



Ambooriny Burru Foundation Newsletter

February, 2017



The big companies are getting away with blue murder

This is an extract from an interview with Sandy Dann on Goolarri Radio Broome prior to the state election

I think we need to reaffirm our cultural identity. This year's (already) been a big year for our Kimberley mob. There's a lot younger people coming back and following their grass roots cultural connections. They've had a big mob of ceremonies with kids going through law at Jarlmadangah, One Arm Point, Fitzroy and Balgo. You have law and culture happening everywhere. And it's still going on. I feel refreshed, with a lot of energy.

This decade has got to be the decade of Indigenous economic independence. The real hallmarks of First Nation's people have to be asserting our private property rights and having the Australian legal system recognise our property rights. When we wake up in the morning, we don't wake up and say, "Oh let's get more government funding." We want to be proud, and independent. We want our land to look after us, as well as we look after it. It's the basis of generating our well-being. And whether that's through making a balance with economic development or protecting areas, that's our right to self-determination. We determine what we can live with.

The challenge now, is determining what should and shouldn't happen on country.

www.instagram.com/kredenterprises



[One of the issues we're facing at the moment], is that the WA state government does not guarantee that mining companies or developers employ regional people—white or black. We are seeing our small businesses in Broome and throughout the Kimberley being swamped by outside companies coming in to build major infrastructure.

With the Aboriginal population in this region sitting at around fifty percent, I would expect to see a minimum of fifty percent Aboriginal contracts and employment. But if we don't shake this tree, our mob will miss out. And what happens, when those [outside] workers get paid? They go back to their homes, spend money in their own communities. We need to make sure that money lands in the pockets of local people to build the economy of our own region. That's what I mean when I say this needs to be the decade of Indigenous economic development.

I'm currently preparing a letter to go to the Prime Minister about minimum national standards. When I chaired the COAG Indigenous Expert Working Group, I saw the variation between agreements [with companies], from Western Australia, to the Northern Territory, to the New South Wales coast and Queensland. I saw a shameful variation in agreements. You cannot negotiate with people who have no information, or no idea about good standards. Companies are coming in with all the knowledge and are striking deals so low that it's not possible for people to pull themselves out of social dependency, out of government dependency, out of welfare.

Why am I saying this?

Because as a nation, we're paying for it as tax payers. If mining companies don't do proper deals and don't have proper social impacts at the front end, then government pays at the back-end through fixing up social dysfunction because none of us have jobs. This is not just a blackfella issue: this is a national issue. Every citizen in Australia should be saying, let's get this right, let's create national standards where companies have to pay their fair share. These deals have to be done for us to get economic freedom, to become economically independent of government.

I'm not anti-mining, but I am anti-people taking advantage of Traditional Owners. At the moment, I don't think the balance is right.

I think some companies are getting away with blue murder.



Report from the Chairmen on Nipper Tabagee Scholarships

Gordon Marshall, Chairman of the Ambooriny Burru Foundation

When assessing potential recipients for our Nipper Tabagee Scholarships, we consider a range of factors. We give priority to members of the Ambooriny Burru Foundation and also to young people with a genuine need, who may not be able to afford what they are applying for otherwise. We also don't like to double up on resources. For example, if a young person applies for a computer, but their brothers and sisters have computers, we think that these resources should be shared. By awarding Nipper Tabagee Scholarships from our sharing bucket (made up of the income earned by KRED), we're hoping that our young people can become stronger, more sure of themselves and can feel confident about saying 'no' if they are peer pressured into bad or dangerous activities. We want our Kimberley kids to be able to have new experiences, to grow from these experiences, and to bring their new knowledge back home to their communities.

Peter Murray, Chairman of KRED Enterprises

The Nipper Tabagee Scholarships are important to build the capacity of our youth because our young people are where it all starts. If our young people have a good education, if they're able to achieve their aspirations, then this means we have the foundation to build strong communities and we can also strengthen our membership groups. The flow-on effect of a good education is a will to work. I would like to see our Kimberley young people with access to sound employment and with the skills and opportunities to take on any job they choose. Our youth are our future. Delivering Nipper Tabagee Scholarships is part of creating economic sustainability for our communities, PBCs and the wider region.



It's been a big year already, with law business going on in One Arm Point, Jarlmadangah, Balgo and Fitzroy.



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Nipper Tabagee Scholarship Recipient: Raquell Bin Rashid

Raquell Bin Rashid has been chased by sharks while spear fishing. He's a record-breaking school athlete. He knows all the keyboard cheats. A Karajarri, Nimanburr, Bardi and Yawuru man, Raquell has received a scholarship to attend the prestigious Christ Church Grammar in Perth—and he starts year 8 in a couple of weeks! It's a big move, Broome to Perth, but Raquell's keen for the experience. In an essay explaining why, he writes,

"I am a positive young boy who likes to take on new challenges and give it my best shot. I am very passionate about my sports, especially basketball and football ... I would like to be a leader and a good role model, especially for my people here in the Kimberley. I'm very keen to learn about other cultures and places. I want to learn to be independent from my family and to make them proud," Raquell writes.

It's no small thing, scoring a scholarship to Christ Church. The acceptance process is rigorous, nerve-wracking, demanding not only interviews of potential students, but also interviews of parents. Still, the Grammar has a strong record of supporting other Aboriginal kids from Broome.

"My cousin Brodie Albert, and my Uncle, Jerry Ansey, also went to Christ Church. They spoke really highly of the school," Raquell says.

While he won't get to spear any Bluebone or Spanish Flag down in Perth, there will be plenty of study, footy, basketball, and maybe even a few trips to Timezone!

"I want to follow my dreams to become an AFL player, or maybe a mechanic," Raquell says.



Nipper Tabagee Scholarship Recipient: Mark Riches

Meet Mark Riches, a basketball star, a rock star, and our latest Nipper Tabagee Scholarship recipient. Mark's the keyboard player in The Struggling Kings, an alternative rock band originally started by his brothers.

"My brothers have been making music for a few years now and they've always tried to get me involved. At first I played guitar, but I gave up, I never really had the desire," Mark says. Then he discovered the keyboard. The keyboard's an instrument he does feel passionate about.

"I definitely prefer it to any other instrument. I really wanted to work on my skills, so I've been doing a Certificate II in Music through the Abmusic Aboriginal Corporation in Perth."

Mark used a Nipper Tabagee Scholarship to set himself up with a new keyboard, an amp and a keyboard stand, which has helped him with his studies. It's also meant he's now fully equipped to tour. In September this year, The Struggling Kings played gigs at Derby, Cape Leveque, One Arm Point and Cygnet Bay.

"It was my first proper experience of playing music in front of a crowd. I had about six weeks to learn 20 songs. And it was awesome! The first gig in Derby was really rowdy!" Mark says.

A Karajarri and Bardi Jawi man, Mark has lived in One Arm Point, Perth, Melbourne and New York. He won a scholarship to play college basketball in the US, which resulted in a fast-paced few years, travelling to Pennsylvania and North Carolina in addition to the games in New York. He broke freshman records in his first year at college; he was a leading player in scoring and steals.

These days, he's based back in Perth.

"I miss basketball a lot. I play in the WA State League but I do miss playing in America. It's not quite the same. That said, basketball has taught me what commitment really means. And for now, I've switched my focus to music. While it might be a struggle at times, I've been working hard at getting better!"

Nipper Tabagee Scholarship Recipient: Attika Edgar



KRED Enterprises awarded Attika Edgar a Nipper Tabagee Scholarship to assist her with travel to Italy to pursue her studies. Attika's currently undertaking an Associate Degree in Business Administration (Indigenous Studies) through the Australian Catholic University. As part of the course, students have the option of studying international business and international marketing over an intensive ten day block in Rome—a city famous for its architecture, fashion and food.

While thrilled by all of these things, it was the nature of the family structure that really struck Attika.

"I learnt that Indigenous people and Italian people are really similar in some ways. We have a similar family structure and we have very closely knit families. Business stays in the family."

Overseas travel, or cultural exchanges, often makes us look at things in a different way. As Seneca famously wrote, "Travel and change of place impart new vigour to the mind." This was certainly the case for Attika.

"It made me want to work harder to create a stronger family unit, even from an economic perspective. Following the trip, I want to make things better for my children and Indigenous people as a whole," Attika says.

We pay Traditional Owners super !



Have you done any work for KRED or EHSIS over the last year?? Have you been out on a heritage survey?? If so, we wanted to make sure that you know this: We pay all Traditional Owners 9.5% superannuation on top of any TO fees. We currently pay this to Australian Super, in an account in your name, unless you have given us separate details. If you want to ask us any questions about this, please get in touch with our gorgeous ladies in the office !!

State and federal rhetoric on Indigenous economic development

With the election of the new state Labor Party, we're looking forward to working with them on the adoption of the Aboriginal procurement policy for local content, which will result in Indigenous employment and contracting. On a Commonwealth level, however, there's still some work to be done, particularly with regards to the Native Title Act (NTA). The NTA is currently failing, because its 'future act' provisions leave Indigenous groups dependent on the goodwill of mining companies. The result is that many agreements negotiated under the NTA fail to generate significant economic opportunities for their Indigenous groups.

The potential of the 'future act' provisions can only be realised if Impact and Benefit Agreements are negotiated for all major projects on native title land and there is a level of consistency in their content. Unfortunately there are currently no consistent benchmarks for native title agreement making. Where mining companies act with good will and when native title holders are supported by effective regional organisations, outcomes are positive. Where these conditions do not apply, the opportunities for Indigenous economic independence created by native title are often lost and therefore Indigenous communities then seek government assistance.

The Kimberley Agriculture and Pastoral Company



Commonly asked questions

What's happening with KAPCO?

We're in the process of securing Myroodah/Lulugui from the Indigenous Land Corporation. This will then become the fourth station in KAPCO, along with Bohemia Downs, Frazier Downs and Mt Anderson. We're hoping all of the details of the divestment will be finalised by April.

Where does the money that's earned by KAPCO go?

For the first four years, all profits earned by KAPCO will go back into improving the infrastructure on the stations and paying back loans. Our long-term vision is to create jobs for our people on country.

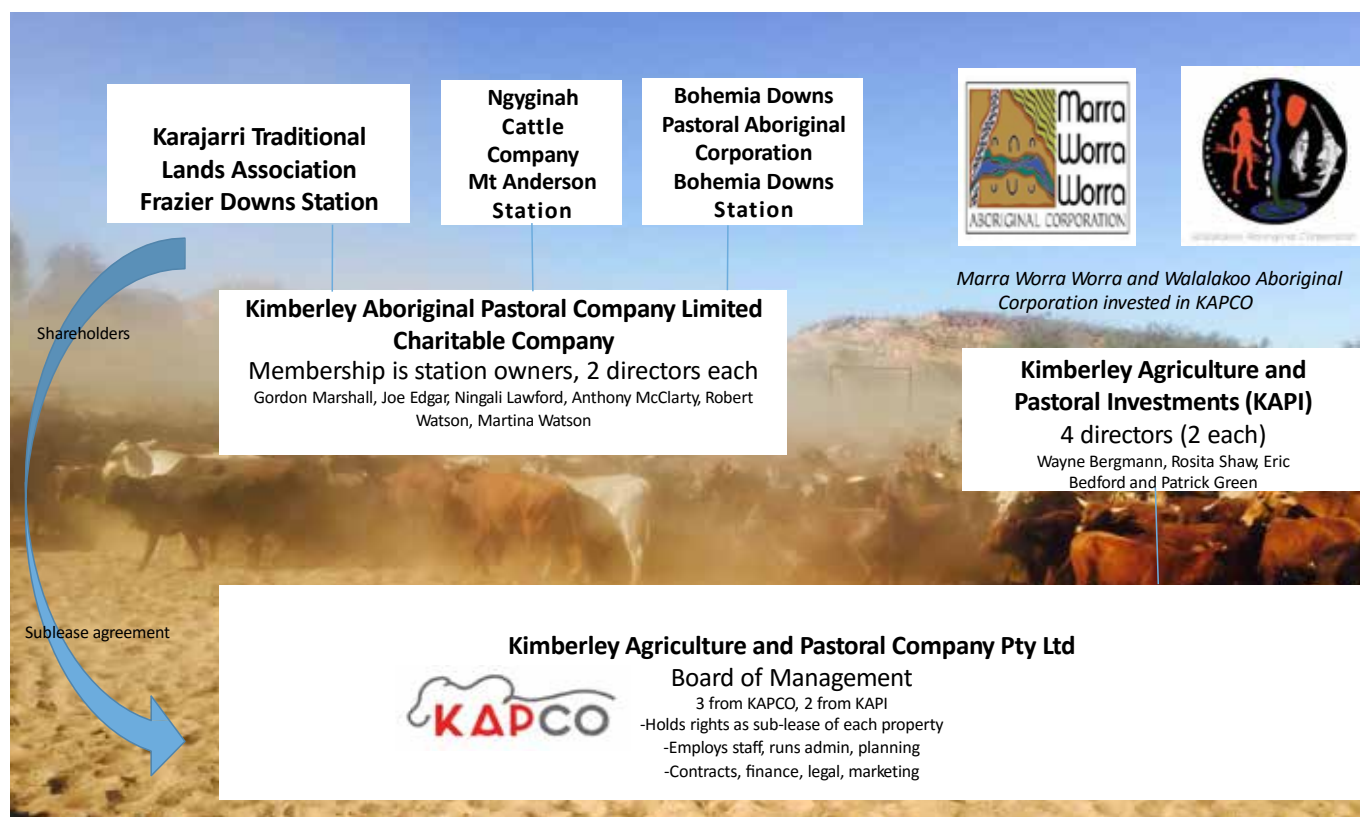
How is KRED involved?

KRED will play an ongoing role in supporting KAPCO by providing any strategic or business advice.

Who owns KAPCO?

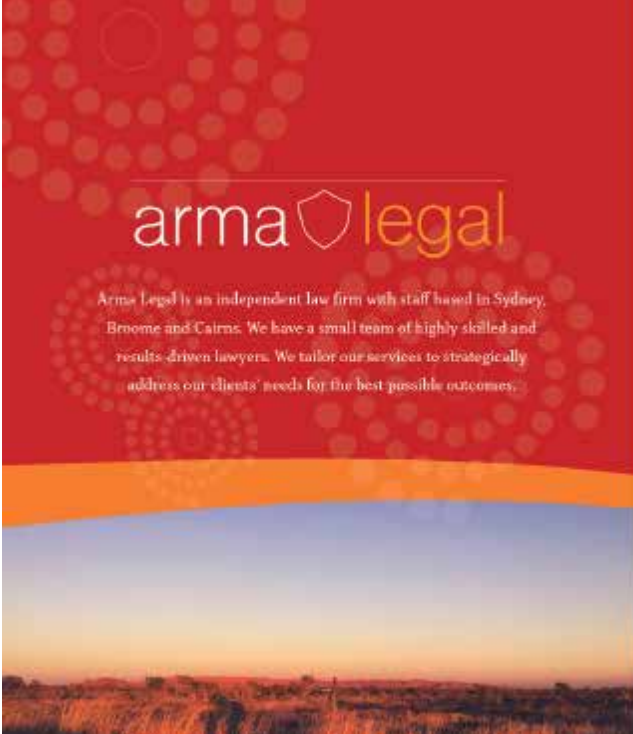
KAPCO is 100% owned by Traditional Owners: Karajarri Traditional Lands Association, Ngyginah Cattle Company and Bohemia Downs Pastoral Aboriginal Corporation. KRED doesn't own KAPCO, these three Traditional Owner groups do.

What does the structure look like?





KRED has rebranded our legal company 'KRED Legal' to 'Arma Legal'. This is because we're now working with clients outside the Kimberley and we're hoping to expand our services. Check out our new website! www.armaclegal.com.au.



arma legal

Arma Legal is an independent law firm with staff based in Sydney, Broome and Cairns. We have a small team of highly skilled and results-driven lawyers. We tailor our services to strategically address our clients' needs for the best possible outcomes.

Our lawyers have been involved in the negotiation of a number of significant agreements between Traditional Owners and resource companies, including negotiating some of the strongest heritage protection agreements in Australia. Arma Legal's executive team members were native title party representatives in the multi-billion dollar negotiations for the Browse Basin Agreements between Woodside, the State Government and Traditional Owners in the Kimberley region of Western Australia.

METHOD

We appreciate that all solutions need to be uniquely tailored to suit each particular client. There is not always a 'one-size fits all' approach. Our staff are client focused and we use innovative thinking to secure the best legal outcomes for the parties we represent. We harness opportunities and new developments in information technology to keep our overheads low, our pricing structure flexible and our practice dynamic.


AREAS OF PRACTICE

- Contracts and negotiations
- Commercial law
- Corporate law
- Civil law
- Employment law
- Wills and estate planning
- Debt recovery
- Native title
- Dispute resolutions
- Environment and planning

OUR LAWYERS



Zoe Ramsay has over 17 years pre and post-admission experience in commercial negotiation and litigation. Zoe was the Kimberley Land Council's senior commercial lawyer in negotiations for the proposed LNG Hub at James Price Point. Since 2010, she's worked predominantly in the commercial and enterprise development, native title and corporate governance sectors.



Hayley Haas is an experienced legal practitioner in complex commercial dispute resolution. She brings human rights advocacy and capacity building experience to her role at Arma Legal, having advised several international human rights organisations with consultative status to the Economic and Social Council of the United Nations.



Megan Highfold is a proud Kokatha woman who has worked as an Indigenous land rights solicitor for the Central Land Council, focusing on negotiating and drafting commercial contracts and Indigenous land use agreements.



Katie O'Rourke has worked extensively in Native Title, environmental law, heritage law, Indigenous governance and community engagement. She has a broad background in statutory regulation and administrative policy co-ordination, community based project design and development and implementation of heritage policy.



Lesley Sutton is a specialist in Corporate and Commercial law, having been a partner in a large commercial law firm for more than 15 years. Her experience covers the full range of commercial contracts including major project agreements, procurement, services and supply contracts, alliance and collaboration agreements and ICT contracts.

CONTACT

We have staff in Broome, Sydney and Cairns. For all enquiries please contact our Broome office.

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YANUNIJARRA ABORIGINAL CORPORATION icn 7478



Ngurrara's now running our own rangers!

Joint press release from the Kimberley Land Council and Yanunijarra Aboriginal Corporation

Kimberley Land Council and Yanunijarra Aboriginal Corporation (YAC) are pleased to announce a new partnership that will see YAC take on the management of its highly successful Indigenous Ranger Program.

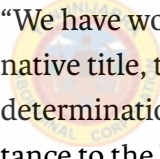

The new contracting arrangement means that rather than the Kimberley Land Council managing and employing the Ngurrara rangers, this will now be done by YAC as it continues on its journey to independence. YAC is the Prescribed Body Corporate (PBC) for the Ngurrara native title determinations.

KLC Deputy Chief Executive Officer Tyronne Garstone said the contract arrangement highlights the work KLC has been undertaking to build capacity in PBCs to manage business and take control of their futures.

He said the handover will occur in a staged process to ensure a smooth transition and the Ngurrara rangers will continue as strong members of the Kimberley Ranger Network.

"The KLC is very pleased to be supporting YAC to transition to full management of the Ngurrara ranger team," Mr Garstone said.

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“We have worked with the Ngurrara people for over two decades, from prior to the recognition of native title, to the Ngurrara people’s native title claims that were first made in 1996, to their consent determination in 2007, setting up the fantastic Ngurrara rangers and continuing to provide assistance to the YAC PBC.

“Now we are seeing YAC take on the responsibility of the ranger program, which highlights the professionalism and capacity of the corporation to manage its operations and shape its future.

“This is an exciting time for the KLC as we work to build the capacity of PBCs across the Kimberley.”

YAC CEO Peter Murray has an intricate understanding of the complexities of managing a ranger program, having worked as a ranger, ranger coordinator, Indigenous Protected Area coordinator and now the CEO of an Aboriginal corporation.

YAC Chairperson Marmingee Hand said the transition of the ranger operations will fulfil the vision of the old people to take control of their future and look after country.

“The rangers will now be working for the PBC, showcasing what we do,” Marmingee said. “We are embedding our cultural ways with western ideals and transferring our cultural knowledge.

“We look forward to continuing our strong relationship with the KLC and supporting one another.”

Elder Amy Nugget works as a cultural adviser, accompanying the Ngurrara rangers on country and assisting with traditional knowledge.

“It is very important working on country and caring for the jilas in the desert,” Amy said.

“I am really pleased with how well the rangers are working and I am so happy that in the future I would like to return to my homelands to continue this important work on country.”





Is Ngurrara's water safe to drink?

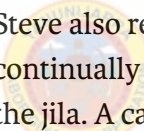

Our old people knew that the taste of water in the desert changes, depending on the time of year. They knew that jumu fill and flood in the wet, then disappear in the dry. They knew that jila don't disappear, but that the water level sometimes fluctuates.

These observations are part of our traditional ecological knowledge, or TEK, and they've now been corroborated by an important scientific study.

Steve Bolton, a Senior Hydrogeologist with Rockwater Pty Ltd, has been working closely with Yanunijarra Aboriginal Corporation to gather information for an academic thesis. Steve's thesis explores the relationship and connectivity between our culturally significant water sites and presents findings on whether the water from jila and jumu is safe to drink.

All up, Steve worked with Ngurrara Rangers and Traditional Owners for two years, starting in early December 2014. The start date was significant—Steve wanted to make sure his test result data captured the lowest seasonal water fluctuation, before the wet season really kicked into gear. Water was tested for major ions, nutrients and metals at five significant places: Wili, Kurnajarti, Puluwala, Lumpu Lumpu and Lake Pirnini. Monitoring bores were also installed at Wili, Puluwala and Lumpu Lumpu, with the other water testing trips happening in May 2015, December 2015 and March 2016.

Based on the results of these tests, Steve found that our jila and jumu are good to drink for most of the year. The only time of the year when the water doesn't meet the Australian Drinking Water Guidelines for human consumption, is after a long, hot dry, when a lot of water evaporates. At this time, dissolved ions in the water become concentrated, giving the water a salty taste. Concentrations of dissolved metals and nutrients that naturally occur in the water may also become concentrated and exceed health guidelines. Traditionally, we tasted water to determine its quality, and a strange salty taste meant the water was no good to drink.



Steve also recommended capping the artesian bore at Puluwala Jila. At the moment, the water continually flowing from the bore and evaporating, will eventually cause an increase in salinity at the jila. A cap would allow for the natural groundwater flow system to be restored.

The other aspect of Steve's research, was to create hydrogeological models to understand the connectivity between our significant water sites. Steve found that due to faults in the rocks beneath the earth, our groundwater is often split up, or divided. From this information, it's possible to conclude that there's not a lot of connectivity between the different jila in the study.

Steve's study is the first documentation of the variations in water levels and salinity of our cultural water assets over a set period of time. This is important for us, as we now have a benchmark to measure any impacts from mining, tourism or pastoral activities on our jila and jumu. We have a western study, that complements our traditional knowledge, which we can use for effective management and monitoring of our water. It's significant that our jila tap one of the largest groundwater resources in Western Australia—The Canning Basin. Ngurrara country extends across the Basin, which holds a whopping 12 million gigalitres of water.

We'd like to thank Steve Bolton for his time and efforts on Ngurrara Country. His study is an important tool for us to understand water in a Western sense so that we can look after Ngurrara country in the decades to come!





Opinion: Peter Murray on addressing youth crime

Last week, we heard that there were growing calls from the community for a bush-based detention centre in the Kimberley. While I believe this would be better than the current situation (with Kimberley children flown to detention in Perth), I don't think it addresses the underlying issues.

Many of our children are driven to commit crimes because of dysfunctional home lives and boredom. During the long, wet season school holidays, there aren't a lot of activities in Kimberley towns, especially for kids in secondary school.

I think it's too simple to assume that if kids have a strong grounding in law and culture, they will commit fewer crimes. Having just finished law business around Fitzroy Crossing, I have seen children with the perception that because they are now considered 'men', they no longer have to attend school. Some local families also encourage this perception.

Addressing issues of youth crime really needs to start with families, and if families are dysfunctional, other organisations need to step in. We have the infrastructure—both from Aboriginal-run and government-run organisations. Many of these organisations even have a specific mandate to support children and families to live healthy lives. But unfortunately, it's been my experience that they do not always work effectively, or work together.

I think it's achievable, I think we can turn around this trend toward crime in our communities. But I don't think any one organisation can do it alone. An issue of this complexity requires a whole community response. The funding is there. The facilities and the services are there. What we must find now is the will to work together.



*If you'd like to hear more stories from Yanunijarra Aboriginal Corporation,
please check out our Facebook page and our website, www.yanunijarra.com.
We're based at 2/12 Flynn Drive, Fitzroy Crossing, WA, and our postal address is
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www.yanunuijarra.org.au + facebook.com/yanunijarra

KARAJARRI TRADITIONAL LANDS ASSOCIATION icn 3333



Funding in the bag!

KTLA has been successful in attaining a project grant from the Western Australian Government through the State NRM Program Community Action Grants 2016-17. The project is called Karajarri Integrated Coastal Management and will look to increase the ecological knowledge of the intertidal reef, mangrove, seagrass and savannah woodland systems by building capacity of rangers to undertake baseline (and ongoing) ecological monitoring. In addition it will implement tourism management strategies such as car park and trail infrastructure and educational signage to help mitigate the effects of increased tourism pressure. Together these management strategies will increase the amenity of the area for public use while maintaining the integrity of the ecological, cultural and social values.



Turtle monitoring

By Wynston Shovellor-Sesar and Janine Shovellor. During the last month, the rangers teamed up with the Nyangumarta Rangers to monitor Flat Back Turtles on 80 Mile Beach. The rangers broke up into two groups. One group went on early morning patrols and the other group patrolled at night. Combing the southern and northern sections of the beach's six kilometre transact, the rangers searched for fresh turtle tracks. By the design of the tracks, we were able to identify whether they were Flat Backs or a different kind of turtle. We also used cybertracker technology to record the location and condition of the turtles' nests. This helps our research about the turtles' movements and growth. Additionally, the Department of Parks and Wildlife has collected blood samples to help with their research, so they can gather information about the turtles' gender. This isn't all ... Karajarri and Nyangumarta Rangers were also based at Anna Plains for three weeks. We monitored bilbies, trapped cats and conducted a marine debris survey.



In other news ...



Meet Melanie from Dallas Texas ... originally from the Marshall Islands. She's going to be working with Karajarri as a volunteer for the next three months. Make sure you give her a big Kimberley welcome !!



Here, our rangers are undergoing language, literacy and numeracy training ahead of a presentation on Port Smith.



The ranger base is currently under construction. Here is a photo of rangers fencing off around the Karajarri ranger base. (From left: Bayo, Wynston and EB)

Make sure you check out our new website !



www.karajarri.org + facebook.com/karajarri