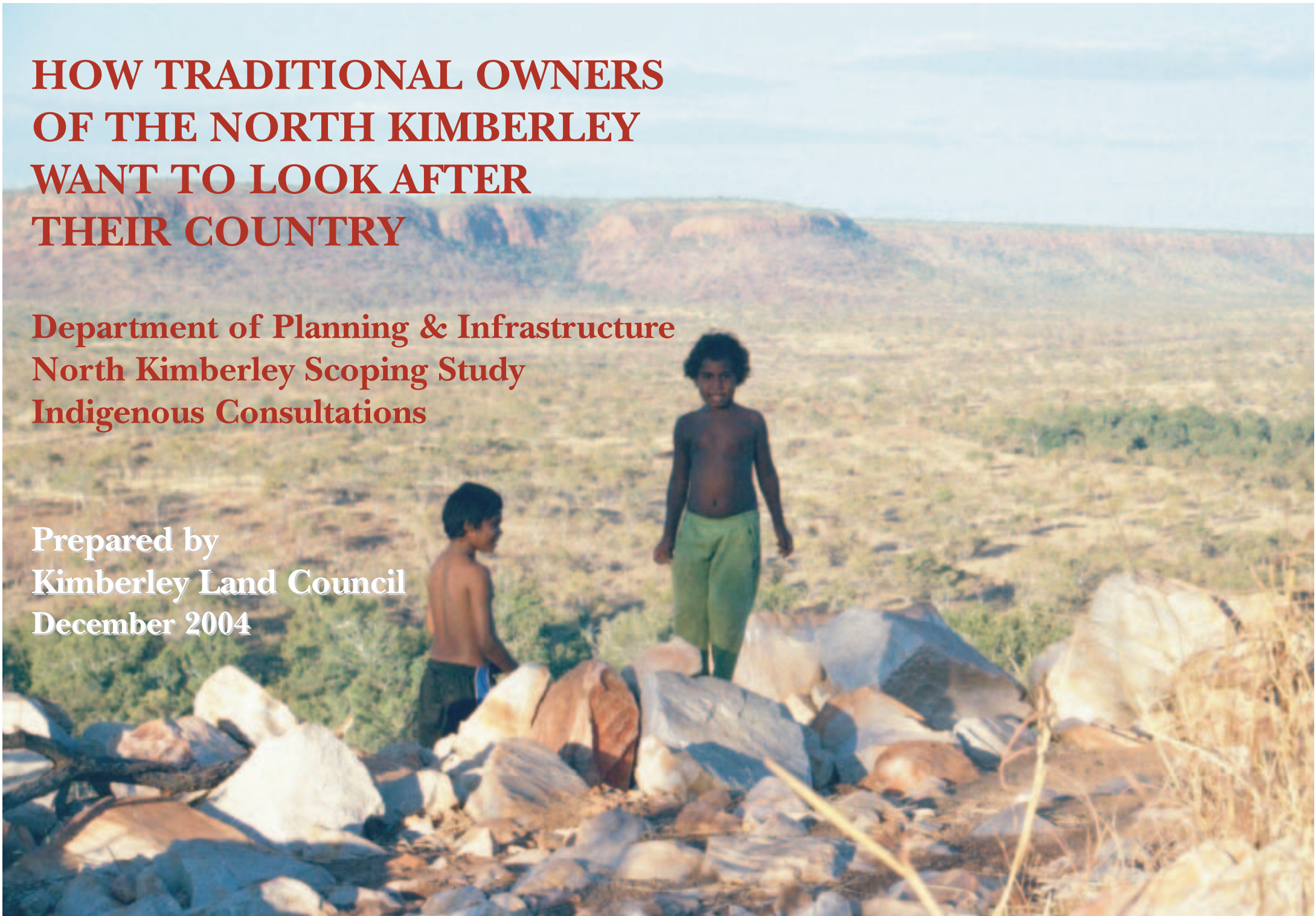


HOW TRADITIONAL OWNERS OF THE NORTH KIMBERLEY WANT TO LOOK AFTER THEIR COUNTRY

Department of Planning & Infrastructure
North Kimberley Scoping Study
Indigenous Consultations

Prepared by
Kimberley Land Council
December 2004



Winjagin (Mt Hann) in the Wiltinggin Native Title determination area



young Ngarinyin dancers at WWW judgement assisted by Heather Wungudin.



Section 1

The Project

There are many resource use and management issues that are affecting the North Kimberley region. The State Government Department of Planning and Infrastructure (DPI), together with the Kimberley Development Commission; the Shires of Wyndham East Kimberley and Derby West Kimberley; and the community, is preparing a briefing paper to talk about the most important resource and planning issues of the North Kimberley . They will also make planning recommendations for the future development and management of the region.

The briefing paper will talk about the different mobs with interests in the North Kimberley, their ideas for business on country and different ways to look after and protect it. It will also talk about how all the different mobs can work together to manage and look after the North Kimberley.

The area referred to as the North Kimberley region is shown in the map. That area will be called the study area in this report.

Scope of this report

This report is the result of talking with many of the Traditional Owners of the North Kimberley. It sets out their ideas for using and looking after their country and any worries they have for the future management and use of their country. This report will be given to DPI and they will include this information from Traditional Owners into the Briefing Paper about the preparation of the North Kimberley strategic plan for future development and management of the region.

How this report was prepared (methodology)

The study area includes permanent and semi permanent Aboriginal communities right along the Gibb River road, north of the Gibb River road, off the Kalumburru Road and on the coast. They are:

Imintji (Mt House station)
Pantijan station (dry season only)
Winjingayre (Napier station-dry season only)
Mejerrin (dry season only)
Munja (dry season only)
Kupungarri (Mt Barnett station)
Dodnun (Mt Elizabeth station)
Ngallangunda (Gibb River station)
Marunbabidi (Prap Prap)
Kandiwal (Ngauwudu-Mitchell Plateau)
Kalumburu

Oombulgurri
Mowanjum
Yalun (Cone Bay)
Winyuduwa

It also includes the two Kimberley towns of Derby and Wyndham where some of the Traditional Owners for the study area live.

A big field trip was organised by the KLC Land and Sea Unit Manager, Ari Gorring, KLC project officer Athlea Sullivan and field officer Neil Buckle, between the 17th July and the 26th July 2003.



Meetings and talking about the planning process and issues happened at many Aboriginal communities:

Mowanjum
Munja/Pantijan
Imintji
Kupungarri (Mt Barnett)
Dodnun (Mt Elizabeth)
Ngallangunda (Gibb River)
Kalumburu
Oombulgurri
Wyndham

Kupungarri community meeting



Aaron, Simon, Goonack, Sylvester and Mervyn



In Kalumburu and Oombulgurri the consultations were only possible with a small number of people. The consultation process continued during 2004 with follow up meetings in Oombulgarri and Kalumburu. A meeting was not possible with the Marunbabidi community during the study period. Follow up information meetings during April 2004 consulted with traditional owners from Marunbabidi.

Consultations also took place with Traditional Owners during projects organised for other purposes: like the Munja and Pantijan 'back to country' field trip with Ngarinyin Traditional Owners organised from Mowanjum in August 2003. Approximately 90 people including children were on that trip.

The views and thoughts of the Wunambal Gambera mob about land use and management have been gathered for a long time during negotiations with CALM for the Joint Management of the Mitchell Plateau, and other negotiations with *kartias* (white fellas) wanting to use areas of their traditional country. Their views are incorporated into this report through a case study (appendix 2) which outlines the success of the Wunambal Gambera mob in negotiating with *kartias* about the use and management of their country.

The views of the Dambimangari mob were given at a meetings in Mowanjum and are incorporated into this report.

Some information was also drawn from the other reports about North Kimberley country.

North Kimberley's Traditional Owners Land and Sea Management Report [March 2000]

Fish of the Fitzroy River final Report [December 2002]

The Impact of Tourism on the Gibb River Road; *a community perspective*

Some of the participants from the Wyndham meeting. From left: Neil, Athlea, Donald Campbell, Kathy Oreeri, Mary Oreeri, Noni Oreeri, Jeffrey Dutchie.



Iminj Community meeting



Ngauwudu Management Plan [January 2001]

Before the field trip started the staff of the KLC, Ari Gorrington and Athlea Sullivan, met with Amanda Stainthorpe from DPI. Together they prepared information to give to Traditional Owners about the process, and questions to ask that would help people think about the land use and management issues important to them - both as residents in the Kimberley communities and as Traditional Owners or native title holders of the land.

The questions used for the consultations are at Appendix 1. Native Title claim maps and topographical maps showing the study area were used to assist the consultation meetings.

During early 2004 follow up meetings were held in Derby, Kalumburu, Oombulgarri and Wyndham to check that what is written in the report was what people said during the consultations. Some changes and additions were made to the report in August 2004.

Section 2

Why this project is important

“Our Law never changes but the kartiya (white fellas) law changes to suit themselves. It is hard to follow sometimes. It seems like the Native Title Act is about how to get land and sea from Aboriginal people and not to recognise our rights and ownership. These are some of the worries for our future. We want to see all our people living on our country again, with our young people following our Law and culture and earning a living not trying to live on CDEP”. (Dambimangari consultations)

Over the last 10 -15 years more and more *kartia* are wanting to use the country or waters of the North Kimberley eg mining companies, pearlers, tourists, commercial fishing. The pressure is increasing. This project is very important for North Kimberley Traditional Owners to ensure all the planning for using and developing the country, and managing the resources on the country, will include their legal and cultural interests and ideas, and protect and keep them strong into the future for their generations to follow.

“We live her because we love our country.” (Ngallangunda consultations)

Communities within the study area

Traditional Owners and the claimants of the native title applications in

the study area live mostly on or close to their country in the permanent communities listed above. The growth of these communities and development of smaller dry season outstations is the result of Traditional Owners desire to get back to country, to look after the country and to teach their kids and grandkids about the country and their culture.

In the years following World War II and in particular after the Equal Wage Case, many Aboriginal people were moved into country towns. This caused many problems including overcrowding and pressure on the community resources. Aboriginal people became concerned that the influences of town living were starting to destroy their culture.

The desire of Aboriginal people to move back to their traditional lands with their families and relations became very strong in the early 1980's. This started the outstation movement, which demanded government action and support. The Aboriginal Living Area Programme was started so that Aboriginal people could apply for land, mainly for residential purposes, if they could show traditional or cultural association with the land.

Most of the communities within the study area came about under this programme.

A quote from the Royal Commission into Aboriginal Deaths in Custody provides a clear statement on these issues which is still relevant today.

Road to Munja/Pantijan via Mt Elizabeth



Road to Pantijan from m the Calder River



“Aboriginal people are united in their view that land, whether under the banner of land rights or not, is the key to their cultural and economic survival as a people....it was the dispossession and removal of Aboriginal people from their land which has had the most profound impact on Aboriginal society and continues to determine the economic and cultural well-being of Aboriginal people to such a significant degree as to directly relate to the rate of arrest and detention of Aboriginal people.”

(Chapter 19, Land Needs, pg 467)

Pantijan:

Pantijan on the Sale River 400km northeast of Derby. The AAPA Archives (acc.993,121/26:f75) report that Worrora and Ngarinyin people were camping on the Sale River and at the area now called Pantijan community before the pastoral era and then moved into stock camps connected to the station.

In 1972 pastoral lease was purchased by the Commonwealth and it became a major stock and horse training station for many young Worrora and Ngarinyin people. It was used as a dry out camp for people with alcohol problems.

Pantijan now has permanent housing and infrastructure. However, it is the least accessible of all the communities and is a rough 12 hour drive from Derby which is impassable during the wet.

It is considered, by senior Traditional Owners, as an important place for cultural heritage education due to the large numbers of Wanjinna painting and other significant sites in the area.

Mejerrin:

Mejerrin is approximately 420 km northeast of Derby. It is a part time community several hours along the rough track towards Pantijan and Munja. A bough shed has been built at Mejerrin and Traditional Owners would like to build up the community as a permanent living area.

Munja:

Munja sits on the edge of the Walcott Inlet. It is situated 16 hours drive north east of Derby and is totally inaccessible 5 or more months of the year.

It has a long history as an Aboriginal living area. It operated as a Government depot from 1926 to 1949 when big mobs of Ngarinyin people lived there. Although the government ran this place, most people were living on or near to their own traditional country.

Some time later it was started up again by Traditional Owners as a part time community. In the 1990s a bush fire destroyed the community's tin huts and plant and equipment. It has been very difficult to rebuild due to the difficulty of access and resources, although each dry season people from Dodnun, Mowanjum, Mejerrin and Ngallangunda make the journey to Munja. Two years ago, people were distressed to find that the bore and radio transmitter replaced after the fire, had been stolen.

Munja is an Aboriginal Reserve however, unregulated tourist operators take tourists to Munja each dry season to fish for baramundi and visit Wanjina painting sites. There is no agreement with Traditional Owners about access to this area.



View of Walcott Inlet



Traditional Owners from left: Heather Umbagai, Janet Oobagooma, Victor Barunga, Roger Burgu, Fredmund Oobagooma, company representative and KLC Anthropologist during Heritage survey on Koolan Island.

Senior Traditional Owner for the Iminji community Jack Dale, giving evidence about his country in the Wanjina Wunggurr Wiltinggin native title claim



Consultation meeting with Traditional Owners in Kupungarri Community"



Winjingayre:

Winjingayre is a small seasonal community living area 150km northeast of Derby. Formally excised from the Napier Downs pastoral lease in 1990. The area was a traditional camping area for Unggumi and Ngarinyin people, particularly after the Munja Government station closed down in 1949.

Imintji:

Imintji is 220km northeast of Derby on the Gibb River Road. This community was established around 1984 on an area excised from the Mt House pastoral lease. The first residents camped under tarpaulins at Saddlers Springs, the wet season ceremony camp, until they were able to build shelters where Imintji is today.

Today there are 13 houses in Imintji. A bus takes children from Imintji to school at Kupungarri.

Kupungarri:

Kupungarri community is situated on Mt Barnett pastoral lease 305 km northeast of Derby. The Kupungarri community has owned the pastoral lease since 1990.

The Barnett pastoral lease was established as an outstation of Mt House station in 1903. This means that Ngarinyin people have both historical and traditional connections with the Kupungarri area and surrounds. The traditional owners and residents of Kupungarri often visit and travel along the Gibb River Road to their relations living at Mowanjumb, Imintji, Dodnun and Ngallangunda. They also meet regularly away from their communities for hunting or fishing on their country.

Kupungarri community also owns and maintains a busy tourist and community roadhouse. They control access and manage a camping area at the popular tourist attraction of Manning Gorge. There is an important Wanjina at the gorge and several others close to the community which the Traditional Owners must look after under their traditional Law.

Dodnun:

Dodnun is 350km north-west of Derby and is an excision, 1 mile by 1 mile, from Mt Elizabeth station. It was started up in the 1980's by Traditional Owners who had been working on Mt Elizabeth station and were pushing, for a long time, to have a community away from the station house. They started living in tents for several years at the place where Dodnun is today.

Some of the people who live at Dodnun have worked for the Lacey mob on Mt Elizabeth for 3 generations and continue today, to work on the station and to live at the community. There is regular movement and visits between people from Dodnun and their relations in Mowanjum, Imintji, Kupungarri and Ngallangunda.

Ngallangunda:

Ngallangunda community is 400km northeast of Derby on the Gibb River station.

The community owns the pastoral lease which was bought by ATSIC for the Traditional Owners around 1979 and later transferred to Ngallangunda. The first ten houses were built around 1982. Many of the people who live at Ngallangunda have worked there for the previ-



Ngallangunda community from the air

The waterhole at Marunbabidi



Temporary sign into the Maranbabidi community



ous leasees, the Russ family, who started the station in 1922. The community grew from the former workers camp.

There are 13 houses at the community today. Most of the able residents continue to do cattle work for the station side of things. . There is regular movement between the mob and Ngallanguna and their relations in Derby, Imintji, Kupungarri, and Dodnun and sometimes Maranbabidi.

Maranbabidi:

Maranbabidi is 600km north east of Derby. It sits on a permanent water hole on the King Edward River. It is an excision, 1 mile by 1 mile, from Doogan pastoral lease.

In the late 1980s an Aboriginal reserve was granted over crown land for the establishment of a more permanently occupied community. Before this, the area was a traditional camping area.

Access becomes hard in the wet due to the closure of the Gibb River Road, however it is a large and busy community in the dry season. Some people do stay in this community through the wet.

It is now the site of a cultural tourism enterprise run by the Traditional Owners known as the Bush University. Non Aboriginal people are taken by senior Traditional Owner's to camp in the bush and learn about their country, bushtucker and traditional practices. The Traditional Owner's have been running this business now for over 10 years.

The Pastoralist has required a highly restrictive agreement for access over 9km of the pastoral lease into the community. The Traditional Owners are hoping the outcome of their native title claim will clarify the issue of access to their community, traditional country and sites.



Balangarra country looking from Wyndham up the Cambridge gulf to the Forrest River

Oombulgurri:

The Oombulgurri community is situated in the Forrest River Reserve close to the Forrest River

The Angilcan church tried to start up a Mission in 1897 but according to the Reverend Gribble's book; *Forty Years with the Aborigines*, that attempt was abandoned due to 'an affray with the natives'.

The Reverend Gribble had another try and he managed the mission from 1914 to 1926, although the mission continued until 1968 under

several changes of management. In 1934, complaints about the lack of proper management of the mission led the Chief Protector of Aborigines to start pushing for more Government control and regulation of the mission.

In 1965 the Native Welfare Department decided that the mission should close down and relocate to Wyndham. Many of the Aboriginal residents did not want to move to Wyndham but the isolation of Forrest River made it difficult for them to stay without the mission.

The area around the Forrest River Mission site is called 'Oombulgurri'. In 1970 the Oombulgurri committee was set up by senior Traditional Owners who had lived at the mission and wanted to return to Forrest River to start up a community. This was achieved with the assistance of the Uniting Church and a joint State Commonwealth committee set up to re-establish service and staff and to resolve the ongoing water supply problems. This had been achieved by 1982.

Kalumburu:

The Kalumburu community is situated in the most northern portion of the Northwest Kimberley. The early community was run and administered by the Benedictine Mission which was established in 1936.

Around 1969 there was talk that some of the Aboriginal residents wanted to breakaway from the mission and become an independent group. During the 1970's part of the community were unhappy about how much control the mission exercised over people. Two senior Balanggarra Traditional Owners led the community movement to gain greater control and established their own Community Council.

In 1981 the responsibility for Kalumburu was transferred from New Norcia to the Diocese of Broome. The Benedictines finally withdrew from the administration of Kalumburu around 1982, however, negotiations commenced between the Bishop, Government Departments and the community about an exchange of land at Kalumburu.

The Kalumburu Council was incorporated in 1982, but the proposed exchange of land has still not happened and the community Council do not have a formal land title over the land where they live.

The Kalumburu Community Council is made up of Balanggarra,

Wunambal and Gaambera Traditional Owners who live at Kalumburu and other people living there who have a historical connection to area.

Kandiwol:

This community was granted tenure as part of the State Government Living area programme sometime after 1991. It is situated on an area called Ngauwudu (Mitchell Plateau) and is very close to Punamii-unpuu (Mitchell Falls). It's the traditional country of the Wunambal mob.

The Kandiwol Traditional Owners, have always said that they own all the lands on and around Ngauwudu and originally wanted to have the whole area made into an Aboriginal reserve vested in the ALT and leased back to them.

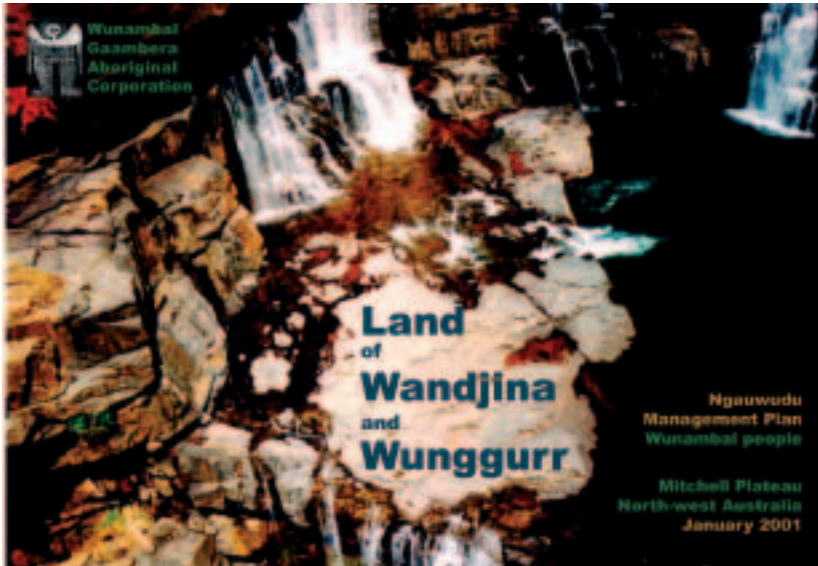
Around 1986 the community started negotiating with the Government and the Mitchell Plateau Bauxite Joint Venturers. It was agreed that three areas would be leased exclusively to Kandiwol. The Kandiwol community is on one of those areas called Oongowlin, and it is surrounded by a buffer zone to protect the community from the effects of any proposed mining.

National Parks have been proposed in the region for many years. Traditional Owners have strongly said that they want to negotiate with CALM for the management of country. They want to control the tourists from coming to their country and to Punamii-unpuu. They are concerned to keep the falls safe for the Wungurr (dreamtime spirit) snakes that live in the deep pools of the falls, and to make sure tourists and visitors respected Wunambal Law.

In January 2001, the Traditional Owners developed their own manage-

ment plan for the Ngauwudu (Mitchell Plateau) area to help them negotiate with CALM and the miners for recognition as the Traditional Owners and Joint Management. Those negotiations are still going on. See appendix 2 “a case study for Wunambal Gaambera” and the map on the following page.

Front cover of management plan



Kandiwoi community at signing of agreement with tourist operator on Ngauwudu (Mitchell Plateau).



Yalun:

Yalun is a community in Cone Bay on the Yampi Peninsular. It was started up in late 1983 to get people back on country. People lived in the open initially using canvas for shade. Water was carted from a nearby spring to the camp on the beach. There were no houses there until the 1990s. Today there are 5 houses.

Mowanjum:

The Mowanjum community is situated 10km from Derby on the Gibb River road. The residents mainly Worrora, Wunambal and Ngarinyin, and their parents and grandparents began their journey to Mowanjum from Munja and Kunmunya. When Munja Government station was closed down many people went to Kunmunya Mission and Mt House Station. When Kunmunya closed down in 1951 people moved to Wotjulum mission and then onto the old Mowanjum site and again they were moved from there to the current site of Mowanjum today.

With each move people became more dislocated from their traditional country. While Wotjulum had problems of isolation, education, training and employment, the move to Old Mowanjum, at the time caused much concern because it was in alien country. *“They would be far away from their caves, the spiritual homes of their ancestors, far away from the dwelling places of the Wandjina.”* (McKenzie, 1969)

At the time of this move a pastoral lease was purchased just out of Derby. The Mowanjum Community Council still holds this lease and various other parcels of land. The movement of people trying to get out of Mowanjum and back to country is continuing and is evidenced by the many communities and outstations that have sprung up since the late 70s.

Young Dancers at Wanjina Wungurr Wilinggin celebrations



Justice Sundberg at the Wanjina Wungurr Wilinggin celebrations



Native Title claims in the study area

Traditional Owners of the North Kimberley have lodged four native title applications that fall within the study area.

They are: Wanjina Wungurr Wilinggin; Wanjina Wungurr Dambimangari; Wanjina Wungurr Uunguu; Balangarra Combined.

The Wanjina claims although filed separately, are on behalf of a group of people who all follow the law of the Wanjina and the Wungurr. They include the language areas of Worrora, Ngarinyin, Wunambal, Gambera, and people sometimes refer to themselves collectively as the Wanjina people.

The Wilinggin claim covers the country that is mainly associated with the Ngarinyin language. It includes many pastoral leases that are both Aboriginal owned and *kartia* owned, vacant crown land, Aboriginal reserve and other kinds of reserves. Over the last three years this application has been through a trial in the Federal Court and Traditional Owners have told all their stories about their country and their Law. Most Wilinggin claimants live at Mowanjum, Imintji, Kupungarri, Dodnun, Marunbabidi, Ngallangunda and Wyndham. See appendix 3 for a summary of the decision by Justice Sundberg on 8 December 2003.

The Uunguu claim covers the country and sea that is associated with Wunambal and Gaambera languages. It covers areas of sea, Aboriginal reserve, national parks, vacant crown land and mining reserve. It includes the world known attraction of Punamii-unpuu (Mitchell Falls).



This claim is in mediation in the Federal court. Most claimants live at Mowanjum, Kalumburu and Kandiwol. The Judges word from the Wilinggin claim will set a standard for the Uunguu claim. Traditional Owners for Uunguu claim have been pro active and have developed many agreements with companies and agencies that use their country. The fold out map shows many of the agreements and important places to Wunambal Gaambera Traditional Owners and appendix 2 gives an overview of Wunambal Gaambera Corporation.

The Dambimangari claim covers the country and sea that is associated with the Worrorra language. It covers areas of sea and coastline, Aboriginal reserve, vacant crown land, conservation reserve.

It is in mediation in the Federal Court and like Uunguu, the Judges word from Wilinggin will set a standard for the Dambimangari claim. Most claimants live at Mowanjum, Yalun and Derby.

The Balanggarra native title application lies in the study area to the north east of the three Wanjinna claims. It covers areas of sea and coastline, Aboriginal reserve, Aboriginal pastoral lease, national park.

This application is in mediation in the Federal Court and there have been talks about an agreement for native title. Most claimants live at Kalumburu, Oombulgurri and Wyndham.

Summary of Traditional Connections to country

The traditional connection to most of the North Kimberley country is based on the Law of the Wanjinna and Wunggurr. The mob from the Dambimangari, Uunguu and Wilinggin claim areas all follow the Wanjinna law. They believe that the Wanjinna are their ancestors and came and put themselves in the rock when the world was soft. The

Wunggurr is the rainbow serpent and usually lives in deep water pools and is close to the Wanjina. The mob often call their Wunggurr place as the place where their spirit child was found. The Wanjina country is divided up into smaller named countries or ‘dambun” and each dambun is connected to a particular Wanjina which usually appear as rock paintings within that area. Each dambun has a skin like Wodoi or Jungun and the mob can only marry people with the opposite skin. People know their connection and rights to the country, and their connections to each other through the Wanjina and Wunggurr Law.

The Balanggarra mob follow a different law but they are similar to the Wanjina mob because they have the same skins of Wodoi and Jungun and they can only marry the opposite skin. The Balanggarra mob get their country through the country of their parents, their spirit finding place or where there might be a special animal or painting.

All of these connections and special places make it very important for Traditional Owners to have a say in what happens on their country and to protect it and to pass on the stories about their country to their kids.



Wanjina on route to Munja



Wanjina at Langii in Worrorra country

SECTION 3

Summary of the outcomes of the community consultations; Issues in common

“Because these non- Aboriginal people don’t see us on the country they think nobody owns it but it is our country, passed down to us from our old people and we have the responsibility to care for it for our future generations”
(Dambimaqngari consultations)

Values

- Maintaining control and monitoring visitor access to sites
- Planning for the management of sites – making sure that visitors are respecting our places
- Identifying sustainable use of visitor areas. “Sometimes we go there [waterhole], too many tourists asking us questions.”
- Transmission of cultural information – old people and young people together on country.



J Goonak at Munuru- Maintaining control and managing visitor access to sites

Vehicles needed to get people back onto country



Long yams are popular
bush tucker



Preparing kangaroo for
cooking in the ground



- Important for us to be living on our country.
- Control and management of sea country – concern about dumping of rubbish and other wastes by boats, knowing where tourists are going.
- Making agreements with charter boat operators, commercial fishing operators, tourism operators and pearlers about the use of sea country and management of cultural sites.
- Recognition and use of Aboriginal names for country.
- Empowerment of community and training so community members can manage community affairs including grants and administration. Having good administrators who empower the community as there is a reliance on outside administrators, contractors, specialists coming into communities to do work and not building the skills-base within the community to manage affairs. This applies to community administrators, store keepers, mechanical expertise, building maintenance, landscape contracting. This problem is driving young people out of communities to find work elsewhere.
- Community planning and governance training so that the community council are directing community affairs and planning for their communities.
- Drug and alcohol abuse issues, including sly grogging, in larger communities and continued desire to move back onto traditional lands and establish outstations. Development of community men's and women's centre's on country to assist with violence and domestic violence and substance abuse problems within communities. Some of the larger communities suggested having centres away from larger community settlements and talked about developing cultural healing and country visits into programs - "Biggest problem is the middle generation".

- Good schools for our kids where they have equal access to contemporary teaching equipment and techniques, as well as, learning traditional language and culture through excursions on country with old people.
- Functioning HACC centres so that our old people are being looked after in our communities.
- School holiday “back to country” camps with old people and kids.
- Daycare for mums that work or would like to work.
- Dust suppression – every community said that dust from vehicles on the road was a severe problem that is causing asthma in large numbers of children and old people. Suggestions for management included landscaping and fencing, sealing of roads within communities and on the main road directly in front of the community where applicable.
- Problems with maintenance on housing – community members are not trained in building or home maintenance and there is a reliance on outside contractors to fix problems.
- Recreational facilities like good basketball courts, ovals, play grounds and multi purpose centres with pool tables, libraries, short courses and access to computers and IT services.
- Vehicles for collecting materials like orches, wood for making artefacts, bush medicine and tucker, getting people back out on country.
- Many of the groups talked about the lack of access to vehicles and the lack of maintenance of community vehicles in particular the ability to source parts and the wear and tear on vehicles from travelling on the Gibb River Road and bush tracks.

- Every community talked about the need for a community owned and operated bus service for Gibb River Road running between Gibb River Station and Derby. Suggested uses included shopping, attending meetings, doctor and specialist appointments, funerals and community celebrations.
- Transport costs for the road are high and this is having a negative effect on communities. Cost of food and lack of fresh food in community stores and other outlets such as station stores like Mt Elizabeth and Drysdale River Stations is detrimental for low income families and is having negative health implications.

Conservation & Environment

- People would like mapping training. Having young and old people together learning about country and mapping places, plants and animals.
- Cultural heritage rangers to manage cultural sites.
- Need for on country training. Short courses to start, building people up into accredited training – “TAFE is not flexible enough”.
- Would like young people working as sea rangers and monitoring salt-water country. They could work closely with Fisheries, Customs and Quarantine. People concerned about rubbish dumping in ocean, uncontrolled access by charter boat operators, commercial fisheries bi-catch, barge dropping oil into ocean, getting old and young people out on sea country to transfer knowledge.

“We want to put a plan of management into place for our land and sea country. We have been working with KLC to try and get some money for this. We have heard that the pearlers, charter boat operators and commercial fishermen have been making agreements about where they will operate, but none of these people have been talking to us.”

Concern about uncontrolled bushfires



Karungie Station held by ILC



- Some communities are practicing traditional burning and working with FESA. Other communities said they had no contact with FESA regarding aerial burns and were concerned about uncontrolled bush fires.
- Some communities had a relationship with the Department of Agriculture; others were concerned about the lack of communication particularly regarding baiting of dingos and management of feral animals.
- Need for cultural interpretive pamphlet and signage on the Gibb River/Kalumburru road.
- Concerns about public liability for tourists accessing Aboriginal owned pastoral leases.

Mining

- All groups have developed agreements with mining companies.
- Communities with mining exploration licenses or operations on their country said that they had been involved in the mining heritage clearance process and were satisfied with the outcome.
- Some Native title groups had developed agreements with mining companies and this was assisting with development of Corporations.

Pastoral Stations

- People have a long working history with station life.
- Community controlled stations provide employment opportunities.

- Some non-Aboriginal owned stations – Mt Elizabeth & Mt House - employ Aboriginal people on a casual/seasonal basis.
- Some stations do not have a relationship with Traditional Owners and people have no access to their traditional country or sites.
- Concerns about the divestment of ILC purchased properties to Traditional Owners. Traditional Owners wanting to manage properties and develop employment opportunities for their young people.

Fishing

- Rubbish on the river at fishing places – no rubbish collection. People need to be taking rubbish with them.
- Concerns about tour operators taking people to fishing places – causing over fishing and impacting on families quiet fishing places. “Catch and release fishing stops us from catching fish – they scare away all the fish”. “Tourists swimming at the gorges chasing away all the fish – we can’t fish in these places anymore”
- We would like visitors to our country to respect our culture and rules - “We have to put our fish bones in the fire – that will bring more fish for next time”.
- Concerns about bi-catch from commercial fishing operations and sustainability.
- Concerns about damage to reefs from Prawn trawling.



Barramundi caught at Munja



Tourists visiting Manning gorge

Traditional owners like Paddy Wama, Donald Dolan, Scotty Martin, Maisie, Jodba, Pansy Nulgit and Janet Oobagooma want to look after their special places and visitors respect their culture



Smoking before approaching Wanjina at Munuru by Senior Wunambal Traditional Owner



Main concerns

- Getting back onto country
- Looking after our special places
- Visitors respecting Traditional Owners and their culture
- Traditional Owners want to know what is happening on country and to have control over their futures
- Seeing the things we talk about happen
- Everyone working – don't want our kids watching their parents sit down
- Looking after culture and language keeping it strong for future generations

SPECIFIC ISSUES ARISING FROM THE CONSULTATIONS: BY COMMUNITY

Wyndham

Traditional Owners from the Wilinggin claim came to the meetings in Wyndham. The issues people raised were about their concerns and aspirations for their traditional country, particularly, around Karungie and Durack River stations.

Balangarra traditional owners came to follow up meetings in Wyndham and talked about getting back to country and problems with living in town.

Values

The Wanjina and the Wunggurr (water holes) are the most important aspects of the law and culture of their country. They must be looked after and protected.

Community needs

This group want to establish a community on Karungie pastoral lease and run the station. They want to work with the ILC on a sustainable economic plan for management of the cattle enterprise.

Community infrastructure and road access need to be upgraded on Karungie.

Want to develop a Tourist enterprise for Durack River station; re-establish Jacks Waterhole camping area.



Senior Ngarinyin Traditional Owners calling to the Wanjina to announce they are approaching



Donald Campbell and Paul Chapman from Karungie inspecting Karungie - much work needed

Paul Chapman and Dicky Tataya from Karungie
testing old equipment



Feral donkeys



Community needs are training and capacity building for administration, running a small cattle business, tourist enterprise, planning for country.

Remote community access issues, health services, transport.

The airstrip not operational at present.

Balangarra Traditional Owners living in Wyndham would like to live on country and protect areas from uncontrolled visitor access. People are finding it hard to get funding to build up outstations. When they do go to Oombalgarri there are no community vehicles to visit country so they get stuck in the community.

Overcrowding in Wyndham houses is causing social problems.

People would like to live on country because "they are getting trouble with the law and drinking too much grog in town".

Conservation and Environment

Want to work in with other pastoralists for burning country. Talk about the right time of the year for burning. FESA should talk with the Traditional Owners about burning before they do any aerial burning.

Feral animals should not be shot out without talking to us first. We eat goats and pigs and use donkeys for work. The dingoes belong to the country. They must stay there.

Visitors must respect the country and respect the culture and realise that Traditional Owners have obligations to their country. Traditional Owners feel no good if people go all over the country, to sites, without talking to us. Want to put up signs so tourists know they are coming onto Ngarinyin country. Some tourist operators go to Wunggurr places without permission. Sometimes they might be

dangerous places or for women or men only.

Want *kartias* to work with Traditional Owners to help protect important places and the country.

Tourism

Interested in cultural tourism at Jacks waterhole (Durack River station) and other areas to be identified on Karungie.

Make decisions and develop plans about where tourists can go, what they can do, whether there are other operators they can join up with.

Pastoral Stations

Ngarinyin Traditional Owners are particularly interested in Karungie and Durack River stations. Trying to work with ILC to get muster done and a business plan completed. ILC holding the country and Traditional Owners want the stations divested to the Traditional Owner corporation, 'Nyaliga'.

Both stations unviable when purchased and ILC saying will not divest until satisfied about financial sustainability. This group also interested in considering other options and opportunities for this land. Limited and slow land management support from ILC. The regional planning process should consider other tenure and land use options for Traditional Owners that recognises native title.

Mining

This mob have had some Heritage Protection Agreements with mining

companies in the Karungie, Durack River and surrounding area. They do not want to stop mining but have an obligation to protect their sites. They want mining companies and other *kartia* to recognize that they are using traditional country and work with them.

Kupungarri

The people who live at Kupungarri are mainly Wilinggin claimants many of whom have connections to the country around or close to the Kupungarri community.

Values

'Country for our kids'



Calvin's Gorge where Kupungarri kids go for stories about the Wunggun



Community

The community is located close to the Gibb River road. There is a high level of traffic past the community including semi trailer type trucks. The community suffer significant problems from the dust generated by this traffic. The section of the road in front of the community and within the community should be bituminised.

The other concern about the high traffic flow is safety of community members, in particular children who are always going to the shop for community stores. The community would like the speed limit sign-posted well before the community to slow traffic down.

The community think that the rubbish dump is too close to the river and is next to grave sites. They do not know who is responsible for the rubbish dump as no-one has come and talked with them.

The community does not have a community vehicle which makes it very hard to take the kids out bush regularly to tell them stories about their country and teach them hunting, tracking, cooking and language.

Dingo baits have been killing the community dogs. People were not told about the baits and they do not want them.

Tourism

Kupungarri owns the store and camp ground and many tourists come there to see Manning Gorge. This gorge is a very important Wunggurr place. The Traditional Owners would like to have cultural information pamphlets and interpretive signs about the area outlining special rules for the country so the country, the Traditional Owners and the culture are respected.

The community want more involvement in the planning of the camping facilities and possibly start some cultural tourism. Too many *kartias* making all the decisions. Want the gorges all named with their proper Aboriginal names. Want to make decisions about where the tourists can and cannot go.

The community want to make rules about access to the Wanjina painting places and taking photos. There are many Wanjina near to the community and they must be treated properly and protected. They are the relations of the Traditional Owners.

We would like a cultural centre along the Gibb road to tell people about the Wanjina and Wungurr law, culture and country and a space for painting and an outlet for paintings and artefacts.

Mining

There are many companies who have been doing mining close to the community. An objection was lodged against one company who wanted an exploration licence which included the community area.

Some community members have been involved in Heritage clearances with mining companies to clear the areas where the company want to work.

The community do not object to exploration if they can protect their special places in this way. They want to have Heritage Protection agreements with the companies.

Fishing

The rivers, tributaries, billabongs and large and small pools around Kupungarri are all important to the community for food. There are more than 20 species of fish in some places which were identified and named by Ngarinyin Traditional Owners during a survey of fish fauna of the Fitzroy River and its tributaries.

These waterways are extremely valuable for culturally significant reasons. For example many water sites are 'living waters' or Wunggurr places. They are occupied by the creation serpent and have particular significance to Traditional Owners and for others they maybe dangerous places. Specific rituals may have to be performed to introduce strangers to the living waters or to the Wanjina.

The group were concerned that the fish might disappear in some of these places if tourist access was not regulated properly.



Wala Gorge on Mt Elizabeth Station



Dust settles in Gibb River road bush

Imintji

The residents of Imintji are mainly Wilinggin claimants and many have traditional connections to the country around or close to Imintji.

Community

Imintji needs to be fenced off to stop bullocks coming into the community. The community are not sure where the boundaries of the community are.

Would like to review the community plan. This would include a workshop to look at details and information about the community now, make plans for future development and make sure the current plan is being implemented.

We need to talk about issues like playgroup facilities and a school. Kids travel 90km to Barnett to go to school.

Imintji is situated near the Gibb River Road and the group talked about the dust from traffic making people sick. Want the road sealed in and in front of the community.

No play area in the community

Concerns about dirty water from the bores because of the traffic crossing the creek. A culvert at Saddlers Spring is needed.

People in the community don't think they are involved in decision making and don't know who is. They want training and capacity building for people to work in the office and on governance issues so that more community members are involved in the decision making for the community.

Unsure about benefits from community store and mechanics shop.

Community not getting the necessary support from the resource agency in Derby.

Transport and access to community difficult in wet. Community members have to stock up on stores for when the road is closed.

Had been working with CAT to get an airstrip. At present have to use helicopters for emergency. Would also like a community bus to help people get in and out of Derby for shopping, funerals and celebrations. Would like a clinic sister based at community through the wet or a regular health service.

The group want everyone in the community doing something. Want activities and education for their kids, including an oval and basket ball courts. It was not known whether these were in the community plan or if there is one.

Conservation and Environment

Tourists come and ask us where to find cypress pine. The group wants to protect cultural information about the medicinal use of cypress pine and say that it should only be taken as dead wood.

There is a law ground near the community. Would like toilets and showers near by.

Would like to work with CALM to manage Bell Gorge.

Tourism

Kimberley Wilderness Adventures have a camp near the community. The group was unsure about the lease. KWA doesn't have an agree-

ment with Traditional Owners. Need an agreement because KWA takes tourists onto country. The Traditional Owners should be asked if it is alright to go to certain places to fish or to walk. Traditional Owners interested in becoming involved in tourism business.

Ngallangunda

The residents of Ngallangunda have traditional connections to the country around or close to Ngallangunda.

Values

'We love our country and that's why we live here'

'We started in humpies working on the station. Then we bought the station and built up the community side'.

'People come in here asking to see Wanjina- we don't want this'.

Community

For the future we want a womens' centre in the community and a Cultural Centre on the Gibb river road to tell people about all the Wanjina and Wunggurr country and the people who belong to it. Need to have information signs and maps showing the country and also art and craft.

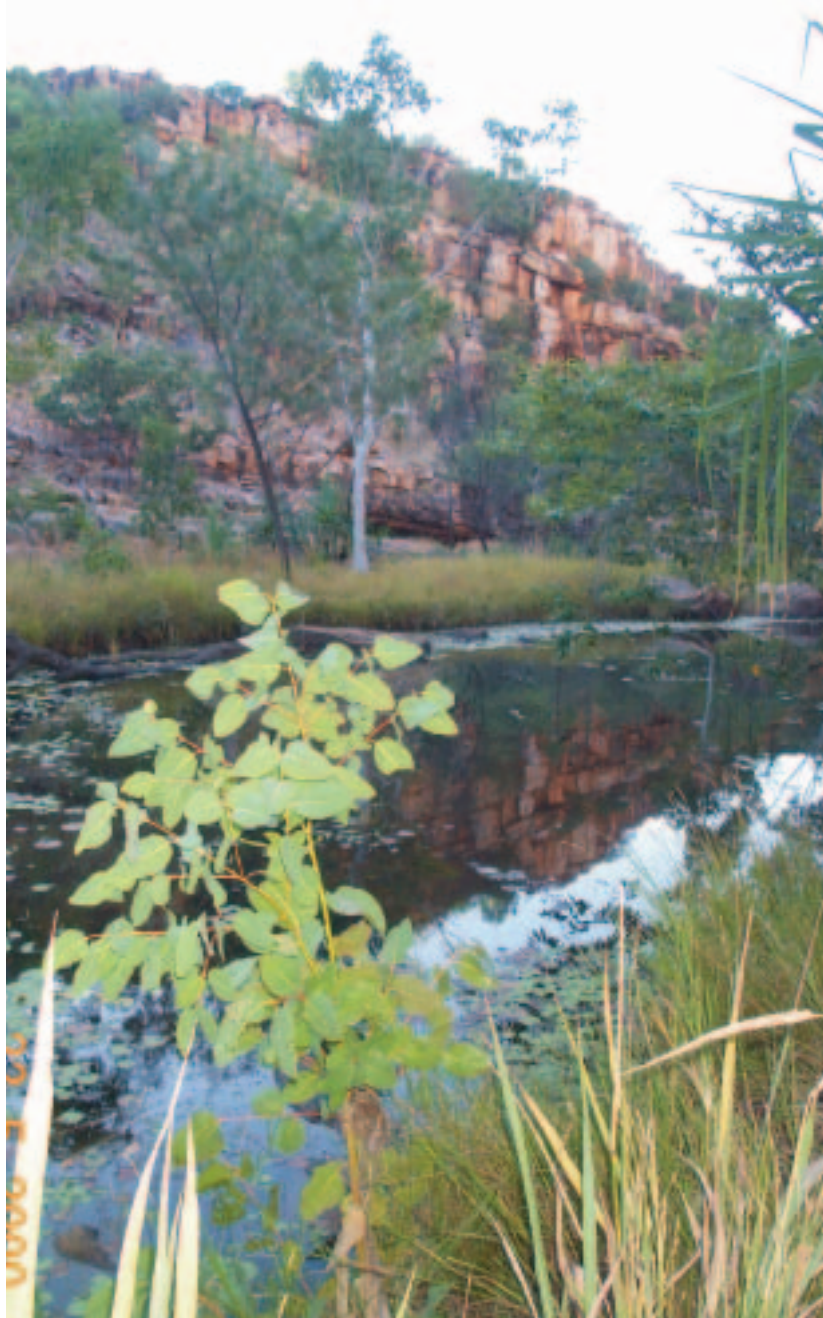
Have been thinking about a road house at Three-ways(the junction of the Gibb river and Kalumburu roads). Would like to have more information gathered about this idea. It could combine with the cultural centre idea. Sell arts and craft.



Ngallangunda Wanalirri School



Barney U at the consultations at Iminiji.



Would like a community vehicle to take people out bush to collect materials for arts crafts, work towards establishing a good business for tourists. Ngallangunda mob are not interested in cultural walks on their country but other mobs might be. The tours could all operate from a central cultural centre.

Access to and from the community is cut off during the wet. Have to stock up on stores or have them flown in. Sometimes in the wet the airstrip is also cut off from community. Working with CAT to upgrade creek crossing.

Want to expand the health services and have a dialysis machine in the community so that people can stay in the community. This could be used for relations in any of the communities along the Gibb River road.

Most people in community are working CDEP- some also get top up mainly for station work.

Conservation and Environment

Community want to control access to Wanjina painting sites and have management of areas control by the Traditional Owners that have the traditional responsibility for the area.

CALM and Shires want to excise waterholes and gorges from the pastoral leases-not happy about this as the Traditional Owners are already looking after these places. Want to negotiate. Traditional Owners must have a say over those areas as they are special Wunggurr places and important to many people in the Wilinggin claim area.

The community would like to close some of the gorges to the public because they are not being respected and too many tourists.

“We want ranger training program. These issues should be talked about more in the planning process”.

Pastoral

Concerned about what ILC is doing with Karungie. ILC should aim to get station handed back and talk to KAPA about what to do with the lease.

Mining

The mining mob has been good. There have been agreements with companies over the area the Ngallangunda mob have rights and connections. Community want to know what's happening and have the right to say yes or no - happy to have mining if it is going to recognise the Traditional Owners and provide some benefits to the community.

It is a good way to teach the kids by doing the clearances with the companies.

Dodnun

The residents of Dodnun are mainly Wilinggin claimants and many have traditional connections to the country around or close to Dodnun.

Community

There is no community store in Dodnun. People have to travel to the Mt Elizabeth station or to Kupungarri.

Desire to keep old people in the community near to their country.



Planning meeting taking place at Kalumburu



Senior Balangarra Traditional Owners Magdelaine Maraldaj, Dolores Chiremore and May Smith visiting sea country

Want to build a place for aged care in the community with cooking facilities. Would provide care for the old people and jobs for others.

Dodnun does not have a CDEP co-ordinator. Office in Gibb River. Community not happy with this arrangement. Dodnun can't do its own planning.

Kids travel to Barnett School and have to stay for the week. They come home for weekends. Kids want to stay at home. Community would like School of the Air.

Gibb River Road should be graded more often to improve access conditions. Would like to see an Aboriginal owned Gibb River road bus service.

Tourism

Traditional Owners would like more control of the tourist operations and tourist access to Mt Elizabeth and through Mt Elizabeth to Munja and Walcott Inlet



Kwini Store bus

Kalumburu

The residents at Kalumburu are mostly Balangarra, Uunguu or Wilinggin claimants who have traditional connections to the country and sea to the west and east of Kalumburu, as well as people with historical connections through long term residence at the mission.

Community

Would like a community plan for Kalumburu. Need training and capacity building to run the community. Isolation of the community an issue.

Transport in and out is difficult. The road is only graded once a year. Shire of Wyndham East Kimberley doesn't do a good job maintaining access roads. Community is grading its own roads locally so people can get to and from fishing and camping places and outstations. During the wet the only access is by plane.

Problem with sly grog and gunja in this community- causing significant reckless and bad behaviour. Need to have the capacity to get young people and old people out on their country as much as possible. Break the grog and gunja cycle. Need sea and road transportation for the community and access routes out of the community.(eg Kalumburu to Mungalalu)

Country sometimes burnt when it is too dry. Traditional Owners should be involved in burning. The Traditional Owner of the country needs to give permission for burning. FESA should work in more with Traditional Owners.

Make sure good understanding and relationship between Kalumburu

Community Council and the Wunambal Gaambera Corporation and the Balanggarra Corporation.

Conservation and Environment

Concerned about fuel waste on the barge landing spilling into the ocean- worry about shells, fish, oysters, which the community rely on for food.

Lots of prickles around the community.

Want to do more planning for looking after country like has been done for Ngauwudu (Mitchell Plateau) with CALM and site protection measures at Munuru. Want to achieve proper joint management at Ngauwudu and follow the Ngauwudu Management Plan.

No regulation of tourist numbers during the season. Sometimes community people can't get to their usual places for fishing and its getting harder to get fish. Community want to develop a plan to manage tourist access and numbers and where they can go. Kalumburu is an Aboriginal Reserve – visitors require a permit for access. System needs to be reviewed then implemented.

Wunambal Gaambera (Uunguu) Traditional Owners have extensive negotiating experience and have gained control over the use and management of their country including sea, and have achieved good agreements and economic benefits. They have a Trochus Aquaculture license. They have agreements with Broome Pearls and Paspaley Pearls and are considering a pearling joint venture. See appendix 2 for more detail.

Balanggarra mob concerned about Faraway bay tourism area.



Balanggarra mob burning off

Barge fuel



Barge landing at Kalumburu



Want to encourage Government to incorporate their traditional knowledge with white fella ideas for the good management of the country eg fire practices, tourism, cultural maintenance of sites and cultural protocols, identify sustainable use, record traditional use of plants and animals – both on land and sea country.

Mining

Extensive mining has been taking place the Balanggarra claim area and exploration within the Uunguu claim area. Both Balanggarra and Uunguu have developed very clear principles as to how miners and others can use their country. Balanggarra has had a comprehensive mining agreement with the main explorer in the region for several years. Other companies wishing to explore and mine over these claim areas will be expected to follow the same procedures and enter into similar agreements. These include the rights and interests of the Traditional Owners, provide for environmental protections and best practice, involve a heritage protection clearance process and provides for economic benefits on the basis of the traditional ownership of the country.



Kalumburu office- permit system
needs review

Oombulgurri

The residents at Oombulgurri include Balanggarra claimants, who have traditional connections to the country within their claim area and close to the Oombulgurri community as well as people with historical connections from long term residence in the mission.

Values

Privacy and respect in their community and on their country from tourists.

Community

Road access out during wet closed leaving only air access. Cost of stores is expensive as they come by air. Reliable barge transport to and from Wyndham could be shared with other services and greatly reduce the costs. Fix barge for people and stores.

Roads of the community are sealed but still health problems with dust.

Wide range of training needs in the community relevant to the activities and opportunities in and around Oombulgurri mapping country; community rangers with input from Fisheries, Dept of Ag, Tourism commission. Training needs include coxswain ticket, small motor maintenance, office administration, corporate structures and governance in relation to post native title PBC, tourism.

TAFE not responding to community needs.

Need to develop the relationship between the Oombulgurri Community Council and the Balanggarra Corporation.



Exploration has been occurring on the Forrest River Reserve for several years and the Balanggarra Traditional Owners have a Comprehensive Mining Agreement with the Companies



Balanggarra Traditional Owners visiting country

Berkley River—popular tourist destination in Balangarra country



Many areas of the coastline are only accessible by boat.



Alcohol is a problem; need to sit down with traditional owners and community and work together to solve problems and support one another on country.

Conservation and Environment

Tourists are going everywhere. Helicopters from El Questro fly over Nulla Nulla outstation on Aboriginal Reserve. Charter boats going unregulated up the coast and landing on the Aboriginal reserve also accessing Home Valley through the Aboriginal reserve. Nobody monitoring or knows what is going on. Tourists come into the Reserve and through the community. Need to have plan for the management and control of the tourist activities and regulate access to Aboriginal Reserve. Review and implement the permit system with community information. Form a Traditional Owner Land and Sea Monitoring Programme as part of a broader management plan of the area.

Signs indicating Aboriginal land and information about the Traditional Owners and cultural rules and protocols.

Roads to outstations (16 outstations from Oombulgurri) need to be improved so that old people and kids can get onto country regularly. Language program taught in schools and regular field trips are part of that program.

Traditional Owners have been back on their country for a long time. They want to ensure they have the benefit of the resources in their country - tourism, mining, cattle, and aquaculture.

Fuel drums are dropped along the coast line. This could be by Charter Boat Operators as evidenced on the West Kimberley Coastline.

Need regulation of Charter boats landing and visiting special places without permission.

Mowanjum

The residents at Mowanjum are predominantly Wanjina Wungurr claimants from the Wilinggin, Uunguu, and Dambimangarri native title claim areas. Consultations at Mowanjum were mainly with Worrora people.

Values

"We want to be on our own country with our kids and old people"

Community

Overcrowding and alcohol abuse are huge problems for the community and hinder its ability to function. Residents looking more to permanently residing on outstations such as Yalun, Kandiwol, Maranbabidi because of the humbug in the community. No schools or health services at the outstations. Mowanjum supports 3 Worrora and 4 Ngarinyin outstations. All these outstations need housing, power, water, communications (radio and phone) and transport like vehicles and airstrips. Very hard to get funding to assist people to get out from Mowanjum. Mowanjum is not situated on the traditional country of the residents.

Lack of transport means that people cannot visit their relatives along the Gibb River road to have a break from Mowanjum. Need a community bus to the communities along the Gibb River road.

Mowanjum is close to Derby therefore close to alcohol outlets.

Many Wanjina people starting to paint and need a painting space, exhibition space and gallery/shop to be able to develop this enterprise-also need to be closer to traditional country.

Community members survive on CDEP- want better opportunities for real jobs and wages. Relevant training programmes.

Community hot and dusty- would like a swimming pool for the kids. Very few facilities for kids. Young ones get to town and get on grog. Outstations are very important for Mowanjum mob for the survival of people and to maintain culture and language.

Need a primary school. "It is hard for our kids in the Derby school and there is no language or culture taught in that school".

More people have been staying at Yalun this year because Mowanjum so bad. Only 5 houses at Yalun. A barge is needed to shift stores and materials - it would not be too expensive. Other services and pearling companies could also benefit from such a service.



Mowanjum Hall was used for the courtroom in some of the Wilinggin native title trial

Conservation and Environment

Dambimangari claimants are very concerned about the damage to their land and sea country because of pearling rubbish and tourists. At Yalun they can keep more of an eye on what is going on. Many unregulated tourist boats. Tourists walk on Montgomery reef. This is a very

Dambimangari kids drinking from freshwater spring at Widginarri butt Butt



Montgomery Reef in Worrorra country



special and delicate reef and is a good place to find turtles. Many Wanjinias and burial sites are scattered along the whole coast. Concern about damage to these places and visitors not following cultural protocols. Traditional Owners are not asked permission for access.

Defence Department do fire control on Yampi under contract with CALM. The Traditional Owners would like the opportunity manage fire on Yampi. Combine cultural burning practices with modern practices. "Yampi culturally very significant and lots of bush tucker and fish. Because of the way country is burnt now there is less and less bush-tucker. Want to look after that country."

Traditional Owners find it hard to get to some of these places now as they need boats to travel from Derby. Would like planning and management put into place that involves them and assists them to get back to those places with senior people so they can teach kids the stories for the country. They want to be responsible for monitoring the coastline. Need boats and training in boat skills and motor maintenance skills. Traditional Owners have the cultural authority. Land along most of the coast is Aboriginal Reserve. Operators should not access without permission or permits.

The Dambimangari country is rich with resources; eg 'our cultural places are good for tourism' fishing, pearling, mining, aquaculture. The lives of the Traditional Owners are very difficult; people are mainly stuck in Mowanjum. The benefits of these resources should be shared and the culture and the country respected. Traditional Owners should have a real say in decisions about their country. Needs to be a focus on and planning to develop the skills needed by the mob to participate.

Most people want a better life and a future: to be able to get on to their country which includes sea and be treated with respect; to pass on tra-

ditional knowledge to *kartias* about the country and its resources; and make agreements for economic benefits and opportunities. Do not want to live off Government handouts.

Fishing

Want more information from Fisheries about the impact of commercial fishing licences issued, environmental and sustainability issues. Concern about running low on fish because Traditional Owners fish and eat fish every day to top up their diet. Must protect the seas and the fish stocks.

Munja/Pantijan

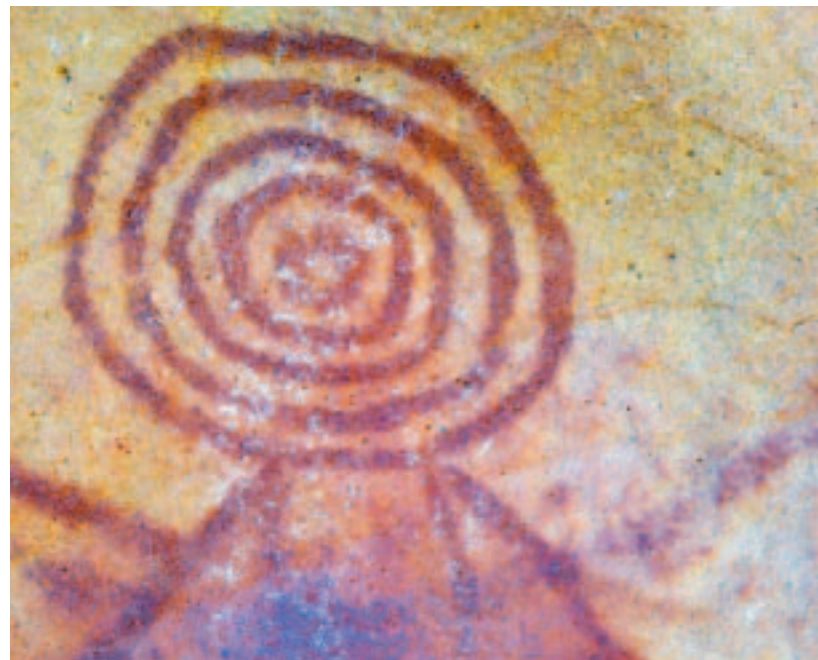
There is a semi permanent population of Wilinggin claimants at Pantijan attempting to rebuild the community. This consultation took place with those people and the Traditional Owners for the Munja and Pantijan areas while on a bush trip to Munja and Pantijan.

Community

Access to Munja and Pantijan very difficult even in dry season. Completely cut in the wet. Want to be able to stay for the dry-need school and health services to be accessible.

Security is an issue for such remote locations. Water pump and radio stolen from Munja. Traditional Owners and Pastoralists and tourist operators should help each other.

Pantijan community needs vehicles, airstrip, clean up and fire break and water for a longer term visit to be possible. Only 4 people live there



Wandjina on the Yampi Defence lands in Worrorra country



Senior Dambinangari Traditional Owners undertaking a site survey on the Yampi coast to protect sites in the area

Road to Munja and Pantijan through
Beverley Springs



Road to Pantijan from the Calder River



at present. CDEP through Winun Ngarri. Pantijan always an important place for cultural education and there is a desire to rebuild the community and become a focus for a cultural tourism enterprise. Interested in on the job training with the current operators.

Use ISD box and satellite phone for medical needs.

Conservation and Environment

The road to Pantijan and Munja has many important Wanjina and Wuggurr places along the way and close up to Pantijan. At the moment tourist operators doing what they like in this area. The Traditional Owners have never been asked. A pastoralist collects money from tourists to let them through a gate to Munja for fishing and to visit the Wanjina. Paintings belong to the Traditional Owners. Financial benefits to visit paintings should go to the Traditional Owners to assist them develop their own enterprises.

Munja is Aboriginal Reserve-no permission to enter has been obtained by any of the Operators. Tourists often take all the spots for fishing.

Country needs to be burned because the grass is very high and it is very dangerous. Cannot get to some of the important places. Too many unregulated tourists in the area making burning difficult as there is only one road out from Munja and Pantijan to Bausten Creek.

Tourist operator has a lease containing Wanjina paintings.

Want the tourists who come into Munja to know the history and people for the area. Traditional Owners want to work together with the operators for tourism in this area. Many important places for Traditional Owners in this area that need to be protected and respected. Want to meet all together and have a joint plan for managing the

Overview and Recommendations

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area and think about joint venture opportunities.

That Traditional knowledge should form an integral part of the framework for contemporary land management and planning. It is recommended that :

Traditional biological, ecological, cultural and natural history knowledge as it relates to land management, be recorded;

interpretation and presentation of traditional knowledge, by signs, books posters, pamphlets, for visitors be undertaken;

Traditional Owners access to country be improved so that it forms the basis of a monitoring regime for the North Kimberley. It is recommended that :

Once planning has happened within sub areas, groups come together to discuss overall plan for the North Kimberley.

All opportunities that allow traditional owners regular access to and development of their homelands and waters be evaluated and undertaken-this should include the development of proposals whereby the non Aboriginal users of country and resources contribute to this outcome.

That the Study area be divided into five sub-areas for the purpose of planning: the Wilinggin claim area, the land in the Uunguu claim area; the land in the Balangarra claim area; the land in the Dambimangari

claim area and the coastal region because Traditional Owners within all the claim groups have similar concerns for saltwater country.

Resources be made available to undertake the Salt Water Country project as the first step in the coastal regional planning process.

That a commitment is sought from all users of the Study area to a whole of community approach to the planning and management process and that the legal and cultural interests and aspirations of the Traditional Owners are not marginalised due to lack of resources or capacity. User groups make contributions to capacity building and resources in exchange for use and exploitation of Traditional Owners country.

That a Gibb River road cultural planning and mapping exercise be undertaken to build on existing materials and to identify visitor use and appropriate access to cultural sites.

Part of this project to be the feasibility and setting up of a cultural centre along the Gibb River Road

That there is acknowledgement that the Aboriginal people of the Study Area wear two stakeholder hats which the planning process must address:

Citizenship rights for community and services

A stretch of the Yampi coast where Traditional Owners are concerned about the number of unregulated tourist charter boats visiting sites and beaches along the coast.



As Traditional Owners with native title legal interest in the lands and seas.

That the information in the *'Impact of Tourism on the Gibb River Road A community perspective,'* be built on and the Future Directions and Recommendations for Action contained in that report be implemented as a matter of priority.

That the Ngauwudu Management Plan be adopted and implemented and formally incorporated into the planning process

That the *North Kimberley Traditional Owners' Land and Sea Management Project Report* be adopted and be incorporated into the planning process



Traditional Owners making bread at Marandababi



Wunambal Gaambara celebrations for the handover of Truscott Air Base.

Appendices

List of Questions

Values

What is important to you and what should be protected on your country?

Community needs

What's happening in your community now?

What does your community need for now and in the future?

What does your community need for:

Transport – how do you get to and from your community in the wet and dry season?

Do you have a community store?

Do you have a community garden?

Do you have a mechanics workshop

Buildings – what buildings are there in your community?

Health services – who do you see when you are sick?

Education - do your kids go to school?

How do you want to look after culture for your kids?

Conservation and environment

Are you concerned about damage to your country?

Are there places that you are already looking after?

Do you work with FESA when they do aerial burning ?

Are you concerned about feral animals?

How would you like to look after your country?

How would you like visitors to treat your country?

Tourism

What do you think about tourists and tour operators?

Are you interested in cultural tourism?

Pastoral stations

What do you reckon for pastoral Stations?

Are there any pastoral leases in your claim area?

How do you muster cattle?

Do people work on pastoral stations?

Fishing

Do you mob go fishing?

Do you have any concerns?

What do you think about commercial fisheries?

What do you think about Pearling?

Are you interested in aquaculture- like fish, prawn and trochus farming?

Mining

What about mining?

Are there any mining operations on your country?

Do you have agreements with mining companies?

Employment

Do many people in your community work?

Do you see any jobs that you could be doing?

Decision making

Who is making decisions for your country – are they talking with you?

Have people talked about these issues with you in the past?

Future

What do you see for your country in the future?

What's your biggest worry?

Wunambal/Gambera Case Study

Introduction

We, Wunambal Gaambera people are traditional owners of land and sea country that runs from Napier Broome Bay near Kalumburu west to Prince Frederick Harbour, Mitchell Plateau and to King Edward River.

Our ancestors have run Wunambal Gaambera country for thousands of years under our Wanjina and Wunggurr law. That responsibility stays with us today and for us to pass to our children. Today there are 190 adult Wunambal Gaambera Traditional Owners.

Our law tells us where each family's country (called "gra") runs. The word "Uunguu", the name for our native title claim, means the rights each family group hold to use the things in their country and to give okay for others to use things in their country. Our Wanjina and Wunggurr law is still strong today. Five years ago we put our native title claim ("Wanjina Wunggurr Uunguu") to gain recognition and respect that we Wunambal Gaambera people and no one else speaks for this country (see map).

In our grandparents time our houses, canoes, tucker and business came from country. They did not have everything in their country so they made business with neighbours. Some things family groups shared and did together, like hunting kangaroo and turtle, fishing and ceremony. We have rules for making all this work — our Wanjina and Wunggurr law. The law teaches us how we and all the living things in our country work together and look after each other.

Wunambal Gaambera goal is to control our ancestors country, use our country to make our lives better and to pass on our ancestors country to our children.

We are aiming to do this in three ways:

Secure land title — respect for our Uunguu law;

Live on, enjoy country — increase our wealth and make our lives better

Business on our Land — proper business deals with others

Secure land title :

Our Wanjina Wunggurr Uunguu native title application went into the Federal court on 30th June 2000. We now have government (WA State) leases/licences in our Wunambal Gaambera name over about 20% of our land. Our aim is to cover our land with title paper in our name. Government title paper is important to sit with our native title to help us run our business (our Uunguu) in the modern way. Environment Australia is helping WGAC during 2003-2004 with a map project. Good maps and information will help us plan, show business opportunities in our country and help us teach our country and business to our children.

Living, Enjoying Country

For us Wunambal Gaambera people to enjoy and run our communities on our ancestors country, many of our working age group (about 70) need to earn about 3 times more (about \$30,000 a year) than they now get from CDEP. The challenge for us is how to get these incomes from our country. At the same time to make sure our country is looked after so that our future generations enjoy their ancestors land like we have.

Kandiwal set up their community on Ngauwudu country over 30 years ago living in tents. First houses were built at Kandiwal (Ungolan) in 1987. More facilities were added in 1998 and two new houses are planned for 2004. Schooling is provided through distance education services. Kandiwal is now connected to the internet and is seeking a weekly mail delivery service from Kununurra.

10,000 tourists are now visiting Ngauwudu country each season. WGAC and Kandiwal are to make a business plan to look at ways to earn income and

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run tourism services like tour guiding, visitor centres and facilities. Most visitors camp at Munurru, the King Edward River crossing place and entrance to Ngauwudu country. Munurru is an important Wanjina Wunggurr cultural site. WGAC wants secure title to the Munurru area and holds an interim land title licence. During 2003 Kandiwal community constructed walkways and fences to protect the Munurru Wanjina painting sites.

The Department of Conservation and Land Management (CALM) is assisting WGAC to plan camping and visitor services on Ngauwudu Land based on the plan WGAC made in January 2001 called "Land of Wanjina and Wunggurr".

Gibulde family group are planning ways to build an airstrip on Gibulde country (Cape Voltaire) to service proposed Gibulde community and pearl farm operations. Year round job opportunities on the nearby pearl farm can help Gibulde set up and run their community.

With Mungalalu Airfield and surrounding Gaambera Reserve Lease secure, Gaambera family groups can now make business and set up communities on their country. Tourism, fishing tours and Mungalalu Airfield operations are opportunities that can provide business and job incomes to support families live on country. WGAC and Gaambera are working together to develop a business plan for tourism.

Putting our Wanjina Wunggurr culture (paintings) and World War 2 history together make a good story and tour for visitors. Many Wunambal Gaambera men helped build the World War 2 airbase. About 10,000 tourists visit neighbouring Kalumburu area each season and luxury charter boats that run from Broome to Wyndham are two good markets to start Gaambera tourism business. Mungalalu-Truscott airfield can take up to 30 seater planes, to help bring tourists to Gaambera country.

Looking after country and teaching our young people Wanjina Wunggurr culture is very important to us. In 2002 Wunambal Traditional Owners visited their country on a 10 day sea trip to film and record senior peoples' stories. The visit will also help Wunambal Gaambera plan for country.

Business on our Land

Under our Wanjina Wunggurr law, if someone wants to go on country that is

not their Uunguu, that person needs to ask permission of the owner. For us, any outsider like a company, needs to make an agreement with Wunambal Gaambera to use country; that is the proper way. Over the past five years Wunambal Gaambera have made agreements with :

- the two main pearling companies using our sea country for pearl farms;
- a tourist safari camp operator at Ungolan on Ngauwudu country;
- a logistics operator to lease and run Mungalalu-Truscott Airfield

WGAC and CALM are working together to make an agreement about jointly managing parts of Ngauwudu (Mitchell Plateau) country and visitors in ways that will look after country and our culture. Other business agreements in tourism and mining exploration activities are expected to be completed over the next year.

Wunambal Gaambera uses five main ideas in agreements about country:

- Respect for Wunambal Gaambera traditional ownership;
- Payment (rent/compensation) for use of our country;
- Look after country — environment, culture and heritage;
- Build strong relations — liaison, cooperation, look for business opportunities together;
- First choice for Wunambal Gaambera to get jobs and business.

Conclusion

The way forward for Wunambal Gaambera is for us to be secure in our own country so that we can make business on our country, look after our country, make our lives better and pass on our country to our children. With security, we can plan for our future; we can see where others can help us and invite them to make business with us or use our country; we can build, run our communities and look after country in ways that strengthens our Wanjina Wunggurr law. We can achieve this with respect and recognition from others that this is our Uunguu and responsibility to Wunambal Gaambera future generations.

Wunambal Gaambera Aboriginal Corporation

People consulted

Wyndham

Donald Campbell, Nori Oreeri, Jeffery Dutchie, Mary Oreeri, Kathy Oreeri

Oombulgarri

Darryl Smith (Chairperson Balangarra), May Smith, Jeffery Dutchie

Imintjiu

Barney U, Sandy Wungadin, Sandy Jungine, Teddy Bolton, Dicky Tataya, Robina Rastus, Margaret Wungadin, John Allies, Steven Wungadin, Roselyn Wungadin, Roseana Wungadin, Errol, Julie Wungadin

Kupungarri

Donald Dolan, Heather Wungadin, Jilgi Edwards, Kitty Jangoot, Pansy Nulgit, Morton Moore, Peter, Nugget Tataya, Dicky Tataya

Ngallangunda

Alfie White, NancyWhite, Alex Fernando, Jeffery Dutchie, Roseanne White, Josie White, Rachael Whitre, Janie Jungine, Francella White, Yvonne White, Maudie White

Dodnun

Jeffrey Dutchie, Jeannie Dutchie, Maisie Jodba, Scotty Martin, Dicky Tataya, Robyn Dutchie, Tracey Edwards and others

Kalumburu

Dianna Williams, Simon Cheinmora, Jeffery Dutchie, Dolores Cheinmora, Mary Coleman, Basil Djanghara, Dennis, Justin Djanghara, Mary Terese Taylor

Mowanjum (including Yarlun)

John Ostler (Administrator), Ernest Nulgit (chairperson), Warren Barunga (Youth Program)
Janet Oobagooma, Donny Woolagoodja, Fredmund Oobagooma, Majorie Mungulu, Mildred Mungulu, Lindsay Mungulu, Victor Burunga, Ashley Oobagooma, Roger Burgu, Heather Umbagai, Alfie Umbagai, Ruth Umbagai, Pudja Burunga, Nelson Barunga

Follow up meeting consultations

Mowanjum Hall

Lindsay Mungulu	Warren Barunga
Victor Barunga	Maisie Jodba
Scotty Martin	Jack Dann
Rita Laylay	Donald Dolan
Jilgi Edwards	Donny Woolagoodja

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Roger Burgu	Marjory Mungulu
Donny Woolagoodja	Ernest Nulgit
Rona Charles	Margaret Mungulu
Laurie Charles	Jeannie Dutchie
Leah Umbagai	Jeffrey Dutchie
John Jangoot	Alfie Umbagai
Mervyn Jangoot	Robyn Mungulu

Kalumburu:

Laurie Waina	Doloms Cheinmora
Rankin Bundamurra	Clement M
May Taylor	Veronon Gerrard
Doreen Unchango	

Oombulgarri:

May Smith and Grand-children

Wyndham:

Shirley Lewis	Jean Leyland
Victor Martin	Tom Birch
Enid Smith	Garry Smith
Graham Williams	Mona Williams

Wunggurr Wilinggin Native Title Application

**SINCE THE WRITING OF THIS REPORT
JUSTICE SUNDBERG HANDED DOWN HIS DECISION IN THE
WUNGGURR WILINGGIN NATIVE TITLE APPLICATION ON
THE 8TH DECEMBER 2003.**

**A PRELIMINARY PLAIN ENGLISH SUMMARY OF
THE DRAFT ORDERS MADE BY JUSTICE SUNDBERG
ON THE 8TH DECEMBER 2003 AND THEIR EFFECT FOLLOWS:**

***These Orders are still subject to submissions by
the parties to clarify some aspects. Once final
Orders are made early in 2004 they will then be
subject to Appeal by any party.***

Content of the Draft Orders: (not actual orders)

1. Justice Sundberg found that native title exists in relation to the determination area.
2. The native title holding group are the members of the Wanjina Wunggurr community

Commentary:

The Judge was satisfied that the evidence that the Aboriginal witnesses and the expert anthropological and other witnesses gave about the Wanjina and Wunggurr beliefs and the laws and customs for the country claimed, and the people who follow those laws and customs, was credible and strong evidence.

The State of WA took the view that at sovereignty and continu-

ing, discrete areas of land (referred to as 'dambun' 'dambina' or 'gra' by the native title holders) within the claim area were used and enjoyed by particular clan groups. Alternatively it referred to the language groups as the basis of the laws and customs of the group. The Applicants argued that the clan estate areas were not totally discrete and that clan groups were not by themselves self sufficient, self regulating societies whose members enjoyed only rights and interests in their dambun area.

J Sundberg accepted the Applicants' position and found that the native title rights and interests are held by the larger Wanjina Wunggurr community.

He accepted from the evidence following the Wanjina and Wunggurr system that the factor that glues people together into one mob (the native title holding group) is the common belief and observance of the laws and customs relating to the Wanjina and Wunggurr and that this 'one mob' consisted of subgroups based on the languages of Ngarinyin, Worrorra and Wunambal and other related dialects associated with the claim area.

He accepted that a community of Aboriginal people were on the claim area and following the Waning and Wanguri system of traditional laws and customs at sovereignty and that the native title holders are linked with those previous inhabitants(as shown by extensive genealogies prepared by the Applicants) and that the traditional laws and customs coming from the

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Wanjina and the Wunggurr have been handed down through the generations to the native title holders. J Sundberg rejected the clan estate model as the rights and interests holding group.

In relation to language the Judge found that language belonged to land and not the other way round. So for example Ngarinyin and Worrora people would not be different because they spoke a different language. What was common was the principle that language belonged to land and this principle was shared by the Wanjina Wunggurr community.

3. That the native title holders native title right was an entitlement to possession, occupation, use, and enjoyment of the land and waters as against the whole world-[over the areas in the claim where native title has not been extinguished or disregarded]

The areas this order applies to is several large tracts of vacant crown land, Aboriginal reserves where the communities of Imintji, Kupungarri, Dodnun, Maranbabidi are located, and the Aboriginal owned pastoral leases of Barnett, Gibb River, Karungie, Durack River, and also includes Pantijan pastoral lease.

The Judge found that the evidence of the Aboriginal witnesses about the way they controlled and used the claim area amounted to evidence that, under their traditional law and custom they possessed, occupied, used and enjoyed the land to the exclusion of all others.

*The rights and interests encompassed in this Order is the **control of use and access to those areas by the native title holders**. This right can be enforced at common law.*

Other relevant findings by the Judge on Traditional Connection:

The judge found that all the rights and interests of the native title holders to specific places in the region are not held in common by the entire Wanjina Wunggurr community, but by certain members of it who were linked to a place in particular ways. The thing that the entire community does hold in common is the set of culturally recognised ways that people establish links or connections to particular areas of country. The Judge agreed with the Applicants that the whole Wanjina Wunggurr community held some rights and that various sub-groups and individual members of the community held various rights and interests in various areas of the claim area. The distribution of these rights and interests are determined by the group themselves in accordance with their laws and customs.

The Judge found that the Wanjina travelled across the country laying down the law, was the source of the laws and customs of the society, and did more than lay down rules of behaviour but created the landscape so that, animals, trees and rivers were all under the Wanjina.

4. In those areas where there has been partial extinguishment by pastoral leases the native title holding group will have non exclusive native title which is expressed by Justice Sundberg as follows:

(a) The right to engage in the following activities:

- Having access to determination area, but so that Native Title Holders may seek their sustenance in their accustomed manner only from unenclosed or unimproved parts of the land;

LOCALITY MAP

KIMBERLEY MAP OF AREAS WHERE NATIVE TITLE HAS BEEN DETERMINED

Legend

- Native Title Claims - DETERMINED
- Native Title Claims - Not determined
- Towns
- Representation Area Boundary
- Roads
- Rivers

Land Use

- Aboriginal community
- Aboriginal pastoral
- Aboriginal reserve
- Conservation area
- Defence land
- Pastoral
- VCL
- Australia

Scale

0 50 100 150 Kilometres

Map Produced by Ecomap, Ecomap 9191 1970

WESTERN AUSTRALIA - NORTHERN TERRITORY BORDER

- Camping;
- Hunting on unenclosed or unimproved parts of the land for the purpose of satisfying the NTH's personal, domestic or non commercial needs;
- Having access to painting sites in order to freshen or repaint the images there;
- Having the use of land adjacent to those painting sites for the purpose of engaging in the preceding activity
- Gathering and fishing on unenclosed or unimproved parts of the land for the purpose of satisfying the NTH's personal, domestic or non commercial communal needs;
- Using traditional resources for the purpose of satisfying the NTH personal, domestic or non commercial communal needs.
- Conducting and taking part in ceremonies
- Visiting places of importance and protecting them from physical harm
- Manufacturing traditional items (such as spears and boomerangs) from resources of the land and waters for the purpose of satisfying personal, domestic or non commercial communal needs;

(b) The right to pass on and inherit the native title rights in (a)

The above Order will apply to all the non Aboriginal pastoral leases in the claim area.

Justice Sundberg has made the same Orders in relation to some Reserves and to Mining leases within the claim area, and similar Orders, [without reference to unenclosed or unimproved areas] in relation to tidal waters within the claim area.

There are other Orders relating to areas that are excluded from the claim area eg Gibb River and Kalumburu roads, bores, groundwater sites and the like. There are also areas where it has been determined by the Judge that there is no native title. These are generally small parcels of land including some small reserves and Telstra repeater stations.

The specific identification of the areas subject to the Orders requires some technical examination of tenure material and will has not yet been completed.

The above Orders are subject to the laws of the State and the Commonwealth.