



Kimberley Land Council

MEDIA RELEASE

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First threatened compulsory acquisition since James Price Point

A group of Kimberley Traditional Owners is at risk of having a portion of their land forcibly acquired by the State Government, the first time since the controversial James Price Point decision.

Barnicoat Island, part of the Mayala native title claim, is currently the subject of a 'Notice Of Intention To Take' by the WA Department of Planning, Heritage and Lands.

The extraordinary decision to forcibly acquire the island was first agreed to by the previous Barnett Government and was recently referred to the National Native Title Tribunal for a final decision.

Kimberley Land Council Deputy Chief Executive Officer Tyronne Garstone has written to Minister for Transport, Planning and Lands, Rita Saffioti, about the matter and called on the McGowan Government to reverse the decision.

"If carried out, this compulsory acquisition will extinguish all native title over Barnicoat Island," Mr Garstone said.

"The extinguishment will be permanent, and the Mayala Traditional Owners will never be able to recover rights to that land.

"This would be the first compulsory acquisition of native title in the Kimberley without Traditional Owner consent which the KLC is aware of.

"And the first threatened compulsory acquisition since the controversial steps taken by the Barnett Government in relation to James Price Point."

The purpose of the compulsory acquisition is to assist Marine Produce Australia (MPA), which carries out an aquaculture business in Cone Bay.

The business has been operating for many years on Turtle Island, but has been advised that their current lease will not be renewed. MPA has indicated that Barnicoat Island is its preferred option.

"Before seeking access to Barnicoat Island, MPA never engaged with Mayala Traditional Owners, despite the company operating for years in Mayala sea country.

"Even though negotiations between MPA and Mayala Traditional Owners regarding a lease had begun, the previous government decided to override this process, following pressure from the company, and issue the notice to forcibly acquire the island.

“This is not the way that business should be done in the Kimberley. It is in the long term interests of all involved that there be a sustainable and positive relationship between Kimberley Traditional Owners and businesses operating on native title lands and waters.”

The Mayala Native Title Claim was lodged with the National Native Title Tribunal in 1998. The KLC is acting as the legal representation for Mayala Traditional Owners.