



KIMBERLEY
LAND COUNCIL

KIMBERLEY
LAND COUNCIL



2021-2022

**ANNUAL
REPORT**

2022 AGM ARTWORK BY EVA NARGOODAH



Eva Nargoodah describes her artwork as representing the wind blowing through her country, the community of Kupartiya where the KLC, KALACC, KLRC and AARNJA held their 2022 AGM.

"Knowledge that is passed on keeps community strong.

The old people's voices are carried through the breeze, like seeds, and the stories of how they lived before are passed on to the young.

The wind reminds the young people of the old people who came before them. The old people taught us that sharing is caring. They taught us how to hunt for goanna and bush potato, gather food and witchetty grubs. The old people taught us about changing seasons. The colours in the painting are the changing colours of trees and hills and grass through the different times of year and changing stories.

It's important to listen to the voices of the old people because knowledge that is passed on keeps community strong. Country is always healing."

Eva Nargoodah



ACKNOWLEDGMENT OF COUNTRY

The Kimberley Land Council acknowledges the Traditional Owners of country throughout Australia and pay our respect to Elders past and present. The KLC acknowledges the First Nations of the Kimberley region upon whose lands we live and work. We recognise the diversity of Traditional Owner rights and interests in country, and support right people for right country. We thank and respect our Elders who have paved the way before us, and upon whose shoulders our emerging leaders now stand.

Aboriginal readers are warned that this report may contain images of deceased people.





CONTENTS

ABOUT KLC	6	LOOKING AFTER COUNTRY	44
OUR PURPOSE	7	Land & Sea Management	46
CHAIRMAN'S MESSAGE	8	Kimberley Ranger Network	48
MESSAGE FROM THE CEO	10	Ranger Group In Focus	49
NEW KLC STRUCTURE	14	On-Country Employment	50
OUR BOARD	16	Women Ranger Program	52
OUR TEAM	18	Women In Fire	53
STAFF IN FOCUS	20	Ranger Training	55
CORPORATE GOVERNANCE	22	Two-Way Science Program	56
PUNTURR PUNTURR FESTIVAL	26	Ecology Support	58
		Rangers Looking After Vulnerable Species	60
		Ranger Team Exchanges	62
		Turtle and Dugong Conservation Plan Launch	65
POLICY & ADVOCACY	28	TAKING CONTROL OF THE FUTURE	66
Changing Laws Impacting Native Title Holders	29	Native Title Services	68
Carbon Policy	33	Future Acts	71
Protecting The Martuwarra Fitzroy River	34	PBC in Focus	72
Supporting An Indigenous Voice	35	Joint Management	74
		Fire & Carbon	76
		North Kimberley Fire Abatement Program	78
GETTING BACK COUNTRY	36	Communications	81
Native Title Claims	38	Partnerships	83
Anthropology & Research	41		
Native Title Compensation	42	FINANCIAL REPORT	84

ABOUT

KIMBERLEY LAND COUNCIL

The Kimberley Land Council (KLC) is an Aboriginal organisation established in 1978 for the purpose of working for and with Traditional Owners to get back country, look after country and get control of the future. The KLC's mandate is driven by its strong membership of Kimberley Aboriginal people, and delivered by a Board of culturally and regionally representative Directors.

As the native title representative body for the region, the KLC has achieved native title determinations across 97 per cent of the Kimberley, and at the end of the reporting period there were 28 PBCs in the Kimberley managing native title rights and interests. The KLC works with PBCs to expand capacity and capability, as well as economic development opportunities and activities. The KLC supports 18 Aboriginal ranger groups through the Kimberley Ranger Network, and conducts a range of land and sea management activities.

In its representative capacity, the KLC plays a leading role amplifying the views and voices of Kimberley Aboriginal people locally, nationally and internationally.

A large background image on the right side of the page. It shows a person in traditional Indigenous attire, including a large, colorful, stylized flower or headdress made of orange, yellow, and black. The person is holding a large, colorful, stylized flower or headdress. The background is a bright blue sky. There are also some decorative elements like a small kangaroo icon in the top right and some concentric circles in the bottom right.

**THE KIMBERLEY LAND COUNCIL
IS A COMMUNITY ORGANISATION
WORKING FOR AND WITH
TRADITIONAL OWNERS OF THE
KIMBERLEY, TO GET BACK COUNTRY,
LOOK AFTER COUNTRY AND GET
CONTROL OF OUR FUTURE.**

MARBOO NGIMBI,

'Jayida marooloo ngarnga, milliya ngarga, jayida ngarga ningada widoo'

'Our Truth, Our Voice, Our Future'



Inspired by the work of artist Eva Nargoodah, featured on the front cover of this report, and used as the design for the 2022 KLC AGM, I'd like to share a few words from Eva.

"It is important to listen to the voices of the old people because knowledge keeps community strong."

"Whenever we look to the future, we must remember our beginnings and our truth."

Our Truth

The Kimberley Land Council (KLC) was established to protect the rights of Kimberley Aboriginal people following a dispute with the West Australian Government and an international mining company.

In April 1978, leaders from Aboriginal communities across the Kimberley, including my Dad, Mr Watson, met in the river bed at Marlayarn Crossing, Old Halls Creek. From that meeting a gathering was

organised, at which our organisation – the Kimberley Land Council – was officially formed and launched.

For more than 44 years, the KLC has worked to protect land, law, language and culture, and has succeeded in securing native title rights across roughly 97 per cent of the Kimberley.

We have achieved this incredible milestone through the significant contributions, determination and sacrifices made by our elders.

Our elders hold a wealth of knowledge, that keeps our culture and our communities strong. It is this knowledge that we need to capture and treasure. Our elders also hold knowledge about the impact that colonisation has had on our culture, family members and way of living in the Kimberley. This knowledge is part of Australia's truth and it must be acknowledged.

The KLC has been working closely with elders throughout the Kimberley to capture this knowledge for future

generations. This knowledge will help the Kimberley as we move onto the next chapter from recognising native title, towards assisting native title holders to be appropriately compensated for loss and pain that they have suffered.

Our Voice

The next big step towards reconciliation will be making sure the voices of Aboriginal people are heard.

By this time next year, I hope Australia will be well on the way to celebrating one of the most significant moments for Aboriginal relations in the country's history – a Voice to Parliament, enshrined in the Constitution.

This Voice would enable Aboriginal and Torres Strait Islander people to give advice to the Federal Parliament about laws and policies that impact them through an Indigenous-led policy making process and structural change. The KLC has been at the forefront of the campaign to create a Voice to Parliament, actively supporting the

Uluru Statement from the Heart since the very beginning. In April, KLC CEO Tyrone Garstone and I travelled to Queensland to take part in the first Uluru Dialogue for 2022, which hosted a strong representation of leaders and land councils from around the nation.

A Voice to Parliament enshrined in the Constitution will be a genuine step Australia can take towards closing the gap. It will mean Australia accepts our invitation to have a better relationship with Aboriginal and Torres Strait Islander people.

It will mean a better future for our people. Our emerging leaders, who are taking up the shield and continuing leadership for the Kimberley region, will have a seat at the table, and be driving forward the outcomes of Kimberley Aboriginal people building our capacity and working towards self-determination.

The Australian Labor Party has signalled an intention to hold a referendum on an Indigenous Voice to Parliament in

2023. Our members can expect the KLC to be a strong representative for our region, heavily campaigning in the lead up to the referendum.

Our Future

The KLC has an important role to play as the Kimberley continues its journey towards self-determination.

Looking to the future we must remember our beginnings, and I would like to thank our elders for their guidance and wisdom. I would also like to take this opportunity to remember our elders who have sadly passed away, but left a long-lasting contribution. We stand on the shoulders of our old people and without them, the Kimberley Land Council would not be what it is today. The contributions by the KLC Board are invaluable to the organisation and have supported us to be one of the nation's leading land councils. I would like to thank them for their commitment, skills and cultural knowledge that guide the strategic focus of the KLC.

I would like to thank the KLC members for your continued support and for making the organisation what it is today. I will also take this moment to encourage members to have discussions with your children, families and friends in your community to encourage them to sign up to become members of the KLC. Their voice and leadership can play a role in shaping the future of our wonderful, diverse and culturally rich region.

galiya widoo ngarnga
'our true words'

Anthony Watson
Chairman

MESSAGE FROM THE CEO

Gorna moyon ambooriny,

From on country meetings in the Kimberley, to the High Court of Australia, to the halls of the United Nations, for 44 years the Kimberley Land Council (KLC) has been the political voice for Kimberley Aboriginal people.

This year Australia celebrated 30 years of native title. As the native title representative body for the region, the KLC is proud to have achieved native title recognition across 97% of the Kimberley.

Having nearly achieved our goal of getting back country, the KLC has now evolved our operations to focus on looking after country and getting control of the future.

This significant milestone has resulted in the KLC's operations now focusing on nation building priorities, including land and sea management, carbon policy, future acts compensation, governance, advocacy and economic development for our region.

This year marked the 20th anniversary for the Karajarri native title determinations, where their native title rights and interests were recognised over 31,000 square kilometres.

Karajarri had one of the first native title determinations to be recognised in the Kimberley and had the first native title application in which applicants were represented exclusively by the Kimberley Land Council.

We congratulate them on this significant milestone, and thank them for hosting the 2021 AGM on their country at Port Smith, which was a wonderful celebration of heritage and culture.


A new era for KLC

In the 2021-22 financial year, there were 28 PBCs operating within the Kimberley, managing native title rights and interests for their people.

As the number of established PBCs and claim groups in our region continues to grow, we have taken steps to ensure the KLC remains representative, inclusive and

effective, to keep our voice strong. In May 2022, the KLC proposed a new Board structure which was overwhelmingly approved by members at the Special General Meeting. Three separate resolutions were put to the membership regarding the proposed changes and all were approved by more than 75% of the votes cast across four locations. It was a fantastic outcome for our organisation, as it will ensure the KLC continues to be a strong voice for our members all across the Kimberley.

The new Rule Book has been approved by ORIC and the new structure will come into effect at the 2022 KLC AGM. I look forward to working alongside representatives from around the Kimberley to lead the organisation into the next chapter. You can read more about the changes to the structure, and learn about the role of the Representative Council on page 14 of this report.



“Australia is at a pivotal moment in its history. If the country enshrines an Indigenous Voice to Parliament in its Constitution, it will mean a stronger future for our people.”

A Pivotal Moment

Australia is at a pivotal moment in its history. If the country enshrines an Indigenous Voice to Parliament in its Constitution, it will mean a stronger future for our people. A Voice to Parliament will give Aboriginal and Torres Strait Islander people around the country agency to inform decisions that impact their lives. Current policy-making does not have a systematic process for Aboriginal people to provide advice, meaning policy is often made for us, rather than by us.

The conditions to build a genuine consensus around the Voice are strong, and the KLC will continue to be a strong supporter for a Voice to Parliament in the lead up to Labor's commitment for a 2023 referendum.

More broadly, the KLC looks forward to working side by side with the

new Federal Government on the advancement and self-determination of Aboriginal and Torres Strait Islander people. The KLC seeks to see the advancement of Indigenous Australians as equal, flourishing and esteemed members of the Australian community.

The appointment of the first female Minister for Indigenous Australians, Linda Burney, alongside other Indigenous leaders within the Ministry, gives us great hope for the future. I would also like to congratulate Senator Pat Dodson on his recent appointment to the position of Special Envoy for Reconciliation and the Implementation of the Uluru Statement from the Heart.

Australia has an important opportunity to reset the status quo and create a bright future for First Nations people, and the KLC is ready and willing to work alongside the country's new leaders to drive change for Kimberley Aboriginal people. Key

focus areas for the KLC and all our members will be an Indigenous Voice to Parliament, improved Commonwealth protection for culture and heritage, and Indigenous-led, regional economic development. The KLC is proud to recognise the Kimberley region as a strong collection of nations. Nation-building will be a core focus for the organisation in years to come.

A strong voice

As the WA Government continues to propose extensive legislative reform, it is crucial to ensure the KLC continues to be a strong advocate for Indigenous-led reform and continues to be a voice for our members.

The KLC will continue to support native title holders to protect their heritage, and encourage strong and improved Commonwealth protection for culture and heritage.



“I am proud to see more Kimberley Aboriginal people taking on leadership roles within the organisation, and proud to see strong female representation amongst our Board and leadership team.”

Over the past year, the KLC has also been progressing the first Kimberley compensation application working alongside the Malarngowem Traditional Owners. We have been supporting Malarngowem Traditional Owners since the sacred Garnkiny and Jawaren dreaming sites were damaged by a mining company on an exploration tenement in the east Kimberley in 2019.

Sadly, the destruction of our heritage, like the damage to the dreaming sites in the east Kimberley experienced by the Malarngowem Traditional Owners, is still happening both in the Kimberley and around Australia.

With protection of heritage being a key priority, the KLC has been a strong voice for the nationally-heritage listed Martuwarra Fitzroy

River. Over 43,000 submissions were sent to the WA Government calling for the protection of the Martuwarra following the release of the Fitzroy River Water Discussion Paper. The river is a fundamental and inseparable part of Kimberley Aboriginal people’s spiritual connection to their country and customs.

Indigenous land and sea management

The KLC is proud to continue to support the development of Indigenous land and sea management in the Kimberley. Currently, the KLC supports 18 Aboriginal ranger groups through the Kimberley Ranger Network. The KLC looks forward to working with the Government to secure additional ranger positions following the Labor Government’s commitment

to double the number of Indigenous rangers in March this year. Alongside expansion of the ranger program, it’s exciting to continue to welcome new initiatives, and the KLC recently launched the new two-way science school program, working with 3 ranger teams in 4 schools in the Kimberley. You can read more about the project on page 52.

Bardi and Jawi, Mayala and Dambimangari people recently celebrated a historic moment with the announcement of the State’s first co-designed marine park. These are WA’s first ever marine parks created by Indigenous-led design. I am proud that the KLC has been at the forefront of sea country management, supporting the co-design and native title holders involved in the project over the past 5 years.

The Bardi Jawi Garra, Mayala and Maiyalam Marine Parks will cover more than 600,000 hectares of the Buccaneer Archipelago and protect sea country for future generations. They will be jointly managed by Traditional Owners and the State Government with day-to-day management to be closely aligned with work undertaken by local ranger teams who are part of the KLC’s Kimberley Ranger Network.

The KLC’s Kimberley Ranger Network exists to be a collective voice for Indigenous Rangers in our region. Moving forward, we will continue to lead a gold standard Indigenous fire management program, support the training and development of rangers, undertake conservation of native plant and animal species, advocate for more funding and work alongside leading science partners to support Traditional Owner land and sea management throughout the Kimberley

Adapting to the pandemic

In 2021-22, COVID-19 continued to have an impact on our operations. Once again, staff throughout all KLC departments were forced to adapt, working from home, rescheduling meetings and finding

new ways to undertake their roles. Throughout the pandemic I’ve been impressed by the innovation and commitment of the KLC team. We held the first native title holders meeting solely using video conference technology, and the KLC SGM across four Kimberley locations – the largest virtual meeting we have ever undertaken. While operations have returned to normal, we continue to be aware of the risks of COVID-19 and take steps to ensure our community and staff remain safe.

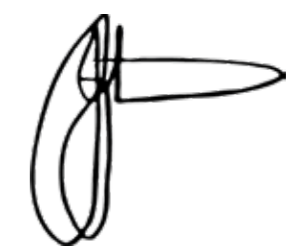
KSDCT

In 2021 the KLC instigated an independent review into the Kimberley Sustainable Development Charitable Trust. This is the first independent review of KSDCT, which was established in 2002 to provide a trust management service. The review is important to ensure that KSDCT can continue to operate with integrity and transparency, and in the best interests of Aboriginal people in the Kimberley.

While this has been a long process, I look forward to providing an update to our members at the 2022 KLC AGM. I would like to thank everyone who participated in the review.

With thanks

It has been a privilege to lead the KLC over the past year as CEO. I have been supported by a skilled Board, a strong leadership team and dedicated staff. I am proud to see more Kimberley Aboriginal people taking on leadership roles within the organisation, and proud to see strong female representation amongst our Board and leadership team. I would also like to acknowledge the dedication of KLC staff and the leadership of my colleagues. The progress and achievements of the organisation over the past year are a testament to your perseverance and dedication to securing a better outcome for Kimberley Aboriginal people.



Tyronne Garstone
Chief Executive Officer

NEW KLC STRUCTURE



Outcomes from the Special General Meeting

In May 2021, the Kimberley Land Council proposed changes to its Rule Book that included a new Board structure at a Special General Meeting held across the Kimberley.

These changes were proposed to make sure we stay connected to all our Kimberley members. The KLC is pleased to announce that members who attended the Special General Meeting on May 25 overwhelmingly approved the proposed changes.

This was the KLC's first time hosting a meeting of this scale across multiple locations at Broome, Fitzroy Crossing, Halls Creek and Kununurra, using video conferencing technology.

Three separate resolutions were put to the membership regarding the proposed changes and all three were approved by more than 75% of the votes cast across all four locations. This is a wonderful outcome for our organisation and will ensure the KLC continues to be representative and a strong voice for our members all across the Kimberley.

The new Rule Book was sent to ORIC for approval and registration. Now that it has been approved, the KLC is undertaking a number of steps to ensure we can implement the changes and transition successfully to the new KLC structure at the 2022 AGM.

OUR BOARD

The Kimberley Land Council would like to acknowledge the leadership and dedication of the Cultural Advisors and Directors who have guided the organisation over the past year.

KLC Cultural Advisors 2021 – 2022



CHAIRMAN/ CULTURAL ADVISOR
Anthony Watson



CULTURAL ADVISOR
Annette Kogolo



CULTURAL ADVISOR
Mr. Davey*



CULTURAL ADVISOR
Irene Davey

KLC Directors 2021 – 2022



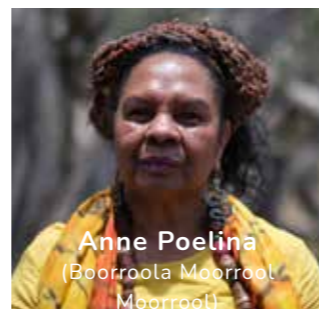
Nolan Hunter
(Director)



Russell Davey
(Bardi Jawi)



Wayne Bergmann
(Joombarn-buru)



Anne Poelina
(Booroola Moorool
Moorool)



Clement Maraltadj
(Balangarra)



Percy Brown
(Ngurrara & YMN)



Elizabeth Dixon
(Jabirr Jabirr/Ngumbarl)



Nathan Lennard
(Giniyiawarmi Yoowaniya)



Greg Tait
(Ngarrawanii)



Thomas King
(Karajarri)



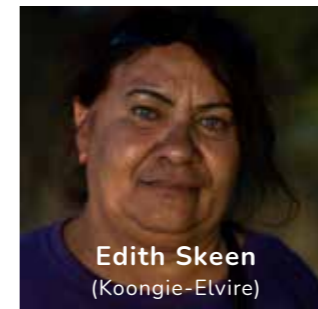
John Hamilton
(Jarui)



Jean Malay
(Yuriyangam Taam)



Shirley Drill
(Purnululu)



Edith Skeen
(Koongie-Elvire)



Trevor Cox
(Nimanburr)



Robert Watson
(Nyikina Mangala)



Dwesmond Wiggan
(Mayala)



Dean Matthews
(Yawuru)



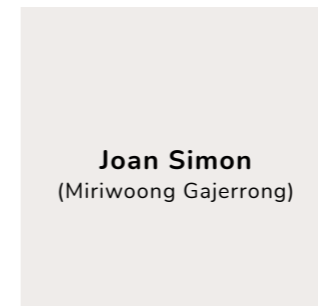
Trisha Birch
(Malarngowem)



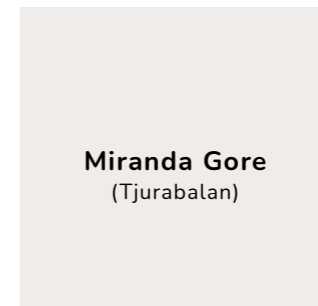
Kamus Green
(Bunuba)



Glenn Bonney
(Kurungal)



Joan Simon
(Miriwoong Gajerrong)



Miranda Gore
(Tjurabalan)



Rowena Wright
(Nyangumarta Karajarri)

*The KLC would like to acknowledge the incredible legacy of Mr Davey who passed away in February, 2022. We thank him for his support and significant contributions to the KLC.



OUR TEAM

The Kimberley Land Council continues to be one of the top employers for the Kimberley region. The KLC is proud to offer competitive salaries, benefits and a supportive working environment that attracts talent from around Australia, whilst supporting the development and training of Kimberley Aboriginal people into leadership positions.



Senior Leadership



CEO
Tyronne Garstone



Deputy CEO
Sarah Parriman



WORKFORCE DEMOGRAPHICS

The KLC is proud to employ a diverse workforce, with strong female and Aboriginal representation.

98 STAFF EMPLOYED IN 21/22 FINANCIAL YEAR (NOT INCLUDING CASUAL STAFF)

40% OF THE WORKFORCE HAS BEEN AT THE KLC FOR FIVE YEARS OR MORE

53%  ABORIGINAL WORKFORCE

50%  FEMALE WORKFORCE



—
**Deputy CEO,
Sarah Parriman**

“I go to work in a job that I love every day, and I work for people in my community that I care about. We work in a complex and challenging environment. I see changes happening every day. When changes are made without us, we are not just left behind, but suffer the unintended consequences, and our rights are compromised. I choose to persevere because I want to be part of creating a better future.”

Kimberley Land Council Deputy Chief Executive Officer Sarah Parriman is one of the organisation’s longest-serving staff members. Sarah joined the KLC in 2000 on a short-term contract as relief receptionist. She soon found her place at the KLC and took on a number of other administration roles.

Sarah spent a few years working away from the KLC in the resource industry where she developed an interest working in Human Resources, and spent a few years working as a Recruitment Officer.

Returning to the KLC in 2006, Sarah’s ambition, work-ethic and passion for Aboriginal self-determination and advancement for Aboriginal people in the Kimberley saw her career with the KLC quickly take off. Supported by training and development programs, including undertaking formal study in HR, and strong mentoring at the KLC,



“One thing I’ve learnt throughout my leadership journey, that to be an effective leader you have to have the ability to recognise and respect the competence and contribution of others, but it’s just as critical to have a strong sense of self, knowing your strengths, weaknesses, and values. It’s impossible to demonstrate authenticity as a leader if you’re unsure of who you are or what you stand for in the first place.”

Sarah was promoted through a range of roles. She went from working at the front desk, to working as a Project Officer supporting the Yawuru ILUA negotiations, moving into the role of Executive Assistant to the Deputy CEO and other roles within the Corporate Services unit before taking on the role of Corporate Services Manager, leading a team of 14.

Sarah’s breadth of experience, professional development and training in a number of roles has enabled her to develop a deep understanding of both the people and the operations of the KLC, whilst securing the confidence and skills needed to advance a leadership position. In 2021 Sarah was appointed to the Deputy CEO role.

Sarah supports the ongoing operations of the KLC whilst guiding the strategic direction of the organisation, seeking to create a better future for Kimberley Aboriginal people.

In 2021, Sarah was selected to take part in the Jawun Emerging Leaders program. The program provides Indigenous leaders with the opportunity to engage and connect across regions and sectors throughout Australia, build confidence and capacity, provide exposure to leaders across the Indigenous, corporate and government sectors, and an opportunity to build awareness and understanding of business and policy.

This year Sarah was awarded the 2022 Kullarri NAIDOC award for her contribution to Indigenous Affairs, and remains focused on ensuring the KLC delivers the best possible outcomes for its members, Kimberley Aboriginal people.

The KLC is proud to continue to support Sarah and other emerging Kimberley Aboriginal leaders in their personal and professional training and development.

“I’m proud to be part of an organisation like the KLC that encourages staff to challenge themselves, develop new skills, gain confidence and empowers people to succeed. I’m excited to play a role in supporting and promoting others through their leadership journey”



CORPORATE GOVERNANCE

The Chief Executive Officer of the Kimberley Land Council is responsible for the day-to-day operational and administrative management of the KLC, and is supported by a senior management team. The CEO is the interface between the Board of Directors and KLC staff. The CEO also works to achieve the strategic objectives of the organisation.

The KLC acknowledges the support of the Australian Government through the National Indigenous Australians Agency (NIAA) and other funding bodies which support the KLC in operational and activity-based programs. However, the KLC continues to struggle to meet ever-increasing costs amid a lack of resources. Holding on-country meetings and providing travel and accommodation arrangements for Traditional Owners, Directors and staff continues to be challenging, particularly when working in extremely remote parts of the Kimberley.

Risk Management

Understanding the risks we face and managing them appropriately will enhance our ability to make better decisions and deliver on our strategic objectives. The Board of Directors is ultimately responsible for risk management and it approves the organisation's approach to risk. The KLC Board identifies the level of risk the Board is willing to take in pursuit of the Board's goals. Under the Risk Appetite Statement the KLC Board identifies the risk tolerance across five key areas, including financial, members, reputation, governance and resourcing. The KLC Board and through the CEO and senior management team regularly review, approve and maintain oversight of the organisation's risk management policy. The Board receives updates about key risks, changes in risks and emerging risks at its meetings. Stringent financial and operational procedures are

maintained and applied to make sure the organisation is effectively managed. The KLC retains a qualified financial accountant to provide financial reporting to the KLC Board and the CEO, and who provides certification and acquittal of funding agreements. The KLC also engages an external independent auditor to ensure the organisation fulfils its financial management obligations and corporation compliance.

The senior management team is responsible to the CEO for planning the activities, services and projects necessary to manage risk. The management team meets regularly to review progress and identify upcoming issues, which are regularly reported back to the Board of Directors. The KLC is proactive in identifying potential financial and operational issues to ensure appropriate action is taken to minimise or exclude those risks.

Ethical Standards

All Kimberley Land Council employees are required to maintain high standards of honesty, integrity and respect while behaving in an appropriate and fair manner. Employees conduct their work in accordance with the ethical standards relevant to their particular professions and codes of conduct. Staff performance guidelines are included in the KLC's policies and procedures and the KLC Code of Conduct.

External Scrutiny

An annual financial external independent audit was conducted by Australian Audit and can be found in the Financial Statements section of this Report.

Complaints

The KLC received four complaints in the reporting period. Four have been resolved in accordance with our complaints process outlined as part of the KLC's policies and procedures

Native Title Role and Functions

The Native Title Act allows the Minister to recognise organisations as "representative bodies" for a period up to six years. Representative bodies have functions under the Native Title Act, and are provided with grant funding by the Commonwealth Government each financial year to carry out those functions.

The functions of representative bodies are set out in section 203B of the Native Title Act.

A representative body has the following functions:

- (a) the facilitation and assistance functions referred to in section 203BB;
- (b) the certification functions referred to in section 203BE;
- (c) the dispute resolution functions referred to in section 203BF;
- (d) the notification functions referred to in section 203BG;
- (e) the agreement making function referred to in section 203BH;
- (f) the internal review functions referred to in section 203BI;
- (g) the functions referred to in section 203BJ and such other functions as are conferred on representative bodies by this Act.

Facilitation and Assistance Functions

Representative body functions are carried out in accordance with available resources and competing priorities, however priority must be given to the protection of native title rights and interests.

The facilitation and assistance functions of representative bodies are:

- (a) to research and prepare native title applications, and to facilitate research into, preparation of and making of native title applications; and

- (b) to assist registered native title bodies corporate, native title holders and persons who may hold native title (including by representing them or facilitating their representation) in consultations, mediations, negotiations and proceedings relating to the following:

- (i) native title applications;
- (ii) future acts;
- (iii) indigenous land use agreements or other agreements in relation to native title;
- (iv) rights of access conferred under the Native Title Act or otherwise;
- (v) any other matters relating to native title or to the operation of the Native Title Act.

The KLC carries out its facilitation and assistance functions by allocating resources to native title claim groups to progress their native title claims, to prescribed bodies corporate, for the negotiation of agreements or resolution of disputes, future acts, and other matters relating to native title. The KLC also provides legal advice and representation where requested and if appropriate.

Native Title Assistance

During the 2021-22 reporting period, the KLC provided native title assistance to 16 native title claims and 27 PBCs within the Kimberley region. Throughout the year, the number of claims has fluctuated as some claims have been determined or withdrawn, and other claims have been lodged.

Claims

All the native title claims the KLC provides facilitation and assistance to are important, but with limited resources available, not all claims can be progressed at the same time. Claim priority assessment determines the direction of organisational activities. The prioritisation

of claims is informed by, but not limited to, resourcing considerations, Federal Court case management priorities, and the availability of suitably qualified consultants such as anthropologists.

PBCs

The KLC also provided assistance to a number of PBCs in relation to establishment, meeting assistance, expert advice, resources, and governance and compliance matters. There is a high level of demand for the KLC to provide assistance to PBCs that otherwise have limited resourcing to carry out their statutory and corporate governance functions.

Future Acts and Heritage

The KLC provides assistance to a number of PBCs and claim groups in the Kimberley region by providing legal and anthropological assistance in response to future acts. Future acts happen when someone applies to the government for an interest that impacts native title rights. Most future acts also impact heritage. Examples of future acts are mining leases, exploration licences, new pastoral or grazing leases, and activities by government authorities like the Water Corporation or Main Roads. KLC responds to future acts providing the views of native title holders, negotiating heritage protection agreements, and gathering evidence to support objections or hearings before the National Native Title Tribunal.

Applications for Assistance

Individuals or groups may apply to the KLC for assistance in relation to a native title matter, such as to research and lodge a new native title claim, resolve a native title dispute, or agreement-making. The KLC Native Title Grants Committee is a subcommittee of the KLC Board which considers and decides on applications for assistance.

In the reporting period, the KLC received six applications for assistance. All six of these applications were considered and decided on by the Native Title Grants Committee in the reporting period.

Certification Functions

The KLC's representative body functions include certifying that native title claims and Indigenous Land Use Agreements (ILUAs) have been properly authorised by native title holders or claimants. The KLC certified one ILUA in the reporting period. The KLC did not certify any new native title claims in the reporting period.

Dispute Resolution Functions

It is the KLC's policy to, wherever possible, resolve disputes relating to native title by consultation at claimant meetings and during the course of claim preparation.

The existence of disputes can have a significant negative impact on the ability of Traditional Owners to exercise their native title rights and interests, or to have those rights and interests recognised.

For example, the existence of a dispute might have a negative impact on:

- priority for assistance;
- registering a native title claim (because of adverse impacts on certification or authorisation processes);
- responding to future acts; and
- obtaining a determination of native title.

The process for achieving successful native title determinations often raises difficult questions for claimants. Disputes may arise, particularly where the relationship between the Native Title Act and traditional law and customs is not clear. As a result, the KLC may be called upon to assist in resolving disputes.

It is a requirement of the Native Title Act for the KLC to make all reasonable efforts to minimise the number of overlapping native title claim applications. The dispute resolution function assists to streamline the native title process and increase certainty for parties involved in native title matters.

The KLC provided assistance for mediation of disputes that affected nine different native title claim groups during the reporting period. All of this dispute resolution assistance involved some level of formal mediation by the Federal Court.





PUNTURR PUNTURR FESTIVAL

—
2021 AGMs of the KLC,
KALACC & Aarnja

The Kimberley Land Council, Kimberley Aboriginal Law And Culture Centre and Aarnja hosted their AGMs on Karajarri country at Port Smith Bird Park as part of the Punturr Punturr Festival at the beginning of November, 2021.

The event was filled with important discussions, meetings and celebrations of culture. Members also heard from guests like Senator Patrick Dodson, Member for Kimberley Divina D’Anna, Police Commissioner Chris Dawson and (then) Minister for Aboriginal Affairs Stephen Dawson.

The KLC, KALACC and Aarnja reaffirmed their opposition to the proposed Aboriginal Cultural Heritage Bill, calling on the Minister for Aboriginal Affairs to make the changes needed to ensure Aboriginal Cultural Heritage would be protected for future generations.

The organisations released the *Punturr Punturr Statement* calling for the Minister to listen to Traditional Owners and:

- Ensure the proposed legislation was formed on the basis of free prior and informed consent. The final decision about impacts to Aboriginal culture and heritage must lie with Aboriginal people, not industry or government.
- Legislate an appeal process to the State Administrative Tribunal to ensure that, just as occurs in other areas of the justice system, wrong decisions can be reviewed. This is about the fundamental principle of access to justice which a Labor Government should stand strong on.
- Deliver adequate resourcing for PBCs and their representatives to properly engage with this new and complex legislation.

- Ensure that the proposed new Aboriginal Cultural Heritage Council would be 100 per cent Aboriginal represented, not just a majority.
- Create an Aboriginal Cultural Heritage Bill that would strengthen industry’s social license to operate.
- Accept that meaningful engagement had not occurred. Listen openly and implement recommendations for improvement of this legislation so as to address the members very significant concerns.

The Bill passed through Parliament on December 14 2021 without the Minister acknowledging these requests, and the Aboriginal Cultural Heritage Act (2021) officially became law on December 22, 2021.

Read the latest on the Aboriginal Cultural Heritage Act on page 26.



POLICY & ADVOCACY

The Kimberley Land Council's mission is to get back country, look after country and get control of the future. To achieve these outcomes, we must play an active role in advocating for and responding to change through policy and law reform.

In 2021-22 the KLC worked across several areas, which have significant impacts for PBCs, native title holders and Kimberley Aboriginal people. These include the Western Australian Government's new Aboriginal culture and heritage legislation, protection of the Martuwarra

Fitzroy River, water legislation, land tenure reform, carbon methodology development and legislation, the laws governing native title and Indigenous corporations, as well as Indigenous ranger sector strategy and planning.

We have participated in government and non-government policy forums, made submissions to consultation processes and inquiries, participated in legal processes, and advocated through media and public forums.

We are firm advocates for Indigenous-led reform, and a voice for our members and Aboriginal people more broadly in policy discussions, design and improvement.

CHANGING LAWS IMPACTING NATIVE TITLE HOLDERS

Throughout the 2021-22 reporting period, the KLC responded to a significant increase in policy and law reform being undertaken by the WA Government.

While the KLC appreciates the opportunity that exists to update outdated legislation, it is important that Traditional Owners have appropriate time and resourcing to adequately consider and provide feedback to proposed change.

It is important that KLC members are aware of the changes that are occurring and that they will have real life impacts for native title holders.

Aboriginal Affairs Planning Authority Act 1972

The KLC has attended several information sessions about proposed amendments to the Aboriginal Affairs Planning Authority Act (AAPA Act) and has made a submission in response to the first round of consultations. The KLC recognises the need for change and the WA Government's efforts to amend out-of-date and out-of-step legislation. However, we also note that there is clear motivation for the State to transfer responsibility for areas of land that do not currently economically benefit the State. With this in mind, it is essential that any amendments aimed at facilitating the divestment of ALT lands are accompanied by targeted, appropriate and well-resourced measures that allow Aboriginal people to capitalise on and benefit from divestment.

Land and Public Works Legislation Amendment Bill 2022

The KLC has met with and written to the Minister for Lands regarding proposed changes to the Land Administration Act 1997 (LAA), including a new diversification lease. While the KLC believes amendments to the LAA can create a pathway for Aboriginal people to more effectively participate in the broader economy, the experience of dispossession and the current reality of entrenched disadvantage means that support mechanisms must be in place to allow this to happen. If the State is committed to introducing a new land management regime, it should ensure that, economically and operationally, prescribed bodies corporate (PBCs) and native title parties have the capacity to respond and negotiate.

Water Reform Bill

The WA Government is working on a Water Reform Bill which will consolidate six water resource management Acts into one. Some current provisions will be transitioned to the new legislation without change, while others will be amended and new provisions may be created, including the provision for the creation of Aboriginal Water Reserves. While we await further information about the Water Reform Bill, the KLC has highlighted the need for further investigation, from an Indigenous perspective, into Aboriginal Water Reserves to better understand how they may or may not deliver benefits for Traditional Owners.

Aboriginal Cultural Heritage Act 2021

For many years the KLC had called on the WA Government to overhaul the outdated Aboriginal Heritage Act 1972 (WA) (AHA 1972). For 40 years, the Act did not operate in the best interests of Aboriginal people and allowed for the destruction of many heritage sites.

In 2018 the WA Government announced a review of the AHA 1972. As part of this review the Government released a discussion paper, and then held a consultation period. A draft Aboriginal Cultural Heritage Bill was released in October 2020 and then a revised Aboriginal Cultural Heritage Bill 2021 was released in November 2021 on the same day it was introduced into Parliament.

Throughout this process the KLC, and many others, voiced significant concerns about what was contained within the proposed new law, the way the Government consulted with Aboriginal people and, eventually, the manner in which the WA

Government overruled the wishes of Aboriginal people and used its majority to rush the bill through Parliament right before Christmas.

What has the KLC been doing?

The KLC advocated throughout the development of the ACH Act 2021 for the legislation to be put on hold and redrafted to reflect the major concerns of Aboriginal people across Western Australia. The KLC consulted and worked with PBCs and native title holders to ensure the views of Kimberley Traditional Owners were heard and represented. The KLC held public demonstrations and generated significant media coverage about the flaws of the proposed legislation. The KLC also held PBC Forums to discuss the proposed legislation and engaged in the WA Government consultation process, making submissions, writing letters and providing feedback on the failings of the law.

What is the KLC doing now?

The KLC's role is to make sure that PBCs and native title holders are given adequate opportunity to discuss the new ACH Act, raise issues or concerns and shape the outcomes of the co-design process of the Act's guideline and regulations. The KLC has been participating in the co-design process, which has involved attending 'co-design' workshops and providing a detailed submission on the first phase of consultation. In mid-2022 the KLC held an ACH Act scenario planning

session with PBC representatives to discuss the impact of the new law in more detail. The KLC also held a PBC Forum to provide PBCs with further information and an opportunity for Department of Planning Lands and Heritage staff to speak to PBCs about the co-design process.

Ongoing concerns

The KLC continues to have significant concerns about the new ACH Act, as well as the 'co-design' process which is underway. These issues have been outlined in letters, one-on-one meetings, workshops and written submissions. They include, but are not limited to, no right for Traditional Owners to say "no" to damage or destruction of their cultural heritage, a rebranded Section 18 now called a permit with fewer safeguards for Traditional Owners than the old s18 process, burdensome agreement making, inappropriate cost-shifting to PBCs and Traditional Owners, limitations to the newly created 'Protected Areas', a loss of rights of review and a lack of free prior and informed consent throughout.

The KLC is also concerned about the consultation process employed during the drafting of the legislation and the current 'co-design' process for the development of the ACH Act's regulations, guidelines and operational policies. Co-design should include equal participation, decision making, understanding and ownership of a final outcome. The KLC believes the process underway is not a true form of co-design and is rather another phase of consultation which does not give Traditional Owners a final say.

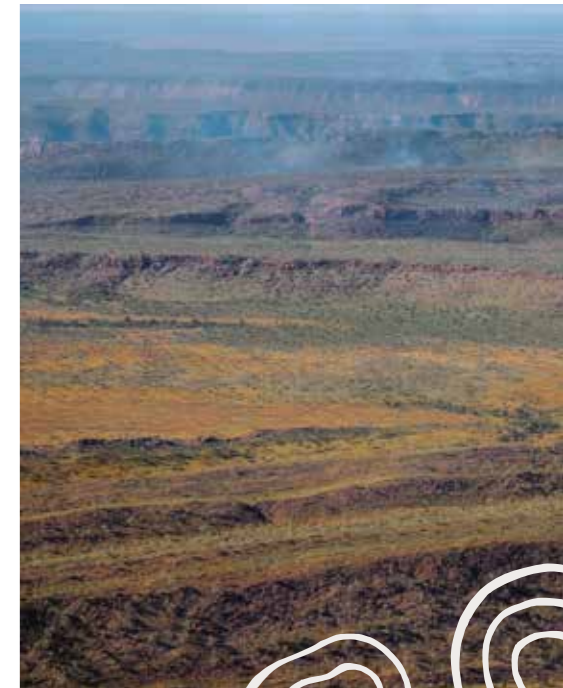


KLC Directors at the Heritage Demonstration at Parliament House in Perth, August 2021.





A Kija ranger carries out a prescribed burn on Kija country.



CARBON POLICY

Thanks to submissions by the Kimberley Land Council the Federal Government announced a new savanna fire management Emissions Reduction Fund (ERF) methodology as a priority for development in 2022.

Representatives from the Clean Energy Regulator also travelled to Broome in 2022 to meet with the KLC and to visit Nyul Nyul and Bardi Jawi country to learn more about fire on the Dampier Peninsula. The visit will assist the Clean Energy Regulator to write the new savanna fire management ERF method.

The new method will:

- Credit better fire management for causing less intense fires which don't kill trees.
- Open up new areas for projects potentially including the Dampier Peninsula.
- Give Traditional Owners the opportunity to build their fire management capacity before starting a project without being penalised.

The KLC is also continuing to push for more rights for native title holders when carbon projects are registered on their lands including publishing a simple EIH consent guide for PBCs, called *Carbon Projects: Eligible Interest Holder Consent*.

Using clear language, the brochure explains that PBCs are eligible interest holders for Emissions Reduction Fund (ERF) projects registered on their land.

The brochure:

- Explains that PBCs have the right to say no to ERF projects registered on their land.
- Provides a list of considerations for PBCs who have been approached about a project on their land.
- Provides links to more detailed resources on eligible interest holder consent.

KLC Directors hold a sign on the banks of the Martuwarra Fitzroy River at Willare calling for protection of the national-heritage listed site. July, 2022.



SUPPORTING AN INDIGENOUS VOICE

The KLC has continued to advocate for the full adoption of the Uluru Statement from the Heart, including an Indigenous Voice in the Constitution, by the Australian Government.

Both KLC CEO Tyronne Garstone and former CEO Nolan Hunter have been actively involved in supporting and promoting the Uluru Statement. With a newly elected Federal Government committed to a Referendum on the matter, the KLC will continue to play an important role educating the Australian public about the importance of a First Nations Voice and Makarrata.

PROTECTING THE MARTUWARRA FITZROY RIVER

In 2021 the KLC along with 43,000 other people and organisations made submissions to the WA Government's Managing Water in the Fitzroy River Catchment discussion paper. In this submission and numerous public statements, the KLC called for protection of the national heritage listed river and for the WA Government to abandon any plans for large scale extraction of surface water.

During the reporting period the KLC co-hosted a Fitzroy River Film Festival in Perth and Broome showcasing Traditional Owner stories and perspectives of the Martuwarra.

The KLC also met with the WA Ministers responsible for the Fitzroy River to call for a multi-day meeting of Kimberley Traditional Owners and the Government to discuss water planning and other issues.



KLC Chair Anthony Watson (left) and KLC CEO Tyronne Garstone (right) participating in the first Uluru Dialogue for 2022.

GETTING BACK COUNTRY



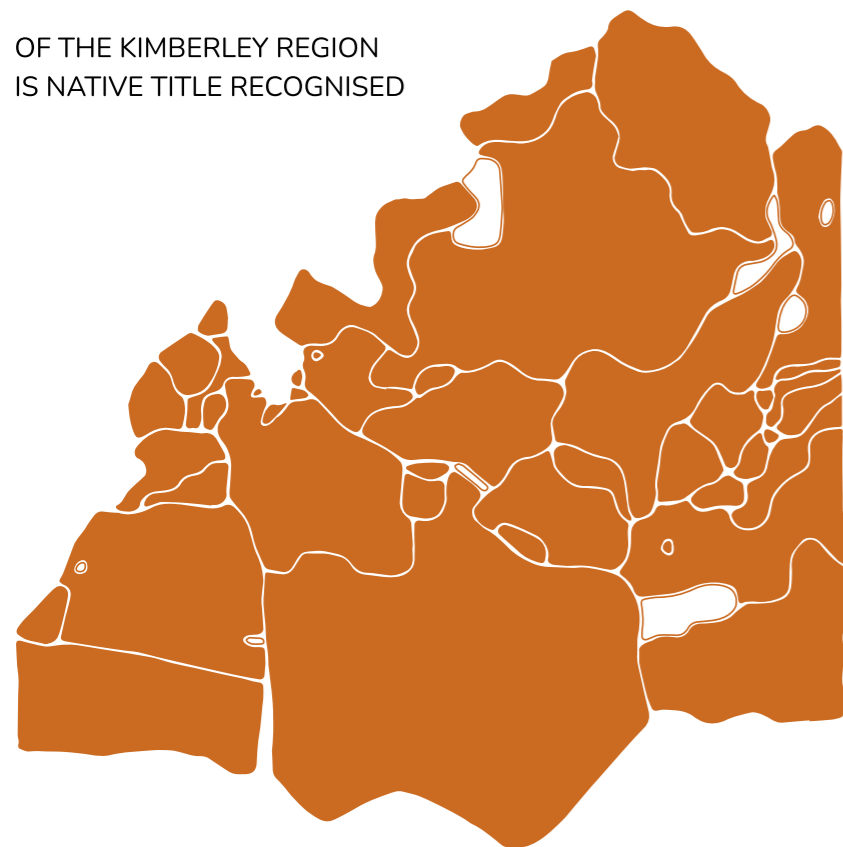


NATIVE TITLE CLAIMS



97%

OF THE KIMBERLEY REGION IS NATIVE TITLE RECOGNISED



The Kimberley Land Council has been very successful over the past 28 years, since the Native Title Act came in to force in 1994, in assisting Kimberley Traditional Owners to have their native title rights recognised by the Federal Court of Australia. Less than 5% of the Kimberley NTRB area remains to be recognised.

Some of these remaining areas are disputed and subject to competing claims, and it is possible that some of these disputes will only be resolved through Federal Court hearings. The KLC continues to provide support for native title claimants who are in dispute, through the exercise of its representative body functions.

Purnululu & Gajangana Jaru

The Purnululu native title claim is the oldest claim in the Kimberley and one of the oldest claims in Australia. The KLC is committed to assisting Traditional Owners to resolve this claim so that they can make the most of the opportunities available once a native title claim is resolved and a PBC is established. The KLC also recognises the importance of supporting appropriate resolution of disputes in the area, including by funding the Gajangana Jaru claim so that both sides to the dispute have legal representation.

The KLC's support for both the Purnululu claim (through representation by KLC lawyers)

and the Gajangana Jaru claim (through funding for separate legal representation) led to a decision by the Federal Court in October 2020 which recognises that some members of both claim groups hold native title rights in the area of the Purnululu National Park. Since then, KLC has continued to support the resolution of the claims through Federal Court mediation. The mediation is ongoing and may result in a determination before the end of 2022. If the claims are not resolved through mediation a further Federal Court hearing may take place.

Koongie-Elvire, Ngarrawanji #3, and Halls Creek

The KLC Board has approved assistance for a number of groups in the area of the Koongie-Elvire claim and the Ngarrawanji #3 claim which is over Halls Creek.

This assistance is for funding for separate legal representation. KLC lawyers do not act for any of the parties to these claims.





ANTHROPOLOGY & RESEARCH

Warrwa Combined and Booroola Moorrool Moorrool

The Warrwa Combined claim and the Booroola Moorrool Moorrool claim overlap in the area of Derby. The KLC supports the Warrwa Combined claim through representation by KLC lawyers. The KLC also supports the Booroola Moorrool Moorrool claim through funding for separate legal representation.

The Warrwa Combined claim and the Booroola Moorrool Moorrool claim are in mediation before the Federal Court. The mediation may result in a determination before the end of 2022. If the claims are not resolved through mediation a Federal Court hearing may take place.

Birriman-gan

The Birriman-gan claim was determined by the Federal Court on 19 December 2019. Since that time, the Birriman-gan native title holders have not made a decision to nominate a prescribed body corporate (PBC). On 1 July 2022 the last extension of time for a nomination expired and the Indigenous Land and Sea Corporation (ILSC) became the PBC for the Birriman-gan determination area.

Argyle Claim

The Argyle Participation Agreement ILUA was signed in 2005 by the KLC, Traditional Owners and Argyle Mining. Under this agreement KLC must assist Traditional Owners to make a native title claim over the Argyle Grazing Lease area. The claim will be lodged once Argyle Mining, owned by Rio Tinto, surrenders a grazing lease. The KLC held a number of community consultations in 2021-22 and engaged an anthropologist to work with Traditional Owners to prepare a connection report to support the native title claim once it is authorised and lodged with the Federal Court.

In the past year, KLC anthropologists made 67 FAMILY TREES for Kimberley native title holders.

Anthropologists and other experts have conducted research with Aboriginal people all around the Kimberley as part of the process to have native title recognised. This is called “connection research” and it includes family trees, some maps of significant sites, and expert reports about who the people with connection to land in the claim are, and how they have that connection through traditional law and culture.

KLC now has connection research materials from claims over the whole of the Kimberley. The KLC knows that this information can be very important to individuals, families, and PBCs. Anthropologists who work at the KLC help PBCs and native title holders to access and use this information in ways that can benefit them.

One of the main ways KLC anthropologists currently provide access to connection materials is

through giving people their family trees, or genealogies. The KLC understands that family trees can mean a lot to people, and that many people want to be able to have information about themselves and their families.

Family trees can be helpful for people to know what native title groups they are part of. Sometimes they help people connect to family, or be part of family history research. They can also help PBCs with governance matters, such as decisions about membership, or help trust funds make decisions about benefits.

When an individual asks for their family tree, KLC anthropologists look through all of the genealogies relevant to them and create a personalised family tree and summary of sources for them. In the past year, KLC anthropologists made 67 family trees for Kimberley native title holders.



NATIVE TITLE COMPENSATION

Native title holders can get compensation for things the government has done that stops native title holders from exercising their rights, like extinguishing native title to build a bridge or a road. The laws for native title compensation come from the Native Title Act and the Racial Discrimination Act.

Native title holders who have lost some or all of their native title rights because of something the government has done might be able to get compensation.

Under the Native Title Act 1993 (Cth), native title holders can make a claim for compensation for things done by the government after 31 October 1975 (the date the Racial Discrimination Act was passed). Only PBCs or authorised applicants can make an application to the Federal Court for native title compensation. Since the decision of the High Court in the Timber Creek Native Title Compensation Claim in March 2019, the KLC has worked with a number of PBCs researching and reviewing material to identify areas where a native title compensation claim could be made and the evidence which could be available to support a compensation claim. In 2021-22 KLC assisted PBCs with more formal steps for a compensation claim.

First Native Title Compensation Application In The Kimberley

Malarngowem Compensation Claim

The Kimberley Land Council is working on a Malarngowem Compensation Claim, which is significant as it is the first native title compensation application in the Kimberley.

The KLC has been supporting Malarngowem Traditional Owners since 2019 in relation to damage on an exploration tenement on Springvale Station in the east Kimberley.

In May 2021 Malarngowem Aboriginal Corporation RNTBC, the PBC for the Malarngowem determination area, was authorised by the Malarngowem native title holders to make a compensation claim over exploration licence E80/4934 held by Kimberley Granite Holdings Pty Ltd (KGH). The claim is for compensation for the impacts of KGH's exploration activities in the exploration licence, including significant damage to sites such as Garnkiny and Jawaren.



Dambimangari Compensation Claim over Yampi Defence Lands

In November and December 2021 the KLC worked with Dambimangari Native Title Holders and Dambimangari Aboriginal Corporation to take evidence from a senior Traditional Owner with important and significant knowledge of the Yampi Defence Lands. The evidence was recorded with the assistance of a barrister and KLC lawyers and anthropologists. Even though the Federal Court was not involved in hearing this evidence, it was an important step in ensuring the evidence is available for future generations.

Since February 2022 the KLC has been working on preparing a compensation claim for the area of the Yampi Defence Lands. This has included meetings with native title holders, in preparation for a formal meeting for native title holders to be consulted about and consent to the PBC, Wanjina-Wunggurr (Native Title Holders) Aboriginal Corporation RNTBC, making a compensation claim over the Yampi Defence Lands.

Preservation Evidence Project for future native title claim

In June 2022 KLC staff worked with a senior Traditional Owner to record his knowledge about the Carranya pastoral lease area. Evidence will be available for future generations to make a native title claim over the Carranya pastoral lease.

KLC staff have also developed project plans for future preservation evidence work with senior Traditional Owners throughout the Kimberley region. This work will draw on the experiences and learnings from the preservation work done in 2021-22.



LOOKING AFTER COUNTRY

“Aboriginat people are connected to land through our culture, law and dreaming. We have a responsibility to look after our land, just as it looks after us.”

Kevin George, Bardi Jawi Ranger



LAND & SEA MANAGEMENT

The Kimberley region is larger than 75 per cent of countries around the world, with a biologically diverse landscape predominantly managed by Aboriginal people.

The west Kimberley has been recognised on the National Heritage List as a significant Aboriginal cultural landscape.

With an estimated population of just 35,000 people across 423,000 km², the Kimberley has fewer people per square kilometre than almost any other place on earth.

Kimberley Aboriginal people are using their cultural values to enrich the natural environment, deliver employment and training, ignite social change, support carbon abatement, and stimulate economic activities in their communities. Indigenous Ranger groups across the Kimberley demonstrate this best.

The Kimberley Land Council looks forward to expanding the vital work of ranger teams throughout the Kimberley.

The Women's Ranger initiative has continued to go from strength to strength, and the KLC has been successful in gaining Aboriginal Ranger Program (ARP) funding to expand womens ranger teams and their dedicated coordinators.

The security of the new 7-year Commonwealth Indigenous Ranger Program (IRP) funding was an outcome of a lot of hard work of current and previous KLC staff, and sets up a foundation of growth and success for emerging groups. It also strengthens the current ranger teams the KLC manages, and supports the KLC's Kimberley Ranger Network.

The KLC looks forward to seeing the requirements of the next stage of IRP funding, and meeting those requirements in consultation with PBCs and the Commonwealth to further grow our employment and on country outcomes. The KLC is also looking forward to new Indigenous Protected Area (IPA) funding from 2023 onwards.





KIMBERLEY RANGER NETWORK



RANGER GROUP IN FOCUS

Getting back country is only the start of the Kimberley Land Council's role. Country must also be looked after and used to build capability and opportunities for future generations.

The KLC has been working in partnership with governments, not-for-profit agencies and the private sector to support and grow Indigenous Ranger groups across the Kimberley.

Indigenous rangers manage country using a combination of cultural knowledge, western science, and modern technologies. Ranger positions require accredited conservation and land management qualifications, and are much sought-after within communities. They offer inclusive on country employment opportunities, including career pathways for women and youth.

Ranger groups strongly deliver against Closing the Gap targets.

The KLC model is based around empowerment and capacity building. KLC has a proven record as an incubator and supporter of emerging and growing ranger groups, with a view to self-management.

The KLC currently administers funding for 8 Indigenous ranger groups and has successfully divested five groups back to their PBCs after supporting them since their inception.

All 18 Indigenous ranger groups in the Kimberley are part of the Kimberley Ranger Network, a KLC initiative which acts as a voice for ranger groups within the region. Many groups within the Kimberley Ranger Network are independently run and managed, but the KLC still provides support to the groups through advocacy, training, development and hosting regional forums.

The KLC has a proven track record in supporting Indigenous leadership and career progression, with rangers transitioning into specialist roles as Fire Officers, Marine Rangers, Senior Cultural Rangers, Head Rangers, Ranger Coordinators, and positions in the KLC's Land and Sea Management Unit. In joint management, rangers are also progressing to specialist training in marine, fire, tourism, mapping, and drone technology.

Gooniyandi Rangers

The Gooniyandi rangers are based in Fitzroy Crossing and undertake activities focused on environmental and cultural outcomes across 11,356km² of Gooniyandi country.

The group has primarily been funded through the Commonwealth Government's Indigenous Ranger Program, however the Kimberley Land Council has recently secured WA Government funding through the Department of Biodiversity, Conservation and Attractions (DBCA) Aboriginal Ranger Program with the primary goal for this state funding to establish and grow a Gooniyandi Women's Ranger team.

Coordinated by Russell "Junior" Chestnut, a Gooniyandi man himself, the Gooniyandi rangers exhibit an exemplar operational culture and team cohesion. Combined with a commitment to maintaining cultural links to country and providing

opportunities for senior Traditional Owners and younger generations to remain connected to country, culture and language, the Gooniyandi Rangers are leaders in Indigenous-led land management.

In the 6 months to July 2022, the Gooniyandi rangers have undertaken prescribed burns for cultural and fuel reduction purposes, treatment of noxious weeds, men's cultural trip to maintain connection to country and culture and provide guidance for troubled youth, surveys for bilbies and rare bird species, engagement with schools, training in Certificate II and III Conservation and Ecosystem Management through North Regional TAFE, collaboration with other ranger groups, pastoralists and government agencies of the Fitzroy Valley for broader landscape management, and a ranger exchange to the Kiwirrkurra rangers on Pintupi country to share knowledge and approaches to management of bilbies and feral cats.





ON-COUNTRY EMPLOYMENT

Gooniyandi Ranger Coordinator, Russell Chestnut

In my early twenties I went to work for a lot of different big name mining companies in the Pilbara. My focus was on gaining independence. I liked operating machinery and was quickly promoted to higher-level roles.

When I would come back home to Fitzroy Crossing, I realised that my people would be fighting mining companies that wanted to dig up parts of my own country.

I realised there was a disconnect between my work and my values. I wanted to get out of mining for a while, and move back home to Fitzroy, but I wasn't sure what career opportunities were there that would offer similar benefits and I was worried about a massive pay drop.

When I saw the KLC advertising the Gooniyandi Ranger Coordinator role, I knew that was the ideal next step for me.

This was a job, back home on my country, where I would get paid well to look after country. It meant I could carry on from the work of my grandmother who was a strong leader for Gooniyandi which she took over from her parents.

My favourite part about being a ranger is the reconnection to country on a different level that can't be explained, it's something you've got to experience. My job is looking after my own backyard, and I know this work is fulfilling my responsibility to look after Gooniyandi country.

I feel so lucky to have a job where I can be on-country and be at work at the same time, not just on breaks and weekends.

I work with an amazing bunch of guys in my team. We understand each other and we are really open with one another about our intentions with the job, and that makes us stronger.

I really want to see the current rangers in my team progress to leadership roles because they are fully capable of it. I want them to realise their potential and then pass it on and inspire other people from our community to become rangers.

I've always been a hard worker. Growing up in Fitzroy Crossing, I spent a lot of time with old people caring for country. My Grandmother did a lot of work with the Gooniyandi PBC and I learnt a lot from her.

It's inspiring for me seeing how motivated they are, their great work ethic and to see their confidence and competency always growing.

They use a lot of initiative. When we are making decisions, it is as a team, rather than waiting for direction from me. It's more like a consultation we all have together.

Through my work with the KLC over the past two years, all the training opportunities I've had have helped me develop new skills for my career. I've developed stronger organisational skills, I've become much more confident in consulting with partners and stakeholders and I've learnt a lot about the business side as well.

I really hope to see the Gooniyandi ranger program, as well as Indigenous ranger programs right throughout the Kimberley grow through more funding and development. There is so much potential.

During my time as a ranger I have seen the benefits first-hand through reconnecting people to country and culture and the job creation the program provides.

There's an automatic two-way science process we do as rangers. You combine your general knowledge you have from growing up in the bush, with the knowledge passed down from our elders past and present, whilst also working alongside western-science partners in the program.

I couldn't think of a better job for me, at this stage in my life right now.



WOMEN RANGER PROGRAM

Since the KLC first appointed a dedicated Women's Ranger Development Coordinator in 2017, the Kimberley Indigenous women ranger network has continued to grow. Currently, 55 women are engaged in casual or part time employment.

The women rangers continue to take part in training and development programs to develop areas of expertise. In the 2021-22 year, all 55 of the women rangers, took part in one or more areas of fire management training.

The increased participation of women in ranger teams has solidified the importance of women's cultural knowledge of plants and animals.

Women ranger are also helping with the important maintenance and preservation of cultural sites by supporting the knowledge transfer to younger generations. Across the Kimberley, through the support of the KLC's Land and Sea Management Unit, support has been provided to six dedicated women ranger teams and five mixed teams who regularly engage women (1-2 part-time, or regular casuals).

To continue to increase the number of women rangers in the Kimberley, the KLC is developing the Kimberley Women Ranger Network Strategy. The KLC is also actively seeking funding for five ranger teams to both establish and continue work with women rangers.

“Women rangers are leaders in their community. Through their work they inspire many young women to take up the charge caring for country and culture. Employment as a ranger can empower women and have transformative benefits for families, communities and the women themselves.”

Sarah Parriman,
KLC Deputy CEO



WOMEN IN FIRE



The Kimberley Land Council hosted over **50 Indigenous women** rangers from **13 different ranger groups** within the Kimberley Ranger Network in Broome for the very first Women in Fire Forum in March 2022.

The meeting covered topics, such as women in fire leadership, GIS mapping with Indigenous Mapping Workshop Australia and presentations from rangers about early season fire management. It was an important way to acknowledge the key role that women play in early season fire activities, as well as understand the barriers and challenges that they face.

Project partners attended from Department of Biodiversity, Conservation and Attractions, Department of Fire Emergency Services, Bush Heritage, Indigenous

Desert Alliance, Environs Kimberley, Desert Support Services & KLC fire and technical staff.

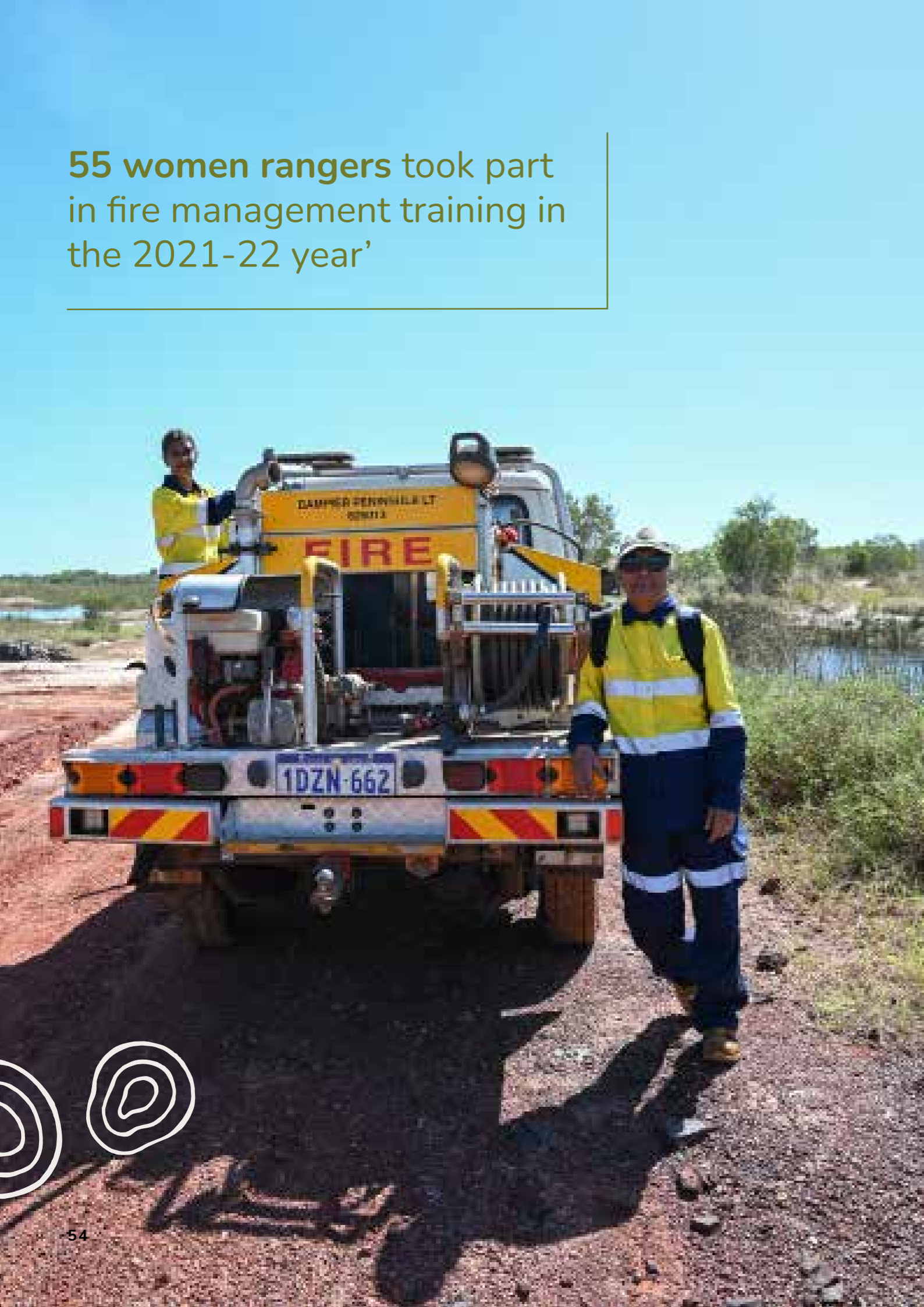
Many of these partners were blown away by the regions participation numbers and see the potential in furthering the groups' capacity in fire management.

Looking to the future, the women identified training and capacity-building, regional and national fire projects, and developing external partner support for the Kimberley Ranger Network as key priorities.

Since the forum, the women rangers have undertaken several training events in fire and performed many hours of prescribed ground and aerial burning.

The clear message from the women rangers was they want to be involved in fire management and they want to share their expertise with new and emerging women ranger groups.

55 women rangers took part in fire management training in the 2021-22 year'



RANGER TRAINING

The Kimberley Land Council supports training programs for Kimberley Rangers equipping them with skills for life.

The Kimberley Land Council is proud to work together with Kimberley ranger groups in organising high-quality accredited training events where rangers develop all the required skills to undertake effective land and sea management.

Though the ability to deliver training was heavily affected by the outbreak of COVID-19 in the Kimberley in 2022, KLC staff worked closely with training providers to find ways to continue to deliver training opportunities whilst not putting any communities at risk.

KLC staff engage various training organisations such as North Regional TAFE, Ready to Respond, Winyama and Conservation Management to deliver cost-effective, high quality training events.

Monthly surveys and feedback are conducted with Kimberley ranger groups and stakeholders to map training needs and coordinate training opportunities. Training opportunities and training calendars are communicated to ranger groups and stakeholders on a monthly basis.

The KLC coordinated **92 training events** which were attended by **153 rangers** from **17 different ranger groups** across the Kimberley, completing **800 accredited training units**.

21 RANGERS

COMPLETED CERTIFICATES I, II AND III IN CONSERVATION AND ECOSYSTEM MANAGEMENT AND HORTICULTURE



12 RANGERS

COMPLETED COXSWAIN GRADE 1 OR 2



The KLC Kimberley Ranger Network coordinated **12 non-accredited training events** in conservation action planning, additional training support and Language, Literacy and Numeracy. Organisations such as the Department of Biodiversity Conservation and Attractions (DBCA), Australian Wildlife Conservancy, Bush Heritage have sent staff to KLC's Kimberley Ranger Network coordinated training events.

RANGERS ALSO TRAINED IN SPECIALISED REMOTE:



FIRST AID



TOURISM



MARITIME



DATA MANAGEMENT



GIS MAPPING



4X4 DRIVING

TWO-WAY SCIENCE PROGRAM

The Kimberley Land Council launched an innovative new two-way science program in 2022, which will see rangers working with schools to bring learning on-country.

Two-way Science Coordinators, Cameron Hugh and Eduardo Maher, and Project Officer Justin King are currently working with the Nyul Nyul, Bardi Jawi, Bardi Jawi Oorany and Ngurrara ranger teams to develop and deliver education programs to four schools across the Kimberley.

The programs are being designed to cover content about caring for country, including seasonal calendars, traditional food sources and sustainability. They will also include subjects based on ranger work such as

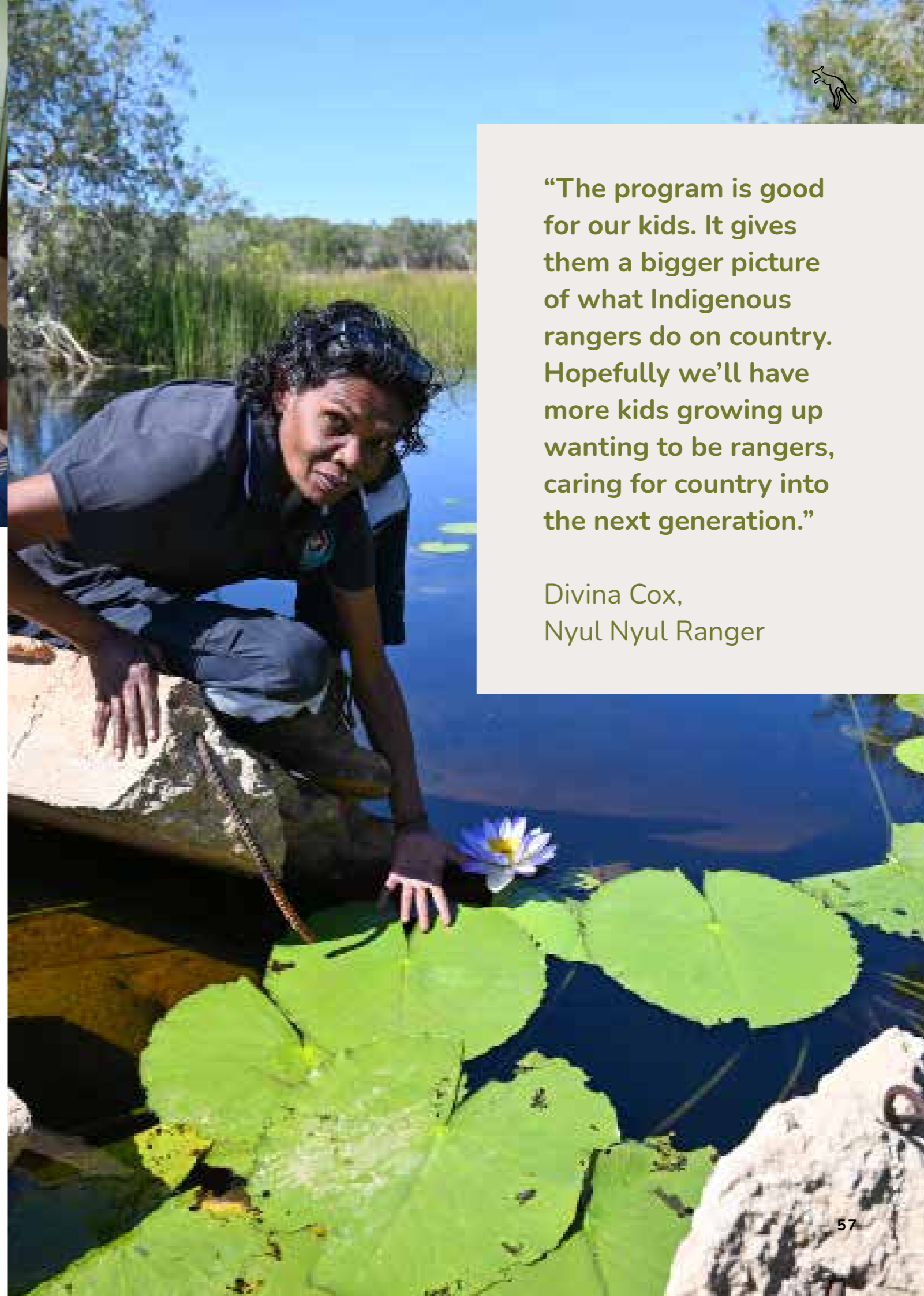
wildlife monitoring using technology like remote camera traps and baited underwater remote videos (Bruv Monitoring).

These programs will be co-designed by community and remote schools alongside the ranger teams to help establish a culturally responsive curriculum.

The KLC and the Ngurrara Rangers ran their first session with Yakanarra and Djugerari schools in July 2022 with great success.

‘The two-way science program has been really well received. The rangers have put more initiative and energy into the project than we could have hoped for, and the kids at Yakanarra and Djugerari got up at 5am because they were so excited about the rangers coming to their schools.’

Eduardo Maher, Two-Way Science Coordinator



“The program is good for our kids. It gives them a bigger picture of what Indigenous rangers do on country. Hopefully we’ll have more kids growing up wanting to be rangers, caring for country into the next generation.”

Divina Cox,
Nyul Nyul Ranger



ECOLOGY SUPPORT

Kimberley Land Council Regional Ecologist, Marlee Hutton

Marlee Hutton is a Bardi Jawi woman who grew up in Broome and studied marine and environmental science in Perth. She worked as a marine scientist with CSIRO for five years where she specialised in dugong research, citizen science and coastal development. She is now back living in Broome and working for the Kimberley Land Council as an ecologist supporting Indigenous rangers in monitoring threatened and culturally important species.

A central focus of the ecologist role is also to train and support rangers to develop skills in collecting and analysing data from cameras and song meters to better inform their land management practices.

She has continued to support the KLC ranger teams with scientific activities on country through six field trips this year conducting surveys and feral animal management.

These include:

- Bilby surveys (Gooniyandi and Kija)
- Night Parrots (Paruku)
- Scaley Tail Possum – Wyulda (Kija)
- Northern Quolls (Kija)
- Gouldian Finch Play Back Surveys (Bardi Jawi)

Marlee has also played a lead role developing five new Standard Operating Procedures (SOPs) for ranger science activities, and out-of-date SOPs have been updated. These SOPs will assist rangers in developing the skills to conduct scientific activities with more independence from outside organisations.

These skill sets may provide opportunities for rangers to accept fee for service work or apply for grants to monitor species of cultural or scientific significance.

“Through my work I aim to empower rangers to feel confident in applying scientific methods to monitor their important plans and animal species. In future, this will give Indigenous ranger groups sovereignty over their data.”

Marlee Hutton, KLC Regional Ecologist

Gooniyandi and Kiwirrkurra Ranger Exchange

Learnt from Kiwirrkurra rangers on how to improve on Bilby surveys and Feral cat management.

Days spent: 5 | Ranger group: Gooniyandi
Ranger participants: 4 | TO participants: 2
Partner organisations: DSS

Wyulda and Bilby surveys

ACTIVITY: Deployed cameras for Wyulda and conducted Bilby Surveys by mapping Bilby habitats, doing vegetation surveys and deploying cameras

Days spent: 4 | Ranger group: Kija
Ranger participants: 6 | TO participants: 0
Partner organisations: Rangelands NRM

Night Parrot Survey

Night Parrot planning sessions between Paruku, Ngurra Kayanta and Ngurrapa). 30 song meters deployed.

Days spent: 5 | Ranger group: Paruku
Ranger participants: 7 | TO participants: 40
Partner organisations: DSS, Environs Kimberley

Bilbies and Fire

Conducted 100 step surveys of different aged vegetation sites and deployed 4 cameras at active Bilby camps. Deployed and collected 2 audio moths for night parrots.

Days spent: 2 | Ranger group: Gooniyandi
Ranger participants: 5 | TO participants: 1
Partner organisations: Environs Kimberley

Night Parrot Survey

Collecting Night Parrot song meters with Paruku, Ngurra Kyanta and Ngurrapa.

Days spent: 4 | Ranger group: Paruku
Ranger participants: 5 | TO participants: 20
Partner organisations: DSS

Gouldian Finch Call-playback Surveys

Assisted WWF and Bardi Jawi Rangers in annual call playback surveys for Gouldian Finches.

Days spent: 2 | Ranger group: Bardi Jawi
Ranger participants: 10 | TO participants: 0
Partner organisations: WWF



RANGERS LOOKING AFTER VULNERABLE SPECIES

Kija Rangers carry out Scaley Tailed Possum (Wyulda) Survey on Remote Country



In June 2022, Kija rangers based in the east Kimberley used a chopper to get to a remote gorge to follow up on a previous Scaley Tailed Possum (Wyulda) sighting caught on camera by Kija rangers in 2018.

The sighting was unexpected and unique as it is outside of the known range of Wyulda in Western Australia.

KLC Ecologist Marlee Hutton coordinated and went along on the trip and said it's important and vital work the Kija rangers carry out through surveying.

“Understanding whether there is a permanent population of Wyulda in these gorges will inform ranger land management for better conservation of significant species.”

The Wyulda is one of only three species of possum that shelter exclusively in rocks. Frequent, intense fires negatively impact Wyulda habitats by reducing the density of fruiting trees for them to feed on. The cool

season burning the Kija rangers carry out each year through the KLC's fire program is helping to keep the near-threatened species habitats healthy. Whilst on country, Kija rangers also conducted Bilby surveys to verify some local sightings. They deployed trail cameras and conducted vegetation surveys to find out as much as they can about the presence or absence of Bilbies on their country.

Nationally listed as vulnerable, the Bilby is suffering an ongoing decline in range and abundance due to pressures such as habitat loss and degradation, altered fire regimes and introduced animals. Kija rangers work hard to protect Bilby habitats and conduct surveys which helps scientists learn how to better protect this iconic Australian species.

RANGER TEAM EXCHANGES

Each year through the Kimberley Ranger Network and in collaboration with partners, the KLC supports ranger team exchanges.

Ranger exchanges enable professional capacity development by maintaining connections between rangers working across vast areas of country and by providing a platform for exchange of information and enhancement of skills and knowledge.



Women Ranger Exchange: Bardi Jawi Oorany and Karajarri

BARDI TO KARAJARRI COUNTRY

Written by Bardi Jawi Oorany Ranger, Chenielle George

On the 6th of September the Bardi Jawi Oorany Rangers left One Arm Point to go on an exchange to Yilpi (Edgar Ranges) on Karajarri country.

It was a long trip, nearly a 6 hour drive, and once there we met up with Karajarri and Nyangumarta Women Rangers as well as staff from Bush Heritage and Environs Kimberley. Soon after, Karajarri elders welcomed us to their country.

On the exchange we did a lot of animal trapping and vegetation surveys to see

what kinds of animals and plants are around that area, and whether it was the same or different kinds of plants and animals to Bardi Jawi country. The girls took us on a long walk which led to a water hole, the water was icy cold and beautiful we took heaps of photos and videos. The elder Karajarri women cooked us a lovely stew and a big damper to go with it.

I would love to thank the Karajarri rangers for having us and showing us their beautiful country, it was a great experience for us all.

KARAJARRI TO BARDI COUNTRY

Written by Karajarri Ranger Coordinator, Courtney Brown

We had a fantastic time going on exchange to Bardi country, spending time being strong women on country, exactly what we talk about during Women Ranger's strategy meetings.

The Bardi Jawi women taught us about their seed bank and nursery, and we visited their fish traps and Monsoon Vine Thickets. There was plenty of spare time for fishing, storytelling and getting bogged, but then helping each other get out again.





The Indigenous Salt Water Advisory Group is supported by membership from 9 Traditional Owner Groups. The major achievement for ISWAG in the 21/22 year was the completion of the Kimberley Turtle and Dugong Initiative which was endorsed by all 9 PBCs.

Turtle and Dugong Conservation Plan Launch

In 2021 members of Indigenous Salt Water Advisory Group (ISWAG) proudly launched a 10-year plan for turtle and dugong conservation, designed and led by Indigenous saltwater managers across the Kimberley.



Sea turtle and dugong are of high cultural and conservation significance in the Kimberley, and both species face significant threats and pressures to their habitats here and around the world.

By combining western science and Indigenous knowledge, the long-term collaborative management approach seeks to maintain healthy and sustainable populations of sea turtle and dugong in Kimberley waters to ensure Indigenous livelihoods, culture and customary practices are supported.

The Kimberley region has one of the last near-pristine coastal environments in the world, and the initiative is important for developing foundational ecological and biological knowledge, building Indigenous science capacity and two-way knowledge systems.

Developed by ISWAG, the project is based on the collective vision of the nine established Kimberley saltwater native title groups, with support and endorsement from western science partners.

The groups involved represent Traditional Owner groups for 90% of the Kimberley coastline; Balangarra, Wunambal Gaambera, Dambimangari, Mayala, Bardi Jawi, Nyul Nyul, Yawuru, Karajarri and Nyangumarta.

The initiative will act as a coordinated regional approach to species and habitat conservation enabling researchers to develop consistent data, overcome management challenges and improve efficiencies.



TAKING CONTROL OF THE FUTURE



NATIVE TITLE SERVICES

Supporting Prescribed Body Corporates in the Kimberley



Native title staff and PBC directors at the 2022 National Native Title Conference in Queensland

The Kimberley Land Council's Native Title Services Unit (NTSU) provides support to native title and compensation claims, and the focus of 60% of the unit's work is supporting Kimberley Prescribed Bodies Corporate (PBCs) to manage their governance and futures.

In the east, there are 5 NTSU staff members based in the Kununurra office who look after 8 PBCs, and in the west, there are 7 NTSU staff members based in the Broome office looking after the remaining 18 PBCs.

The NTSU currently supports 26 PBCs, with 18 of those needing a high-level of compliance and governance needs.

The unit is broken into two regions: west Kimberley and east Kimberley. The NTSU team is comprised of 95% Kimberley Indigenous staff, many who have been working for the KLC for over 5 years. They have the knowledge, skills, relationships and broad networks that are imperative to the success of KLC's support service to PBCs.

Each PBC in the Kimberley requires a different level of support, specialised needs and types of communication. For example, some PBC Boards live in very remote parts of the Kimberley and don't have easy access to email so we have highly skilled staff who can support their particular needs to bring people together for an effective Board meeting.

Other groups have complex business to work through and require support from KLC staff to bring all the relevant pieces of information together so they can have effective discussions and make informed decisions at their Board meetings.

Some PBCs are very large with over 800 members. When it comes to holding an AGM, NTSU can organise everything required for that particular PBC. This includes coordinating transport to remote areas and organising accommodation, setting up infrastructure for bush meetings including portable toilets, gazebos, camps, PA systems and meeting spaces, engaging independent facilitators or consultants and providing Kimberley-style catering. This service enables PBC members to focus on getting through their business on the day in a location that they have chosen appropriate for their particular group.

NTSU also provides extra support to PBCs when they are engaging with their native title holders. This support means native title holders can attend meetings and make informed decisions about what is happening on their country. It also means PBCs engage with relevant communities or families and ensure things are done in the right way.

NTSU supports Kimberley PBCs to come together at least twice a year through forums, training and development. In the last financial year, NTSU organised 2 PBC Forums and sent 32 directors over to the Sunshine Coast (Queensland) to attend the National Native Title Conference in June 2022.

The KLC is currently working on how to make further improvements in how NTSU operates and provides support to PBCs so we can keep adapting to the ever-changing environment that Kimberley PBCs exist within.





FUTURE ACTS



One of the ways the KLC assists native title groups and PBCs to take control of their country, and future, is by assisting them to manage people, companies and government departments who want to do something that affects their native title rights and interests. This is called a Future Act and examples of Future Acts may include the grant of a mining tenement or the compulsory acquisition of land.

The KLC, on behalf of native title groups and in the exercise of its representative body functions, continued to respond to a high number of Future Act notices received in the reporting period. In cases where the KLC does not act for the native title group affected by a Future Act notice, the KLC's role as representative body is to ensure that the native title group is properly notified. In cases where the KLC acts for the native title group affected by the notice, and depending on the type of notice, the KLC will usually negotiate a Heritage Protection Agreement with the proponent of the Future Act.

Heritage Protection Agreements are important for looking after country and ensuring native title holders can control what happens on their country. The core principles of Heritage Protection Agreements are:

- No means no - If an activity is not agreed to or cleared by Traditional Owners, the proponent will not do that activity.
- Work program clearance - Activities, not country, is cleared. If a proponent wants to do any additional activities in the future, they must come back and obtain the consent of Traditional Owners.
- Community benefits - Traditional Owners receive a benefit proportionate to the scale of the activities.
- Cost recovery - The proponent pays for the costs of its commercial activities, including meeting with Traditional Owners and undertaking clearances, as well as contributing to the costs of negotiating agreements.

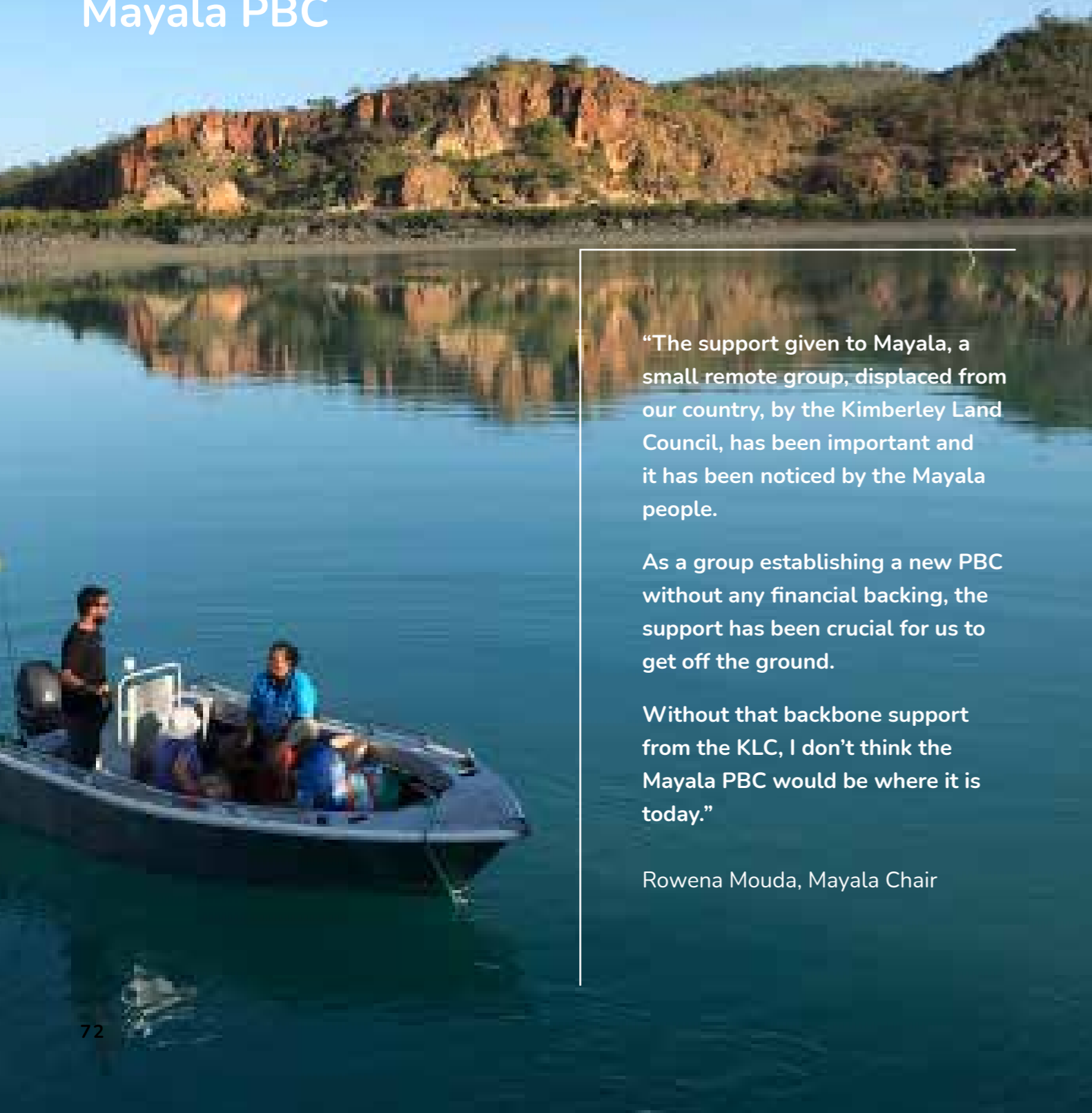
Expedited procedures

Most of the Future Act notices issued for the Kimberley region are exploration licences subject to the "expedited procedure" statement. The effect of the "expedited procedure" statement is that native title parties must either (a) object to the statement and then try to win a legal argument before the National Native Title Tribunal that the right to negotiate should apply to the Future Act, or (b) do nothing and the proponent will be granted an exploration licence without any consultation with native title holders. Recent reforms by the State to how it applies the statement are minimal and still not consistent with the intent of law.

To maintain the rights of native title parties to negotiate, the KLC objected to almost every s29 notice it received during the 2021-22 period, and gathered evidence to support inquiries in the NNTT where the proponent had not agreed to enter into a Heritage Protection Agreement. This process is resource intensive and often requires extensive evidence gathering with Traditional Owners.

PBC IN FOCUS

Mayala PBC



“The support given to Mayala, a small remote group, displaced from our country, by the Kimberley Land Council, has been important and it has been noticed by the Mayala people.

As a group establishing a new PBC without any financial backing, the support has been crucial for us to get off the ground.

Without that backbone support from the KLC, I don't think the Mayala PBC would be where it is today.”

Rowena Mouda, Mayala Chair



Bardi, Jawi and Mayala Traditional Owners joined by Environment Minister Reece Whitty at the celebrations for the opening of the marine park, July 2022.

The Mayala native title holders, in accordance with their traditional laws and customs, identify themselves and their forebears as Mayala, Umiday, Jawi, Uwini, and Ungurrangu. They belong to a unique archipelagian society associated with the islands of the Buccaneer Archipelago and have a distinct maritime culture and deep knowledge of the tides, currents, islands and reefs of their traditional country.

In October 2018, two decades after their native title claim was first lodged, the Mayala native title holders were recognised by the Federal Court of Australia as the Traditional Owners of their country in the Buccaneer Archipelago and King Sound in the Kimberley region of WA.

First lodged in 1998, the successful claim recognises both exclusive and non-exclusive native title rights across 3,833 square km of land and water north of Derby. It includes exclusive possession rights across almost all

of the hundreds of islands in the native title area, including major islands such as High Island, Long Island, Mermaid Island, Hidden Island, Irvine Island and Bathurst Island.

The KLC's role was initially through the native title research, and PBC establishment and management.

Mayala took a proactive approach to land and sea management and much of the KLC's work with the group since the consent determination has been in support of Mayala's land and sea aspirations.

In October 2019, working with a consultant and the KLC, Mayala developed their own Country Plan which sets out a Traditional Owner led vision for Mayala country and a 5-year implementation plan.

The KLC also played a key role in assisting with the State Government joint managed marine park negotiations from 2019 to 2021 through legal,

planning and consultation support – working primarily with a group of 6 Mayala representatives to co-design and negotiate for the development of the Mayala Marine Park.

This will see a long-term partnership between Mayala and DBCA to manage Mayala sea country by a team of Mayala rangers.

“The KLC helped us set up a PBC, helped us organise for our Directors to meet regularly and return to country. They also supported us in our marine park negotiations, which resulted in the State's first marine park co-designed by Traditional Owners.”

Rowena Mouda,
Mayala Chair



JOINT MANAGEMENT

“Our old people always wanted to find the best way to help manage Mayala Country. That was an inspiration and a dream they had. Through a jointly managed marine park that dream has become real for our people and that is a big achievement.”

Janella Isaac, Mayala Woman



Facilitating better outcomes for Traditional Owners

The Kimberley Land Council supported the Mayala PBC and Healthy Country Advisory Committee (HCAC) to build an ongoing partnership with Parks Australia to improve Mayala’s involvement in managing their country, including Brue Reef within the (Federal) Kimberley Marine Park.

KLC also assisted Mayala to gain funding to conduct work on Mayala Islands including biodiversity surveys to confirm in western science terms the value that Mayala Traditional Owners already appreciate.

Currently, the KLC is supporting Mayala to establish an Indigenous Protected Area across the whole of Mayala country to tie the entire area together.

The KLC now hosts a Project Coordinator who works closely with Mayala PBC and HCAC to support the implementation of the next stages of the project. The organisation also continues to provide basic PBC and legal support through KLC’s legal team and Native Title Services Unit.



Traditional Owners back on country

In late 2020, Mayala Traditional Owners, supported by the KLC, received an Australian Government Our Marine Parks Grant to build their capability and involvement in Kimberley Marine Park management.

In October 2021, KLC and Australian Marine Parks were fortunate to join Mayala on the first of two back-to-country voyages to the spectacular Buccaneer Archipelago, off the north-east Kimberley coast.

Fifteen Mayala Traditional Owners and aspiring Mayala rangers travelled to the top end of Mayala country, spending five days exploring some of the hard-to-access islands including culturally significant Noomoonjoo (Caffarelli Island).



FIRE & CARBON

For thousands of years, Aboriginal people have been using fire to manage the land, maintain ecosystems, and hunt animals. Cultural cool burning practices produce less greenhouse gas emissions than hot, late dry season fires, while also protecting areas with ecological, cultural and economic value.

Fire management has long been a core ranger function to care for country and reduce bushfire risk, and with Kimberley Land Council's support it is evolving into an economic development opportunity for five Kimberley ranger teams.

Carbon projects deliver significant funding to invest back into community and ranger projects, and have acted as a catalyst for ranger and PBC capability building. They provide a sustainable, untied source of funding which enables Traditional Owners to take control of their future.

The KLC has been working with native title groups who do not already have carbon projects to determine whether it is possible and worthwhile to register new savanna burning carbon projects. There is a lot of work involved in registering and managing a carbon project, and it is important to look at both the costs and benefits before deciding whether carbon presents a good enterprise opportunity in each individual case.

“The combined fire and carbon work is one of the biggest areas of growth in the Land and Sea Management Unit. It is important for us to work hard to get Kimberley PBCs across the opportunities so they can make informed decisions on these long-term projects. As we move to a carbon neutral world in the coming decades, the focus on decreasing our emissions will impact nearly everything we do. It’s fantastic that we can support that work here at KLC.”

Daniel Oades, LSMU Manager

In the 2021-22 year, the Kimberley Land Council Fire Program:

CONDUCTED

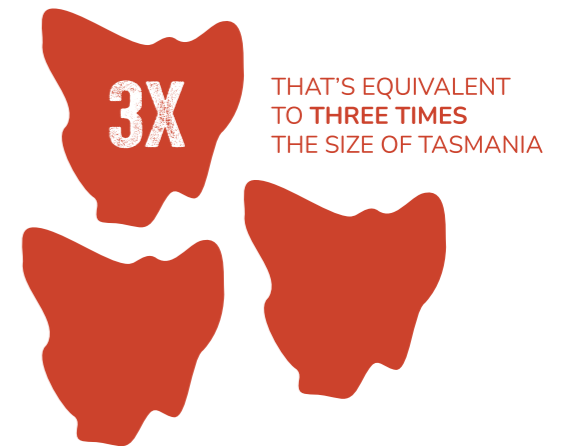
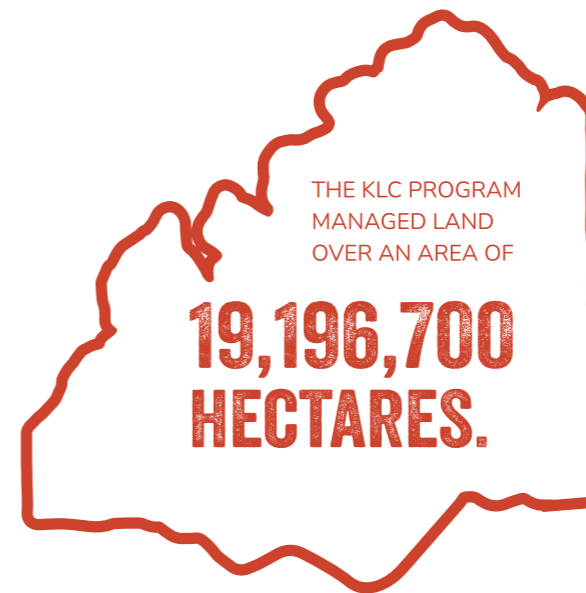
12 FIRE PLANNING MEETINGS
AROUND THE KIMBERLEY

TRAINED

168 RANGERS
IN FIRE MANAGEMENT

CARRIED OUT

56 PRESCRIBED BURNS



CLOCKED

200 CHOPPER HOURS

MANAGING COUNTRY *NUMBER FOR KLC SUPPORTED RANGER GROUPS

WITH

600 PLANE HOURS

AND TOOK

224 TRADITIONAL OWNERS

BURNING ON COUNTRY TRIPS.



NORTH KIMBERLEY FIRE ABATEMENT PROGRAM



The North Kimberley Fire Abatement Project (NKFAP) consists of four independent savanna burning carbon projects:

1. Balangarra 1 Fire Project
2. Dambimangari Fire Project
3. Wilinggin Fire Project
4. Wunambal Gaambera Unguu Fire Project

The four projects' primary objectives are: supporting traditional fire management practices to protect and improve conservation outcomes; protecting cultural sites; facilitating intergenerational transmission of traditional knowledge; and providing jobs, skills and development opportunities to Traditional Owners. In this way, participating in the carbon market allows the NKFAP Partners to earn an income to improve the financial sustainability of fire management activities.

All four projects are registered under the Emissions Reduction Fund (ERF), a carbon offsetting scheme administered by the Australian Government. Under the scheme projects that avoid emissions or sequester carbon can earn Australian Carbon Credit Units (ACCUs) which are tradeable carbon offsets representing one tonne of CO2 equivalent emissions. Projects under the scheme are subject to a rigorous reporting framework as well as a minimum of three audits.

All the projects are registered under the Carbon Credits (Carbon Farming Initiative - Emissions Abatement through Savanna Fire Management) Methodology Determination 2015. This method credits avoided emissions from reductions in fire extent and intensity through improved fire management in Australia's tropical savannas. The projects have received a combined total of 1,124,016 ACCUs under the scheme since 2014. In total the NKFAP projects cover 38,365 square kilometres (larger than Taiwan).

NKFAP has been an informal partnership between the four projects, all representing Traditional Owners from the north Kimberley region, with facilitation support provided by the KLC. The NKFAP partners, alongside the KLC, have been cooperating in relation to fire management since 2007, and in relation to carbon projects since approximately 2011.

The partnership:

- Ensures effective communication between NKFAP partners and the broader carbon industry.
- Builds capacity through knowledge sharing.
- Coordinates engagement with the corporate sector on sales and partnerships.
- Promotes the NKFAP projects and strengthens the role of carbon abatement through savanna fire management in the Kimberley.

Fighting fire with fire: Reducing fire frequency in the Kimberley

One of the main aims of the Kimberley Land Council Fire Program is to reduce the amount of 'hot' destructive late season wild fires by burning 'cool fires' early in the dry season.

The KLC and Traditional Owner groups work alongside stakeholders like pastoralists and the Department of Fire and Emergency Services to ensure effective fire management.

Since right-way fire started in the north Kimberley there has been less fire across 126,443 km², approximately the size of Greece.

The KLC will continue to deliver high-quality fire management services by building capacity in ranger teams, increasing the potential of Savanna Fire Projects and increasing the benefits those projects bring to Traditional Owners.



COMMUNICATIONS

Reach and Impact

In the 2021-22 Financial year the **Kimberley Land Council had a potential cumulative audience reach of 41 million people** across all communications channels combined including Print, Online, TV and Social Media.

KLC Website

63,000 VISITS **98,000** PAGE VIEWS

Social Media Engagement

 Instagram **3.2K** FOLLOWERS

 LinkedIn **2K** FOLLOWERS

 Facebook **9.9K** FOLLOWERS



Facebook page reach:
271,816
which is an increase of
^ 96.5%





PARTNERSHIPS



The Kimberley Land Council prides itself on its long history of strong partnerships with a variety of Indigenous and non-Indigenous, government and non-government, not for profit and industry-based organisations and individuals.

Our partnerships are important because they give us power and influence to lead and effect change for Kimberley Aboriginal people. They are based on an understanding and respect for truth telling, cultural protocols and native title rights and interests, and exist at local, regional, state, national, and international levels.

We are proud to partner with PBCs and other Aboriginal organisations across the Kimberley to foster regional advocacy, leadership and representation.

We would like to acknowledge the support of our many other partners whose contributions allow us to continue to serve our members and First Nations people more broadly.

KLC partners with QANTAS Frequent Flyer

The Kimberley Land Council was proud to become a partner of the Frequent Flyer division of Qantas through its new Green Tier program in March 2022.

Frequent Flyers who choose to give back to the KLC will be supporting a proven success story of Indigenous-led conservation, and positive cultural, social and economic outcomes for Aboriginal people. Making a donation will also count towards the goal of attaining Green tier.

We thank each and every Qantas Frequent Flyer for their contribution to the KLC and Qantas for choosing us as a valued partner.

These contributions will directly assist us to deliver real environmental, social and economic outcomes, and a better future for Aboriginal people.



Kimberley Land Council Aboriginal Corporation
Contents
For the year ended 30 June 2022

Kimberley Land Council Aboriginal Corporation

ABN 96 724 252 047

General Purpose Financial Report - 30 June 2022

Directors' report -----2
 Auditor's Independence declaration -----5
 Statement of profit or loss and other comprehensive income -----6
 Statement of financial position -----7
 Statement of changes in equity -----8
 Statement of cash flows -----9
 Notes to the financial statements -----10
 Directors' declaration -----24
 Independent auditor's report to the members of Kimberley Land Council Aboriginal Corporation -----25

General information

The financial statements cover Kimberley Land Council Aboriginal Corporation as an individual entity. The financial statements are presented in Australian dollars, which is Kimberley Land Council Aboriginal Corporation's functional and presentation currency.

Kimberley Land Council Aboriginal Corporation is a not-for-profit entity incorporated and domiciled in Australia. Its registered office and principal place of business is:

11 Gregory Street, Broome WA 6725

A description of the nature of the Corporation's operations and its principal activities are included in the Directors' report, which is not part of the financial statements.

The financial statements were authorised for issue on 6th December 2022.



**Kimberley Land Council Aboriginal Corporation
Directors' report
For the year ended 30 June 2022**

The Directors present their report, together with the financial statements, on the Corporation for the year ended 30 June 2022.

Directors

The following persons were Directors of the Corporation during the whole of the financial year and up to the date of this report, unless otherwise stated:

KLC Board of Directors

Name	Surname	# of Board meetings attended	Notes
Wayne	Bergmann	3	Reappointed 23 August 2022
Trisha	Birch	2	Resigned in July (31 st) 2022 prior to RC PBC Nominations
Glenn	Bonney	4	Ceased 23 August 2022
Percy	Brown	3	Ceased 23 August 2022
Trevor	Cox	2	Reappointed 23 August
Valarie	Wiggan	4	Ceased 23 August 2022
Russel (Wossey)	Davey	0	Valarie Wiggan nominated as alternate Director in place of Russel Davey as of 29/8/21
Elizabeth (Betty)	Dixon	4	Ceased 23 August 2022
Shirley	Drill	2	Ceased 23 August 2022
Miranda	Gore	1	Resigned in July (31 st) 2021 prior to RC PBC Nominations
Kamus	Green	2	Ceased 23 August 2022
John	Hamilton	4	Ceased 23 August 2022
Thomas	King (Dooley)	3	Ceased 29 July 2022
Nathan	Lennard	1	Ceased 23 August 2022
Jean	Malay	3	Reappointed 23 August 2022
Clement	Maraltadj	1	Ceased 23 August 2022
Dean	Matthews	0	Ceased 23 August 2022
Anna	Poelina	3	Ceased 23 August 2022
Raymond	Paul	2	Ceased 23 August 2022
Joan	Simon	3	Ceased 23 August 2022
Edith	Skeen	1	Edith nominated Marianne as alternate Director. Effective as of 7/12/2021
Marianne	Skeen	2	Appointed as alternate Director 7/12/2021 in place of Edith Skeen. Reappointed 23 August 2022
Greg	Tait	2	Ceased 23 August 2022
Robert	Watson	4	Reappointed 23 August 2022
Dwesmond	Wiggan-Dann	2	Ceased 23 August 2022
Rowena	Wright	0	Ceased 23 August 2022
Nolan	Hunter	4	Ceased 23 August 2022



**Kimberley Land Council Aboriginal Corporation
Directors' report
For the year ended 30 June 2022**

Cultural Advisors Attendance

Name	Surname	# of Board meetings attended	Notes
Irene	Davey	4	Reappointed 23 August 2022
Frank	Davey	0	Deceased – February 2022
Annette	Kogolo	2	Ceased 23 August 2022
Anthony	Watson	4	Chairman – Reappointed 23 August 2022

Principal activities

The Corporation's principal activities during the year were the provision of native title representative services and environmental land management support services.

Review of operations

Operations resulted in a net surplus of \$1,927,095 compared to net surplus of \$1,913,384 in the last financial year.

Significant changes in state of affairs

The KLC membership approved changes to its Rule Book in May of this year at a special general meeting which included a new Board structure and Regional Council. The new Board and Regional Council were elected in August 2022 at the Annual General Meeting. The Representative Council is inclusive of two representatives of each Prescribed Body Corporate (PBC) and Traditional Owner Native Title claim group from the Kimberley region. The Representative Council will meet twice a year and be responsible for bringing regional issues to the table and giving guidance on what is important to PBCs and Kimberley Aboriginal people. The KLC membership appointed the new KLC Board comprising of seven directors nominated by the representative council, four cultural advisors nominated by the membership and the KLC CEO. Of the twelve board directors appointed, eight were appointed for a four-year term and four were appointed for a two-year term. The new structure provides greater continuity and representation for the organisation to amplify the interests of its membership and effectively manage the important responsibilities of the corporation.

After balance sheet date events

The directors are not aware of any matters or circumstances that have arisen since the end of the year that has significantly affected, or may significantly affect:

- (i) The corporation's operations in future financial years; or
- (ii) The results of those operations in future financial years; or
- (iii) The corporation's state of affairs in future financial years.

Future developments

No matters or circumstances have arisen since the end of the financial year which significantly affected or may significantly affect the operations of the corporation, the results of those operations, or the state of affairs of the corporation in the future financial years.

Information on directors

All other directors hold office as Traditional Owners, being elected by their respective clan groups.

Indemnifying officers or auditor

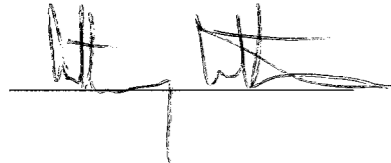
No indemnities have been given during or since the end of the financial year, for any person who is or has been an officer or auditor of the corporation. The corporation has paid premiums to insure all the directors and officers against liabilities for costs and expenses incurred by them in defending legal proceedings arising from their conduct while acting in the capacity of director or officer of corporation, other than conduct involving a wilful breach of duty in relation to the corporation. The premiums for all directors and officers amounted to \$10,685.45

Kimberley Land Council Aboriginal Corporation
Directors' report
For the year ended 30 June 2022

Auditor's independence declaration

The auditor's independence declaration for the year ended 30 June 2022 has been received and can be found at page 4.

On behalf of the Directors



6th December 2022

DIRECTORS:

ROBERT CAMPBELL RCA, CA, CPA, MSW

VIRAL PATEL RCA, CA, CPA

ALASTAIR ABBOTT RCA, CA, M.FORENSIC ACCOUNTING

CHASSEY DAVIDS RCA, CA, AMIIA, BCOM

AUDITOR'S INDEPENDENCE DECLARATION

To the Board of Directors of Kimberley Land Council Aboriginal Corporation

In accordance with the requirements of section 60-40 of the *Australian Charities and Not-for-profits Commission Act 2012 (ACNC Act)* and the *Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI Act)*, in relation to our audit of the financial report Kimberley Land Council Aboriginal Corporation for the year ended 30 June 2022, to the best of my knowledge and belief, there have been:

- a) no contraventions of the auditor independence requirements of the 60-40 of the *ACNC Act* in relation to the audit;
- b) no contraventions of the auditor independence requirements of the *CATSI Act* in relation to audit; and
- c) no contraventions of any applicable code of professional conduct in relation to the audit.



Chassey Davids CA AMIIA BCom

Registered Company Auditor number 490152

Director

Australian Audit

Perth, Western Australia

Dated: 6 December 2022



Kimberley Land Council Aboriginal Corporation
Statement of profit or loss and other comprehensive income
For the year ended 30 June 2022

	Note	2022 \$	2021 \$
Revenue			
Revenue	3	21,642,795	22,813,274
Other Revenue	4	1,832,974	2,666,576
		<u>23,475,769</u>	<u>25,479,850</u>
Total revenue		<u>23,475,769</u>	<u>25,479,850</u>
Expenses			
Impairment of assets	6	-	(820,031)
Employee benefits expense		(12,581,946)	(12,205,944)
Depreciation and amortisation expense		(546,843)	(533,568)
Supplier expenses		(7,956,338)	(9,348,428)
Finance costs		(3,177)	(57,339)
Rental expenses		(460,370)	(601,156)
Total expenses		<u>(21,548,674)</u>	<u>(23,566,466)</u>
Surplus for the year attributable to the members of Kimberley Land Council Aboriginal Corporation			
	18	1,927,095	1,913,384
Other comprehensive income for the year		-	-
Total comprehensive income for the year attributable to the members of Kimberley Land Council Aboriginal Corporation		<u>1,927,095</u>	<u>1,913,384</u>

The above statement of profit or loss and other comprehensive income should be read in conjunction with the accompanying notes

Kimberley Land Council Aboriginal Corporation
Statement of financial position
As at 30 June 2022



	Note	2022 \$	2021 \$
Assets			
Current assets			
Cash and cash equivalents	7	21,656,259	19,675,655
Trade and other receivables	8	741,870	919,966
Other assets	10	507,591	336,165
Total current assets		<u>22,905,720</u>	<u>20,931,786</u>
Non-current assets			
Property, plant and equipment	11	9,039,509	9,434,607
Right-of-use assets	9	430,679	617,099
Total non-current assets		<u>9,470,188</u>	<u>10,051,706</u>
Total assets		<u>32,375,908</u>	<u>30,983,492</u>
Liabilities			
Current liabilities			
Trade and other payables	12	2,377,441	2,974,099
Lease liabilities	14	351,083	607,151
Provisions	15	2,475,424	2,237,654
Total current liabilities		<u>5,203,948</u>	<u>5,818,904</u>
Non-current liabilities			
Lease liabilities	14	80,277	-
Total non-current liabilities		<u>80,277</u>	<u>-</u>
Total liabilities		<u>5,284,225</u>	<u>5,818,904</u>
Net assets		<u>27,091,683</u>	<u>25,164,588</u>
Equity			
Reserves	17	16,673,100	15,249,076
Retained surpluses	18	10,418,583	9,915,512
Total equity		<u>27,091,683</u>	<u>25,164,588</u>

The above statement of financial position should be read in conjunction with the accompanying notes



Kimberley Land Council Aboriginal Corporation
Statement of changes in equity
For the year ended 30 June 2022

	General Reserve \$	Restricted Reserves \$	Retained profits \$	Total equity \$
Balance at 1 July 2020	-	7,130,572	16,120,632	23,251,204
Prior year adjustment	-	-	-	-
Balance at 1 July 2020 - restated	-	7,130,572	16,120,632	23,251,204
Surplus for the year	-	-	1,913,384	1,913,384
Other comprehensive income for the year	-	-	-	-
Total comprehensive income for the year	-	-	1,913,384	1,913,384
Transfer from retained surplus to general reserve	7,500,000	-	(7,500,000)	-
Transfer from retained surplus to restricted reserve	-	618,504	(618,504)	-
Balance at 30 June 2021 - Restated	<u>7,500,000</u>	<u>7,749,076</u>	<u>9,915,512</u>	<u>25,164,588</u>
	General Reserve \$	Restricted Reserves \$	Retained profits \$	Total equity \$
Balance at 1 July 2021 - Restated	7,500,000	7,749,076	9,915,512	25,164,588
Surplus for the year	-	-	1,927,095	1,927,095
Other comprehensive income for the year	-	-	-	-
Total comprehensive income for the year	-	-	1,927,095	1,927,095
Transfer from retained surplus to restricted reserve	-	1,424,024	(1,424,024)	-
Balance at 30 June 2022	<u>7,500,000</u>	<u>9,173,100</u>	<u>10,418,583</u>	<u>27,091,683</u>

The above statement of changes in equity should be read in conjunction with the accompanying notes

Kimberley Land Council Aboriginal Corporation
Statement of cash flows
For the year ended 30 June 2022

	Note	2022 \$	2021 \$
Cash flows from operating activities			
Receipts from customers (inclusive of GST)		21,471,369	21,504,447
Payments to suppliers and employees (inclusive of GST)		(21,182,623)	(21,177,028)
Interest received		54,487	82,189
Other revenue		1,714,279	2,546,987
Rent received		64,208	37,400
Net cash from operating activities		<u>2,121,720</u>	<u>2,993,995</u>
Cash flows from investing activities			
Payments for property, plant and equipment	11	(33,688)	(69,680)
Proceeds from disposal of property, plant and equipment		68,363	-
Net cash from/(used in) investing activities		<u>34,675</u>	<u>(69,680)</u>
Cash flows from financing activities			
Repayment of lease liabilities		(175,791)	-
Net cash used in financing activities		<u>(175,791)</u>	<u>-</u>
Net increase in cash and cash equivalents		1,980,604	2,924,315
Cash and cash equivalents at the beginning of the financial year		19,675,655	16,751,340
Cash and cash equivalents at the end of the financial year	7	<u>21,656,259</u>	<u>19,675,655</u>

The above statement of cash flows should be read in conjunction with the accompanying notes

Kimberley Land Council Aboriginal Corporation
Notes to the financial statements
For the year ended 30 June 2022

Note 1. Significant accounting policies

The principal accounting policies adopted in the preparation of the financial statements are set out either in the respective notes or below. These policies have been consistently applied to all the years presented, unless otherwise stated.

New or amended Accounting Standards and Interpretations adopted

The Corporation has adopted all of the new or amended Accounting Standards and Interpretations issued by the Australian Accounting Standards Board ('AASB') that are mandatory for the current reporting period.

Any new or amended Accounting Standards or Interpretations that are not yet mandatory have not been early adopted.

Basis of preparation

The financial statements are general purpose financial statements that have been prepared in accordance with Australian Accounting Standards – Simplified Disclosure Requirements of the Australian Accounting Standards Board ('AASB'), the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and the *Corporations (Aboriginal and Torres Strait Islander) Regulation 2017*. The Corporation is a not-for-profit entity for financial reporting purposes under Australian Accounting Standards.

Australian Accounting Standards set out accounting policies that the AASB has concluded would result in financial statements containing relevant and reliable information about transactions, events and conditions. Material accounting policies adopted in the preparation of these financial statements are presented below and have been consistently applied unless otherwise stated. Accounting Policies The financial statements are for the Corporation being not-for-profit as an individual entity, incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* and domiciled in Australia.

The financial statements, except for the cash flow information, have been prepared on an accruals basis and are based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and financial liabilities. The amounts presented in the financial statements have been rounded to the nearest dollar.

Historical cost convention

The financial statements have been prepared under the historical cost convention, except for, where applicable, the revaluation of financial assets and liabilities at fair value through profit or loss, financial assets at fair value through other comprehensive income, investment properties, certain classes of property, plant and equipment and derivative financial instruments.

Critical accounting estimates

The preparation of the financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the Corporation's accounting policies. The areas involving a higher degree of judgement or complexity, or areas where assumptions and estimates are significant to the financial statements, are disclosed in note 2.

Revenue recognition

The Corporation recognises revenue as follows:

Revenue from contracts with customers

Revenue is recognised at an amount that reflects the consideration to which the Corporation is expected to be entitled in exchange for transferring goods or services to a customer. For each contract with a customer, the Corporation: identifies the contract with a customer; identifies the performance obligations in the contract; determines the transaction price which takes into account estimates of variable consideration and the time value of money; allocates the transaction price to the separate performance obligations on the basis of the relative stand-alone selling price of each distinct good or service to be delivered; and recognises revenue when or as each performance obligation is satisfied in a manner that depicts the transfer to the customer of the goods or services promised.



Kimberley Land Council Aboriginal Corporation
Notes to the financial statements
For the year ended 30 June 2022

Note 1. Significant accounting policies (continued)

Variable consideration within the transaction price, if any, reflects concessions provided to the customer such as discounts, rebates and refunds, any potential bonuses receivable from the customer and any other contingent events. Such estimates are determined using either the 'expected value' or 'most likely amount' method. The measurement of variable consideration is subject to a constraining principle whereby revenue will only be recognised to the extent that it is highly probable that a significant reversal in the amount of cumulative revenue recognised will not occur. The measurement constraint continues until the uncertainty associated with the variable consideration is subsequently resolved. Amounts received that are subject to the constraining principle are recognised as a refund liability.

Sale of goods

Revenue from the sale of goods is recognised at the point in time when the customer obtains control of the goods, which is generally at the time of delivery.

Rendering of services

Revenue from a contract to provide services is recognised over time as the services are rendered based on either a fixed price or an hourly rate.

Grants

Grant revenue is recognised in the statement of comprehensive income when the entity obtains control of the grant, and it is probable that the economic benefits gained from the grant will flow to the entity and the amount of the grant can be measured reliably.

If conditions are attached to the grant which must be satisfied before it is eligible to receive the contribution, the recognition of the grant as revenue will be deferred until those conditions are satisfied.

When grant revenue is received whereby the entity incurs an obligation to deliver economic value directly back to the contributor, this is considered a reciprocal transaction and the grant revenue is recognised in the state of financial position as a liability until the service has been delivered to the contributor, otherwise the grant is recognised as income on receipt.

Donations and bequests are recognised as revenue when received.

Interest

Interest revenue is recognised as interest accrues using the effective interest method. This is a method of calculating the amortised cost of a financial asset and allocating the interest income over the relevant period using the effective interest rate, which is the rate that exactly discounts estimated future cash receipts through the expected life of the financial asset to the net carrying amount of the financial asset.

Other revenue

Other revenue is recognised when it is received or when the right to receive payment is established.

Interests in subsidiaries

The interest in KLC-owned subsidiary, Kimberley Sustainable Development Pty Ltd ("KSDPL") and the Kimberley Sustainable Development Trust ("KSDT"), are not consolidated into these financial statements. The Corporation holds one share representing 100% ownership in the company Kimberley Sustainable Development Pty Ltd.

Kimberley Land Council Aboriginal Corporation
Notes to the financial statements
For the year ended 30 June 2022

Note 1. Significant accounting policies (continued)

This company's principal activity is to act as trustee for the Kimberley Sustainable Development Charitable Trust. It does not operate in any other capacity. The Trust is a charitable trust established, broadly, to assist persons of aboriginal descent who are Traditional owners with a traditional, social economic and spiritual affiliation with the Kimberley region of Western Australia or their descendants. Kimberley Sustainable Development Pty Ltd, as trustee of the Trust, is governed by the constitution of the company registered on 24 September 2002 (Constitution). The Constitution expressly provides that 'the directors must manage the business of the company'. That power and duty is unfettered and properly so as directors cannot delegate to others their powers of management. Clauses 8(a)(i) and 17 of the Trust Deed do allow the Trustee to amend the Trust Deed to remove the approval of the Kimberley land Council executive committee for the appointment of other directors or advisors. The current directors of the trustee company are Robert James Powrie, Nolan Hunter, Anthony Edward Watson and Kevin John Murphy. Kimberley Land Council does not have the power to replace the existing directors, only to approve (or veto) the appointment of other directors. Kimberley Land Council has no right to income or capital of this trust fund. After assessment of whether Kimberley Land Council has control, management have deemed there is no control. As a result, no value has been assigned to this interest and does not show in the financial statements of the Kimberley Land Council.

Principles of consolidation

As disclosed above, the financial statements do not incorporate the assets and liabilities of all subsidiaries of KLC as at 30 June 2022.

Income tax

As the Corporation is a tax exempt institution in terms of subsection 50-10 of the Income Tax Assessment Act 1997, as amended, it is exempt from paying income tax.

Current and non-current classification

Assets and liabilities are presented in the statement of financial position based on current and non-current classification.

An asset is classified as current when: it is either expected to be realised or intended to be sold or consumed in the Corporation's normal operating cycle; it is held primarily for the purpose of trading; it is expected to be realised within 12 months after the reporting period; or the asset is cash or cash equivalent unless restricted from being exchanged or used to settle a liability for at least 12 months after the reporting period. All other assets are classified as non-current.

A liability is classified as current when: it is either expected to be settled in the Corporation's normal operating cycle; it is held primarily for the purpose of trading; it is due to be settled within 12 months after the reporting period; or there is no unconditional right to defer the settlement of the liability for at least 12 months after the reporting period. All other liabilities are classified as non-current.

Impairment of financial assets

The Corporation recognises a loss allowance for expected credit losses on financial assets which are either measured at amortised cost or fair value through other comprehensive income. The measurement of the loss allowance depends upon the Corporation's assessment at the end of each reporting period as to whether the financial instrument's credit risk has increased significantly since initial recognition, based on reasonable and supportable information that is available, without undue cost or effort to obtain.

Where there has not been a significant increase in exposure to credit risk since initial recognition, a 12-month expected credit loss allowance is estimated. This represents a portion of the asset's lifetime expected credit losses that is attributable to a default event that is possible within the next 12 months. Where a financial asset has become credit impaired or where it is determined that credit risk has increased significantly, the loss allowance is based on the asset's lifetime expected credit losses. The amount of expected credit loss recognised is measured on the basis of the probability weighted present value of anticipated cash shortfalls over the life of the instrument discounted at the original effective interest rate.

Kimberley Land Council Aboriginal Corporation
Notes to the financial statements
For the year ended 30 June 2022



Note 1. Significant accounting policies (continued)

For financial assets mandatorily measured at fair value through other comprehensive income, the loss allowance is recognised in other comprehensive income with a corresponding expense through profit or loss. In all other cases, the loss allowance reduces the asset's carrying value with a corresponding expense through profit or loss.

Impairment of non-financial assets

Non-financial assets are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the asset's carrying amount exceeds its recoverable amount.

Recoverable amount is the higher of an asset's fair value less costs of disposal and value-in-use. The value-in-use is the present value of the estimated future cash flows relating to the asset using a pre-tax discount rate specific to the asset or cash-generating unit to which the asset belongs. Assets that do not have independent cash flows are grouped together to form a cash-generating unit.

Goods and Services Tax ('GST') and other similar taxes

Revenues, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the tax authority. In this case it is recognised as part of the cost of the acquisition of the asset or as part of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the tax authority is included in other receivables or other payables in the statement of financial position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to the tax authority, are presented as operating cash flows.

Commitments and contingencies are disclosed net of the amount of GST recoverable from, or payable to, the tax authority.

Note 2. Critical accounting judgements, estimates and assumptions

The preparation of the financial statements requires management to make judgements, estimates and assumptions that affect the reported amounts in the financial statements. Management continually evaluates its judgements and estimates in relation to assets, liabilities, contingent liabilities, revenue and expenses. Management bases its judgements, estimates and assumptions on historical experience and on other various factors, including expectations of future events, management believes to be reasonable under the circumstances. The resulting accounting judgements and estimates will seldom equal the related actual results. The judgements, estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities (refer to the respective notes) within the next financial year are discussed below.

Allowance for expected credit losses

The allowance for expected credit losses assessment requires a degree of estimation and judgement. It is based on the lifetime expected credit loss, grouped based on days overdue, and makes assumptions to allocate an overall expected credit loss rate for each group. These assumptions include recent sales experience and historical collection rates.

Estimation of useful lives of assets

The Corporation determines the estimated useful lives and related depreciation and amortisation charges for its property, plant and equipment and finite life intangible assets. The useful lives could change significantly as a result of technical innovations or some other event. The depreciation and amortisation charge will increase where the useful lives are less than previously estimated lives, or technically obsolete or non-strategic assets that have been abandoned or sold will be written off or written down.

Kimberley Land Council Aboriginal Corporation
Notes to the financial statements
For the year ended 30 June 2022

Kimberley Land Council Aboriginal Corporation
Notes to the financial statements
For the year ended 30 June 2022



Note 2. Critical accounting judgements, estimates and assumptions (continued)

Lease term

The lease term is a significant component in the measurement of both the right-of-use asset and lease liability. Judgement is exercised in determining whether there is reasonable certainty that an option to extend the lease or purchase the underlying asset will be exercised, or an option to terminate the lease will not be exercised, when ascertaining the periods to be included in the lease term. In determining the lease term, all facts and circumstances that create an economical incentive to exercise an extension option, or not to exercise a termination option, are considered at the lease commencement date. Factors considered may include the importance of the asset to the Corporation's operations; comparison of terms and conditions to prevailing market rates; incurrence of significant penalties; existence of significant leasehold improvements; and the costs and disruption to replace the asset. The Corporation reassesses whether it is reasonably certain to exercise an extension option, or not exercise a termination option, if there is a significant event or significant change in circumstances.

Employee benefits provision

As discussed in note 1, the liability for employee benefits expected to be settled more than 12 months from the reporting date are recognised and measured at the present value of the estimated future cash flows to be made in respect of all employees at the reporting date. In determining the present value of the liability, estimates of attrition rates and pay increases through promotion and inflation have been taken into account.

Lease make good provision

A provision has been made for the present value of anticipated costs for future restoration of leased premises. The provision includes future cost estimates associated with closure of the premises. The calculation of this provision requires assumptions such as application of closure dates and cost estimates. The provision recognised for each site is periodically reviewed and updated based on the facts and circumstances available at the time. Changes to the estimated future costs for sites are recognised in the statement of financial position by adjusting the asset and the provision. Reductions in the provision that exceed the carrying amount of the asset will be recognised in profit or loss.

Warranty provision

In determining the level of provision required for warranties the Corporation has made judgements in respect of the expected performance of the products, the number of customers who will actually claim under the warranty and how often, and the costs of fulfilling the conditions of the warranty. The provision is based on estimates made from historical warranty data associated with similar products and services.

Business combinations

As discussed in note 1, business combinations are initially accounted for on a provisional basis. The fair value of assets acquired, liabilities and contingent liabilities assumed are initially estimated by the Corporation taking into consideration all available information at the reporting date. Fair value adjustments on the finalisation of the business combination accounting is retrospective, where applicable, to the period the combination occurred and may have an impact on the assets and liabilities, depreciation and amortisation reported.

Note 3. Revenue

	2022	2021
	\$	\$
Revenue from Grants	<u>21,642,795</u>	<u>22,813,274</u>

Note 4. Other Revenue

	2022	2021
	\$	\$
Other Revenue	<u>1,832,974</u>	<u>2,666,576</u>

Note 5. Prior year adjustment

As at 30 June 2022, Kimberley Land Council reviewed the grant agreements and their respective unspent grant funding balances. Revenue for 30 June 2021 has been restated to incorporate the impact unspent grant funding recognised as a liability as at 30 June 2021 instead of revenue. As per Accounting Standard AASB15, the revenue should be recognised where, sufficiently specific obligations, if any, have been met. The correction has resulted in profits attributable to the entity increasing by \$7,130,572 of revenue relating to prior periods and \$618,504 for the year ended 30 June 2021. The total impact of the prior year adjustments is \$7,749,076 of unspent grant funding to be recognised as revenue which has then been transferred from Retained Earnings to a Restricted Reserve account in the Equity section to be held by Kimberley Land Council for future expenditure on the related programs.

Note 6. Impairment of assets

	2022	2021
	\$	\$
Impairment of property plant & equipment	<u>-</u>	<u>820,031</u>

There was no impairment of assets during the year ended 30 June 2022. During the year ended 30 June 2021, Kimberley Land Council had an independent revaluation done on the land and buildings of all the properties owned on the 7-8 April 2021 (Broome & Derby) and 22-25 May 2021 (Kununurra) resulting in a loss \$820,030. Management have assessed the value of the land and buildings as at 30 June 2022 and do not believe that there has been a material movement in fair value since the revaluation dates.

Note 7. Cash and cash equivalents

	2022	2021
	\$	\$
<i>Current assets</i>		
Cash at bank	<u>21,656,259</u>	<u>19,675,655</u>

Accounting policy for cash and cash equivalents

Cash and cash equivalents includes cash on hand, deposits held at call with financial institutions, other short-term, highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

Note 8. Trade and other receivables

	2022	2021
	\$	\$
<i>Current assets</i>		
Trade receivables	761,870	939,966
Less: Allowance for expected credit losses	<u>(20,000)</u>	<u>(20,000)</u>
	<u>741,870</u>	<u>919,966</u>

Accounting policy for trade and other receivables

Trade receivables are initially recognised at fair value and subsequently measured at amortised cost using the effective interest method, less any allowance for expected credit losses. Trade receivables are generally due for settlement within 30 days.

Kimberley Land Council Aboriginal Corporation
Notes to the financial statements
For the year ended 30 June 2022

Note 8. Trade and other receivables (continued)

The Corporation has applied the simplified approach to measuring expected credit losses, which uses a lifetime expected loss allowance. To measure the expected credit losses, trade receivables have been grouped based on days overdue.

Note 9. Right-of-use assets

The Corporation's lease portfolio currently includes motor vehicles and others. These leases run for a period of 2-5 years.

	2022	2021
	\$	\$
<i>Non-current assets</i>		
Right of Use Assets - Leased	<u>430,679</u>	<u>617,099</u>

Accounting policy for right-of-use assets

A right-of-use asset is recognised at the commencement date of a lease. The right-of-use asset is measured at cost, which comprises the initial amount of the lease liability, adjusted for, as applicable, any lease payments made at or before the commencement date net of any lease incentives received, any initial direct costs incurred, and, except where included in the cost of inventories, an estimate of costs expected to be incurred for dismantling and removing the underlying asset, and restoring the site or asset.

Right-of-use assets are depreciated on a straight-line basis over the unexpired period of the lease or the estimated useful life of the asset, whichever is the shorter. Where the Corporation expects to obtain ownership of the leased asset at the end of the lease term, the depreciation is over its estimated useful life. Right-of use assets are subject to impairment or adjusted for any remeasurement of lease liabilities.

The Corporation has elected not to recognise a right-of-use asset and corresponding lease liability for short-term leases with terms of 12 months or less and leases of low-value assets. Lease payments on these assets are expensed to profit or loss as incurred.

Note 10. Other assets

	2022	2021
	\$	\$
<i>Current assets</i>		
Prepayments	<u>507,591</u>	<u>336,165</u>

Kimberley Land Council Aboriginal Corporation
Notes to the financial statements
For the year ended 30 June 2022



Note 11. Property, plant and equipment

	2022	2021
	\$	\$
<i>Non-current assets</i>		
Land and buildings - at independent valuation	10,164,814	10,164,814
Less: Accumulated depreciation	<u>(1,738,742)</u>	<u>(1,610,956)</u>
	8,426,072	8,553,858
Plant and equipment - at cost	1,883,263	1,746,194
Less: Accumulated depreciation	<u>(1,641,095)</u>	<u>(1,465,904)</u>
	242,168	280,290
Motor vehicles - at cost	1,544,532	1,544,533
Less: Accumulated depreciation	<u>(1,302,385)</u>	<u>(1,176,576)</u>
	242,147	367,957
Work in progress	<u>129,122</u>	<u>232,502</u>
	<u>9,039,509</u>	<u>9,434,607</u>

The following assets have encumbrances as detailed below:

18 Heytsebury Street Derby: A caveat originally imposed by the Aboriginal and Torres Strait Islander Commission (ATSIC) which restricts the use of property to accommodation of staff essential to the efficient running of the Corporation in its role as the designated Land Council of the Kimberley.

40 Loch Street Derby: A caveat originally imposed by ATSIC which restricts the use of the property for the purpose of administration and operations of the corporation.

Dampier Terrace Broome: Has a developmental memorial to prevent development outside of the Shire of Broome's heritage policy.

11 Gregory Street Broome: Has restrictions by Lottery Commission protecting its equitable mortgage in the Land and their approval must be sought for any sale of the property during the term of the building grant agreement.

Work in progress: As at 30 June 2022 work in progress consists of capital expenditure for the purpose of the establishment of a remote ranger base for Land and Sea operations.

Movements in carrying amounts

Movements in the carrying amounts for each class of property, plant and equipment between the beginning and the end of the current financial year:

Kimberley Land Council Aboriginal Corporation
Notes to the financial statements
For the year ended 30 June 2022

Note 11. Property, plant and equipment (continued)

	Land	Buildings	Total Land and Buildings	Plant and Equipment	Motor Vehicles	Work In Progress	Total
	\$	\$	\$	\$	\$	\$	\$
2021							
Balance at the beginning of the year	2,582,531	6,919,851	9,502,382	248,845	268,951	567,414	10,587,591
Additions at cost	-	-	-	182,821	221,771	-	404,592
Transfer	-	-	-	-	-	(334,912)	(334,912)
Adjustments	-	-	-	-	-	-	-
Disposals	-	-	-	-	-	-	-
Impairment	27,469	(847,500)	(820,030)	-	-	-	(820,030)
Depreciation expense	-	(128,494)	(128,494)	(151,377)	(122,764)	-	(402,635)
Carrying amount at the end of the year	<u>2,610,000</u>	<u>5,943,857</u>	<u>8,553,858</u>	<u>280,289</u>	<u>367,958</u>	<u>232,502</u>	<u>9,434,606</u>

	Land	Buildings	Total Land and Buildings	Plant and Equipment	Motor Vehicles	Work In Progress	Total
	\$	\$	\$	\$	\$	\$	\$
2022							
Balance at the beginning of the year	2,610,000	5,943,857	8,553,858	280,290	367,957	232,502	9,434,607
Additions at cost	-	-	-	137,070	-	30,779	167,849
Transfer	-	-	-	-	-	(134,158)	(134,158)
Adjustments	-	-	-	-	-	-	-
Disposals	-	-	-	-	-	-	-
Depreciation expense	-	(127,786)	(127,786)	(175,191)	(125,808)	-	(428,786)
Carrying amount at the end of the year	<u>2,610,000</u>	<u>5,816,071</u>	<u>8,426,072</u>	<u>242,169</u>	<u>242,149</u>	<u>129,123</u>	<u>9,039,512</u>

Valuations of land and buildings

The basis of the valuation of land and buildings is fair value. The land and buildings were last revalued in April and May 2021 based on independent assessments by a member of the Australian Property Institute having recent experience in the location and category of land and buildings being valued. The Directors do not believe that there has been a material movement in fair value since the revaluation date. Valuations are based on current prices for similar properties in the same location and condition.

Accounting policy for property, plant and equipment

Land and buildings are shown at fair value, based on periodic, at least every 3 years, valuations by external independent valuers, less subsequent depreciation and impairment for buildings. The valuations are undertaken more frequently if there is a material change in the fair value relative to the carrying amount. Any accumulated depreciation at the date of revaluation is eliminated against the gross carrying amount of the asset and the net amount is restated to the revalued amount of the asset. Increases in the carrying amounts arising on revaluation of land and buildings are credited in other comprehensive income through to the revaluation surplus reserve in equity. Any revaluation decrements are initially taken in other comprehensive income through to the revaluation surplus reserve to the extent of any previous revaluation surplus of the same asset. Thereafter the decrements are taken to profit or loss.

Plant and equipment is stated at historical cost less accumulated depreciation and impairment. Historical cost includes expenditure that is directly attributable to the acquisition of the items.

Kimberley Land Council Aboriginal Corporation
Notes to the financial statements
For the year ended 30 June 2022



Note 11. Property, plant and equipment (continued)

Depreciation is calculated on a straight-line basis to write off the net cost of each item of property, plant and equipment (excluding land) over their expected useful lives as follows:

Buildings	40 years
Leasehold improvements	3-10 years
Plant and equipment	3-7 years

The residual values, useful lives and depreciation methods are reviewed, and adjusted if appropriate, at each reporting date.

Leasehold improvements are depreciated over the unexpired period of the lease or the estimated useful life of the assets, whichever is shorter.

An item of property, plant and equipment is derecognised upon disposal or when there is no future economic benefit to the Corporation. Gains and losses between the carrying amount and the disposal proceeds are taken to profit or loss.

Note 12. Trade and other payables

	2022	2021
	\$	\$
<i>Current liabilities</i>		
Trade payables	262,369	167,517
Other current payables	2,004,073	2,624,014
Accrued salaries and wages	110,999	182,568
	<u>2,377,441</u>	<u>2,974,099</u>

Accounting policy for trade and other payables

These amounts represent liabilities for goods and services provided to the Corporation prior to the end of the financial year and which are unpaid. Due to their short-term nature they are measured at amortised cost and are not discounted. The amounts are unsecured and are usually paid within 30 days of recognition.

Note 13. Borrowings

The corporation had no borrowings in financial year 2021 and 2022.

The corporation has an unused commercial facility with its bankers for \$1,800,000 expiring in June 2023.

Note 14. Lease liabilities

	2022	2021
	\$	\$
<i>Current liabilities</i>		
Lease liability	<u>351,083</u>	<u>607,151</u>
<i>Non-current liabilities</i>		
Lease liability	<u>80,277</u>	<u>-</u>
	<u>431,360</u>	<u>607,151</u>

Kimberley Land Council Aboriginal Corporation
Notes to the financial statements
For the year ended 30 June 2022

Note 14. Lease liabilities (continued)

The measurement principles of AASB 16 are only applied from 1 July 2019. At the date of initial application, the right-of-use assets equals to the lease liabilities and there was no adjustment to the retained earnings.

Accounting policy for lease liabilities

A lease liability is recognised at the commencement date of a lease. The lease liability is initially recognised at the present value of the lease payments to be made over the term of the lease, discounted using the interest rate implicit in the lease or, if that rate cannot be readily determined, the Corporation's incremental borrowing rate. Lease payments comprise of fixed payments less any lease incentives receivable, variable lease payments that depend on an index or a rate, amounts expected to be paid under residual value guarantees, exercise price of a purchase option when the exercise of the option is reasonably certain to occur, and any anticipated termination penalties. The variable lease payments that do not depend on an index or a rate are expensed in the period in which they are incurred.

Lease liabilities are measured at amortised cost using the effective interest method. The carrying amounts are remeasured if there is a change in the following: future lease payments arising from a change in an index or a rate used; residual guarantee; lease term; certainty of a purchase option and termination penalties. When a lease liability is remeasured, an adjustment is made to the corresponding right-of-use asset, or to profit or loss if the carrying amount of the right-of-use asset is fully written down.

Note 15. Provisions

	2022 \$	2021 \$
<i>Current liabilities</i>		
Annual leave	888,607	946,064
Long service leave	1,121,638	1,037,396
Other leave & backpay	367,011	254,194
Unexpended grants	98,168	-
	<u>2,475,424</u>	<u>2,237,654</u>

	Annual Leave	Long Service Leave	Other Leave & Backpay	Total
Opening balance as at 1 July 2021	946,064	1,037,396	254,193	2,237,653
Additional	871,309	264,219	367,011	1,502,539
Used	(931,328)	(179,977)	(254,193)	(1,365,498)
Closing balance as at 30 June 2022	<u>886,045</u>	<u>1,121,638</u>	<u>367,011</u>	<u>2,374,694</u>

Accounting policy for provisions

Provisions are recognised when the Corporation has a present (legal or constructive) obligation as a result of a past event, it is probable the Corporation will be required to settle the obligation, and a reliable estimate can be made of the amount of the obligation. The amount recognised as a provision is the best estimate of the consideration required to settle the present obligation at the reporting date, taking into account the risks and uncertainties surrounding the obligation. If the time value of money is material, provisions are discounted using a current pre-tax rate specific to the liability. The increase in the provision resulting from the passage of time is recognised as a finance cost.

Accounting policy for employee benefits

Short-term employee benefits

Liabilities for wages and salaries, including non-monetary benefits, annual leave and long service leave expected to be settled wholly within 12 months of the reporting date are measured at the amounts expected to be paid when the liabilities are settled.

Kimberley Land Council Aboriginal Corporation
Notes to the financial statements
For the year ended 30 June 2022



Note 15. Provisions (continued)

Other long-term employee benefits

The liability for annual leave and long service leave not expected to be settled within 12 months of the reporting date are measured at the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the projected unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match, as closely as possible, the estimated future cash outflows.

Note 16. Capital and leasing commitments

Operating lease commitments

No operating lease commitments existed at year end which were contracted for but not capitalised in the financial statements.

Capital expenditure commitments

There were no significant capital expenditure commitments incurred for the year ended.

Note 17. Reserves

	2022 \$	2021 \$
General reserve	7,500,000	7,500,000
Restricted reserves	9,173,100	7,749,076
	<u>16,673,100</u>	<u>15,249,076</u>

The restricted reserve records the transfer from retained earnings of unspent grant funding committed and set aside for future service delivery of respective Grant programs.

The general reserve records the transfer from retained earnings of funding set aside for member community benefits.

Note 18. Retained surpluses

	2022 \$	2021 \$
Retained surpluses at the beginning of the financial year	9,915,512	8,002,128
Surplus for the year	1,927,095	1,913,384
Transfer to other reserves	(1,424,024)	-
Retained surpluses at the end of the financial year	<u>10,418,583</u>	<u>9,915,512</u>

Kimberley Land Council Aboriginal Corporation
Notes to the financial statements
For the year ended 30 June 2022

Note 19. Key management personnel disclosures

Compensation

The aggregate compensation made to Directors and other members of key management personnel of the Corporation is set out below:

	2022 \$	2021 \$
Short-term employee benefits	793,971	704,286
Post-employee benefits	62,241	53,265
Other long-term benefits	19,949	9,818
Total key management personnel compensation	876,161	767,369

Note 20. Related party transactions

The Corporation holds one share representing 100% ownership in the company Kimberley Sustainable Development Pty Ltd. This company's principal activity is to act as trustee for the Kimberley Sustainable Development Charitable Trust. It does not operate in any other capacity. There is no right to income or capital of this trust fund. As a result, no value has been assigned to this interest and does not show in the financial statements of the Kimberley Land Council apart from the below transactions.

Related Party Entity - 2021	Service Type	Services		
		Services Received (Paid to)	Performed (Received from)	Services performed (Income due)
Director West Kimberley Futures Empowered Communities Ltd	Remuneration via University of NSW Administration	50,000	-	-
Kimberley Sustainable Development Charitable Trust	Employment costs	-	62,125	-
		-	261,872	101,752
Total		50,000	323,997	101,752

Related Party Entity - 2022	Service Type	Services		
		Services Received (Paid to)	performed (Received from)	Services performed (Income due)
Director West Kimberley Futures Empowered Communities Ltd	Remuneration via University of NSW Administration	50,000	-	-
Kimberley Sustainable Development Charitable Trust	Employment costs	-	72,727	-
		-	311,537	117,112
Total		50,000	384,264	117,112

Parent entity

Kimberley Land Council Aboriginal Corporation is the parent entity.

Key management personnel

Disclosures relating to key management personnel are set out in note 19.

Kimberley Land Council Aboriginal Corporation
Notes to the financial statements
For the year ended 30 June 2022



Note 20. Related party transactions (continued)

Receivable from and payable to related parties

There were no trade receivables from or trade payables to related parties at the current and previous reporting date.

Loans to/from related parties

There were no loans to or from related parties at the current and previous reporting date.

Terms and conditions

All transactions were made on normal commercial terms and conditions and at market rates.

Note 21. Events after the reporting period

In 2021 the KLC instigated an independent inquiry and review into the Kimberley Sustainable Development Charitable Trust (KSDCT) undertaken by leading barrister Anthony Power. The review was important to ensure that KSDCT can continue to operate with integrity and transparency, and in the best interests of Aboriginal people in the Kimberley. The extensive review was released this year and made publicly available. The extensive review found that KSDCT had discharged its primary roles and obligations remarkably well, and that its trustee acted independently of the KLC and in the best interest of the KSDCT and its beneficiaries, Kimberley Aboriginal people.

The key findings included:

- The KSDCT has since its establishment, and on the whole, discharged its primary roles and obligations remarkably well given the passage of time.
- There is no evidence of any wrongdoing by those associated with the KSDCT.
- The passage of time has meant that some of the functions of the KSDCT are no longer as well suited to the purpose for which it was established and that it needs to evolve.
- Recommendations for improvement in the governance and management of the KSDCT and its communication to beneficiaries.

The findings of Mr Power's review have been presented to the KLC Board and were reported to KLC members at the KLC AGM in August.

In July 2022 the KLC underwent an extensive ORIC examination of the books of the corporation under section 453-1 of the Corporations (Aboriginal and Torres Strait Islander) Act 2006. The examination reviewed the corporate governance and financial management of the corporation over the period 1 July 2019 to the date of the examination fieldwork in August 2022. The ORIC Examination Letter received on the 17 November 2022 reported the standard of corporate governance at the corporation is generally sound and that the corporation was at a strong working capital position at the time of the examination. Some minor matters were identified for the attention of the board but not serious as to require formal compliance notice to be issued by the Registrar. The KLC resolve these matters by making provision for compliance processes and procedures and in obtaining further advice on the matters raised for the KLC board.

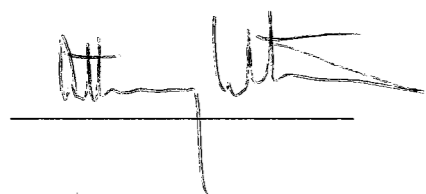
No other matter or circumstance has arisen since 30 June 2022 that has significantly affected, or may significantly affect the Corporation's operations, the results of those operations, or the Corporation's state of affairs in future financial years.

Kimberley Land Council Aboriginal Corporation
Directors' declaration
For the year ended 30 June 2022

In the Directors' opinion:

- the attached financial statements and notes comply with the Australian Accounting Standards - Simplified Disclosures, the Australian Charities and Not-for-profits Commission Act 2012, Corporations (Aboriginal and Torres Strait Islander) Act 2006, the Corporations (Aboriginal and Torres Strait Islander) Regulations 2017 and associated regulations;
- the attached financial statements and notes give a true and fair view of the Corporation's financial position as at 30 June 2022 and of its performance for the financial year ended on that date; and
- there are reasonable grounds to believe that the Corporation will be able to pay its debts as and when they become due and payable.

On behalf of the Directors



6TH December 2022

INDEPENDENT AUDITOR'S REPORT

To the members of Kimberley Land Council Aboriginal Corporation

Report on the Audit of the Financial Report Opinion

We have audited the financial report of Kimberley Land Council Aboriginal Corporation (the Corporation), which comprises the statement of financial position as at 30 June 2022, the statement of profit or loss and other comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies and the statement by the Board of Directors.

In our opinion the accompanying financial report has been prepared in accordance with requirements of the Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI Act) and Division 60 of the Australian Charities and Not-for-Profits Commission Act 2012 (ACNC Act), including:

- a) giving a true and fair view of the Corporation's financial position as at 30 June 2022, and of its financial performance and its cash flows for the year then ended; and
- b) complying with Australian Accounting Standards – Simplified Disclosure Requirements, and Division 60 the *Australian Charities and Not-for-profits Commission Regulation 2013*.

Basis for Opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of our report. We are independent of the Corporation in accordance with the *Australian Charities and Not-for-profits Commission Act 2012* (ACNC Act) and the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged with Governance for the Financial Report

Management is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards, the *CATSI Act* and the *ACNC Act*. The responsibility of Management also includes such internal control as management determines is necessary to enable the preparation and fair presentation of a financial report that is free from material misstatement, whether due to fraud or error.



In preparing the financial report, management is responsible for assessing the Corporation's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless management either intends to liquidate the Corporation or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Corporation's financial reporting process.

Auditor's Responsibilities for the Audit of the Financial Report

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with Australian Auditing Standards, we exercise professional judgment and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Corporation's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Corporation's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Corporation to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.



We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Report on Other Legal and Regulatory Requirements

In our opinion Kimberley Land Council Aboriginal Corporation has complied with 60-30(3)(b), (c) and (d) of the ACNC Act:

- by providing us with all information, explanation and assistance necessary for the conduct of the audit;
- by keeping financial records sufficient to enable a financial report to be prepared and audited; and
- by keeping other records required by Part 3-2 of the ACNC Act, including those records required by Section 50-5 that correctly record its operations, so as to enable any recognised assessment activity to be carried out in relation to the Corporation.

It is also our opinion, that the corporation has complied with the CATSI Act, including;

- a) in the course of the audit we have been given all information, explanation and assistance necessary to conduct the audit;
- b) the corporation has kept financial records sufficient to enable the financial report to be prepared and audited; and
- c) the corporation has kept other records and registers as required by CATSI Act.

Chassey Davids CA, AMIIA, BCom

Registered Company Auditor number 490152

Director

Australian Audit

Dated: 6 December 2022

KIMBERLEY LAND COUNCIL

11 Gregory Street, Broome WA
(08) 9194 0100
www.klc.org.au

ICN: 21