

Walalakoo Aboriginal Corporation Members Report 2015-16



Warning: This plan may contain images, names and references to deceased Aboriginal people.

Design and layout: Jane Lodge

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Walalakoo Aboriginal Corporation Annual Report

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About Walalakoo Aboriginal Corporation



Walalakoo Aboriginal Corporation (WAC) is positioning itself as the key political, social and economic body representing the Nyikina Mangala people of the Kimberley region in Western Australia. Based in Derby, WAC was established following the Nyikina Mangala Native Title Determination on the 29th May, 2014. It oversees approximately

26,215 square kilometers of exclusive and non-exclusive possession native title.

There are a number of existing interests on our country, including mining and pastoral interests. We're interested in involvement, both as a way to create economic opportunities for Nyikina Mangala people and also as a way to ensure our country and our cultural heritage are protected. Additionally, we're excited to be driving Indigenous-owned economic development and creating sustainable opportunities for our people.



Mardoowarra, the Fitzroy River, keeps our people alive. It's the lifeblood of Nyikina Mangala country and was formed by Woonyoomboo



back in the Dreamtime when the world was still soft. Since then, we've known how to look after country, we've known the right names for our places, and we've passed Woonyoomboo's laws along from generation to generation for thousands of years.

Our first real experience of 'kartiya's', or whitefellas, came through the establishment of the pastoral industry in the Kimberley following Alexander Forrest's report of 1884, describing 40,000 square kilometers of available grazing for sheep and cattle.

The next fifty years were incredibly hard on our people, with plenty of station managers quick on the whip, quick to deliver hidings and quick

on the trigger. Gradually Nyikina Mangala people began to work on the stations, where we were given basic rations and clothes in exchange for long hours fencing, droving, shearing and breaking horses. A lot of good men and women never got paid. During this time, a lot of Aboriginal people had accidents with horses and bullocks. We received no compensation.

In the late 1960s we were pushed off the stations and into the towns. At that time, Marra Worra Worra helped to sort out rations and pensions. Throughout the '70s we began to get organised, we heard that in the Territory the mob were setting up Land Councils.



About Walalakoo Aboriginal Corporation cont...



“That’s what we need here,” we said. Our old people, including senior Nyikina Mangala people, set up the Kimberley Land Council (KLC) as a political land rights organisation. The first Chairman was Frank Chulung, then Jimmy Beindurry, then Darryl Kickett, then John Watson.

This was also around the same time as the Noonkanbah dispute, and Noonkanbah was the setting for one of the most powerful land rights movements in Australia. Under the leadership of Malaga Nipper Tabagee, we fought the exploration company Amax that wanted to drill for oil on our sacred sites. It wasn’t just Nyikina Mangala people fighting, but people came from all over Australia to support us. We stood in front of the trucks and we demonstrated hard.

First contact isn’t distant history for our people. Some of our old people walked out of the desert in this lifetime. From first contact to now—Nyikina Mangala people have fought hard for land rights, social justice and equality. A senior cultural leader in the Kimberley once said, ‘On my left is our past and all of our culture, our heritage and my history. On the right is my future, my children and my grandchildren. I am in the middle making sure that the best of my past and my culture is kept strong as we make our way into the future.’

This is what the WAC Directors, our Heritage and Culture Advisory Committee and our Caring for Country Advisory Committee are striving to do.

Protecting places of cultural and heritage significance is crucial to WAC’s mission of advancing culture. It’s important that any companies wishing to work with WAC or access



our native title area for mining or exploration understand this. Some of our key principles in relation to heritage protection include a moratorium on uranium exploration and mining, an insistence on 'no means no' in our heritage protection agreements, no fracking without our consent, and we ask that companies stay away from our river. The Fitzroy River has been recognised on the National Heritage List as a place of national significance and we have agreed on a buffer zone around the river which must be respected.

Our vision is to be a self-sufficient organisation that adopts the world's best practice in environmental and agricultural sustainability and provides social and material prosperity to Nyikina



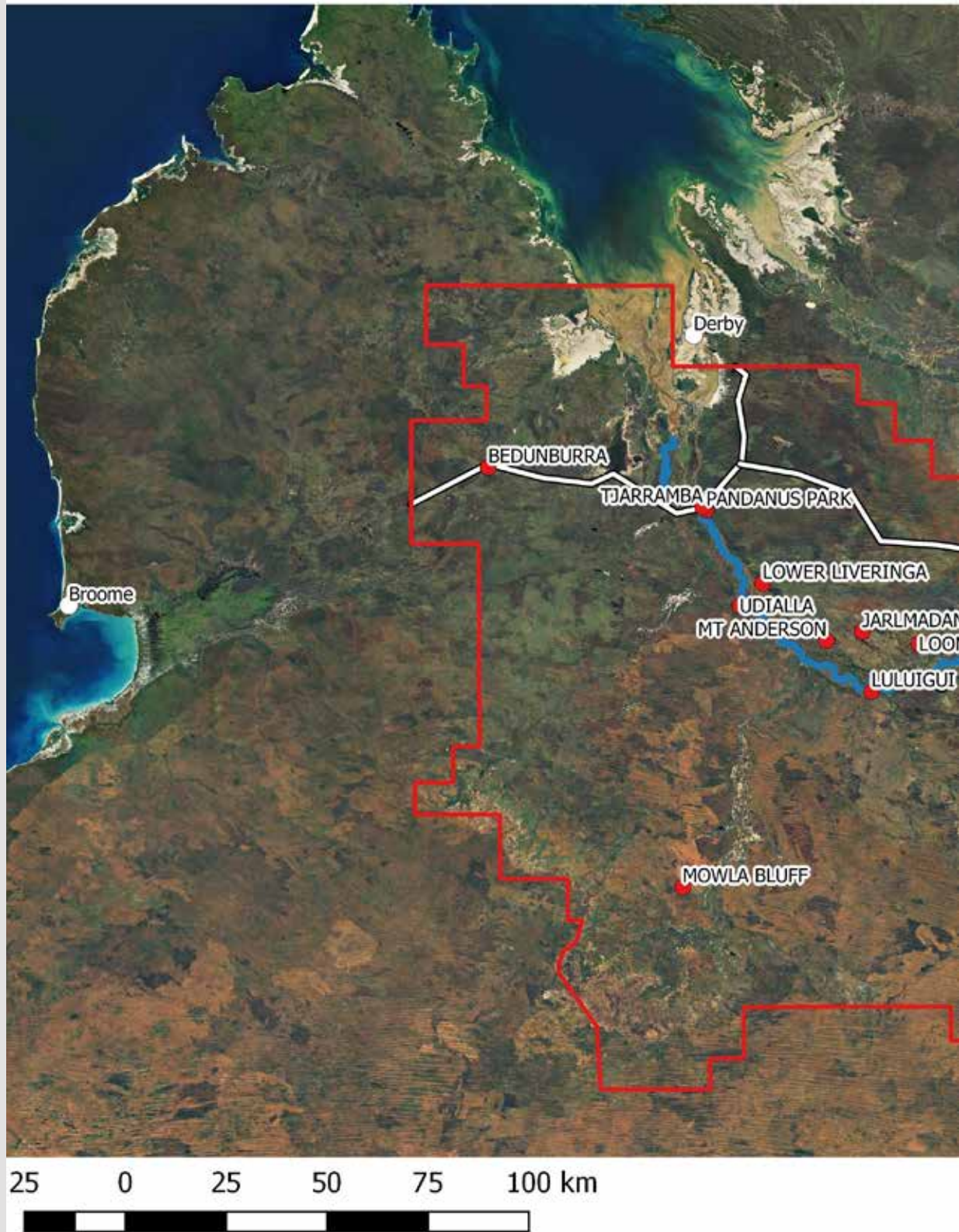
Mangala communities. We aim to preserve culture, provide Indigenous employment opportunities and to operate an influential organisation with strong internal and external communication channels.





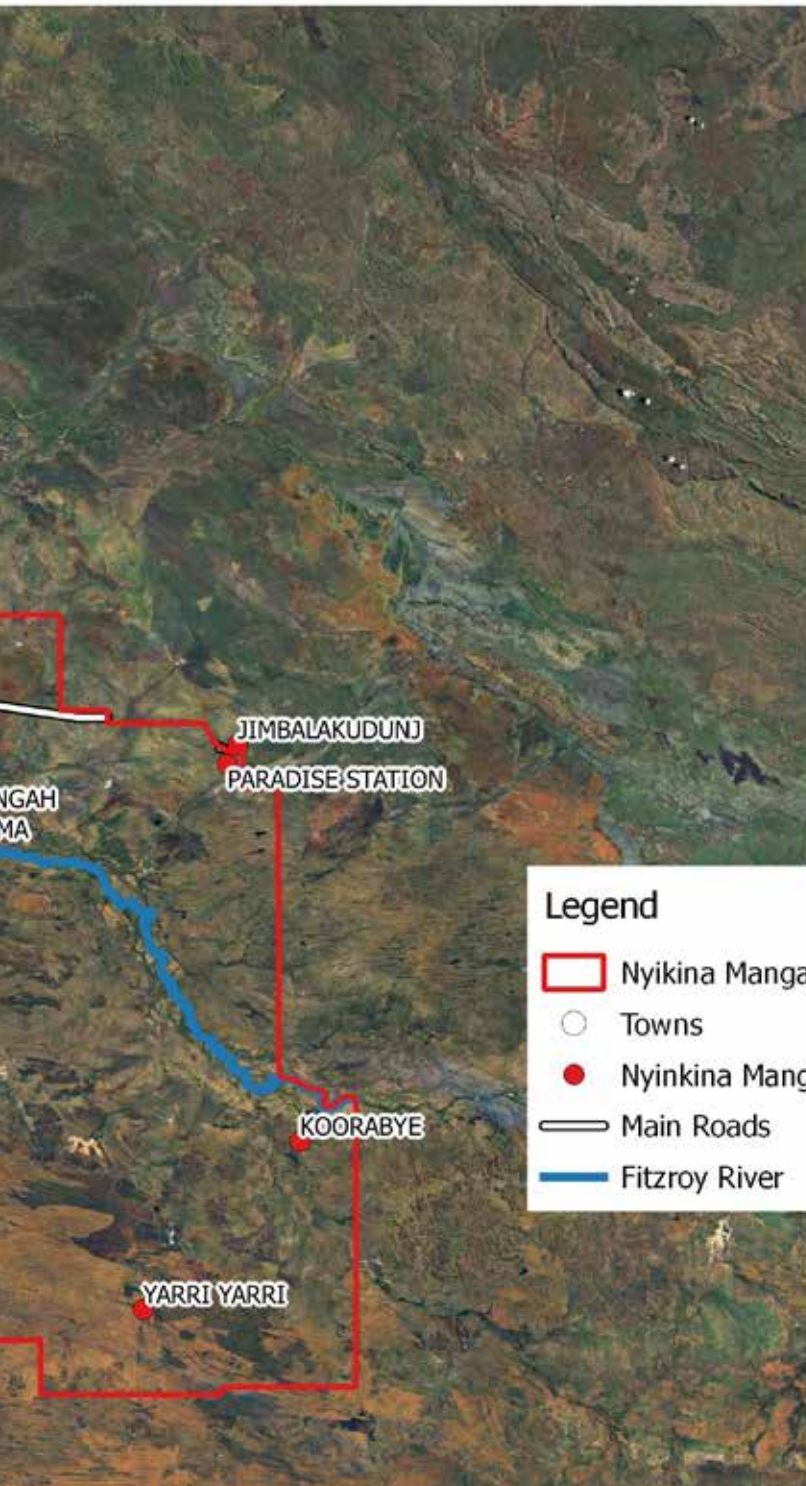
Map of determination area

Satellite Map Ny










Nyinkina Mangala



Legend

-  Nyinkina Mangala Native Title Determination
-  Towns
-  Nyinkina Mangala communities
-  Main Roads
-  Fitzroy River





Organisation structure (Board, Cultural Advisors)



- Chairperson: Wayne Bergman
Deputy: Cyril Archer
Director:..... Anne Poelina
Director:..... Linda Nardea
Director:..... Robert Watson
Director: Rona Charles
Director: Tina McMahon
Director:..... Joseph Milgin
Director: Anthony Watson
Director:..... Theresa Henry
Director / Cultural Adviser: John Watson
Director / Cultural Adviser: Rosita Shaw
Cultural Adviser:..... Kimberley Watson (Absent)
Cultural Adviser Annie Narda (Absent)
Cultural Adviser..... Harry Watson
Cultural Adviser..... Jeanie Warbie (Absent)
Cultural Adviser:..... Roger Narda (Absent)
Cultural Adviser:..... Annie Milgin (Absent)



WAC Registered Native Title Body Corporate (RNTBC) is now in its third year of operation and I have been the CEO for 12 months. The 12 months have been a challenging and exciting time for the organisation as we endeavour to build a sustainable and prosperous organisation.

In April this year WAC held its first elections for Directors and Cultural Advisers since the initial meeting. The new Board has met twice and has been very efficient whilst being diligent in their performance and duties to the organisation.

A key project this past year was the Cultural Mapping to assist WAC with defining and progressing its membership base. WAC engaged Daniel Vachon to facilitate the process and after two workshops with the Board and more than 20 days of consultations with the community, Daniel has provided a report along with very detailed Genealogies of all the Nyikina Mangala Apical Ancestors. The report has given the Corporation the necessary information to process applications and seek further information from some applicants where required. The finalisation of this part of the Cultural Mapping has allowed membership issues to be resolved and now WAC can move forward and focus on the future.

Due to the steep decline in oil prices, Buru Energy has had to suspend its operations at Ungani. The compensation from the Ungani Native Title



Agreement was WAC's primary income source. With this income now non-existent, the Board will have to make some tough decisions about the immediate future of the organisation. The Board is investigating many potential opportunities for income generation and I am implementing processes to keep the organisation's operational costs to a minimum.

The negotiations between Sheffield Resources and the Mt Jowaelenga Applicants are continuing. Sheffield Resources will have to consult with WAC regarding two miscellaneous licenses they have applied for which will give them access to the Thunderbird tenement through the Determination area. WAC is entitled



to be compensated for the impacts that the granting of the licenses will have on Native Title rights and interests. These consultations have not yet commenced but should occur within the next six months if Sheffield are to meet their projected timelines.

It is a challenging but exciting time for WAC, we are improving on our land management practices, the divestment of Myroodah to the

PBC is getting closer, KAPCO has had a very successful first six months and we are now in a stronger position to better manage what is happening on country.

I would like to thank the Board, Cultural Advisers and all the members for their support over the past 12 months. It has been a huge effort and I look forward to another year.



Report from the Chairperson, Walalakoo Aboriginal Corporation Wayne Bergman



I am currently serving my second term as Chairperson after being re-elected in April this year. It is a privilege being the Chairperson of Walalakoo and I am grateful that the members and other Director's have the confidence in me to help guide the organisation into the future.

There has been a big demand from third parties on WAC and its members over the past 12 months. A lot of research is taking place in the Fitzroy Catchment areas particularly around water quality and quantities and investigating opportunities for irrigated agriculture projects. Petroleum exploration has declined more recently but there was still a substantial amount of activity in the second half of last year.

Walalakoo has also been busy with our own activities for example the cultural mapping work has been successful, the Board is now in a position to process membership applications as they are received. After identifying the various issues with the construct of the Native Title group we have now developed a process with the necessary information to address these issues relating to membership.

The Corporation has also been busy with our own land management and planning projects. The Healthy Country Plan is in its final stages and when complete will become the blue print



for our Rangers working on country program. The Development by Design (DbD) project incorporating our cultural values is a first in the world for the Nature Conservancy's US based DbD team. This project will provide valuable tools to Nyikina Mangala people to assist with the assessment of development proposals on our country. We are also developing a business plan to assist us in the development of our own sustainable cultural and land management enterprise.

The biggest challenge currently facing our organisation is creating economic opportunities to ensure WAC is financially sustainable going forward. With the suspension of operations at Buru's Ungani oil



field, WAC's major source of income has been diminished. In response to this we have been busy trying to create other sources of revenue for the organisation. WAC's biggest investment has been in KAPCO. KAPCO has officially been operating since March when the sub leases for Mt Anderson, Bohemia Downs and Frazier Downs were executed. Musters at Mt Anderson and Bohemia Downs were very successful and the outlook for the next 12 months and beyond is very promising.

I would like to thank all the Director's and Cultural Advisers for all their hard work over the past 12 months. The key to our success will be strong governance. The way in which the Board has conducted business over the past 12 months gives me great confidence going forward. Our ability to shape our own future will depend on us standing together and standing strong.



KAPCO and Myroodah station



Our old people were once the backbone of the pastoral industry in the Kimberley.

They worked on stations across the region and they worked hard for ten months of the year — yarning, branding, fencing and droving. They weren't paid for their work but received a shirt, trousers, boots, hat, tobacco and tucker.

WAC believes Nyikina Mangala people can play a significant role in the pastoral industry once again. This time, we want our people to be working on and managing successful stations across the region. As a step toward this, WAC has invested in the Kimberley Agriculture and Pastoral Company (KAPCO).

Discussions and negotiations have taken place over the last eight months with the Indigenous Land Corporation (ILC) to transfer Myroodah Station to WAC. These discussions are progressing and we have all agreed on a timeframe for the transfer being early 2017.

There is a lot of work to do before the transfer can happen. One of the ILC's requirements is WAC must demonstrate how it will manage and maintain the property into the future. This is one of the key focuses between now and the target transfer date.



WAC must also decide what will happen to the cattle on Myroodah. This is because the ILC owns the cattle. If WAC want to keep the cattle then we must purchase them from the ILC. Discussions are taking place between KAPCO and WAC to work out how much cattle we can afford and also the future management arrangement for the cattle business on the property.

This is great news for Nyikina Mangala people. Nyikina Mangala people have been talking about getting Myroodah back for a very long time and now things are starting to happen.



WAC—proposed legal developments

Proposed Native Title Claim over the Derby area

WAC are intending to take instructions from the native title holders of the Nyikina Mangala determination area if they want to file a native title claim over Derby and the Derby Sound and the land south of Derby to the Nyikina Mangala determination area boundary.

In 2012 the Warrwa people filed a native title application, the Warrwa #2 claim over Derby

and the surrounding area, in 2014 this was combined with another Warrwa native title claim that had been filed over a small area for mining. The 2012 claim on behalf of Warrwa filed by an independent legal firm Hopgood Ganim Lawyers.

There are Nyikina Mangala common law native title holders who assert that they hold native title rights and interests in the Derby area, and in parts the area covered by the Warrwa peoples native title claim.



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WAC on behalf of the Nyikina Mangala people have become increasingly concerned with the fact that as the Warrwa combined native title claim continues to be prosecuted, the court will refuse to accept the validity of the Nyikina Mangala rights and interests asserted if we wait any longer.

Recently case law has shown that the Courts are taking the view that if traditional owners want to claim native title over an area of an opposing claim, they must do this as soon as possible after becoming aware of competing interests in the area. The Courts additionally have held that failing to do so amounts to an abuse of process for the native title claim that was filed over the area, regardless of any examination of native title rights and interests in the area.

What this means is that even if the wrong people assert native title in an area, the right traditional owners will not be able to make a native title claim if they delay.

Nyikina Mangala Compensation Claim Curtin Air Base

WAC believe that now would be a good time to file a native title compensation claim over Curtin Air Base. We are currently preparing a native title compensation claim and will in the near future seek instructions from Nyikina Mangala native title holders if they want to proceed



with this compensation claim. Curtin Air Base was established by acquisition of the land by the State and a grant by the State to the Commonwealth in 1982. This land used to





be part of Yeeda Station. The acquisition of the land had the effect of extinguishing all remaining native title rights and interests in the area. We cannot be sure that there were no previous acts that fully extinguished native title, however we are hopeful that this will not be the case.

The Federal Court of Australia in August this year made the first native title compensation determination. The compensation case covered parcels of land in Timber Creek in the Northern Territory and the case was a promising result for native title holders all over Australia.

In summary the Court held that the compensation was payable:

1. for areas where there had been no extinguishment — the freehold value of the land; and
2. for areas where there had been partial extinguishment the value would be 80% of the freehold value.
3. the Court also decided that there could be substantial payments for pain suffering for the native title holders because of the loss of their connection to country.

The case is now being appealed by the Northern Territory and the Commonwealth, mostly in

relation to the calculation of the amount of compensation.

WAC considers that a compensation claim over Curtin Air Base is appropriate as there has been a positive determination of native title on behalf of the Nyikina Mangala people around the Curtin Air Base. The area of extinguishment is expansive, totaling over 25,000 hectares, including 4750 hectares for the Curtin Air Base and 21,000 hectares for the buffer zone around the Air Base, which also had the effect of extinguishing native title.

If the Timber Creek case is followed this would mean that the compensation payable could amount to 80% of the freehold value of the area of Curtin Air base as well as an amount of damages for pain and suffering caused by the removal of the land. For this compensation claim to be successful Nyikina Mangala people will have to give evidence of how they felt when the Curtin Air Base was built and the fences erected in 1983. The Nyikina Mangala community will rely on the evidence of those people who were using the land in 1983. The Nyikina Mangala elders are going to be the greatest contributors to any compensation claim that is made on behalf of WAC.

Healthy Country Planning, Development by Design and Virtual Reality Filming



The Nature Conservancy

WAC partnered with The Nature Conservancy (TNC) on a range of exciting projects to improve the community's capacity in decision making.

The Walalakoo Healthy Country Plan 2016-2026

TNC provided Walalakoo AC with funding for the development of a Healthy Country Plan. The Board of Directors nominated the Healthy Country Plan Working Group who were supported by the Nyikina Mangala Rangers. The working group used the Healthy Country Planning (HCP) framework to guide them through a series of workshops. After an initial training workshop and three planning meetings, the working group developed Vision, Targets, Threats and Strategies for the Walalakoo Healthy Country Plan.



The document explains how Nyikina Mangala people want to look after their country. By bringing together the knowledge from the past and joining it with the recommendations from our partners and scientists who worked on Nyikina Mangala country. We want our traditional lands to stay healthy and our lore, culture and custom passed on to the next generation.





The Walalakoo HCP will help the Rangers with the development of their work plans and by prioritising work programs on country. By capturing the aspirations of Nyikina Mangala Traditional Owners, it will guide the Corporation in their decision making for future projects. With the intent to grow the Ranger Program, the Healthy Country Plan will help WAC to find partners to support cultural and natural resource management on country.



Development-by-Design

Building on key components of the Healthy Country Plan, The Nature Conservancy is working with WAC on a “Development by Design”-Project (DbD). This project will help Nyikina Mangala Traditional Owners in making informed decisions around natural and cultural land-use trade-offs, which balance social, cultural and economic benefits.

This is a first for “Development-by-Design” working with Indigenous People to include cultural values in the decision making process for development proposals. The outcomes of the DbD-project will improve WAC’s decision making processes and ensure that trade-offs and benefits from development proposals are balanced for best outcomes for country and people. A working group nominated by the Board of Directors will meet with the experts from TNC, and after a series of workshops the project will be finalised towards June 2017.



Nyikina Mangala Virtual Reality Project

In June 2016 a team of film makers from the US, supported by TNC Australia, followed the Nyikina Mangala Rangers and Traditional Owners on country to document the values of Nyikina Mangala Country and raise the profile of Indigenous Land Management. With a new technique called "Virtual Reality", the film-team recorded 360° impressions on country.

Once finalised, viewers can watch the movie in Virtual Reality and immerse in Nyikina Mangala country from afar: Filming took place around Mount Anderson, the Camballin Barrage, Snake Creek, Honey Moon Spring and in the Jarlmadangah Community School.



WAC hopes to raise the profile of Nyikina Mangala people and the Nyikina Mangala Rangers with this video.





Nyikina Mangala Rangers



The Nyikina Mangala Rangers have had another successful year. The Rangers headed off to the Erskine Rangers and set up some camera traps for Wiliji (Black footed Rock Wallaby). To find the right places the Rangers had to set out and look for evidence where the wallaby might be. Rangers then monitor their movements, feeding, breeding and growth.



Feral cat trapping near Honeymoon Spring. The rangers trapped cats to monitor their feeding, growth and breeding. Cats were also removed from country to protect the smaller animals from ending up as prey.



The Rangers set out to snake creek to launch the croc trap. Any crocodiles captured are transferred to the Malcolm Douglas Wildlife Park in Broome.



A recent catch was about 4 to 5 meters long and the crocodile was very aggressive when the rangers tried to take it out of the trap.



A big CONGRATULATIONS to Raymond "Redman" Charles for taking out the Kimberley Group Training Trainee of The Year Award!

Unfortunately we say goodbye to Dan Keynes after nearly two years as Ranger Co-ordinator. Dan has done an amazing job with the Rangers since starting in January 2015. We would like to thank Dan for the effort and achievements during this time and wish him all the best for the future.





Other Projects



Madjulla Inc

State Natural and Resource Management Partnership with Madjulla Inc, V& C Semeniuk Research Group and Walalakoo Native Title Body Corporate

Dr Anne Poelina Managing Director of Madjulla Inc in partnership with V & C Semeniuk Research Group were successful in acquiring the State NRM Funding to support the collaboration with the Nyikina Mangala Walalakoo (Native Title) Body Corporate (WBC) propose to develop a Natural and Cultural Heritage Precinct for Education and Tourism.

The Kimberley region, listed on the National Heritage List, is located within the Rangelands NRM as a priority region and high value asset. The area is one of the last great wilderness areas of the World. The Nyikina Mangala Native title area covers more than 26,000 sq km, extending from the mouth of the King Sound below Derby, along the Fitzroy Valley to Noonkanbah and south into the Great Sandy Desert. However, it has been identified that there is a gap in environmental information in this region. Therefore, to evaluate the

opportunities and constraints of developing the Natural Heritage and Cultural Heritage Precinct, and obtain information on where to locate trails and infrastructure, as well as maintaining the values of the region by managing major environmental threats such as fire, weeds, surface run off and feral animals, there is an urgent need to undertake environmental baseline studies, incorporating Western Science and Indigenous knowledge.

This grant is an important first step in developing a baseline study to describe the cultural, archaeological, and natural values of the Fitzroy River Valley Native Title area. This approach will lead to both science-based planning and management and the capacity to maintain the high values of the site both for their inherent and cultural values and to the development of sustainable Indigenous enterprise opportunities. Community members will be targeted for a pathway in land and water management and biodiversity restoration and conservation to manage the inherent Natural and Cultural Heritage Precinct located on this globally unique river country.



The members Benefits Policy along with the application form and rules for applications can be found on the Walalakoo website at <http://www.walalakoo.org.au/social/>

Although some members have utilized the assistance, there has not been very many applications. The assistance program is open to all members of the Nyikina Mangala Native Title group and there are three categories in which assistance can be applied for:

- Education;
- Sports and Arts; and
- Cultural Activities.

My name is Marlikka Perdrisat, earlier this year the Walalakoo PBC supported me with moving from Broome in Western Australia to Sydney in New South Wales. Since moving in March I have completed my Bachelor of Commerce, become a signed fashion model with Scene Model Management, undertaken a number of short courses in acting, presenting and public speaking, and most importantly been successful in my applications to study the Juris Doctor. It was important for me to come to Sydney to experience the city before concluding this is where I would spend the next three years of my



life studying. I have used this time to meet with mentors, possible employers and leading universities as well as new experiences such as the ballet, opera, theatre and festivals the city hosts. I am now enrolled and aim to start the Juris Doctor in February 2017. The Juris Doctor is a professional doctorate in Law and once completing this qualification I aim to return home to use commerce and law to become a consultant and work in with my community. I'm very appreciative and thankful to the Walalakoo PBC for supporting me through this journey.



My name is Francine Buckle and I am studying Nursing at Notre Dame University in Broome. I recently received assistance from Walalakoo to purchase new reading glasses which I heavily rely on when I am studying. I think it is great that Walalakoo is able to provide some assistance to the members and I encourage other members to use this assistance where they can.

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