, language and culture will be celebrated at the combined AGMs of the Kimberley's three peak Aboriginal organisations on September 23-25.

The event is hosted by the Kimberley Land Council, Kimberley Law and Culture Centre and the Kimberley Language Resource Centre and brings together all Kimberley Aboriginal people to share stories, discuss important issues and decide the vision and priorities for the year ahead.

This year is going to be action packed with features including KALACC's Walalakoo Wirriya Festival, 30th anniversary celebrations for the Language Centre and elections for the KLC and Language Centre board of directors.



# Looking back on the KLC



## 2004 - 10 YEARS AGO

### Wanjina Wungurr Wilinggin native title determination

The Wanjina Wungurr Wilinggin native title claim was determined on August 27, 2004. The on-country determination was held at Mt Barnett and recognised the rights and interests of the Narrogin people across 60,150 sq km – an area the size of Tasmania.

KLC CEO Wayne Bergmann said determination of the Wilinggin native title claim highlighted Kimberley Aboriginal people's strong and continuing connection to country.

"This is a strong recognition of people's native title rights under Australian law," he said at the determination.

"This recognition is a great outcome for the Wanjina Wungurr Wilinggin Traditional Owners and for the KLC. The Court clearly accepted that these peoples make up a united cultural bloc."

The Wilinggin native title claim was the first of the three Wanjina Wungurr claims to be progressed and paved the way for the determination of the neighbouring Wanjina Wungurr Unguu and the Wanjina Wungurr Dambimangari claims.



## 2009 - 5 YEARS AGO

### Dugong tagging

The Bardi Jawi Rangers tagged four dugongs with satellite trackers in their most successful round of research.

The second round of dugong tagging for the year was held at Beagle Bay. The Bardi Jawi Rangers are the leading experts on dugong tagging and research in the Kimberley. As a team they decide on research location and work together to spot, capture and tag the animal with a satellite tag.

The rangers then use the satellite tracker to continually monitor the dugong and record its movement and feeding patterns, breeding areas and water depth. The information collected will form part of a research document that hopes to discover more details about the shy dugong, so it can be better protected into the future.



# Message from the Chairman



It's that time of year when we come together from across the Kimberley to attend the KLC Annual General Meeting, celebrate our achievements and catch up with old friends.

This year's AGM is being held in the Jarlmadangah Burru community on the lower Fitzroy Valley. It's a fitting location as it lies within the Nyikina Mangala claim, which after more than 18 years was finally determined on May 29 this year. This was a big win for the Nyikina Mangala people, the KLC and all Kimberley Traditional Owners, as native title forms part of our core business and underpins all of the work we do.

Today about 70 per cent of the Kimberley is determined native title land. Native title provides all parties with certainty and this is an advantage for governments and third parties, in that native title clearly identifies who the landowners are, making it easier to work with Traditional Owners on access, governance, development and research projects and land and sea management. Native title needs to be viewed, not as an inconvenience but as a tool to enable positive social and economic development opportunities for Aboriginal people and all Australians. Native title also provides our people with a range of opportunities and we need to use our rights and interests to manage our country, create jobs and sustainable businesses for our communities.

The role of the KLC is also starting to change as more native title is determined in the Kimberley and PBCs are set up to manage native title rights and interests. As we make the transition from the pre-determination phase into the post-determination environment, much of our time is dedicated to

assisting PBCs. Although we have limited funds to assist PBCs, we continue to provide a range of services including setting up and registering PBCs, developing governance structures, providing administrative support, skill enhancement, strategic business development and training and legal and financial support.

Building the capacity of PBCs to operate as efficient and sustainable businesses is the key to realising the aspirations of our people to build a strong future for the next generation. It is important that we get this right. The KLC will continue to work with Traditional Owners to achieve native title outcomes and is committed to assisting native title holders utilise their native title rights and interests to create opportunities, improve socioeconomic conditions and strengthen cultural connection.

The KLC would not be the strong organisation it is, without the vision and leadership of its directors and support of its members. I would like to thank our directors for their ongoing guidance, determination and foresight. The two-year term of the current board of directors ends at our AGM and I would like to thank them all for their hard work and wish them the best of luck in their future endeavours.

**FRANK DAVEY**





# WA Aboriginal Heritage Act needs to be scrapped

The Kimberley Land Council says the State Government needs to scrap the WA Aboriginal Heritage Act and start again.

Nolan Hunter, CEO of the KLC, says the State Government has failed in its attempt to fix the Aboriginal Heritage Act because proposed new legislation completely disregards Aboriginal people and their right to care for their cultural heritage.

to make all decisions about our Aboriginal cultural heritage. Aboriginal involvement needs to be built into the law because that's the only way we can make sure the State Government includes us."

Mr Hunter says the KLC has met with State Government representatives since the proposed legislative changes were released two months ago and has written a submission on the changes, for which the cut-off date was in early August.

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**"The Act should protect and preserve our cultural heritage for Aboriginal people. Instead it denies Aboriginal people any involvement and gives supreme decision-making power to a single government bureaucrat."**

– Nolan Hunter, KLC CEO

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"Proposed State Government changes will make the Aboriginal Heritage Act even worse by further entrenching a flawed approach and detrimentally affecting Aboriginal cultural heritage," he says.

"The Act should protect and preserve cultural heritage for Aboriginal people. Instead, it denies Aboriginal people of any involvement and gives supreme decision-making power to a single government bureaucrat.

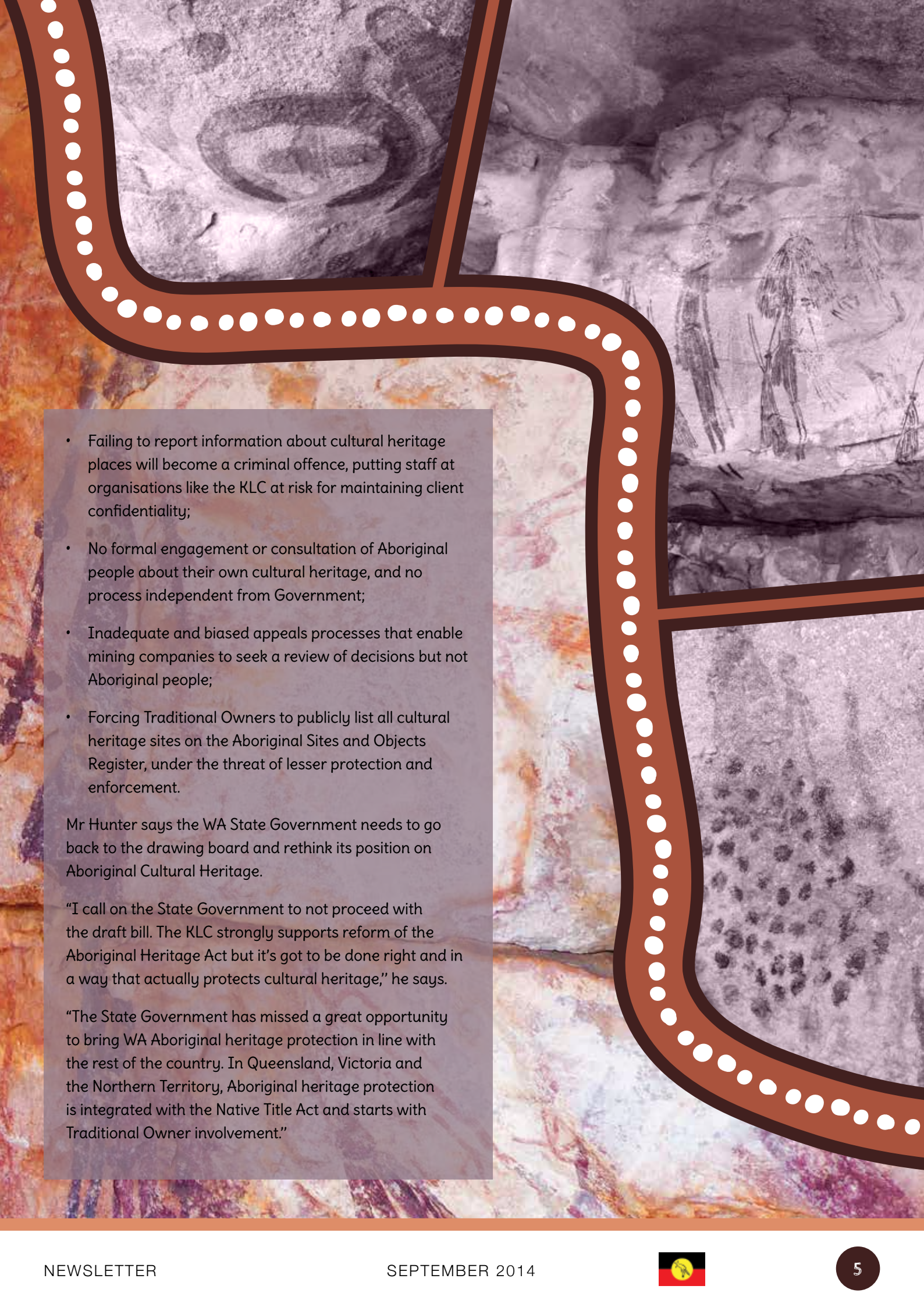
"It is outrageous that one person and a government bureaucrat at that will have ultimate responsibility

"The State keeps trying to reassure us that our concerns will be addressed in the regulations that enforce the legislation. Our cultural heritage is too important for us to take that leap of faith; we want our concerns addressed in the law," he says.

The KLC's main concerns include:

- The ultimate decision-making powers of the Department of Aboriginal Affairs CEO in regard to the importance and protection of Aboriginal cultural heritage, subject only to regulations which are being kept secret;



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- Failing to report information about cultural heritage places will become a criminal offence, putting staff at organisations like the KLC at risk for maintaining client confidentiality;
  - No formal engagement or consultation of Aboriginal people about their own cultural heritage, and no process independent from Government;
  - Inadequate and biased appeals processes that enable mining companies to seek a review of decisions but not Aboriginal people;
  - Forcing Traditional Owners to publicly list all cultural heritage sites on the Aboriginal Sites and Objects Register, under the threat of lesser protection and enforcement.

Mr Hunter says the WA State Government needs to go back to the drawing board and rethink its position on Aboriginal Cultural Heritage.

"I call on the State Government to not proceed with the draft bill. The KLC strongly supports reform of the Aboriginal Heritage Act but it's got to be done right and in a way that actually protects cultural heritage," he says.

"The State Government has missed a great opportunity to bring WA Aboriginal heritage protection in line with the rest of the country. In Queensland, Victoria and the Northern Territory, Aboriginal heritage protection is integrated with the Native Title Act and starts with Traditional Owner involvement."



# Gouldian Finch numbers increase

Dampier Peninsula rangers have found three small breeding populations of the rare and endangered Gouldian Finch.

The Bardi Jawi and Nyul Nyul rangers have been working in partnership with Environs Kimberley and WWF-Australia to track Gouldian Finch nests within eucalypt woodlands and monitor juvenile birds.

Gouldian Finch populations have only been uncovered in recent years but recent research is showing there to be a small but growing population of the rare species on the Dampier Peninsula.

Destruction of the Gouldian Finch's habitat by wildfire poses the biggest threat to the rare species which needs healthy savannah woodland with hollowed, old gum trees and healthy grasslands to survive.

Mr George said traditional Indigenous management of the savannah woodlands was one of the key reasons why the Gouldian Finch is still found there.

Dr Steve Reynolds from Environs Kimberley agreed when he said: "The fact that the finches are breeding on Bardi Jawi country and Nyul Nyul country, indicates that good healthy savannah woodland still exists here."

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**Gouldian Finches are medium-sized, grass eating birds that live in the tropical savannah woodlands of northern Australia. Their numbers have dramatically reduced and the species is listed as being endangered with less than 2,500 adult finches through to remain in the wild. The biggest threat to the Gouldian Finch is destructive wildfires which reduce the amount of grass seed available.**

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Senior Bardi Jawi cultural ranger Kevin George said he suspected the Gouldian Finch had always been there but through being able to work as a ranger and spend more time on country conducting biodiversity research, this has been able to be confirmed.

"In the 1960s people used to walk around a lot and had more eyes on the ground; most people from this time would say they had seen them around," he said.

"In these places where we have seen the finch there has not been much disturbance, but it is also important to communicate with local people living on nearby outstations to understand impacts, in particular the effect of fire."

Dr Alexander Watson from WWF-Australia said ongoing management by Traditional Owners and rangers was vitally important.

"The fantastic savannah fire management program that both ranger groups have been undertaking is likely to benefit the Gouldian Finch as well as other fire-sensitive species on the Peninsula," he said.

The Bardi Jawi and Nyul Nyul rangers are facilitated by the Kimberley Land Council and are two of 13 ranger groups within the Kimberley Ranger Network working to address threats to and protect the natural and cultural values of the region.





Photo supplied by WWF



# Changes to carbon legislation will force TOs out of carbon market

Proposed changes to the Carbon Farming Initiative will lock Aboriginal people out of the carbon market and destroy any opportunities for job and business creation in remote communities.

North Kimberley Traditional Owners are already expecting to lose millions of dollars in potential future revenue through the sale of carbon credits, after the repeal of the carbon tax in July. Aboriginal people will also be the hardest hit if changes to the Carbon Farming Initiative are passed by the Senate with projects like the successful North Kimberley Fire Abatement Project becoming unviable and obsolete.

KLC CEO Nolan Hunter said that under the legislation a reverse auction, where carbon credits are sold at the lowest price, would make it unviable for Indigenous carbon projects to participate.

"We can't compete against big businesses and industry that can afford to drop their price. For us, it just won't be viable and we will not be able to participate. This model penalises small businesses and doesn't take into account the social, environmental and cultural co-benefits that Indigenous carbon projects provide," he said.

"Our only other option would be to try and sell our credits on the voluntary market through negotiating a

deal with a private company. But the new legislation that is being proposed limits projects to only getting carbon credits for seven years, which is ridiculous. What business can succeed with a seven-year life span?"

Mr Hunter said other regulations under proposed changes to the Carbon Farming Initiative such as prohibiting organisations that receive government funding from being able to participate in the Emissions Reduction Fund, would spell the end of Aboriginal involvement in the carbon market.

"North Kimberley groups have worked so hard across the past six years to develop and register carbon businesses. All this work will go to waste if the changes come in," he said.

"Aboriginal people viewed the carbon economy as the next big thing. It was a way for our people to do something for themselves; to get off welfare and generate an income and create jobs.

"I call on the new Senate to think twice about passing proposed changes to the Carbon Farming Initiative and to consider the impacts this will have on small carbon businesses and the future of Aboriginal people in northern Australia."





North Kimberley Traditional Owner Vincent Bear from the Wilinggin tribe said participating in the carbon market was integral to his people's vision to live on, and make a living off their country.

"As a Traditional Owner from the bush, what I want is for the government to help us go back to our country so we are able to live there along with everyone else. The carbon business was one step to help us reach that dream," he said.

"Prime Minister Abbot shouldn't take the carbon business away from us; we've got enough problems as it is trying to make ends meet and deal with social problems. Tony Abbot was meant to be there for us, but it looks like he's not. That's wrong; he should be there for all Australians."





# Kimberley Healthy Country Forum

Kimberley rangers, cultural advisers, land and sea managers and KLC staff discussed ideas, issues and challenges at the Healthy Country Forum in the central Kimberley.

More than 100 people attended the three-day forum which was held at Biridu on Bunuba country from August 26-28 and hosted by Dylan and Keith Andrews.

The forum provided a chance for Kimberley land and sea managers to collaborate on a range of issues and set the strategic direction for the management of Kimberley country on a regional scale.

Workshops and breakout sessions were held to discuss joint management of national parks and marine

reserves, regional monitoring and evaluation, visitor management, fire management and the carbon economy, feral animal management and fee-for-service and enterprise development.

Balanggarra Indigenous Protected Area Coordinator and Traditional Owner Cissy Gore-Birch said the forum fostered discussions on regional planning and working together as one.

"It was about taking into consideration a number of issues and looking at it from a holistic approach, so it's not just about land management but talking about the social and economic side of things and looking at how, as Traditional Owners we can manage country but also evolve to look at the health and wellbeing of our people as well," she said.





"The forum was really interesting and it catered for a number of people including IPA coordinators and Traditional Owners going through the negotiation process for joint management as well as the rangers that attended and explaining career pathways.

"I think it's really important we go out and listen to stories from each of the different areas and are able to showcase what we have achieved and what we have all been through."

informed about what was happening not just in their area, but right across the Kimberley.

"It's really important our people fully understand what's happening with native title, with business development, joint management, different processes and partnership development. This is for our future generations and we need to make sure we can understand these processes and do it right so our people benefit," she said.

**"The forum was about taking into consideration a number of issues and looking at it from a holistic approach, so it's not just about land management but talking about the social and economic side of things and looking at how, as Traditional Owners we can manage country but also evolve to look at the health and wellbeing of our people."** – Cissy Gore-Birch, Balangarra IPA Coordinator and Traditional Owner

A focal point of the forum was the professional development of rangers and the creation of career pathways in which rangers can make the transition from being a casual employee into a leadership and management position such as head ranger or coordinator. Ms Gore-Birch said the forum was important because it was one of the key ways to keep Traditional Owners

"I'm already looking forward to next year's forum, where we are going to have it, getting more people involved and having more activities. It's a growing event and we're always looking at positive feedback so we can improve the Healthy Country Forum and look at the different issues of the day so we can make sure our people are informed."





# Election time for new KLC Directors

The KLC's board of directors is elected for a two-year term and works to set the vision of the organisation, direct priorities, provide guidance and assist to achieve the aspirations of Kimberley Aboriginal people.

The term of the 2012-2014 board has come to an end and elections will be held to vote in new directors at the KLC's Annual General Meeting at Jarlmadangah Buru community on Wednesday, September 23.

KLC CEO Nolan Hunter said he would like to congratulate all the directors on their commitment, dedication and support.

"Some of our directors have been with the KLC since the very beginning, while many others have grown up with the KLC forming part of their family," he said. "This is pretty special and I would like to thank all our directors for supporting the KLC for all these years. You are what make our organisation so strong and successful and I hope to see many of you return as a director for another term."

"Our directors are involved in an array of jobs and often help provide guidance and expert advice at native title meetings, attend board meetings, provide leadership to our younger members, share cultural knowledge with our Kimberley rangers and work to assist our staff to deliver the best service possible," Mr Hunter said.

The KLC board as of September 2014 was made up of 21 directors and five special advisers.



**CEO - Nolan Hunter**



**DCEO - Frank Parriman**



**Irene Davey**



**Joe Brown**



**Joe Davey**



**John Watson**



**Wayne Bergmann**



**Albert Cox**



**Anthony Watson**



**Bonnie Edwards**





**Francis Djiagween**



**Frank Davey**



**Frankie McCarthy**



**Kathy O'Reeri**



**Lennie Hopiga**



**Marty Stevens**



**Merle Carter**



**Mervyn Street**



**Patsy Bedford**



**Pearl Gordon**



**Shirley Purdie**



**Tom Birch**



**Percy Bulgardie**



**Serena Samuel**



**Tom Lawford**



**Yvonne Birrell**

## It's AGM time ...

Land, law, language and culture will be celebrated at the combined AGMs of the Kimberley's three peak Aboriginal organisations. More than 500 people are expected to attend the annual event hosted by the Kimberley Land Council, the Kimberley Law and Culture Centre and the Kimberley Language Resource Centre at Jarlmandangah Burru community from September 23-25.

This year is shaping-up to be action packed with KALACC's Walalakoo Wirriya Festival being held simultaneously along with 30th anniversary celebrations for the Kimberley Language Resource Centre. It is also an election year for the KLC and Language Centre and the members of both organisations will be called upon to elect directors to form the board for the next two years.

During the festival there will be an array of cultural activities including art workshops, boab nut carving, mural painting, hunting and gathering, cooking, spear-making, bush craft and knowledge, women's workshops, ranger expo and nightly cultural performances and dancing. A number of special guests will be present at the event including a group of 15 Mutitjulu people from the Central Desert, philanthropists and invited guests.



# Managing National Heritage Listing values

Kimberley Aboriginal people are one mob, connected through their culture, country and stories as highlighted in the National Heritage Listing Management Framework.

In order to effectively manage the National Heritage Listing values of the west Kimberley on a regional scale, the senior leadership group has developed a list of recommendations to ensure their protection.

The framework aligns with the key recommendations Traditional Owners made during the National Heritage Listing assessment process and include:

- Traditional Owner involvement in all aspects of NHL value management;
- Management of NHL values should occur through existing programs like the Kimberley Ranger Network and Indigenous Protected Area program;
- Decision making needs to align with culturally appropriate governance.

The key recommendations were endorsed by representatives from Kimberley native title groups and the Kimberley Aboriginal Law and Culture Centre at a meeting of the senior leadership group in Broome in September.

The Framework links National Heritage Listing values to Kimberley Healthy Country management plans which cover more than 88% of the listing area. Aligning management of National Heritage Listing values with Kimberley ranger work-plans ensure the recommendations are achieved and the values are protected for future generations.

The KLC plans to work with Kimberley Ranger Network groups to provide information on the framework and the National Heritage Listing values on their country.

At the same time, the KLC will meet with members of the senior leadership group and Traditional Owners to record stories for the National Heritage Listing database project. The NHL database will allow Traditional Owners to access information on the Indigenous values of the listing and pass them on to the next generations.





# KLC new building update

In September the KLC hosted a tour of its new office complex in Broome with special guests from funding provider the Indigenous Land Corporation.

The ILC have generously provided significant funding for the project and through undertaking the tour, they were able to see first-hand where the money was being spent.

The building's roof is almost complete along with most of the internal, downstairs walls. The electrical

and communications cabling is well underway as is the plumbing and ducting work required for the air conditioning.

In the next few months the roof will be finalised and the external wall cladding and linings will be completed.

Construction is expected to be finished in March 2015. This will be followed by another month for fit-out and furniture installation and we are hoping staff will be able to move into the new building by the end of April.







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.

