



Kimberley Land Council

# 2019-20 ANNUAL REPORT



# KIMBERLEY LAND COUNCIL





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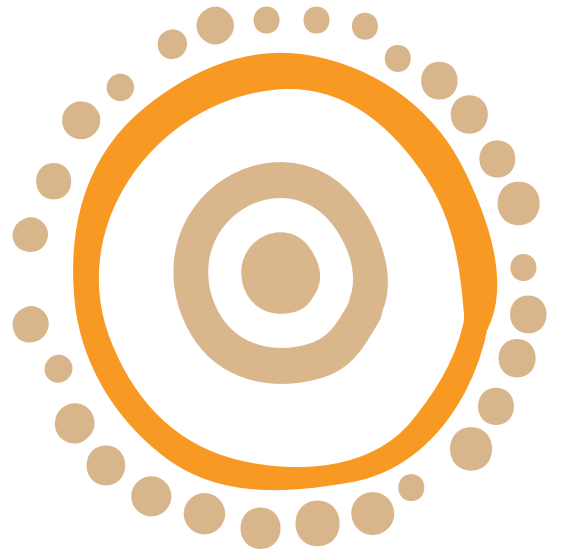
**This report can be accessed online at  
[www.klc.org.au](http://www.klc.org.au)**

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# OUR ORGANISATION

## ABOUT THE KLC

The Kimberley Land Council (KLC), located in the Kimberley region of Western Australia, is one of the oldest and most well-respected land rights organisations in Australia. The KLC was established by Kimberley Aboriginal people for Kimberley Aboriginal people during a time of political and social upheaval that came to a head in Noonkanbah in 1978 as our people stood their ground in what would become more than 40 years of struggle for land rights.

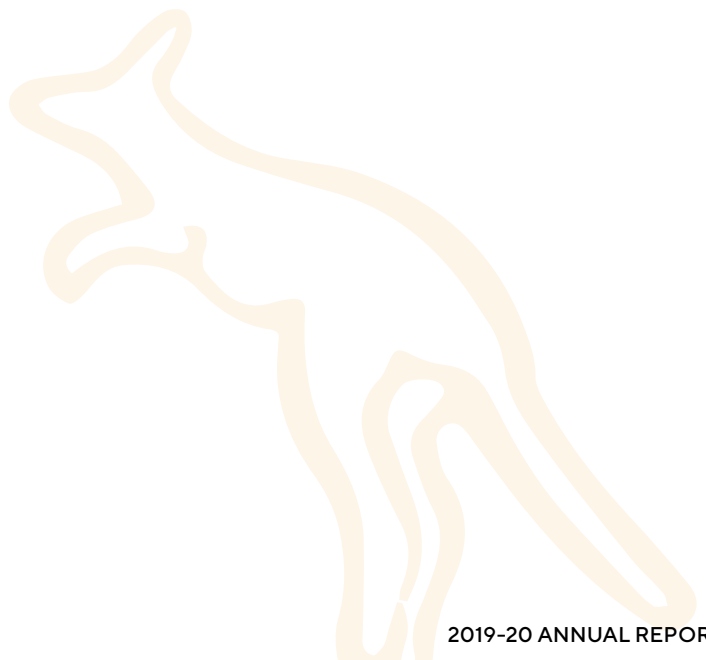
Today, we have grown to become the peak Indigenous body in the Kimberley region working with Aboriginal people to secure native title recognition, conduct conservation and land management activities and develop cultural business enterprises. The Kimberley region is close to 100 per cent determined thanks to the tireless work of the KLC team and the resilience and courage of our Traditional Owners.

**We stand by our vision to get back country, look after country and get control of our future.**

Our vision has and will remain the foundation of our organisation. In achieving the vision of our members, the KLC continues to develop programs and initiatives to meet the changing needs of our members and look after country, culture and community.

The KLC one of the biggest employers in the Kimberley, employing about 130 staff across the divisions of native title, legal, land and sea management, corporate services and finance. We have offices in Broome, Kununurra and Derby as well as smaller satellite stations in remote communities that act as a base for the Kimberley Ranger Network teams.

The Kimberley Land Council has a long and proud history and we look to continue to achieve positive outcomes for Kimberley Traditional Owners well in to the future.





**THE KIMBERLEY  
LAND COUNCIL IS AN  
ORGANISATION THAT  
WORKS FOR AND WITH  
TRADITIONAL OWNERS OF  
THE KIMBERLEY REGION.  
THE KLC IS A COMMUNITY  
ORGANISATION, WITH  
A VISION TO GET BACK  
COUNTRY, LOOK AFTER  
COUNTRY AND GET  
CONTROL OF OUR FUTURE.**



## **OUR MISSION**

**GET BACK COUNTRY  
LOOK AFTER COUNTRY  
GET CONTROL OF OUR FUTURE**

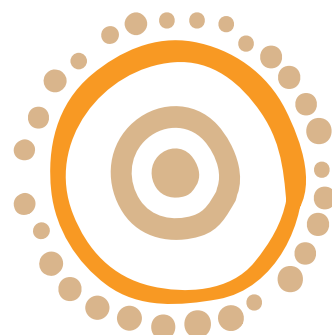
# OUR VALUES & OBJECTIVES

## OUR OBJECTIVES

- **IMPROVE THE CULTURAL, SOCIAL AND ECONOMIC WELLBEING OF KIMBERLEY ABORIGINAL PEOPLE**
- **OPERATE AS AN EFFECTIVE BODY TO SECURE RIGHTS FOR AND DELIVER THE ASPIRATIONS OF THE KIMBERLEY OWNERS**
- **DEVELOP AND IMPLEMENT POLICIES, STRATEGIES AND ACTIVITIES THAT DELIVER A HIGH-STANDARD OF SERVICES TO TRADITIONAL OWNERS TO ACHIEVE OUR VISION**
- **DEVELOP AND IMPLEMENT SOUND, APPROPRIATE AND EFFECTIVE PLANNING AND REVIEW PROCESSES AND DOCUMENTS**

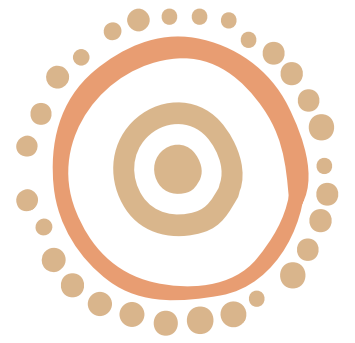
## OUR VALUES

- **RESPECT FOR OUR LAW AND CULTURE**
- **RESPECT FOR OUR ELDERS AND STAKEHOLDERS**
- **FAIR AND TRANSPARENT DECISION-MAKING**
- **WORKING IN PARTNERSHIP**
- **TRUST AND LOYALTY**
- **JUSTICE AND EQUALITY FOR INDIGENOUS PEOPLE**
- **CULTURAL DIVERSITY**



# KLC BOARD

AS OF JUNE 30 2020



**CHAIRMAN ANTHONY WATSON**  
NYIKANA MANGALA



**DEPUTY CHAIR TOM BIRCH**  
BALANGGARRA



**CEO NOLAN HUNTER**



**CULTURAL ADVISER**  
IRENE DAVEY



**CULTURAL ADVISER**  
ANNETTE KOGOLO



**CULTURAL ADVISER**  
JOHN WATSON



**CULTURAL ADVISER**  
WAYNE BERGMANN



**RUSSELL DAVEY**  
BARDI JAWI



**EDITH SKEEN**  
KOONJIE-ELVIRE



**GREG TAIT**  
NGARRAWANJI



**FRANK DAVEY**  
MAYALA



**ALBERT WIGGAN**  
NYUL NYUL



**TREVOR COX**  
NIMANBURR



**MARIANNE SKEEN**  
TJURABALAN



**JOSEPH NUGGET**  
NGURRARA



**SHIRLEY DRILL**  
PURNULULU



**JEAN MALAY**  
YURRIYANGEM TAAM



**ROBERT WATSON**  
WARRWA



**CATHERINE**  
GOONACK UUNGUU



**ROSETTA SAHANNA**  
WILINGGIN

**LENA CAREY**  
JARU



**SHIRLEY PURDIE**  
MALARANGOWEN



**THOMAS KING**  
KARAJARRI



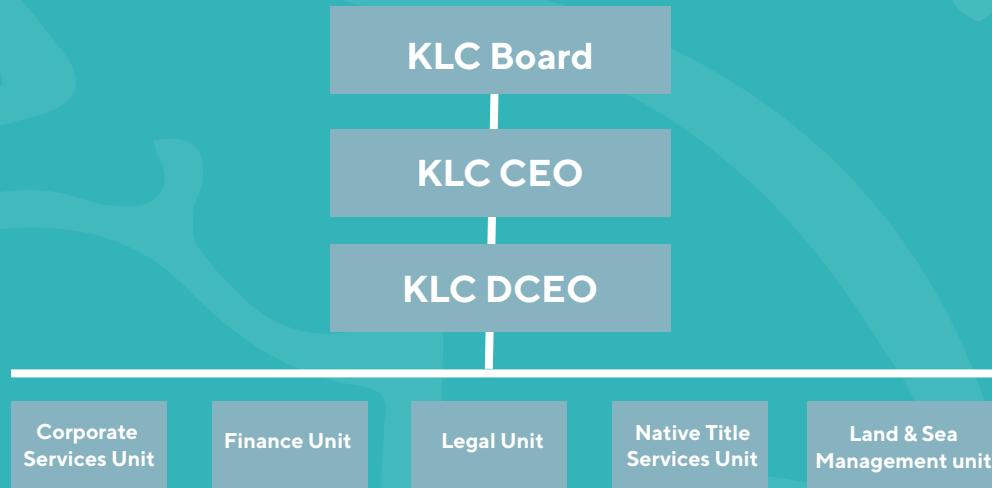
**MARGARET (NYAPURU)**  
ROSE NYANGUMARTA  
KARAJARRI



**BOBETTA ALBERT**  
JABIRR JABIRR



# ORGANISATIONAL STRUCTURE



The KLC's governance is dictated primarily by legislative framework, its constitution and the statutory requirements of the CATSI Act. KLC is governed by a Board of Directors (the Board) who are elected by our members to represent the interests of Kimberley Aboriginal people. Members are only eligible to be a Director by being nominated by a Registered Native Title Body Corporate (PBC) or a native title claim group. There is a maximum number of 32 directors that can sit on the Board, including four cultural advisers.

Directors are elected to the Board every two years, with the last election occurring at the 2018 Annual General Meeting held at Ngumpan. The KLC Board of Directors provides leadership and direction to the organisation and ensures it operates properly and fairly on behalf of all its members.

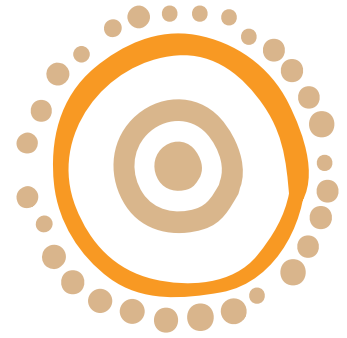
At the end of the reporting period, the Board of directors comprised 26 people representing the majority of native title claim groups and PBCs across the Kimberley. Four cultural advisers are included as part of the board and work with Directors, members and Traditional Owners to provide expert cultural advice, and offer support and guidance.

In September 2018, Anthony Watson was re-elected as the Chairperson of the KLC and Tom Birch was elected as the Deputy Chairperson of the KLC. The Chair and the Deputy Chair are responsible for making sure the KLC functions effectively. They provide leadership to the KLC, the Board of Directors, the CEO and staff. They also act as the organisation spokespeople and the interface between the KLC and the broader community. The KLC Board of Directors meets a minimum of four times a year to set the direction of the organisation, establish priorities and direct the development of the strategic plan.

# KLC BOARD OF DIRECTORS ATTENDANCE

Name	Number of Board meetings attended 1 July 2019 – 30 June 2020 (4 mtgs)
Bobetta Albert	3
Albert Bevan	3
Tom Birch	4
Trevor Cox	3
Frank Davey	2
Russell (Wozzy) Davey	1
Shirley Drill	3
Catherine Goonack	0
Douglas Hobbs	0
Nolan Hunter	2
Thomas King	2
Elizabeth Lulu	1 *Elected as Alternate Director for Marianne Skeen 12/12/2018. Ceased 09/10/2019
Jean Malay	3
Joseph Nuggett	1
Shirley Purdie	3
Margaret (Nyaparu) Rose	2
Rosemary Rosewood	2 *Elected 18/09/2018, ceased 26/09/2019
Lena Carey	1
Rosetta Sahanna	3
Marianne Skeen	2
Edith Skeen	2
Greg Tait	4
Anthony Watson	4
Robert Watson	4

## CULTURAL ADVISORS ATTENDANCE



Name	Number of Board meetings attended 1 July 2019 - 30 June 2020 (4 mtgs)
Wayne Bergmann	4
Irene Davey	4
Annette Kogolo	1
John Watson	4

## CORPORATE GOVERNANCE

The KLC has an effective corporate governance structure that enables the organisation to deliver on its mandate and achieve native title outcomes for Kimberley Aboriginal people. The KLC Board delegates overall authority for the daily operational and administrative decisions of the organisation to the Chief Executive Officer (CEO). The CEO is assisted in carrying out these responsibilities by a DCEO and a senior management team. Senior managers have responsibility for the operational teams which carry out the organisation's work.

The KLC conducts regular planning at both a strategic and operational level to ensure our organisation is achieving its mission, vision and values. Regular reporting to the board, KLC members, partners, funding bodies and staff ensures key stakeholders are kept informed of our activities and our organisation remains on track to realise its strategic goals.

The KLC has its head office in Broome and branch offices in Derby and Kununurra as well as remote area ranger bases in Wyndham, Gibb River Station, Warmun, Mulan, Bayulu, Fitzroy Crossing, Beagle Bay and One Arm Point.

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 reduce 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.



## MESSAGE FROM THE CHAIRMAN

**“It has been a year of achievements and unprecedented challenges as we learnt to do business in the face of a global pandemic”.**

Marbo Ngyimbi,

I am pleased to deliver another Chairman Report for the 2019/2020 reporting period. It has been a year of achievements and of unprecedented challenges as we learnt how to do business in the face of a global pandemic. I can report that our mandate of native title, advocacy, enterprise development and land and sea management has been achieved.

Our strong record of securing native title recognition for the Kimberley mob continued with almost 100 per cent of the region now under title. Our ranger teams developed new ways of working during the COVID-19 lock down to ensure their essential work in fire and conservation was not delayed. Whilst the KLC office teams put systems in place to allow them to work from home for several months earlier this year. Congratulations to everyone for adapting and achieving during what was a difficult time for our team and our members.

### Future Focus

The KLC has been developing the 2020-2024 Strategic Plan that will set the course for the future of our organisation for the next four years. We have been working closely with our Directors on a regular basis and engaged with the wider community to get their feedback on what they need from the KLC moving forward. This plan also reflects the words and actions stemming from our old reports, the Yirra Statement and Crocodile Hole Report, whose guiding principles still ring true as we move toward self-determination.



### COVID-19 Response

During the ongoing COVID-19 pandemic KLC has had to adapt and adjust to keep the wheels turning and ensure our work continues. In March, all office-based KLC staff started a period of working from home and we switched our operations, where possible, to online. We held our first virtual board meeting in May and I'd like to thank our Directors for taking on this new way of doing business with good spirits.

KLC also established a taskforce to link with other Kimberley organisations and service providers to tackle issues affecting our Kimberley mob as a result of the pandemic. We assisted in relocating people back to their communities, and dealing with other challenges caused by community lock downs. This work continues as we look toward recovery.

### Working with PBC's

The KLC continued to develop its relationship with PBCs in the region. As an increasing number of PBCs become more independent, the KLC is looking towards a formal service delivery model for those PBCs that want that type of working relationship with the KLC.

### Change comes from within

To achieve the goals of our elders, who created the KLC as a channel toward self-determination, I believe that the Kimberley as a whole needs to strive toward more investment in social and sustainable development. We need to build on what has been achieved through native title. Future strength also lies in PBCs with good governance and robust leadership.

I'd like to thank the Board, our staff and our members for supporting us for another year. I'd also like to acknowledge those that have sadly passed away. Without the knowledge of our elders and energy and commitment of our younger generations the Kimberley Land Council would not be the powerful organisation we are today.

**Anthony Watson**

**Chairman, Kimberley Land Council.**

# OUR TEAM

## KLC MANAGEMENT TEAM AND STAFF

The Kimberley Land Council executive management team is responsible for the management of staff and organisational performance. The Chief Executive Officer of the Kimberley Land Council is responsible for the day-to-day operational and administrative management of the KLC, including overseeing the operations of the Deputy CEO, corporate services, Financial, Legal, Land and Sea Management and Native Title Service Units. 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.

### KLC MANAGEMENT TEAM FOR THE 2019/2020 REPORTING PERIOD

**Nolan Hunter**  
CEO \*Leave July 1, 2019 -  
5 January 2020

**Tyronne Garstone**  
Deputy CEO/\*Acting CEO  
\*6 January - 12 June 2020

**Rita Rose Chief**  
Financial Officer

**Justine Toohey**  
Principal Legal Officer

**Erika Blades**  
Operations Manager

**Jaime Parriman**  
Native Title Service Manager

**Sarah Parriman**  
Corporate Services Manager

**Will Durack**  
Land and Sea Unit Manager





## Staff Demographics

**84**  
Full Time

**19**  
Part Time

**103**  
Total

**22**  
New  
Employees

**24**  
Employees ended  
employment\*

*\*13 women, 3 Indigenous women and 2 Indigenous men*

**60** INDIGENOUS

**54** MALE

**49** FEMALE

## Indemnity Insurance

KLC staff are covered for professional indemnity insurance to the value of \$10 million.

## Learning and Development

The KLC is committed to providing learning and development opportunities for our employees.

There remains a commitment to succession planning and to incorporate a strong focus on Indigenous employees. During the reporting period a number of Indigenous staff were offered opportunities to act in higher duties, this type of opportunity supports the ongoing professional development of key talent within the organisation and supports the organisations succession planning.

The KLC continues its partnership with the Aurora Project and staff continue to be involved in a number of training opportunities directly related to native title, including courses and conferences.

In February 2020, the KLC held an All Staff workshop. KLC staff and Rangers from across the Kimberley came together in Broome for a two-day workshop. The event included a presentation from the board, an update on the process of the KLC strategic plan, a workshop about improving mental health outcomes and some time to yarn with colleagues. The KLC aims to hold all staff workshops at least once a year as it provides a rare, but valuable chance to bring our team together and share our triumphs and challenges.



# KLC ENTERPRISE AGREEMENT

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An Enterprise Agreement sets out the terms and conditions of employment and is registered and approved by Fair Work Australia. The KLC 2014-2017 Enterprise Agreement (EA) had a nominal expiry date of July 2017. Following extensive preparation, negotiations with employee representatives commenced in 2017 and continued into 2019.

The objectives of the negotiation were to:

- Link the EA to the strategic intent of the organisation;
- Create a fairer EA for all employees;
- Reward performance;
- Simplify some of the clauses that should be part of KLC policy rather than embedded in the EA;
- Ensure KLC Remains an employer of choice

Following the formal negotiation processes, on the 15 October 2019 the revised EA was approved by the Fair Work Commission [FWC]. The Kimberley Land Council Enterprise Agreement 2019 is in operation and has a nominal expiry date of four (4) years from the date of approval.

## **Health, Safety and Wellbeing**

Improving the health and safety of our people and the environment in which we work is important to the Kimberley Land Council. With ongoing safety projects such as the newly developed KLC initiative 'Come Home Safe', we are actively engaging all staff in ways to be more aware and to participate in safer ways of operating.

Patterns of incidents have changed over the years, with a particular reduction in the incidents to vehicles. Safer driving practices have been a major focus. Along with this, as people are more aware of potential hazards, there has been an increase in incident reporting. KLC then has an opportunity to respond prior to any major incidents occurring.

Compliance against the Occupational Safety and Health Act 1987 (WA) has improved as we take the initiative and work with people on the ground to develop safer ways of operating and complying with our mandatory requirements.

The KLC recognises the need to talk about and support the social and emotional wellbeing of our staff and communities. During the All Staff Workshop that took place in Broome in February 2020, the KLC teamed up with the Kimberley Aboriginal Medical Services Ltd [KAMS], through their Social and Emotional Wellbeing Team, to facilitate discussions and touch on their Aboriginal and Torres Strait Islander Mental Health First Aid training. This training can enable participants to feel more confident in identifying mental illnesses and providing initial 'mental health first aid' whilst supporting someone to access appropriate help.

## **Salary Levels and Awards**

Remuneration of KLC staff members, other than the management team, is determined by the Kimberley Land Council Enterprise Agreement which is registered and approved by Fair Work Australia. Salary scales within the document relate to a performance assessment scheme and staff performance is reviewed on an annual basis. Nine employees from within the executive management team were paid more than \$100,000 in the reporting period.

During the reporting period, and as a result of the termination of the KLC EA 2014-2017, members of the KLC management team were employed under individual contracts.





## 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 risk appetite as recommended by the senior management team and must 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.

Stringent financial and operational procedures are maintained and applied to make sure the organisation is effectively managed. The KLC employs a Chief Financial Officer, who is a Chartered Accountant and forms part of the KLC's senior management team. The KLC also retains an auditor to assist the organisation with financial management, compliance and risk analysis.

The senior management team is responsible for devising the activities, services and projects necessary to manage risk. The management team meets regularly to review progress and identify upcoming issues and regularly reports 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 audit was conducted by Moore Stephens WA Pty Ltd and can be found in the Financial Statements section of this Annual Report. There were no judicial or administrative tribunal decisions in relation to the KLC during the reporting period.

A negative submission was made about the KLC to the Australian Parliament's Legal and Constitutional Affairs Committee, and KLC provided a response to that negative submission. This is body is legislative rather than judicial or administrative.

## Service charter standards

The KLC has no service charter or customer service standards but uses a process of complaints management instead. Detailed information on how a complaint can be made and managed is publicly available and can be found on the KLC website at [www.klc.org.au/complaints](http://www.klc.org.au/complaints)

Written complaints are referred to the Chief Executive Officer or delegate for assessment. In cases where it is appropriate to respond, the CEO refers the complaint to an appropriate person to manage the resolution process, allocate a priority response time and to case manage responses required to deal with the complaint.

## Complaints

The KLC received two complaints in the reporting period. Both were resolved in accordance with our complaints process outlined as part of the KLC's policies and procedures.



## FROM THE CEO, NOLAN HUNTER

The past year has been a formative time for the Kimberley Land Council as we progress our vision for the future of our organisation. Our important work in native title, advocacy, land and sea management, PBC support and enterprise development has continued whilst we have also focused on developing our strategic goals for the next four years.

### **KLC Strategic Plan 2020-2024**

Our aim is to shape a solid future for the KLC by building upon the influence and authority the KLC has established in justice, best practice, good governance and self-determination. The KLC's future is fundamentally determined by our relationship with our members, Traditional Owners, their native title organisations and our peak organisations. Launched at the AGM, members and non-members were given the opportunity, via a survey, to provide their thoughts on the KLC and the services we provide. The survey was then rolled out across the region at other meetings and opportunities throughout the year.

The KLC also met with PBCs to hear their views about the future of the organisation, the future needs of PBCs and how KLC can best support PBCs. This valuable information will form the basis of our new Strategic Plan, due for launch later this year. Information about the results and our planned objectives can be found on page 21.

### **Native title progress**

Our success in achieving positive native title outcomes for Kimberley Aboriginal people has continued and approximately 95 per cent of the Kimberley is now determined, an increase of 1.5 per cent in 12 months. There have been 54 successful native title determinations to date and there is now a total of 22 Registered Native Title Body Corporates (RNTBCs) / Prescribed Bodies Corporate (PBCs).

The KLC continues to provide support services to PBCs including legal, funding and governance where requested. In this reporting period we celebrated native title determinations for Birriman-gan, Mayala #2, Edarrbur (Rubibi #18), Ngurrara D1, Ngurrara D2, and Bunuba #2 Part B and Balanggarra #3.

### **High Court Ruling**

In December 2019 the Full Court of the Federal Court allowed an appeal by the Jabirr Jabirr/Ngumban/Nimanbur and Nyul Nyul people, represented by the KLC. As a result of the successful appeal the Full Court of the Federal Court held that native title holders rights of exclusive possession in these areas were not subject to a general "right of access" by the public.

The decision of the Full Court was appealed by the State and Commonwealth. Despite a strong defence, in March 2020 the High Court ruled in favour of the Commonwealth and the State of Western Australia, saying that as no State law existed to prevent the public from accessing unallocated Crown land. This disappointing outcome overturned the earlier decision of the Full Court of the Federal Court which had found in favour of native title holders.

### **Strengthening the Aboriginal Heritage Act**

The protection of Aboriginal heritage and culture is central to the work of the KLC and this year we have engaged across government and industry to advocate for meaningful change to the *Aboriginal Heritage Act 1972 (WA) (AHA)*. The actions of Rio Tinto in destroying the Juukan caves in May brought the weakness of the Act into global focus. The KLC has been, and will continue to push hard for a repeal of the AHA and the enactment of a new law which enshrines the fundamental principle that Traditional Owners should be the only ones with authority to approve any activity that impacts their cultural heritage.

The State Government's original programme for development of a new Aboriginal heritage law included the release of a draft bill in December 2019. However, this was delayed until early 2020 and then further delayed as a result of the COVID-19 pandemic. A consultation draft Aboriginal Cultural Heritage Bill was released by the State on 3 September 2020. The KLC made a submission that the draft bill should not be introduced to parliament.

The KLC has continued to work closely with the WA Alliance of native title representative bodies and service providers and the National Native Title Council on the development of heritage laws and practices that recognise Aboriginal people as the only rightful decision makers about their own culture and heritage.

### **Fitzroy River**

At the AGM held at Home Valley Station in 2019 KLC members fully supported a call for a comprehensive consultation process for all native title holders impacted by decisions regarding the future proposed development of the Fitzroy River. Concerns were raised over the governments existing consultation process, which is excluding some native title holders located at the end of the river, in salt water country.

Whilst the COVID pandemic stalled government-led consultations, in July 2020 the KLC coordinated a meeting with Martuwarra Fitzroy River Council and other related PBC's to develop a position about the lack of consultation with Traditional Owners. Since the July meeting the State Government has made the decision to stop funding the Martuwarra Council and the State Government will run its own consultation process.

The KLC will be inviting all the PBC's that are impacted by the developments on the river to attend the KLC's 2020 AGM as a sign of strength and unity to advocate for a more comprehensive consultation process.

### **COVID-19 Response**

This year we experienced an unprecedented time for both our community and organisation with the impact of the COVID-19 pandemic. To ensure the safety of our members, community and staff, we closed our offices from late March to mid-May. In response to the Remote Communities Direction and advice from KAMS, all KLC meetings, including native title applicant and claim group meetings, working group meetings, and field work, were also postponed.

Our legal and native title teams continued to progress claims, where possible, and keep applicants up to date during the closure. The KLC is a member of a Taskforce focused on addressing the immediate concerns of Kimberley Aboriginal people during the lock down and now, during the recovery phase. We continue to work with KAMS and other service providers and government agencies to safeguard Kimberley Aboriginal people from COVID-19 while still delivering outcomes for our members.

### **Conservation activities**

The KLC is supporting Bardi and Jawi, Dambimangari and Mayala native title holders in planning and negotiation of the creation of four new conservation reserves in the Buccaneer Archipelago, adjoining the existing Dambimangari Lalang-garram marine parks. The parks were proposed by the State Government as part of a commitment to expanding the state's conservation reserve. In the East Kimberley, Yurriyangem Taam native title holders, with the support of the KLC, are negotiating the development of a national park along the Fitzroy River with a view to protecting their stretch of this iconic and nationally significant river system.

### **Looking forward**

This year brings yet another phase of change and development for our organisation with the launch of our new strategic plan, which has been created with a strong focus on our future evolution. We are conscious that to stay relevant we must evolve with the changing needs of our members and Kimberley people. As we have always done, we do this with an ear to the past and the voices of our elders, and our eyes to the future, the voices of our future generations. The KLC looks forward to delivering another strong year of achievements in the year ahead.

### **Nolan Hunter**

**Chief Executive Officer (CEO)  
Kimberley Land Council**





**“ABORIGINAL PEOPLE ARE CONNECTED TO LAND THROUGH OUR CULTURE, LAW AND DREAMING. WE HAVE THE RESPONSIBILITY TO LOOK AFTER OUR LAND, JUST AS IT LOOKS AFTER US. OUR COUNTRY CONNECTS PEOPLE TO THE PAST, PRESENT AND FUTURE.”**

Kevin George, Bardi Jawi



# STRATEGIC PLAN

## 2016 - 2020

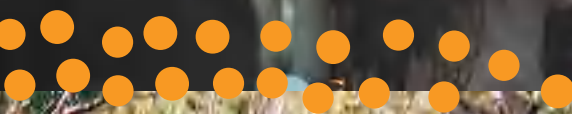
The KLC Strategic Plan for 2016-2020 encompasses the vision and direction of the KLC Board of Directors. The KLC prides itself on being highly engaged with our members and stakeholders and being responsive and flexible in our operations to meet new challenges and opportunities.

In completing the 2016-2020 Strategic Plan, the KLC has seen a number of our strategic objectives being achieved. These included:

- Native title now recognised for close to 100 per cent of the Kimberley.
- Functional and empowered PBCs, new PBCs being registered, and continuing to support all PBCs in meeting their statutory requirements, reporting and governance compliance with the Office of the Registrar of Indigenous Corporations (ORIC).

- Significant advancement in Traditional Owners achieving their aspirations through access to opportunities that arise from native title, including negotiations on mining exploration and heritage protection agreements, strong and successful ranger programs, Indigenous Protected Areas and land and sea management.
- Important developments in KLC's ability to meet the priority needs of its constituents and having the resilience and adaptability to respond to a changing legislative, policy and funding environment, while caring for staff and environment.





# OUR FUTURE: STRATEGIC PLAN 2020 -2024

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This year we have taken a comprehensive look at what the KLC will need to work toward over the next four years. A significant part of this has been to take the time to find out from KLC members and Kimberley Traditional Owners what they want from the KLC, what has worked, what has not worked and where we need to do better.

During September to November 2019 the KLC engaged with members and Kimberley Traditional Owners using a survey to find out what people think is important and their expectations of the KLC in the future. The survey went out to all KLC members, was also posted online and staff took the survey into communities for people to complete. We had an overwhelming response and found out a lot about what people are interested in and what they think of the KLC. This information is helping us to shape the future of the KLC.

Along with the engagement survey, the KLC board established a subcommittee that met regularly to work on the 2020-2024 Strategic Plan. The committee looked at the results of the survey; reviewed the achievements of the KLC to date; assessed best practice against other NTRBs, and talked with PBCs about the strategic challenges faced by Kimberley Traditional Owners. The subcommittee developed the strategic objectives and the measures for success, which guided the new 2020-2024 Strategic Plan that was adopted by the KLC board in August 2020.

## **Organisational and Operational Planning**

To ensure we achieve the objectives of the 2020-2024 Strategic Plan the KLC is developing an organisational plan to provide a high-level overview of KLC operations. This in turn influences the development of the operation plans for each business unit, and is further narrowed down into individual work plans. This process is essential in providing a coordinated approach to monitoring our output, reaching key milestone and evaluating our success as the 2020-2024 Strategic Plan progresses.

# AGM 2019

## HOME VALLEY STATION



Another successful Kimberley Land Council AGM was held in September 2019 at Home Valley Station in the east Kimberley. Kimberley Aboriginal people travelled from all over the region to attend the event and hear about the work of the KLC in the past 12 months. This year's theme was Voice Treaty Truth and reflected the important road we are on regarding constitutional reform. It was a big week with successful AGMs from KALACC, KLRC and Aarnja, as well as some incredible cultural performances.







**VOICE**  
**TREATY**  
**TRUTH**



Yurriyngem Taam and Malarngowem determination



Purnululu, 2019

# NATIVE TITLE

The KLC was first recognised as a representative body for the Kimberley region in 1998, and has continued to retain statutory recognition as a representative body since then. The current period of recognition ends on 30 June 2021.

The following section of the Annual Report reports on the performance of KLC's representative body functions in the period 1 July 2019 to 30 June 2020.

## 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 duties (functions) and obligations under the Native Title Act, and are provided with grant funding by the Commonwealth Government each financial year to carry out those duties and obligations.

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.





## Purunululu On-country hearing

### Native Title Assistance

During the 2019–20 reporting period, the KLC provided native title assistance to 20 native title claims and 22 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.

### 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 6 applications for assistance. One of these applications was considered and decided on by the Native Title Grants Committee. The remaining applications for assistance will be considered by the Native Title Grants Committee in the next 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 new native title claim and one Indigenous Land Use Agreement ILUA in the reporting period.

### Dispute Resolution Functions

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

The existence of disputes can have a significant detrimental 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 custom 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 did not provide any assistance for mediation of disputes within native title claim groups during the reporting period. However, the KLC participated in, and provided support from native title grant funding to, three Federal Court mediations in the reporting period

### **Notification Functions**

The KLC ensures that native title holders and claimants are informed about any future act notices that are received and could potentially affect native title rights and interests. The KLC works to provide advice to native title holders and claimants while informing them of relevant time limits in which to respond to any these notices.

The KLC also has its own internal notification process for informing native title holders and claimants of claim group meetings. The KLC endeavours to keep extensive and up-to-date claim group member lists and contact details. Native title holders and claimants are notified of meetings through posted and hand-delivered letters, emails, phone calls, the posting of notices on public boards throughout the Kimberley, Facebook, posting of notices on the KLC website, and advertising in local newspapers.

KLC also used the period of office closure during the COVID-19 pandemic to review and update contact lists. This project is ongoing, and depends on finding suitable software which can hold relevant information in a way that is accessible.

### **Agreement making function**

The KLC represents many native title claim groups and PBCs in negotiations relating to matters such as post-determination land management, heritage protection agreements, and commercial land uses by third parties. The KLC has been extremely successful at negotiating positive agreements on behalf of Traditional Owners.

Further information on the KLC's performance of its agreement making functions is provided in the section below on indigenous land use agreements (ILUAs).

### **Internal Review Functions**

The internal review functions of representative bodies require that they have a process in place for PBCs, native title claimants, native title holders, and people who may hold native title to seek a review of the decisions and actions of the representative body, and this process must be publicised.

### **Internal Review – Applications for Assistance**

The KLC's internal review process in relation to applications for assistance is set out in the Guidelines for Assistance in Native Title Claims, which is available in hard copy from the KLC, and information regarding the process can also be found on the KLC website ([www.klc.org.au](http://www.klc.org.au)). A decision on an application for assistance is made by a Native Title Grants Committee (NTGC). Applicants can seek a review of a decision made by a NTGC.

In response to applications for review, a Review Committee assesses the application and determines if the decision made by the NTGC was fair and proper. If the applicants are still not satisfied, they can make an application to have the decision reviewed under the Administrative Decisions (Judicial Review) Act 1977 (Cth) and s203FB of the Native Title Act. There were no internal reviews of applications for assistance in the reporting period.

### **Internal Review – Complaints**

The KLC's internal review process in relation to decisions or actions of the KLC is dealt with through a complaints process. Complaints are ordinarily referred to the CEO for assessment and response, or referred to the board, depending on the nature of the complaint.

There were two complaints received in the reporting period. Two were resolved.



## Yurriyangem Taam and Malarngowem determination

### Other Functions

Other functions of representative bodies are set out in section 203BJ of the *Native Title Act*. These other functions, and KLC's performance against them, are set out below.

**Enter into written arrangements with other representative bodies so that the representative body can exercise its facilitation and assistance functions and co-operate with other representative bodies for the purpose of promoting the effective and efficient exercise of the functions and powers of representative bodies.**

The KLC has entered into arrangements with Central Desert Native Title Services (and its predecessors) for the representation of native title claimants in the south of the Kimberley region whose traditional country extends into both the Kimberley and Central Desert region. No activities relevant to these arrangements occurred during the report period, however informal engagement occurs as required with Central Desert Native Title Services, the Central Land Council, Northern Land Council, and Yamatji Marlpa Aboriginal Corporation.

**Identify persons who may hold native title in the area for which the body is the representative body.**

The KLC undertakes these functions as a matter of course in conducting the research and community consultations before a native title claim is lodged, and in preparing connection material for a native title claim. KLC also provides assistance where possible and practicable to PBCs who need to identify common law holders in order to exercise their statutory functions under the *Native Title Act* and *Native Title (Prescribed Bodies Corporate) Regulations 1999 (Cth)*.

**Take appropriate action to promote understanding among Aboriginal people living in the area about native title, and inform PBCs, native title holders, and people who may hold native title about matters which may impact native title, and consult with Aboriginal communities about matters which are being dealt with by the representative body which may affect them.**

In the reporting period, the KLC continued the roll-out of information sessions (or a "road show") on native title and PBCs. The purpose of the "road show" is to increase awareness throughout the Kimberley of the native title framework and the role of a PBC. The KLC's "Native Title Story" was widely distributed throughout the Kimberley, and further editions dealing with future acts and compensation claims will be produced in the future.

The KLC regularly publishes newsletters and claim updates to inform people who may hold native title, as well as the broader Kimberley community, of matters relevant to native title in the Kimberley region.



## NTRB ACTIVITY SUMMARY

### Complaints and Disputes

#### Complaints

Received	2
Resolved	2
Pending	0

#### Disputes

Native Title Application disputes	5
Disputes relating to ILUAs, rights of access & other matters	2

#### Requests for Native Title assistance

Received	6
Completed - Assistance Granted	0
Completed - Assistance Not Granted	1
Pending a decision	5

#### Requests for review of decisions not to assist

Received	0
Completed	N/A

## Transfer of Native Title Materials

The KLC holds a significant collection of material from many years of undertaking native title claim work, as well as community-based research that was done prior to the commencement of the *Native Title Act*.

The KLC board recognises the importance and significance of native title material to native title claimants. The Transfer of Native Title Materials Policy was developed to assist groups and the KLC to appropriately transfer materials to PBCs. The purpose of the Transfer of Native Title Materials Policy is to provide transparency and appropriate safeguards relating to confidentiality and culturally appropriate management of materials, and for the transfer of those materials to PBCs at the conclusion of a native title claim.

The Transfer of Native Title Materials policy is being implemented in a pilot project with the Karajarri PBC, *Karajarri Traditional Lands Association RNTBC* (KTLA). A number of meetings have been held with KTLA to progress the transfer of these materials and negotiations have commenced on the Transfer Deed to finalise the transfer. The successful transfer of the material will assist KTLA in their management of Karajarri native title lands and waters.

An initial transfer of specific materials also occurred with Yanunijarra Aboriginal Corporation RNTBC, the PBC for the Ngurrara and Yi-Martuwarra Ngurrara native title determination areas. The material transferred will assist the Ngurrara Rangers undertake site protection and site management.

## Consultants and Contracting

The Native Title Act permits representative bodies to brief out activities and enter into arrangements and contracts to obtain services to assist it in the performance of its representative body functions. These types of contracts and arrangements range from engagement of experts such as anthropologists and historians, to the appointment of agents to provide legal services where the KLC does not have the necessary capacity or expertise, to contracting for logistics and project support.

In the reporting period the KLC awarded contracts to a total of 45 consultants to provide services relating to corporate and representative body activities. Consultants were contracted to undertake a range of services for the KLC including providing legal advice, expert anthropology services, cultural services, mediation, and other services including corporate and financial.

Native title consultant and service contracts' expenditure (including externally represented matters) for the 2019-2020 reporting period totalled \$1,995,952. Consultant engagement provides technical services and expertise in native title and future act matters, assessment of applications for assistance, and overlapping native title claims.

The KLC provided assistance to native title claim groups to brief consultants to represent them on matters where the KLC cannot provide representation. Native title matters that are briefed out or externally represented (that is, where the KLC Principal Legal Officer did not



Mayala determination



provide legal representation) accounted for \$899,022 which is 45% of the total expenditure on consultant services. Although this is a significant amount of money for external representation, it was unavoidable as the matters related to overlapping native title claims.

Where the KLC is instructed by a native title group or PBC to act on its behalf in commercial negotiations, and the KLC does not have the necessary capacity or expertise, the KLC's preferred service provider is KRED Enterprises and KRED Legal t/as Arma Legal. KRED Enterprises is a subsidiary of Ambooriny Burru Foundation, which is a charitable venture established by the KLC in 2011 as another step towards fulfilling a long-term vision of Kimberley Aboriginal people to get control of their future through increased opportunities and economic independence. Arma Legal is a subsidiary of KRED Enterprises.

KLC does not have any interest in either KRED Enterprises or Arma Legal, but does fill one position on the board of the Ambooriny Burru Foundation.

The KLC's position that KRED Enterprises and Arma Legal are the preferred service provider for commercial negotiations is based on the significant expertise and experience housed within KRED Enterprises and Arma Legal in representing the interests of native title holders, the competitive rates charged, and the significantly better outcomes secured by KRED Enterprises and Arma Legal for native title holders.

### **Native Title Performance Report**

The KLC has been extremely successful in achieving positive native title outcomes for Kimberley Aboriginal people. At the end of the reporting period, approximately 95 per cent of the Kimberley was determined. This is an increase of 1.5 percent in 12 months.

There have been 541 successful native title determinations in the region to up to 30 June 2020 and there are a total of 22 Registered Native Title Bodies Corporate (RNTBCs) / Prescribed Bodies Corporate (PBCs) that hold on trust or manage as agent the native title rights and interests recognised under these determinations. The KLC continues to provide support services to PBCs. During the reporting period, this support took the form of funding support to 20 PBCs, as well as certification functions and future act support where requested.

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<sup>1</sup> This includes determinations for claims that are primarily in the Central Desert representative body region and extend into part of the Kimberley representative body region. These claims are generally represented by Central Desert Native Title Services and its predecessors.



**Yurriyangem Taam and Malarngowem determination**

## ACTIVITY OVERVIEW 1 JULY 2019 – 30 JUNE 2020

### SECTION A: NATIVE TITLE CLAIMS

<b>A. Native Title Claims</b> (Applications) 2019-20	<b>Assisted</b> (Represented)	<b>Assisted</b> (Briefed Out)	<b>Assisted</b> (Other)	<b>Not Assisted</b>	<b>Region Total</b>
<b>Active Applications</b> 30 June 2019	29	2	0	1	32
<b>Active Applications</b> 30 June 2020	15	3	0	0	18
<b>New Applications Filed</b> 1 July 2019 to 30 June 2020	<b>Assisted</b> (Represented)	<b>Assisted</b> (Briefed Out)	<b>Assisted</b> (Other)	<b>Not Assisted</b>	<b>Region Total</b>
<b>New Claims</b>	2	0	0	0	2
<b>Replacement Claims</b>	2	0	0	0	2
<b>Applications Amended</b> 1 July 2019 to 30 June 2020	0	0	0	0	0
<b>Applications Finalised</b> 1 July 2019 to 30 June 2020	<b>Assisted</b> (Represented)	<b>Assisted</b> (Briefed Out)	<b>Assisted</b> (Other)	<b>Not Assisted</b>	<b>Region Total</b>
<b>Determinations: NT Exists</b>	6	0	0	0	6
<b>Determinations: NT Does Not Exist</b>	1	0	0	0	1
<b>Total Applications Finalised</b> 1 July 2019 to 30 June 2020	7	0	0	0	7





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## ACTIVITY OVERVIEW 1 JULY 2019 – 30 JUNE 2020

### SECTION B: NATIVE TITLE DETERMINATIONS

B. Determinations	Assisted (Represented)	Assisted (Briefed Out)	Assisted (Other)	Not Assisted	Region Total
<b>Total Determinations in region</b> to 30 June 2020 (ie all up)	42	2	0	4	48
<b>NT exists</b>	41	2	0	3	46
<b>NT does not exist</b>	1	0	0	1	2
<b>Estimated Number Of Groups Yet To Have Applications Filed In Region</b>	<b>Claimant</b>		<b>Compensation</b>		<b>Total</b>
	5		Unknown		Unknown
<b>C. PBCs</b> as at 30 June 2020	<b>Agent</b>		<b>Trustee</b>		<b>Total</b>
<b>Number in Region</b>	1		21		22
<b>Number yet to be established (ie Determination, but no PBC as yet)</b>	TBC		TBC		5
<b>Number assisted by NTRB</b>	1		19		20

**ACTIVITY OVERVIEW 1 JULY 2019 – 30 JUNE 2020**  
**SECTION C: INDIGENOUS LAND USE AGREEMENTS (ILUAS) AND FUTURE ACT ACTIVITY IN 2019-20**

<b>Notifications Received</b>	<b>Number</b>
ILUA Notifications received (to be negotiated)	0
S29 Notifications (not expedited procedure)	16
S29 Notifications (expedited procedure)	148
Objections to expedited procedure lodged	186
Other Future Act notifications (including right to comment)	35
Other Objections lodged (s24MD(6B)(d))	9
<b>Agreements Finalised</b>	<b>Number</b>
Total ILUAs registered	1
Other Future Act notifications (including right to comment)	0
ILUAs executed but not registered	3
S 31 agreements executed	1
Other future act / native title agreements executed	0
Other (Non-native title) Agreements executed (eg Heritage Protection Agreements)	28



**Ngarrawanji Native Title Determination, May 2019**

## SIGNIFICANT EVENTS AND CHANGES

### **Impact of COVID-19 pandemic on native title operations**

The COVID-19 pandemic has had a significant impact on KLC operations. The health and safety of KLC members, staff and Kimberley Traditional Owners will always be paramount and KLC acted swiftly and early to mitigate the risks of spread of the virus throughout our community. For native title operations, this resulted initially in all meetings being cancelled unless they could take place via telephone or video conferencing. During Western Australia's Phase 1 lockdown, all KLC staff were required to work from home for a two month period.

Despite the significant changes to how and where KLC staff were working, the KLC continued to deliver native title and legal services to Kimberley Traditional Owners throughout the different phases of government pandemic control measures. This has included communication and assistance to PBC directors and native title claim applicants to ensure they are informed about special measures introduced by the Office of the Registrar of Aboriginal Corporations (ORIC), the

National Native Title Tribunal (NNTT), the Federal Court, and government departments. KLC staff also continued to meet with Traditional Owners, and provide assistance for PBC directors to meet using technology. These arrangements have ensured that the native title work has continued throughout the pandemic period.

Future planning for operations as pandemic restrictions are eased has assumed that large meetings such as authorisation meetings and annual general meetings will be able to be held from October 2020, and KLC staff will be able to access remote communities by August 2020 to conduct field work for future act matters. Native title and legal operations for the period from October 2020 through to at least June 2021 will primarily be focused on completing work that was postponed because of pandemic restrictions, in particular PBC development in the East Kimberley. The work programme for the period through to June 2021 provides for finalisation of those impacted claims as well as others in the West Kimberley region.

# BINDUNBUR HIGH COURT APPEALS

In May 2018 the Federal Court of Australia made a determination of native title in the Bindunbur and Jabirr Jabirr/Ngumbarl native title claims (*Manado on behalf of the Bindunbur Native Title Claim Group v State of Western Australia [2018] FCA 854*). These determinations recognised native title rights across the middle Dampier Peninsula for the Jabirr Jabirr/ Ngumbarl, Nimanburr and Nyul Nyul people.

The decision of the Federal Court included a finding that exclusive possession native title rights over beaches and waterways was subject to an overriding entitlement of the general public to access those exclusive possession areas. This finding was fundamentally contrary to the basic principle of *exclusive* native title and was appealed by the Jabirr Jabirr / Ngumbarl and Bindunbur native title holders, represented by the KLC, to the Full Court of the Federal Court of Australia. The Full Court found in favour of the native title holders however this decision was then appealed by the Commonwealth and State of Western Australia to the High Court of Australia.

On 18 March 2020, the High Court handed down its decision (*Western Australia v Manado; Western Australia v Augustine; Commonwealth of Australia v Augustine; Commonwealth of Australia v Manado [2020] HCA 9*). The High Court decided in favour of the Commonwealth and State, holding that the *Native Title Act* recognised and preserved “the principle of public access to beaches” regardless of the existence of exclusive possession native title rights.

The decision relates primarily to public access in areas landward of the mean high water mark within the Bindunbur and Jabirr Jabirr/ Ngumbarl native title

determinations. In the Bindunbur native title area, this relates to areas of coast adjacent to the Aboriginal reserves in the vicinity of Beagle Bay. In the Jabirr Jabirr/ Ngumbarl native title area, this relates to the coastline adjacent to the Manari Road, between Willie Creek and Coulomb Point Nature Reserve.

## What does this decision mean for access to these coastal areas?

Native title has existed across the Kimberley for almost 20 years. In that time Traditional Owners and the wider community have worked together to find ways of managing access that respects the interests of native title holders.

The High Court decision has not overturned or changed the fact that Bindunbur and Jabirr Jabirr/ Ngumbarl native title holders still hold exclusive native title and non-exclusive native title in their determination areas. The High Court decision has recognised that native title cannot prevent the public from accessing beaches etc. where they are doing so consistently with the laws of the State.

There are many ways that Traditional Owners manage access to and enjoyment of exclusive possession native title land. This can be achieved through the implementation of visitor access permits and the establishment of Indigenous ranger groups to help manage access to areas for the community at large. Any disputes about whether a member of the public is accessing any part of the determination area consistent with the native title determination or the laws of the State (including Aboriginal heritage laws) should be raised with your relevant PBC or the KLC.

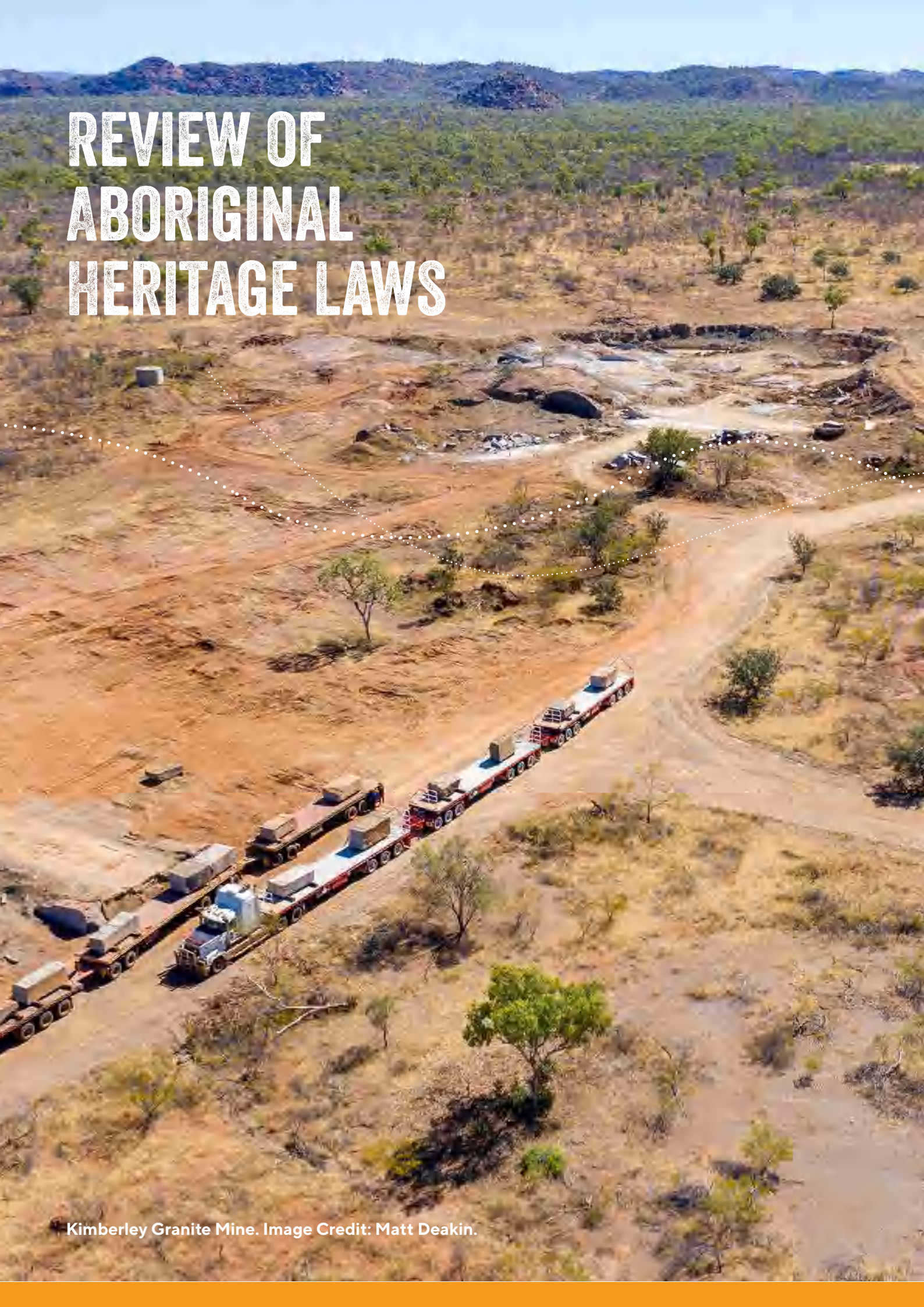


Bindunbur and Jabirr Jabirr Ngumbari Determination

Bindunbur and jabirr jabirr ngumbarl determination



# REVIEW OF ABORIGINAL HERITAGE LAWS



Kimberley Granite Mine. Image Credit: Matt Deakin.





The West Australian Government has made a commitment to replacing the *Aboriginal Heritage Act 1972 (WA)* (AHA). The position of the KLC is that the AHA is outdated, discriminatory, and designed to protect the interests of proponents of development who want to damage or destroy Aboriginal cultural heritage rather than the interests of Traditional Owners. The KLC supports the enactment of a new law which enshrines the fundamental principle that Traditional Owners should be the only ones with authority to approve any activity that impacts their cultural heritage.

The State Government's original programme for development of a new Aboriginal heritage law included the release of a draft bill in December 2019. However, this was delayed until early 2020 and then further delayed as a result of the COVID-19 pandemic. A consultation draft Aboriginal Cultural Heritage Bill was released for Public Comment on 3 September 2020. The KLC has made a submission that the Bill should not be introduced into Parliament.

The KLC has continued to work closely with the WA Alliance of native title representative bodies and service providers and the National Native Title Council on the development of heritage laws and practices that recognise Aboriginal people as the only rightful decision makers about their own culture and heritage. The urgent need for reform was again highlighted in late May when Rio Tinto destroyed the 46,000-year-old Juukan Gorge caves.

The fact that destruction of this enormously significant site was allowed under the *State Aboriginal Heritage Act 1972 (WA)* and not prevented by the *Commonwealth Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)* demonstrates how woefully inadequate these laws are. The weakness of these heritage protection laws is compounded by the imbalance of power and outcomes from the Native Title Act future act processes, where native title holders have less than a 2 per cent chance of succeeding in a future act determination application before the National Native Title Tribunal if they do not 'consent' to a proponent's future act.<sup>3</sup>

The extremely high likelihood that proponents will get what they want even if they don't reach agreement with native title parties means that the playing field for negotiations is never level and native title parties are forced into the future act process knowing that if they don't reach agreement with the company there is an almost 100 per cent chance the proponent will have its interest granted anyway.

Working closely with Traditional Owners and PBCs, the KLC has consistently advocated for Aboriginal heritage protection laws that embody principles of:

- Aboriginal people as the only rightful decision makers about their cultural heritage;
- decisions about cultural heritage must be made in a culturally appropriate way to ensure free, prior and informed consent; and
- cultural heritage considerations should be at the forefront of decision making and not positioned as a final step. Putting cultural heritage considerations at the start of a project design process makes it clear that heritage protection is a priority and not a "roadblock".
- These principles form part of a submission made by the KLC to the Australian Parliament Joint Standing Committee on Northern Australia inquiry into the destruction of the caves at the Juukan Gorge.

3. There have been 3,947 future act applications made to the NNTT since 1994. Of those 3,947 applications which proceeded to a future act determination application and were determined by the NNTT (i.e. not dismissed, withdrawn or resolved by consent), only three resulted in a determination by the NNTT that the act must not be done. This is a win rate of 0.08% for native title parties as a proportion of all future act applications. The win rate for native title parties is 1.8% of cases taken to a future act determination application by the NNTT (163) and not dismissed or dealt with by way of withdrawal or consent (where 'consent' may be a less than 2% chance of winning if the native title party doesn't agree to the act).



### **Senate Standing Committee Inquiry into the Native Title Legislation Amendment Bill 2019**

In November 2019 the KLC made a written submission to the Australian Parliament Senate Standing Committee on Legal and Constitutional Affairs inquiry into the Native Title Legislation Amendment Bill 2019. This included a submission on the critical importance of regulatory and policy change to ensure that PBCs can recover costs incurred in responding to third party initiated future acts processes.

In March 2020 KLC Acting CEO Tyronne Garstone appeared before the Committee and made additional submissions on the imbalance of power and outcomes from the Native Title Act future act processes, the very high number of future acts that are “rubber stamped” as expedited procedures in Western Australia and the impact this has on PBCs, native title holders and representative bodies, and the resource drain these future act processes have on limited native title grant funding.

## FUTURE ACTS

### Principles and Trends in the Reporting Period

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. The number of future act notices decreased by approximately 15% from the preceding financial year, although there had been a significant increase on notices in the 2018-2019 year of 25% so it appears that notices received within the 2019-2020 year continued the general upward trend.

### COVID-19 impacts

A major factor in the reporting period was the impact of the COVID-19 pandemic. In March 2020 the NNTT introduced new arrangements that recognised the restrictions on movement caused by the pandemic and associated government responses, in particular travel to remote communities, and in April the Western Australian Department of Mines, Industry Regulation and Safety (DMIRS) placed a two month moratorium (or “pause”) on the issue of expedited procedure notices.

These measures preserved the interests of native title parties in future act processes and allowed representative bodies, government and the NNTT to identify what appropriate longer term measures could be put in place. The easing of restrictions since early June 2020 has seen a return to pre-COVID practices by the NNTT with some flexibility to account for continuing pandemic restrictions.

### The “expedited procedure” statement

Since 1998 when the *Native Title Act* was amended by the Howard Government, the State Government has issued all future act notices for exploration licences with an “expedited procedure” statement attached.

This has meant that native title holders do not get the right to negotiate for those exploration licences unless they first object to the statement and then win in proceedings before the NNTT by proving that the exploration activities will have a significant impact on their communities, activities or sites of significance.

The *Native Title Act* requires the State to think about, and form an opinion on, whether the expedited procedure should apply for a particular act before it issues a future act notice. However, in practice in Western Australia since 1998 the State has used a blanket approach and applied the “expedited procedure” statement to all exploration licences even if the NNTT has previously found that it does not apply in the area of the notice<sup>4</sup>, the notice covers registered sites, or the activities proposed will have an obvious significant impact.

The effect of the State’s blanket approach has been to shift the cost of the expedited procedure process from the proponent (who doesn’t need to prove their activities won’t have any of the prohibited impacts) and from the State (which does not spend any resources on considering the actual impacts of the act) to native title holders and representative bodies, who have to object to the notice and then win in proceedings before the NNTT.

The State’s blanket approach has obvious and significant resource implications for representative bodies like the KLC, and direct impacts on the native title and cultural heritage of native title holders. The KLC has made a number of submissions about the impact of this blanket application, including in submissions on the *Native Title Legislation Amendment Bill 2019*. The KLC is working with other representative bodies through the WA Alliance to change the State’s approach to the “expedited procedure”.

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<sup>4</sup> KLC analysis of expedited procedure notices indicates that approximately half of the current expedited procedure future acts in 2019-2020 overlapped an area where, in the past, the NNTT found that the expedited procedure did not apply or a future act was terminated once the native title parties lodged an objection to the expedited procedure. This suggests that the expedited procedure should not apply in at least part of the area of half the expedited procedure notices issued in the Kimberley.

## National Native Title Tribunal – Changes to Practice Directions

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 NNTT 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.

In the Kimberley region, the KLC is instructed by most PBCs and native title claimants to object to the “expedited procedure” for exploration licences and to negotiate a heritage protection agreement which includes native title holder consent to the exploration licence. This process is resource intensive and often requires extensive evidence gathering with Traditional Owners if the exploration company will not agree to a heritage protection agreement.

In the past, native title parties had up to 28 weeks to try to negotiate an agreement and prepare for a hearing before the NNTT. In 2018–2019, KLC won about 70% of the expedited procedure matters before the NNTT.

However, from May 2019 the NNTT introduced new practices which reduced the amount of time for native title parties to negotiate a heritage protection agreement and prepare for a hearing from about 28 weeks to 10 weeks. While the KLC still ‘wins’ about 50% of the expedited procedure objections, the NNTT’s new practice directions have had a negative impact on outcomes for native title parties. In June 2020 the KLC made a submission to the NNTT about the impact of these new practices on native title parties.

### Future Act activity in the Reporting Period

In the reporting period, the KLC:

- received 208 future act notifications, of which 173 (83%) related to mining or exploration, and 35 (17%) relating to non-mining activities;
- filed 186 objections to the expedited procedure matters, which is a 9% increase on the number of objections made in the last reporting period; and
- successfully negotiated 15 new Heritage Protection Agreements and 13 deeds of variation for existing Heritage Protection Agreements.

## Indigenous Land Use Agreements (ILUAs)

### Principles and Trends

Indigenous land use agreements (ILUA) are contracts entered into by one or more native title parties which ‘affect’ native title. The ‘affect’ on native title from an ILUA may be minor (such as consent to limited low impact access for activities like filming or scientific studies), very large (such as consent to a mine), or anywhere in between. A contract between a member of a native title group and the rest of the native title group may also be an ILUA.

Negotiation of some ILUAs may be very resource intensive and expensive, depending on the subject matter of the ILUA and the extent of negotiations about the ILUA terms. KLC has previously reported on the lack of sufficient funding to support native title parties in ILUA negotiations and the impact this can have on getting a good agreement. Until this issue is resolved it will continue to create an unequal playing field for native title parties.

During the reporting period the KLC worked with other representative bodies in Western Australia through the WA Alliance, and nationally through the National Native Title Council, to highlight the need for legislative reform to the Native Title Act 1993 to require proponents to pay for the costs of their commercial activities and associated future act activity, including the financial and resource burden imposed on native title parties to respond to future acts. The KLC also made a submission to the Australian Senate Standing Committee on Legal and Constitutional Affairs inquiry into the Native Title Legislation Amendment Bill 2019 calling for amendments to section 60AB of the Native Title Act and associated regulations. Section 60AB provides that prescribed bodies corporate can invoice proponents for costs incurred in responding to certain future act notices, however at present there are no consequences (such as termination of a future act) for those companies which fail to pay the invoices. The KLC will continue to lobby for reform in this area.

### Activity in the reporting period

The KLC represented native title groups in finalising pastoral ILUAs in the reporting period. These ILUAs may be registered in the next reporting period.

One government ILUA was registered in the reporting period.

## RNTBC/PBC support and development

### Principles and Trends

The *Native Title Act* requires native title holders to establish a prescribed body corporate (PBC) in order for their recognition of native title rights to be fully effective. PBCs hold native title on trust for, or act as agents of, the native title holders. PBCs do not make decisions about native title, as these types of decisions can only lawfully be made by native title holders themselves. PBCs have statutory responsibilities to assist native title holders make informed decisions about matters that affect their native title rights, and must also comply with corporate governance requirements that apply to all Aboriginal corporations under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth).

Since 2001, the KLC has provided assistance to establish and support the operations of PBCs for 42 determinations of native title in the region. A total of 22 PBCs existed in the Kimberley region as at the end of the reporting period, with many PBCs being the prescribed body corporate for more than one determination area.

### Activity in the Reporting Period

During the reporting period, there was a further six determinations recognising native title in the Kimberley region, with work commencing to establish new PBCs to hold native title for three of those determinations. The KLC also worked with established PBCs to enable those PBCs to hold native title for an additional determination area.

During the reporting period, the KLC provided ongoing support (funding and staff resources) for 20 PBCs. The level of assistance varied depending on the needs of individual PBCs, and ranged across administrative support, legal advice, logistical and operational support, governance and training, and administration of funding (provided by the National Indigenous Australians Agency).



The KLC continues to target priority services and resources to better support PBCs, including:

- newsletters for PBCs that include relevant information for PBC operations;
- services for organising director meetings and AGMs;
- PBC specific training packages;
- PBC board induction packages;
- services for employing and managing staff;
- services for engaging legal advice;
- various templates and checklists for PBCs to provide guidance on statutory functions and responsibilities;
- policies and processes for transferring native title materials to PBCs; and
- policies and processes for engaging KLC legal services.

## Native title claim updates

### Principles and Trends

Native title claims are made on the instructions, and with the authority, of the native title claim group. Once a native title claim is lodged in the Federal Court of Australia, it is assessed by the Native Title Registrar and, if the assessment is successful, registered on the Register of Native Title Claims. Registration is an important step in the native title process as it secures procedural rights for native title claimants while they wait for their native title claim to be determined.

The wait for native title claims to be determined by the Federal Court can be a very long one, and is affected by issues such as funding to support native title claims, changing positions of governments, changes to the law, and intra-indigenous disputes. The Federal Court, as well as native title claimants, representative bodies, and other parties, have long recognised that the delays in having native title recognised are unacceptable and impose a burden on claimants, some of whom may pass away by the time their claim is determined.

The Federal Court has indicated that native title claims, especially those filed more than 20 years ago (in the 1990s) need to be resolved as a matter of urgency. The KLC is working with native title claimants, the Federal Court, and respondent parties to achieve the resolution of outstanding native title claims as soon as possible. In the reporting period there was six determinations of native title. Determinations in the reporting period also increased the total area in the Kimberley subject to native title determinations from 93% to approximately 95%.

# NATIVE TITLE REGION UPDATE

## EAST KIMBERLEY

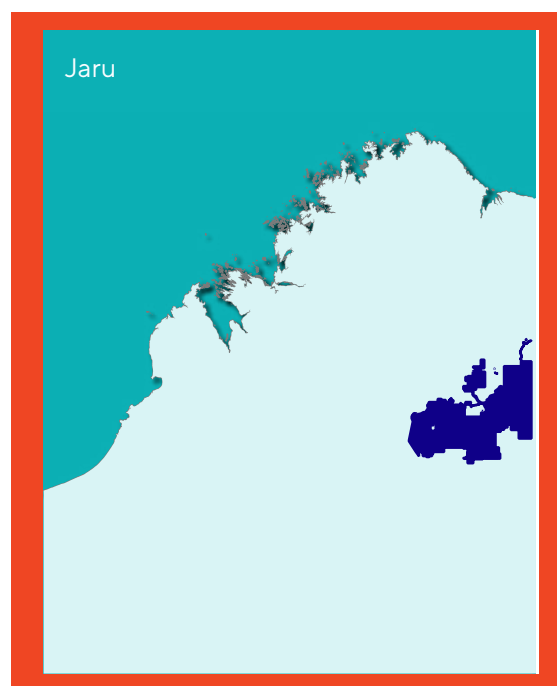


### EAST KIMBERLEY JARU NATIVE TITLE CLAIM

Area / Region	Date Lodged	Date Registered
South, east and north east of Halls Creek	15 February 2012	16 March 2012

#### **The Jaru claim was determined at Mary Pool on 6 December 2018.**

Due to the COVID-19 pandemic and funding restrictions in the 2020-2021 financial year the development of a PBC for the Jaru determination area scheduled for quarter 3 of 2019-2020 has now been pushed back to quarter 3 of the 2020-2021 financial year.

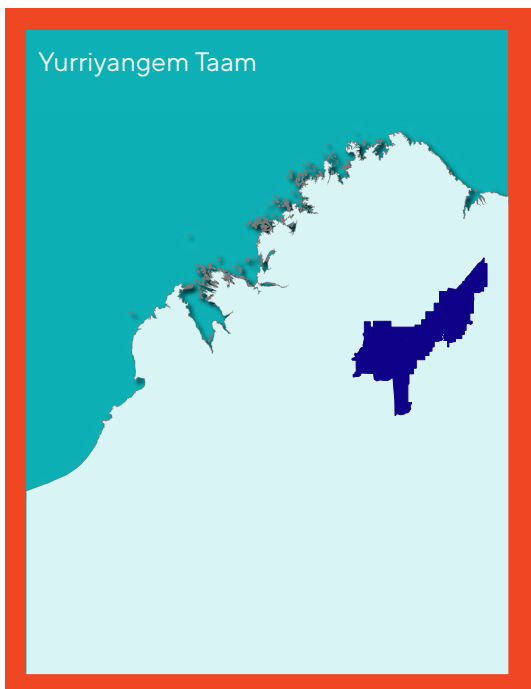
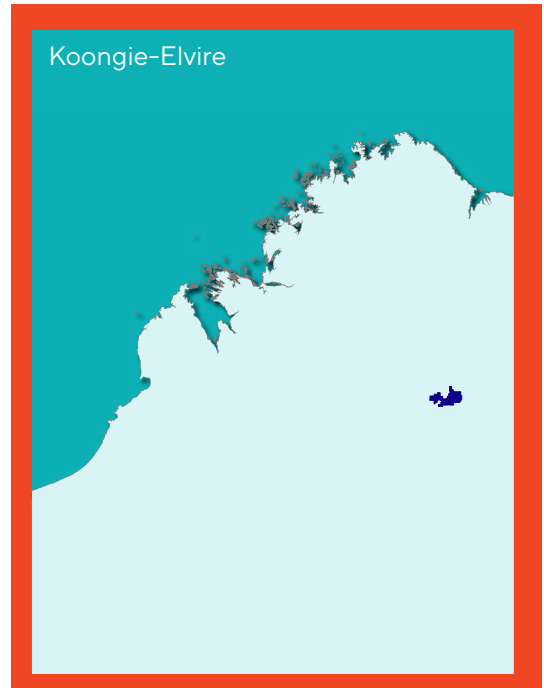


## EAST KIMBERLEY KOONGIE-ELVIRE NATIVE TITLE CLAIM

Area / Region	Date Lodged	Date Registered
Koongie pastoral lease, Elvire pastoral lease, and part of Burks Park pastoral lease	23 September 1999	11 November 1999

The State accepted connection for the Koongie-Elvire claim in December 2017. This was a significant milestone, as it means that the State recognised that the native title claimants are the right people to be recognised as native title holders for the Koongie-Elvire claim area.

In June 2019 and October 2019, a Federal Court Judicial Registrar conducted a mediation between members of the claim group with further mediation scheduled for October 2020. This claim will continue to be closely case managed by the Federal Court in the next reporting period (2020-2021).



The Yurriyangem Taam claim was determined at Warmun Community on 23 May 2019. An area within the claim was not included in the determination but may be subject to another native title claim in the future if exclusive possession native title can be recognised over that country.

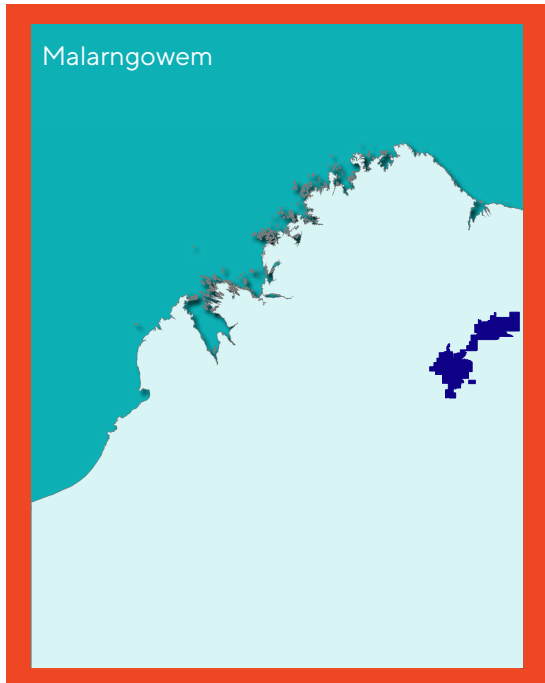
Due to the COVID-19 pandemic and funding restrictions in the 2020-2021 financial year the development of a PBC for the Yurriyangem Taam determination area scheduled for quarter 4 of 2019-2020 has now been pushed back to quarter 3 of the 2020-2021 financial year.

## EAST KIMBERLEY YURRIYANGEM TAAM NATIVE TITLE CLAIM

Area / Region	Date Lodged	Date Registered
All or parts of pastoral leases including Doon Doon, Bow River, Tablelands, Bedford Downs, Lansdown, Mornington, and Mt Amhurst pastoral leases, as well as Warmun community and other reserves	20 September 2010	29 October 2010

## EAST KIMBERLEY MALARNGOWEM NATIVE TITLE CLAIM

Area / Region	Date Lodged	Date Registered
Parts of Lissadell, Spring Creek, Texas Downs (and old Mabel Downs), Alice Downs, Springvale and Sophie Downs pastoral lease	30 September 1998	4 February 2000



The Malarngowem claim was determined by the Federal Court at Warmun Community on 23 May 2019.

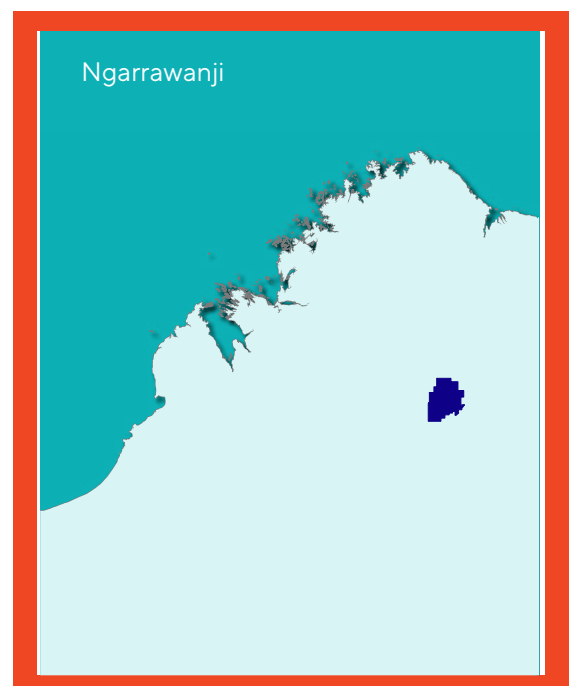
A second Malarngowem claim was lodged in the reporting period to secure exclusive possession native title over a small area of land not included in the first Malarngowem determination. Native title was recognised by the Federal Court in the Malarngowem Part B claim area after the end of the reporting period.

Due to the COVID-19 pandemic and funding restrictions in the 2020-2021 financial year the development of a PBC for the Malarngowem determination area scheduled for quarter 4 of 2019-2020 has now been pushed back to quarter 3 of the next financial year.

The Ngarrawanji claim was determined by the Federal Court at Moola Bulla on 21 May 2019. A second Ngarrawanji claim was lodged in the reporting period to secure recognition of exclusive possession native title over areas of land not included in the first Ngarrawanji determination. Native title was recognised by the Federal Court in the Ngarrawanji #2 claim area after the end of the reporting period.

Due to the COVID-19 pandemic the development of a PBC for the Ngarrawanji determination area has now been pushed back to quarter 2 of the 2020-2021 financial year.

## EAST KIMBERLEY NGARRAWANJI NATIVE TITLE CLAIM



Area / Region	Date Lodged	Date Registered
Moola Bulla pastoral lease, and three areas of unallocated Crown land excised from the Moola Bulla pastoral lease in 2003	25 June 1996	25 June 1996





Ngarrawanji Native Title Determination, May 2019

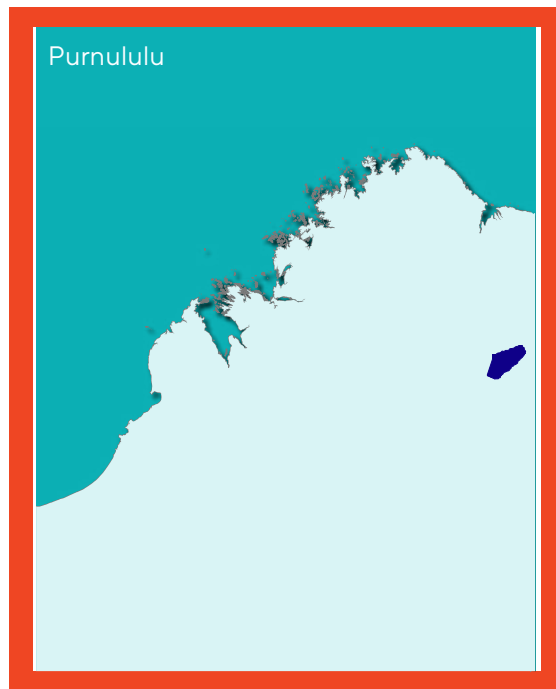
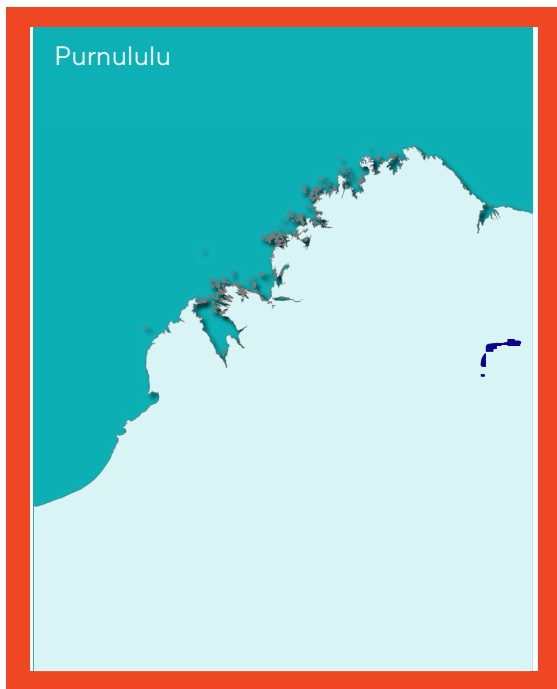


# EAST KIMBERLEY PURNULULU NATIVE TITLE CLAIM

Area / Region	Date Lodged	Date Registered
Purnululu National Park, Purnululu Conservation Reserve, and adjoining areas of pastoral lease, reserve, and unallocated Crown land	21 December 1994	27 March 1995

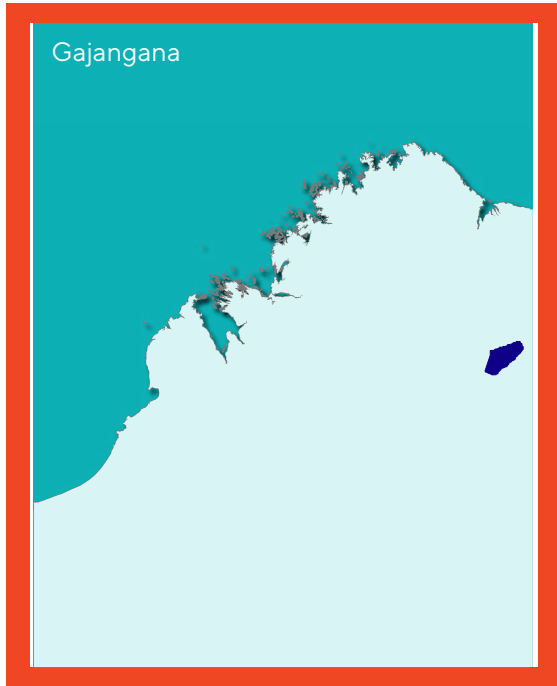
The State accepted connection for the Purnululu claim in July 2018, and provided a draft minute of consent determination of native title to the KLC. These are significant milestones, as they indicate that the State recognises that the native title claimants are the right people to be recognised as native title holders for the Purnululu claim area, and the State wants to resolve the claim by agreement.

During the 2018–2019 reporting period the Federal Court made orders for the Purnululu claim to be prepared for a litigated hearing. An overlapping native title claim, Gajangana Jaru, was filed in January 2019, and that claim was also heard at the same time. A two week on-country trial of the overlapping claims took place in August 2019, with a hearing of experts’ evidence in Perth in October 2019. A decision of the Federal Court was handed down on 22 October 2020.



## EAST KIMBERLEY GAJANGANA JARU NATIVE TITLE CLAIM

Area / Region	Date Lodged	Date Registered
Part of the Purnululu National Park	5 February 2019	Not registered



The Gajangana Jaru native title claim overlaps a large part of the Purnululu claim.

The Principal Legal Officer of the KLC does not provide legal representation to the Gajangana Jaru claim.

The KLC, in accordance with its representative body functions, provides funding assistance for the Gajangana Jaru native title claim. This assistance was provided during the reporting period.

## EAST KIMBERLEY BALANGGARRA #3 NATIVE TITLE CLAIM

Area / Region	Date Lodged	Date Registered
Wyndham	3 July 2000	4 August 2000

The Balanggarra #3 claim was partially determined on 7 August 2013 (Cheinmora v State of Western Australia (No 3) [2013] FCA 769).

The remaining part of the Balanggarra #3 claim was the subject of negotiations for nearly two years between the Balanggarra #3 claimants (represented by the KLC) and the State of Western Australia. The matter was resolved with both parties agreeing to settle the claim by way of an ILUA. However, the authorisation of the ILUA was found by the Federal Court to have not been done in accordance with the requirements of the Native Title Act 1993 (Cth).

The ILUA was subsequently reauthorised by the native title claimants in July 2019 and the ILUA successfully registered in February 2020.



# NATIVE TITLE REGION UPDATE

## WEST KIMBERLEY

### WEST KIMBERLEY BIRRI-MAN-GAN NATIVE TITLE CLAIM

Area / Region	Date Lodged	Date Registered
Unallocated Crown land between the Karajarri, Yawuru and Nyikina Mangala determination areas	22 November 2018	7 August 2019

The Birriman-gan native title claim was filed following consultations with Traditional Owners over a period of several years, and an authorisation meeting in November 2018. A consent determination recognising exclusive possession native title over the whole of the Birriman-gan claim area was made by the Federal Court of Australia in Perth on 19 December 2019.

Due to the COVID-19 pandemic the development of a PBC for the Birriman-Gan determination area has been pushed back to quarter 2 of the 2020–2021 financial year.



## WEST KIMBERLEY EDARRBUR (RUBIBI #18) NATIVE TITLE CLAIM

Area / Region	Date Lodged	Date Registered
Stock route, reserves and unallocated Crown land within the boundaries of Roebuck Plains pastoral lease	11 November 2015	3 December 2015

The Edarrbur (Rubibi #18) claim covers a stock route and several small reserves and areas of unallocated Crown land located within the boundaries of the Roebuck Plains pastoral lease. The claim was made to preserve native title future act rights in response to an application for a sand mining lease. This claim was determined by consent by the Federal Court of Australia on 4 November 2019.



### Edarrburr Determination



## WEST KIMBERLEY MAYALA #2 NATIVE TITLE CLAIM

Area / Region	Date Lodged	Date Registered
King Sound / Buccaneer Archipelago		
Mayala #2	11 October 2018	29 October 2018

The Mayala #2 claim was filed in the Federal Court in order to have exclusive possession native title recognised over an area of the Mayala claim area which had previously been subject to a mining exploration tenement. The Mayala #2 claim was successfully determined on 25 July 2019 and the Mayala Inninalang Aboriginal Corporation was determined to be the PBC in relation to the Mayala #2 determination area.



### Mayala Determination



## WEST KIMBERLEY

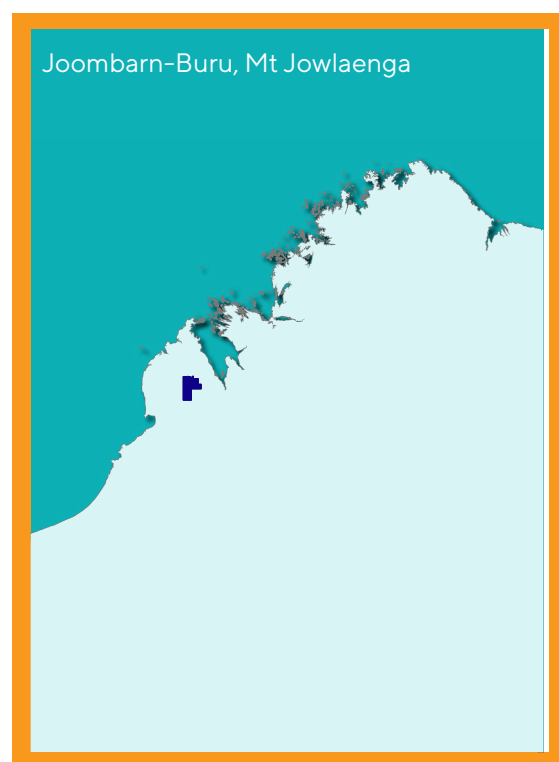
# JOOMBARN-BURU, MOUNT JOWLAENGA AND MOUNT JOWLAENGA #2 NATIVE TITLE CLAIMS

Area / Region	Date Lodged	Date Registered
<b>South eastern Dampier Peninsula</b>		
<b>Joombarn-Buru</b>	<b>3 March 2020</b>	<b>22 May 2020</b>
<b>Mount Jowlaenga</b>	<b>8 August 2013</b>	<b>6 September 2013</b>
<b>Mount Jowlaenga #2</b>	<b>7 November 2014</b>	<b>15 December 2014</b>

The Mount Jowlaenga claims were lodged to preserve the Traditional Owners' procedural native title rights and interests in respect of a proposed mining lease. The Mount Jowlaenga #2 claim group authorised the Thunderbird Project Co-existence Agreement at an authorisation meeting held on 31 October 2018.

In October 2019 an authorisation meeting was held in Broome with the Mount Jowlaenga and Mount Jowlaenga #2 Claimants. The outcome was that the Mount Jowlaenga and Mount Jowlaenga #2 claims were combined with a new claim, the Joombarn-Buru claim.

Negotiations for a consent determination of the Joombarn-Buru claim area have commenced with an authorisation meeting scheduled in the second half of the 2020-2021 financial year to discuss and authorise the terms of a Consent Determination (subject to agreement being reached with the State and other respondents).



# NATIVE TITLE REGION UPDATE

## CENTRAL AND DESERT

### CENTRAL AND DESERT NGURRARA D1 & NGURRARA D2 NATIVE TITLE CLAIM

Area / Region	Date Lodged	Date Registered
South of the Fitzroy River, extending down to the northern Great Sandy Desert Region		
Ngurra D1	19 July 2018	N/A
Ngurra D2	6 August 2019	8 November 2019

At an authorisation meeting in May 2018, the KLC was instructed to make the Ngurrara D1 and Ngurrara D2 claims and to have the claims determined by consent.

The Ngurrara D1 claim was determined by consent on 9 August 2019 and the Ngurrara D2 claim was determined by consent on 11 May 2020.

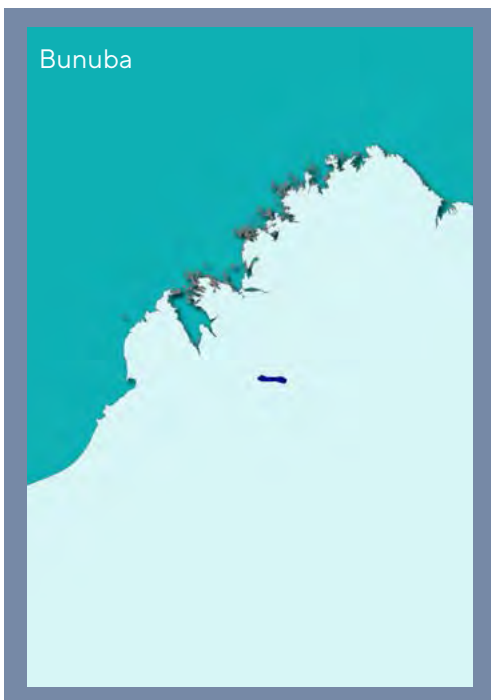
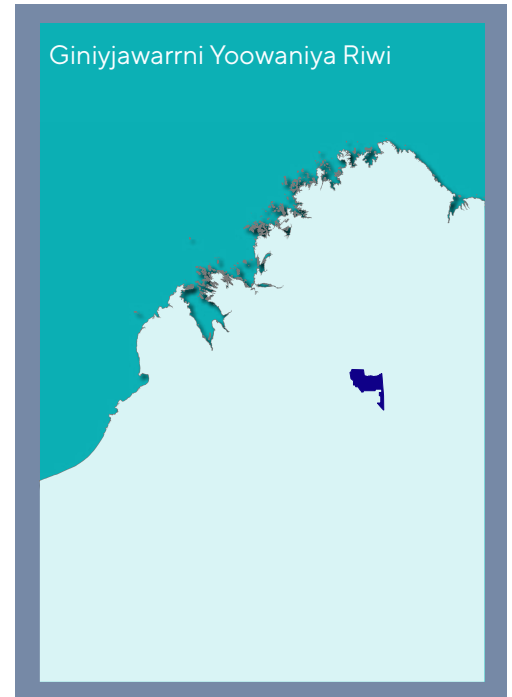




## CENTRAL AND DESERT GINIJAWARRNI YOOWANIYA RIWI NATIVE TITLE CLAIM

Area / Region	Date Lodged	Date Registered
Pastoral rangelands, north east of Fitzroy Crossing	1 December 2012	11 June 2018

The Giniyawarrni Yoowaniya Riwi claim was successfully determined on 17 December 2018 and the Giniyawarrni Yoowaniya Riwi Aboriginal Corporation was determined to be the PBC for the determination area in December 2019.



The Bunuba #2 claim was scheduled for a consent determination on 22 December 2015. However, an overlapping claim was filed over part of the Bunuba #2 claim on 21 December 2015. The part subject to the overlapping claim (now called "Bunuba #2 Part B") was not determined on 22 December 2015, although the balance of the claim was determined.

Bunuba #2 Part B was determined successfully for the Bunuba people on 25 July 2019.

## CENTRAL AND DESERT BUNUBA #2 (PART B) NATIVE TITLE CLAIM

Area / Region	Date Lodged	Date Registered
Portion of Quanbun and Blina pastoral leases, south of the Great Northern Highway	10 April 2012	10 May 2012

## CENTRAL AND DESERT

# WARRWA COMBINED CLAIM AND MAWADJALA GADJIDGAR CLAIM NATIVE TITLE CLAIMS

Area / Region	Date Lodged	Date Registered
Derby, and pastoral country east and north		
Warrwa Mawadjala Gadjidgar	7 April 2011	23 June 2011
Warrwa Combined	3 October 2012	9 November 2012

The Warrwa Combined and Warrwa Mawadjala Gadjidgar claims are being progressed together.

### Warrwa Core Country

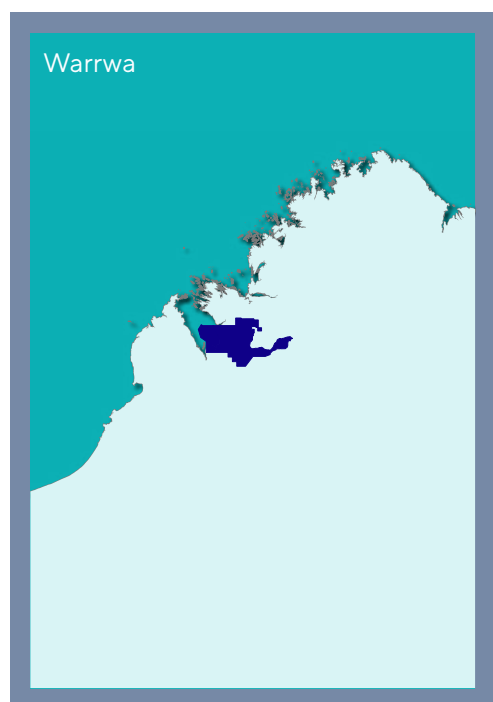
The Warrwa Combined native title claim includes three areas of country where other groups have asserted traditional interests. The KLC is assisting Warrwa and those other groups to consult on the appropriate way forward.

The balance of the area of the Warrwa Combined and Warrwa Mawadjala Gadjidgar claims ("Warrwa Core Country") was the subject of a connection report provided to the State and Commonwealth in January 2018. The State and Commonwealth accepted connection during the 2018-2019 reporting period. However, the terms of the proposed consent determination were not authorised by the native title claim group. The matter is currently in mediation before a Federal Court Registrar.

### Overlap

In December 2016 the Boorroola Moorrool Moorrool (BMM) native title claim was lodged. The BMM claim overlaps part of the Warrwa Combined claim.

In accordance with its representative body functions, the KLC offered mediation assistance to attempt to narrow or resolve the overlap between the Warrwa Combined and BMM claims. Mediation took place in July 2017 and April 2018, but ultimately did not result in the overlap issue being resolved. The area of the overlap is now the subject of Federal Court mediation.

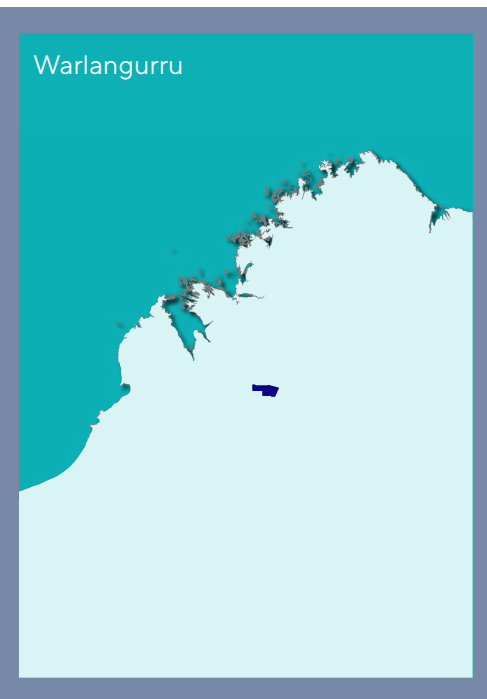
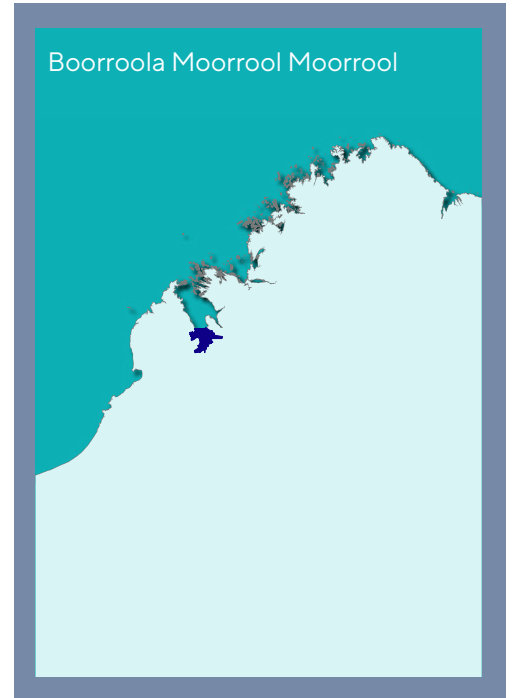


## CENTRAL AND DESERT BOORROOLA MOORROOL MOORROOL

Area / Region	Date Lodged	Date Registered
Derby, and country to the south and east	23 December 2016	9 May 2017

The Boorroola Moorrool Moorrool (BMM) native title claim overlaps part of the Warrwa Combined claim. The Principal Legal Officer of the KLC does not provide legal representation to the BMM claim.

The KLC, in accordance with its representative body functions, received, considered and approved an application for funding assistance for the BMM native title claim. This assistance was provided during the reporting period.



The Warlangurru claim was lodged by the KLC, acting on behalf of the Warlangurru native title claim group, on 8 September 2015, and then later became represented by a private law firm. In the reporting period an application for assistance was approved by the KLC to provide funding for a consent determination of native title.

## CENTRAL AND DESERT WARLANGURRU NATIVE TITLE CLAIM

Area / Region	Date Lodged	Date Registered
Portion of Quanbun and Blina pastoral leases, south of the Great Northern Highway		
Warlangurru	8 September 2015	14 November 2012



# LAND AND SEA MANAGEMENT UNIT



## OVERVIEW AND UPDATE

The Kimberley Land Council is extremely proud of the work undertaken by Indigenous ranger groups across the Kimberley. Rangers deliver valuable cultural, environmental, social and economic outcomes for Kimberley Aboriginal people. This value is evident at a National, State, community, family and individual level, with the sense of pride and positivity connected to it being immediately evident when talking with rangers, PBCs and Traditional Owners across the Kimberley.

The KLC Land and Sea Management Unit (LSMU) was established in 1998 and since this time has provided a strong foundation to support ranger groups both operationally and strategically. As the Kimberley Native Title representative body, the KLC have and will continue to drive a strong rights based approach to land and sea management work for all ranger groups. This ensures that rangers, PBCs and Traditional Owners can conduct their work in a way that advances Native title rights and Traditional Owner interests.

In recent years the KLC LSMU has seen the progression of some Ranger groups/PBC moving to direct contracting arrangements with NIAA for the running of their ranger programs. The KLC see this progression as one of the great milestones of the program and as clear evidence of the capacity of Kimberley rangers and PBCs. While the KLC is fully supportive of this approach, the KLC also notes that for many ranger groups there is a continued desire to maintain contractual links with the KLC. Both of these approaches are supported by the KLC and we look forward to continuing to work with PBCs/ranger groups in whatever form is most appropriate.

Over the 2019/2020 period the KLC LSMU has supported a huge variety of cultural and environmental management practices. These include but are not limited to: the implementation of traditional burning practices which in turn support carbon enterprise development; wildlife and biodiversity management and monitoring; passing on of traditional knowledge and cultural practices from old people to young people; engagement in fee for service opportunities; hosting of technical and strategic network opportunities; delivery of certified training; ranger exchange programs; research facilitation etc. This report provides an overview of these activities.

# KIMBERLEY RANGER NETWORK

The KRN has existed within the KLC for over a decade and has played a central but often largely behind the scenes role in a variety of areas. Outcomes of the KRN include: supporting emerging groups; providing the organisational infrastructure that allow groups to build on their program success, i.e. attracting grant funding; driving a rights based approach to Indigenous land and sea management; delivering technical services based on economies of scale, i.e. training, fire management, carbon services; running regional knowledge sharing events; connecting the Kimberley ranger program with an international audience; and facilitating ranger exchanges both locally, Nationally and internationally. Based on advice from PBCs and Ranger groups the KLC are committed to ensuring the ongoing sustainability of the KRN. Key future developments for the KRN will be around how it provides a clear service orientated function for all groups across the Kimberley.

## Ranger Group Governance

It is important to note that the KLCs role in managing ranger groups is to provide technical and administrative support. It is not the role of the KLC LSMU to set operational and strategic priorities at the ranger/PBC level. The KLC LSMU supports ranger groups to implement their own internal governance structures and takes direction from them. Common governance structures across the Ranger network include direct engagement with the associated PBC or engagement through delegated Healthy Country Advisory Committees.

## Ranger Operations During COVID-19

While Covid-19 came with challenges in all directions, KLC LSMU were extremely proud of the efforts made by both the central LSMU support team and rangers across the Kimberley in their efforts to keep operations rolling and rangers engaged in meaningful employment.

A significant milestone during this time was the classification of Rangers in their roles as early season prescribe burn operators gaining essential service status. This enabled rangers to continue to undertake this critical work which protects life, infrastructure, cultural sites and biodiversity from late season wildfires. Rangers were also involved in monitoring community and visitor movements, checking in on old people isolated to their homes, and supporting community members to move back to outstations during the height of restrictions.

## Training, capability and technical services

The Land and Sea Unit has shifted our training & capacity building focus in response to PBC and ranger group needs to delivering high-quality technical services to ranger groups at a regional scale including training, fire, ecology and GIS support.

The Land & Sea Unit's Capability & Technical Services Manager now manages a team of training & technical specialist staff, with a strong focus on ensuring all technical support emphasises skills transfer & capacity building, and ensuring all training meets operational needs.

A single Ranger Training Coordinator now organizes training & capacity building for all rangers across the Kimberley Ranger Network, both KLC-contracted and many independent groups.

The KLC's focus is accredited certificates in Conservation & Land Management, including core ranger operations such as fire, ferals, weeds, machinery, biodiversity and safety. However improved retention and an increasingly skilled and professional Indigenous Ranger workforce means the KLC is also increasingly looking for other ways to upskill rangers in more advanced and specialised operations including maritime, firearms, visitor management, tourism and GIS.



**Despite the freeze on most activities during the peak training period March – May, in 2019 – 20 the KLC:**

- Organised more than 70 regional ranger training events across the Kimberley with 14 ranger groups, including
- More than 15 literacy and numeracy training events
- Five fire training blocks including prescribed burning, suppression and aerial incendiary
- Provided a platform through the Kimberley Ranger Network (KRN) where all groups have access to regional training opportunities, database and events
- Developed an online Ranger Training Database that captures individual and team training progress, certifications and completion progress
- Maintained strong working partnerships with key stakeholders including TAFE, KGT, Apprenticeships Australia and ENGOS
- Developed and delivered new in-house training including Geographic Information Systems (GIS), use of the Northern Australian Fire Information (NAFI) system, vehicle maintenance, budgets and work planning
- Facilitated online training during covid including GIS, language literacy and numeracy (LLN), fire, safety and computer skills
- Focused on improving literacy and numeracy support including mapping, presentations, computer skills, producing group based standard operating procedures and public speaking
- Worked closely with TAFE on the national review of the Conservation & Land Management training packages (Rangers core qualification), including developing new units in maritime, fire drones and biodiversity

A number of specialist blocks planned for early 2020 including Remote First Aid, 4WD, visitor management and compliance and firearms have been postponed until 2020–21.



## Building and Succession Planning

The KLC remains focused on capacity building, professional development and succession planning for Indigenous Rangers, Head Rangers, specialist roles as well as office based, advisory, support and management roles that are critical to the ranger program.

One example of our progress in this space has been the appointment of local Kimberley woman Emma Sibosado in a "Management Transition" role. The aim of this role is to build her skills, through workplace mentoring, to a point where she can transition into a core management position. Emma was previously working as an Administrative Assistant in the Land and Sea unit and has really stepped up to the challenge. She is currently shadowing our Business Manager and Delivery Manager, supporting ranger teams with core management tasks like performance planning, budgeting, project Capacity planning and reporting.

## Social and Emotional Wellbeing within LSMU

Life as a ranger based in remote Kimberley communities is a role full of joy but also huge social and emotional pressures and daily interaction with trauma. 2019 was a challenging year for the ranger program and there was a clear acknowledgement of the need to provide support to all KLC staff on how to manage our social and emotional mental health and deal with trauma.

The KLC All Staff Workshop & Mental Health & Wellbeing Sessions in Feb 2020 was one place that this was addressed. The Kimberley Aboriginal Mental Health Service, social & emotional wellbeing team run a fantastic session for all staff where these challenging issues were explored.

Following on from this LSMU brought together ranger groups from across the Kimberley for an end of year debrief which included a session run by the Martu Leadership program focused on mental health, what builds us up & breaks us down, and how to support each other.

## Looking Forward

The core contract that enables Kimberley ranger groups to operate is the Indigenous Ranger Program (IRP) funded through the National Indigenous Australians Agency (NIAA). The current IRP contract expires on 30 June 2021. The Program has been confirmed going forward and the next contract duration is for 7 years. This 7-year period represents the longest contract period that the program has seen. The KLC are currently working through the renewal of this contract.

Concurrent to our engagement with Government there is also a drive within the unit to continue to work towards a decreased reliance on government funding. Next year will see two new functions within the LSMU. One being the employment of a dedicated Enterprise Officer who will work with PBCs and ranger groups to increase their ability to generate enterprise-based income.

The other is a joint project with Wilinggin aimed at developing a cultural tourism package. Through this work a regionally relevant model will be developed that aims to provide a road map for other PBCs and ranger groups to also engage in a more informed way with tourism opportunities.







Nyul Nyul women rangers Lillian Lawford, Helena Williams and Devena Cox at Windjana Gorge

## SUPPORTING WOMEN RANGERS

The Kimberley Ranger program has historically been male-dominated. However, women are increasingly stepping up as rangers and leaders across the Kimberley and Northern Australia. Since the first female rangers started in 2010, female employment has grown to make up approximately 25 per cent of the Kimberley ranger program, and the majority of teams now regularly engage women.

The KLC has continued our focus on maximising female engagement in the ranger program, and supporting women rangers to connect, develop their skills and confidence and grow stronger together.

### Key achievements and highlights in 2019-20 included:

#### 1. Increased female engagement across the Kimberley Ranger Network.

In five years 2015 – 2020 the number of

- Dedicated female ranger teams has more than doubled (from 2 to 5)
- Mixed ranger teams who regularly engage women has increased more than 30 per cent
- And there are now four female Indigenous Head Rangers and one Shadow Manager stepping up as future leaders.
- Supporting women to stay engaged at work and connected through COVID via Working Group meetings and online training.

#### 2. Coordinating targeted training and capacity building, including:

- Increasing female engagement in training and completions:
- More than 80 per cent of training blocks had women rangers participating.
- 14 exclusive women's training blocks
- Targeted support for women in fire and maritime training.
- Supporting succession pathways and professional development for future leaders including a new Shadow Management position in the Land and Sea Unit, and supporting for four Indigenous female Head Rangers

#### 3. Developing new partnerships and funding opportunities.

- Our priority is securing long term Commonwealth and State government investment in more jobs for female rangers by expanding the existing Indigenous Ranger Program. But in the short-term the KLC continues to work with our philanthropic, ENGO and corporate partners to expand the women's program

#### 4. Facilitating networking and knowledge sharing events and platforms including Working Group Meetings, Ranger to Ranger Exchanges, training blocks and forums

## SECOND KIMBERLEY INDIGENOUS WOMEN'S RANGER FORUM

More than fifty Aboriginal women travelled from across the Kimberley to Bandilngan on Bunuba country for the second Kimberley Indigenous Women Rangers Forum.

The Kimberley forum was the third in a series of women's ranger meetings held across the north of Australia as efforts to secure long-term funding for female positions ramps up.

The event was a show of strength and unity, and an opportunity for rangers, coordinators, cultural advisors and our partner to share knowledge, celebrate women's culture and knowledge of Country, and learn new skills

Together over the three-day forum Women Rangers learnt new practical skills including hand tools, trapping and movie making, presented projects and shared knowledge. We also talked about what gives us strength and pride, the challenges that face female rangers, and identified solutions including policy changes, more jobs. Together we agreed to:

- Establish the Kimberley Indigenous Women Rangers Network
- Develop a 3-year Strategic Plan
- Work towards 10 targets
- Hold a Kimberley Women's Forum every year
- Continue to work together and support each other
- Work with our partners in the NT and QLD to develop a Northern Australian Network for Indigenous Women Working on Country
- Nominate a Working Group and Cultural Advisors





## KIMBERLEY RANGERS TO THE WORLD RANGER CONGRESS IN NEPAL

Four Kimberley rangers joined over 550 rangers from 70 countries at the World Ranger Congress in Nepal this year. It was exciting to see Indigenous rangers and female rangers as key themes of the event. The KLC was really proud of Amber, Monique and Cissy who presented to a huge international audience about strategies for growing the Kimberley Indigenous women's ranger program.

The team learnt about Swiss Junior Ranger Programs, female rangers' anti-poaching techniques in Zimbabwe, leadership coaching, European train-the-trainer models, new remote sensing technology, and the international ranger federation's important work and managed to squeeze in a few jungle safaris, some local street food and a glimpse of the Himalayas.

Zac Ejai, Cissy Gore-birch, Monique Middleton, Phoebe Martin, Amber McCarthy at the World Ranger Conference Congress in Nepal



# FIRE AND CARBON

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## Early Season Fire Management and Coronavirus

While the coronavirus pandemic led to community closures, travel restrictions and working-from-home arrangements across the Kimberley, KLC worked with communities and the WA State Government to ensure that early season burning / fire management was declared an essential service for the purposes of an exemption under the movement restrictions. This allowed early dry season fire management in the Kimberley to proceed, including and especially for the registered carbon projects. Early season burning is a crucial component of 'looking after country' and the running of carbon project represent an important component of PBC income streams and a key mechanism to 'get control of our future'.

The work conducted by the KLC to ensure the early season burning was able to proceed set a precedent for groups in the Kimberley and more broadly across the North of Australia. The influential role that the KLC played in this space is another clear example of the strength of the KLC LSMU and the Kimberley Ranger Network.

## 2019 Fire Season and Suppression Work

A poor wet season over 2018/19 and delayed onset at the end of 2019 made for catastrophic fire conditions in the north, east and central Kimberley. Kija Rangers responded to a number of bushfires across their fire project area, minimising significant environmental damage in an incredibly difficult year. Peninsula groups Bardi Jawi and Nyul Nyul saw a rapid commencement to firefighting with damaging fires occurring through June and July after an early finish to their prescribed fire season. Wunggurr Rangers and KLC staff were involved in a significant firefighting effort across Drysdale Station, Gibb River Station and Ellenbrae with AWC and DFES staff from the Kimberley and Perth. Specialist DFES fire staff from Perth were very impressed with the skill and ability of Indigenous rangers during this effort with rangers demonstrating drop in remote firefighting techniques on Gibb and Ellenbrae. Perth DFES staff went away with some new experiences and techniques and rangers were able to see the use of air attack supervising helicopters and water dropping aircraft during this fire. The combined efforts of these organisations working with DFES avoided a second 2016 style Gibb River complex.

## 2020 Early Dry Season

Covid-19 restrictions caused significant disruption to the planned early season burning operations as community closures and travel bans complicated the implementation of prescribed burns. Despite the disruption KLC staff working in virtual collaboration with KLC rangers and Traditional owners were able to deliver early dry season burning programs across the Kimberley region.

Rainfall during the 2019-20 wet season was generally below average. However unseasonal rain occurring in May over the west Kimberley and northern great sandy desert slowed down the grass curing rate and extended the burning season into July.

Despite the challenges, a fine scale fire management project was launched in the great sandy desert on Ngurrara country. This project is being undertaken in partnership with Yanunijarra, the 10 deserts project and the KLC. This project aims to improve fire scar mosaics in the desert areas by providing resources and technical assistance to the rangers and traditional owners to undertake right way fire management.

The KLC has played an important role in fostering relationships between relevant stakeholders who are involved with Right-way fire management. This landscape scale early season burning reduces carbon emissions, protects culturally and environmentally significant and threatened species, and delivers considerable social, cultural and economic benefits and supports fire management in the Kimberley region. The KLC fire program continues to foster and improve relationships between local and state government agencies, non-government organisations, Indigenous and non-Indigenous pastoralists, communities, tourism operators and Traditional Owners. Fire planning meetings were increasingly coordinated by ranger groups this year with relevant stakeholders consulted, landholder agreements signed for early-season burning, and wildfires jointly monitored. This broad collaboration across the region is helping reduce the threat from fire to people, infrastructure and the environmental and cultural values of the Kimberley.





**Bardi Jawi rangers undertaking cool season burning**







## FIRE TRAINING, SAFETY AND COMPLIANCE

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Most KLC Indigenous ranger groups attended fire-related training throughout the late season of 2019 and very early in 2020 prior to Covid-19 restrictions, contributing to their ability to carry out safe and effective prescribed early burning and late season firefighting.

Fire-related training has just resumed with both Certificate II and III courses in prescribed burning and wildfire response and suppression, instruction in working around aircraft, and Incendiary Machine Operator training for aerial burning expected to be completed late in 2020/early 2021.

Across the Kimberley, even with significant disruptions almost 100 Rangers from 16 native title groups attended five fire-related multi-day training events. Many of these rangers are completing Certificates in Conservation and Land Management, which require both theory and practical competencies. The training and 'refresher' program is essential to ensure the safety and success of Indigenous burning operations throughout the region, and both first aid and injury prevention courses

complemented the early season burning program's focus on safety and compliance. KLC fire program support staff attended the training events led by North Regional TAFE in order to ensure compliance with the KLC Fire Operations Manual.

The KLC Fire Operations Manual is the only non-government set of fire policies and procedures endorsed by the Office of Bushfire Risk Management (OBRM) to meet ISO 31000 Risk Management standard. All KLC-affiliated groups operate under this manual.

The KLC successfully completed the second assurance review by the Office of Bushfire Risk Management (OBRM) of our fire operations manual and processes. The assurance program ensures that our practices reflect our procedures and fulfils our goal of working towards continuous improvement and focus on reducing risk to our staff and the program.



Rangers completed aerial incendiary training with TAFE and KLC fire officer support

# BOTSWANA VISIT

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The KLC Land and Sea Management Unit, supported by a range of donors and partners, have continued our support for indigenous carbon enterprise development in the Kimberley. Based on a combination of western science and the 'right-way fire' knowledge and practices used by Traditional Owners to manage their lands for millennia, some groups are able to operate carbon savanna burning carbon abatement projects under the Federal Government's Emissions Reduction Fund (ERF).

These projects allow Traditional Owners to generate an income from Ranger-led early season burning that reduces emissions by limiting the intensity, spread and frequency of destructive late season wildfires while protecting lives, property, cultural and environmental values.

That income is re-invested into fire management, training, employment and governance, fuelling a remote indigenous economy. Meanwhile, the projects deliver social, cultural, environmental and other economic benefits that contribute to improvements in Indigenous livelihoods, independence, sustainability, and healthy country, in addition to climate change mitigation. We are seeing strong and increasing recognition of these significant co-benefits delivered by indigenous savanna carbon projects, which, in WA, account for close to three quarters of savanna burning carbon abatement.

The KLC actively facilitates the registration and operation of such projects on behalf of Traditional Owners. This year, the Ngallagunda project was registered and is now pending approval from the State, and the Nyaliga Fire Project, registered in 2017, earned its first carbon credits.

Meanwhile, we continue to support existing projects in their operations and collaboration through the North Kimberley Fire Abatement Project (NKFAP). In particular, this includes planning for a possible future transition of the projects to the Savanna Sequestration method, as well as technical advice, record-keeping and compliance services, reporting to the Clean Energy Regulator, and support in relation to commercial agreements. We are also supporting a range of other Traditional Owner groups in assessing the viability and preparing the registration of carbon projects over their land.

As the establishment and operation of carbon projects is significantly influenced by the policy environment at both Federal and State level, the KLC is in continuous contact with policymakers to advocate on behalf of Traditional Owners for the protection and strengthening of their rights in relation to carbon projects, and for policies to actively support and enable their participation and success in the remote savanna carbon economy.

We do this through formal submissions to enquiries and consultations, twelve in this period, as well as in-person participation in high-level government consultations and the Bushfires Royal Commission, and the provision of briefing papers and facilitation of or attendance at government and industry meetings.

The KLC continues to be a Steering Committee member and heavily involved in the Indigenous Carbon Industry Network (ICIN), which has developed into a well-recognised representative body, again hosting the much-acclaimed Northern Australia Savanna Fire Forum in Darwin in February. We also continue to work with the other land councils, and indigenous carbon projects across the North, as well as a range of NGO partners, on policy and operations improvement, with a strong unified indigenous voice part of our vision to support Kimberley Traditional Owners in looking after country and getting control of the future.

In recognition of the international acclaim and 'best-practice' status achieved by Kimberley indigenous savanna carbon projects, in August 2019, the KLC welcomed a delegation from Botswana to our Healthy Country Forum. Part of an exchange facilitated via the International Savanna Fire Management Initiative, with a Kimberley delegation having visited Botswana the year prior. Once the coronavirus pandemic eases, we hope to continue supporting this international on-ground involvement.







Botswana representatives with Chairman, Anthony Watson at Home Valley Station



Karajarri Ranger, Braeden Taylor, on fire and traditional knowledge exchange in Botswana



# NATIONAL PARK UPDATE

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The KLC is supporting Traditional Owners in planning and negotiation for the potential creation of four new conservation reserves in the Kimberley. These parks were proposed by the state government as part of a commitment to expanding the state's conservation reserve, through its Plan for Our Parks.

Bardi and Jawi, Dambimangari and Mayala native title holders are planning for the development of three marine parks in the Buccaneer Archipelago which would adjoin the existing Dambimangari Lalang-garram marine parks.

In the East Kimberley, Yurriyngem Taam native title holders are negotiating the development of a national park along the Martuwarra (Fitzroy River) with a view to protecting their stretch of this iconic and nationally significant river system. At the time of writing the location of the proposed park had not yet finalised.

KLC is supporting each group in negotiations and planning with the state government's Department of Biodiversity, Conservation and Attractions (DBCA). The KLC team comprises land and sea management, project management, consultation, legal and anthropological expertise, with external experts assisting where required. Each group is represented by a working group or negotiation team nominated by their PBC or native title holders.

Each park is being jointly designed and would be jointly managed by PBCs and the state government. The parks are intended to complement existing land and sea management activities and plans – and to support the process the Mayala Country Plan was launched in late 2019 setting out a framework for management of Mayala Country.

Whether or not the parks are created will be a decision for native title holders at ILUA authorisation meetings in late 2020 or early 2021. The projects continue to aim for completion prior to the state election in March 2021, however timelines are subject to covid-19 related constraints.



# HEALTHY COUNTRY FORUM 2019

The concept of 'Better Together' framed the 2019 Healthy Country Forum with workshop sessions focused on how we support each other to deliver environmental and cultural heritage outcomes that are made strong through collective action, knowledge and experience.

Balanggarra Prescribed Body Corporate and Wilinggin Aboriginal Corporation generously hosted approximately 200 traditional owners, rangers and program supporters at Home Valley Station for the event. The forum was characterised by an incredible sense of passion, knowledge, program maturity, commitment, ranger and traditional owner empowerment and a collective determination to manage country and create positive outcomes now and for the future.

Workshop sessions covered a wide range of topics including: visitor permit systems; the interaction between pastoralism and conservation; Healthy Country Planning Monitoring and Evaluation; Joint Management pros and cons; the role of Prescribed Body Corporates in governing Ranger work; Women's Ranger project development; planning and implementing Permit Systems; integrating ranger work and culture into Kimberley schools; saltwater research prioritisation (ISWAG) etc. Sessions were delivered almost exclusively by Kimberley Rangers, Indigenous Protected Area/ Ranger Coordinators and traditional owners who are experts in their field.

The forum proudly hosted a delegation of senior Botswanan Government officials attending the forum as part of the International Savannah Fire Management Initiative (ISFMI). This initiative reaffirms that the KLC and Kimberley Ranger groups are playing a leading role in implementing world's best practice in fire management techniques. Through the export of their traditional fire knowledge to the African continent Kimberley Traditional Owners are supporting Botswana to build community resilience to wildfire and reduce their carbon emissions.

The 2019 Healthy Country Forum represented a true coming together of all ranger groups from across the Kimberley and the collective strength that exists across the network. The KLC are proud to facilitate the Kimberley Ranger Network and look forward to continue to run these important forums in future years.

Healthy Country Forum meeting session



Attendees at the Healthy Country Forum, 2019



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# NESP RESEARCH ACTIVITIES IN THE FITZROY CATCHMENT

Over the past three years, by the National Environmental Science Program's Northern Australian Environmental Research Hub (NESP NAERH), in collaboration with PBCs and traditional owner groups, have been running six projects in the Fitzroy River Catchment. The work across all of these is now close to completion. While the methodology and research questions vary greatly, all projects were underpinned by the aim to provide new knowledge that will support sustainable development in northern Australia.

The work included a mix of: on river work looking at plant and fish species; capturing Traditional Owner knowledge of the hydrology of the river to embed into water planning processes; workshops where Kija, Nyarinyin and Nyikina speakers recorded specific river related knowledge; cross stakeholder workshops to trial scenario planning where development decisions are tested for pros and cons; training and fee for service work for Nyikina Mangala, Gooniyandi, Walmajarri, Kija and Bunuba rangers in identifying, recording and monitoring bilby populations; conducting surveys to understand the individual and community benefits that come from Indigenous land management programs; knowledge brokering for improved outcomes for Indigenous people in steering and managing land management practices on country.

There have been financial benefits stemming from this work with considerable fee for service opportunities, payment to workshop participants and the employment of two junior researchers, Emile and Celia Boxer. As an integral part of the project these two greatly enhanced survey outcomes and quality of the data that once synthesised, pointed to new and more complex means of assessing the value of Indigenous land management. Emile said of his experience:

It was very insightful for me to interview people and to see what their responses were. The one thing I noticed was that the value for family was quite high and another interesting thing was that the value for money was quite low. People were quite satisfied with their lives. Family, self-wellbeing and their housing were highly valued.

Researchers and Traditional Owners, through collaborative effort, have increased their understanding of the water, land and sustainable management priorities of those who are connected to the Fitzroy River catchment. The researchers have given their first papers that have supported a cautious approach to water planning until there is more complete understanding of the interconnections between the water, fish and plants over different seasons.

The launch of a new document titled 'Our Knowledge Our Way Guidelines' brings principles and best practice of collaboration between Indigenous and non-Indigenous scientific knowledges to the fore. The publication draws on case studies across the nation where Traditional Owners are taking innovative control over ways of sharing knowledge within and beyond local communities. Three of 23 case studies in the book are from the Kimberley: The Wungurr Rangers and their trip to Botswana, NESP's Showing and Sharing Knowledge mapping project and the language program at Yiyili Community School.

Significant lessons were learnt by all parties over the life of this series of projects. All with varying research questions and methodologies, these lessons have informed and strengthened both the setting of research priorities and how to best support traditional owners through the PBCs in managing research partnerships. We have discussed and presented mechanisms for facilitating Traditional Owner/PBC consultation and engagement with these types of projects in the future, based around the highly successful Indigenous Saltwater Science Working Group model.

It is important to note that the intellectual property and cultural knowledge of the participants is protected at all stages of the development of this work through strong research agreements and project schedules. All of the final reports, once approved by the research partners, will be available on the NESP Northern Australia Research Hub website <https://www.nespnorthern.edu.au/nesp/>





Showing and sharing knowledge at Birdwood Downs



Recording river stories



Fish researchers with Gooniyandi rangers



Showing and sharing knowledge at Birdwood Downs



Patrick Nargoodah and Fiona Freestone

# KIMBERLEY RANGER NETWORK ANNUAL WRAP UP

The following yearly wrap up is provided by the different Kimberley Ranger Network teams.



# BARDI JAWI AND BARDI OORANY RANGERS

Bardi Jawi and Bardi Oorany had another incredible year which saw many operational outcomes and continued development of strategic priorities. Bardi Jawi Rangers completed the second year of monitoring with Australian Institute of Marine Science (AIMS) focused on the monitoring off reef health and fish stocks. The Rangers also responded to a coral bleaching event in partnership with Kimberley Marine Research Station around Cygnet Bay. This was the second bleaching event in the Kimberley in 4 years.

The team is thrilled to announce that ongoing funding through the Shell Social Investment Program funding has been secured for an additional 2 years. The continuation of this funding highlights the strength of relationships that the rangers have developed and the outcomes that the program has delivered to date and is a significant part of securing the Bardi women's ranger program.

The Bardi Jawi Healthy Country Team have embarked on a strategic review of the Bardi Jawi IPA plan. The outcomes of the review will benefit the ranger team to focus their efforts in future years and deliver against health country priorities originally identified by Bardi Jawu Traditional Owners and elders.

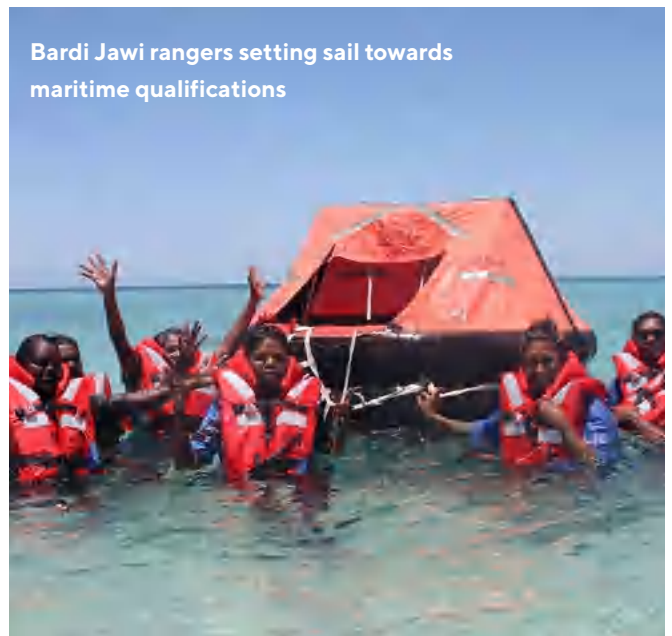
Bardi Jawi Aamba Rangers have supported the Bardi Jawi Arnkooy (Law and culture) activities that occurred early in the 2020 new year. Rangers specifically assisted with the building of shelters in the irranyj (law camp) Rangers also participated in the 2-3 week long day / night ceremony and also undertook their cultural responsibilities.

Bardi Jawi rangers took full charge of their 2020 early season fire program. This included pre-season planning and community consultation, logistics, aerial and on-ground operations. This represents a significant step in the capacity of Bardi Jawi to autonomously run their fire program and deserves acknowledgement and celebration.

Rangers attended and presented at the Australian Marine Science Association conference, the World Rangers Congress in Nepal, The Kimberley Women Rangers Forum and the Healthy Country Forum. Conference such as these provide opportunities for significant knowledge sharing at an International, National and State level.



Bardi Jawi rangers setting sail towards maritime qualifications





## KIJA RANGERS - WARMUN

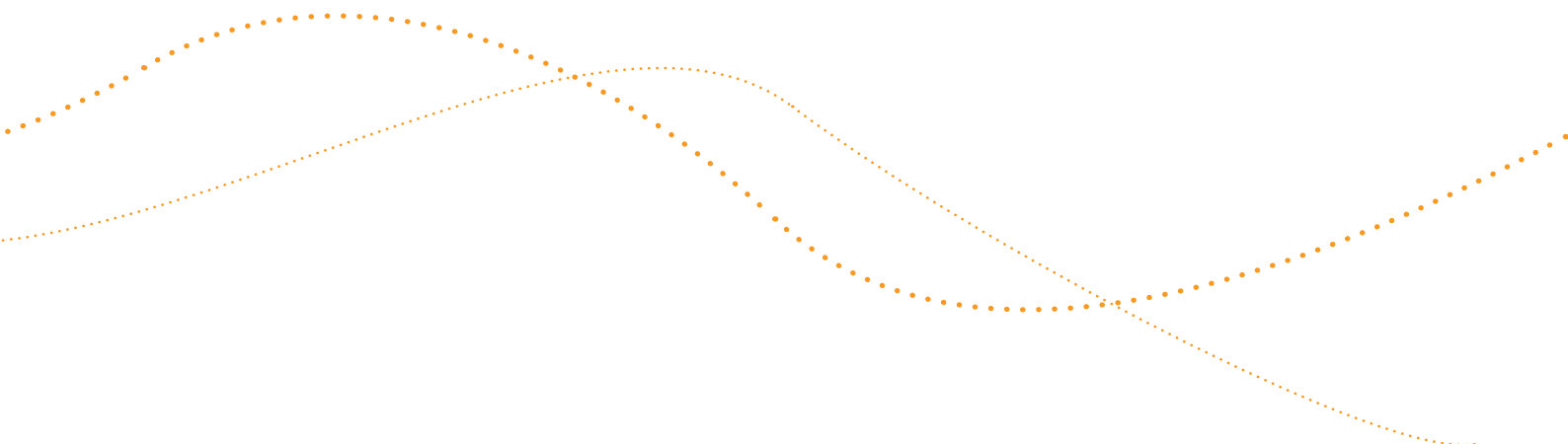
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The Kija Rangers had an interesting year with many changes in staff and work programs. Tom Andrews joined the team as Coordinator in June 2019 and is now settled into the role and working hard to find opportunities for the group to strengthen and grow. Long-time Head Ranger Imran Paddy left the program in 2019 to move to Queensland. Former Ranger Dylan Curtin has returned and will soon complete his ranger traineeship.

There has been regular participation of casual Rangers in a number of programs including on-country trips with elders to record important stories. The Rangers secured funding through the Savannah mine that has allowed the purchase of new tools, a trailer and maintenance. The funding boost will also support increased female casual ranger positions and trips for elders to cultural places.

The team has also been active in Warmun and Frog Hollow communities supporting school education programs, the "Community Weed Project". Our fire burning program for this year has also continued successfully despite some of the challenges caused by the COVID-19 lock down. The Rangers have maintained our fee-for-service contracts at the Savannah mine site with the WA Department of Agriculture on the Rubber Vine Program, and developed a Bilby Survey program with DBCA.

We are also pleased to report that after many years of faithful service, our two old Troopies are soon to be replaced with brand new vehicles thanks to a grant from LotteryWest. Keep an eye out for them around Warmun soon...





Tom Andrews, Leroy Carlton, Imran Paddy, Dylan Curtin working on the Rubber Vine program with the WA Department of Agriculture.



Kija Rangers and Warmun Police talk to Purnululu School about the rangers role in fire



Kija Women's Rangers Bianca Purdie, Heather Drill with Sebasti Ward at TAFE mapping training

## NYUL NYUL RANGERS – BEAGLE BAY

The Nyul Nyul crew wrapped up early season fire operations in July after a good season managing country at a landscape scale and protecting sites of high cultural heritage significance. Alongside this was a focus on certificate level fire operations training, aimed at building the capacity of Nyul Nyul rangers to increasingly run our fire program independently. The team has two new female rangers, Helena and Lillian, who are close to completing their Certificate 2 training, while Devena is on to her Certificate 3.

During August the crew undertook Gouldian Finch survey work with WWF, putting up artificial nest boxes to encourage breeding (although the boxes seem to attract more goannas than birds!)

Bilby surveys continued throughout the year for Main Roads and during August and September for DBCA too. Our women rangers travelled to Windjana Gorge for the annual Women Ranger Forum, closely followed by the whole team heading to join the KLC AGM at Home Valley Station.

In October the ranger vessel Gaar Mirriljoon arrived in town for a major refit to get it up to the right survey standards, and it's now back at work and helping our rangers complete their Coxswain tickets. During November we hosted an Introductory Skippers Course with TAFE with the Bardi Jawi rangers which allowed even more rangers to gain their Coxswains ticket. Our instructor, Grant Streeter, created a really positive atmosphere which helped the crew to learn and enjoy the experience. Nyul Nyul rangers also supported numerous community events, for example taking local school kids on back to country trip as part of NAIDOC week.



**Photo: Nyul Nyul Reef Monitoring**



Nyul Nyul rangers at work - serious business  
Image below: Nyul Nyul rangers undertaking Coxswain training





**Gooniyandi Rangers with some of the deadly puppets they made to engage students and community members. With them they told stories in language about the animals and the impact cane toads are having around Fitzroy Crossing**

## GOONIYANDI RANGERS – FITZROY CROSSING/BAYULU

The Gooniyandi Rangers have had some staff movements this year, with Daniel Carrington making the big step to move to Perth and join the WA Police Force as a Cadet. We also welcomed Keone Shandley, Dudley Dick and Corey Cherel and have focused on training for new rangers, with the team completing courses in workplace health and safety, weed treatment, fencing, machine maintenance, chainsaw operations and prescribed burning.

The changeover of staff hasn't slowed the team down however, with the rangers completing many meaningful projects. The Big Country Puppet Project with Kimberley Theatre saw the team create a giant frog, cane toad, goanna and sawfish puppets to engage students and community members and tell stories in language about these animals, and the impact cane toads are having.

Fire work has continued to be important for us this year with aerial burning completed out at the Mueller Ranges to reduce the threat of late season fires, and mitigation burns have been done in kind this year at the Lodge and the Mimbi Caves campground, who have both been heavily impacted by COVID restrictions on tourists this year.

The team continued their great work clearing weeds and maintaining the fence at Marnjoowa (MacDonald Gorge), with the area now free from weeds, and plans being made to extend this zone. At Palm Spring the team noticed a reduction in water flow, and decided to head up stream where they found Bull Rush growing, a small section was removed and a new weed management plan will be created with TO's to clear more in our upcoming work schedule.

The rangers also saw evidence of Rock Wallaby populations, and laid camera traps with the hope of finding Black Footed Rock Wallabies. Bilbies have also been on the radar for the Gooniyandi Rangers, working with TO's near the Ngumpun Cliff area looking for tracks, fresh burrows and putting camera traps.

One final thing that had the group really happy this year was the rain and subsequent flooding from tropical cyclone Esther. Many important billabongs refilled and the team took some great photos of the changes at Jiljiyardi.



Gooniyandi ranger Daniel Carrington second from left made the big move to Perth to join the WA Police Cadets

# BALANGGARRA RANGERS - WYNDHAM

2019/2020 represented another busy year for the Balangarra crew with a good mix of travel and different work activities. The team went out to King George and Geebung in August with the CSIRO to complete bird sampling research into flight and breeding patterns. Also, in August we travelled to the Northern Land Council Ranger Forum in Darwin and met up with rangers from WA, QLD and the NT. It was a great opportunity to meet and mingle with different ranger group, gain valuable personal development, and meet the team from the Department of Agriculture, Water and Environment (Topwatch). Biosecurity was a very interesting component of this year's work, specifically, the use of insects for weed management, rather than herbicide.

As with everyone, 2020 was a very different year. The team had been without a Ranger or IPA Coordinator for several months before Kevin Forrest started as the Healthy Country Manager in April. The team had been looked after very well by the Assistant Ranger Coordinator James Gallagher-Birch (Birdie), who has been a huge help in showing Kevin the ropes.

In February 2020 the team underwent updated Incendiary Machine Operator Training in Kununurra. Fortunately, our fire work was deemed essential in April, so we were able to continue on with the fire program at the start of the Dry Season, however due to late rains in March, the fire season got off to quite a green start and has continued on to July.

We also assisted in local prescribed burns with DFES, as the volunteers had been told to respond to callouts only, so we were able to fill the void with local burns. Fuel drops for aerial burns have been made across Balangarra country by the team (whilst maintaining social distancing) to Oombulgurri, Home Valley Station and Berkeley River Lodge.

In May to June, with Covid guidelines easing, the team have been able to do on country trips to Oombulgurri and Nulla Nulla as part of the fire program. In June, the team were able to assist other East Kimberley Ranger groups at El Questro station in obtaining their Certificate II Fire Training, as well as two casual Balangarra Rangers.

Moving into the new year, we are finishing up our fire program for the year and will focus on training and development and maintenance / upkeep of our vehicles and equipment. We will also commence recruitment of a new Ranger and Ranger Coordinator this year, now that regional borders are open.

In 2021, we will kick off our Youth Ranger Program, which will give opportunities to young men and women to join the Ranger program, develop skills and connect with people and country.



Balangarra rangers step up aerial burning efforts



Wunggurr Rangers Robin Dann and Dean Wungundin pouring new concrete at the Gibb River Station workshop



## WUNGGURR RANGERS - NGALLAGUNDA (GIBB RIVER STATION)

After 7 years as the ranger coordinator for the Wunggurr Rangers, Danyel Wolff moved on, heading back to Queensland to be closer to his family. Danyel's hard work and dedication to the rangers and the IPA over this period has been invaluable and he was well respected by the rangers and locals alike.

Jacob Charters took on the role as ranger coordinator in March 2020, just in time for the initial Covid-19 lock downs. The team has managed to remain relatively busy, facilitated by the dedication of a strong team of both on field rangers, and support staff in Derby and Broome, and the cooperation of both the Kimberley Land Council and the Wilinggin Aboriginal Corporation.

The Wunggurr Ranger team have been acting as a supportive on ground role to the regional fire program headed by Toby Barton from AWC and Luke Russ, biodiversity officer for Wilinggin Aboriginal Corporation and former Wunggurr Ranger. The rangers have also been lighting fires and clearing around infrastructure in the area to reduce fuel loads before the upcoming dry season.

Another important part of Wunggurr Ranger work is weed-control. The team have been busy spraying and manually removing grader grass, rubber bush, coffee bush, sickle pod, neem trees and yellow oleander. This is an enormous job, in particular in the case of the grader grass, which covers vast areas, and has multiple germination periods throughout the year. Thus, the team has started to map infestations in order to return to these patches and spray them before the seeds have appeared in order to stop the spread.

As well as looking after the surrounding environment, with weed control and fire management, we also need to maintain our equipment, improve base facilities and continue with ranger training. Over the past two months, the team has been diligently working on projects, improving skills in concreting, welding and vehicle maintenance.

Ranger Coordinator Jacob has a background in landscape and civil construction and enjoys passing on his skills to the rangers. The team has concreted a large section around the workshop. The team also designed and built a stand for the recently purchased fire-fighting unit, so that a single person is able to back up the Landcruiser ute and drop the tank onto the tray quickly and easily. The rangers got to practice and improve their welding skills, which will become increasingly more useful as they endeavour to become more self-sufficient including the planned building of a new double car covered parking area for the ranger vehicles.

## PARUKU AND KUMIRRKI RANGERS

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Paruku and Kumirrki Rangers continued this year playing a leading role nationally in threatened species management, particularly the night parrot, of which only three known populations exist. Collaborations have also continued with neighbouring ranger groups, Ngurrapa and Ngurra Kayanta, to share and build resources and knowledge.

A highlight of the year was the mens (Paruku) and womens (Kumirrki) ranger teams travelling to Uluru to join, and present at the annual Indigenous Desert Alliance conference. The team presented their work on the night parrot and how the Traditional Owners are playing a leading role in the management of a critically endangered species, scientifically and culturally. Ranger Coordinator, Jamie Brown, facilitated a number of sessions including

a 'Ranger to Ranger' session focused on developing job opportunities for rangers in the desert.

The rangers, through the Kuju Wangka (One Voice), also played a key role in supporting Tjurabalan to manage tourist and visitor access to the Canning Stock Route in response to COVID-19. Closing the stock route for the season has helped to limit the potential impact from visitors on the Tjurabalan communities. To wrap up the year the team is focusing on supporting the growth in of the Kumirrki Ranger crew to create more job opportunities for women on country.



**Paruku Rangers Abraham Calyon, Coordinator  
Jamie Brown and Lachlan Johns**



# FINANCIALS

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KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN 21)  
DIRECTORS REPORT  
*Corporations (Aboriginal and Torres Strait Islander) Act 2006*  
For the Year Ended 30th June 2020

The directors present this report on the Corporation for the financial year ended 30 June 2020.

### Directors

The names of each person who has been a director during the year and to the date of this report are:

(Where not otherwise noted in brackets, directors held position for duration of the financial year)

Albert Bevan  
Annette Kogolo  
Anthony Watson (Chairperson)  
Bobetta Albert  
Catherine Goonack  
Douglas Hobbs  
Edith Skeen  
Frank Davey  
Greg Tait  
Irene Davey  
Jean Malay  
John Watson  
Joseph Nuggett  
Lena Carey (appointed 26 September 2019)  
Margaret (Nyaparu) Rose  
Marianne Skeen  
Nolan Hunter  
Robert Watson  
Rosemary Rosewood (resigned 26 September 2019)  
Rosetta Sahanna  
Russell Davey  
Shirley Drill  
Shirley Purdie  
Thomas King  
Tom Birch (Deputy Chair)  
Trevor Cox  
Wayne Bergmann

### Principal Activities

The Corporation's principal activities during the year were the provision of Native Title Representative Services and Environmental Land Management support services.

KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN 21)  
DIRECTORS REPORT  
*Corporations (Aboriginal and Torres Strait Islander) Act 2006*  
For the Year Ended 30th June 2020

**Review of Operations**

Operations resulted in a net surplus of \$2,854,057 compared to a net surplus of \$88,643 in the last financial year.

**Significant Changes in State of Affairs**

No significant changes in the Corporation's state of affairs occurred during the financial year.

**After Balance Date Events**

The directors are not aware of any matter or circumstance that has 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 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 \$11,569.

**Auditor's Independence Declaration**

The auditor's independence declaration for the year ended 30 June 2020 has been received and can be found at page 4.

Signed in accordance with a resolution of the Board of Directors.

.....  
Director's Signature

.....  
Print Name

.....  
Date

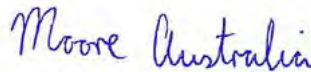
**AUDITOR'S INDEPENDENCE DECLARATION UNDER S339.50  
OF THE CORPORATIONS (ABORIGINAL AND TORRES STRAIT ISLANDER)  
ACT 2006 AND SECTION 60-40 OF THE CHARITIES AND NOT-FOR-PROFITS  
COMMISSION TO THE DIRECTORS OF KIMBERLEY LAND COUNCIL ABORIGINAL  
CORPORATION**

I declare that, to the best of my knowledge and belief, during the year ended 30 June 2020 there have been no contraventions of:

- i. the auditor independence requirements as set out in the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* or the *Australian Charities and Not-for-profits Commission Act 2012* in relation to the audit; and
- ii. any applicable code of professional conduct in relation to the audit.



SHAUN WILLIAMS  
PARTNER



MOORE AUSTRALIA AUDIT (WA)  
CHARTERED ACCOUNTANTS

Signed at Perth this 12<sup>th</sup> day of October 2020.

KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN 21)  
STATEMENT OF PROFIT OR LOSS AND OTHER COMPREHENSIVE INCOME  
FOR THE YEAR ENDED 30 JUNE 2020

	Note	2020 \$	2019 \$
Revenue	2	22,871,318	19,693,878
Other Revenue	2	2,752,242	4,333,757
Employee Benefits Expenses		(12,680,938)	(11,755,680)
Depreciation Expenses	3	(804,560)	(303,557)
Finance Costs	3	(207,452)	(12,529)
Rental Expenses	3	(200,597)	(909,725)
Supplier Expenses		(8,875,956)	(10,957,501)
		<hr/>	<hr/>
Surplus/(Deficit) from Ordinary Activities		2,854,057	88,643
		<hr/>	<hr/>
Other Comprehensive Income		-	
		<hr/>	<hr/>
Total Other Comprehensive Income		-	
		<hr/>	<hr/>
Total Comprehensive Income for the Year		2,854,057	88,643
		<hr/>	<hr/>

The accompanying notes form part of these financial statements.

KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN 21)  
STATEMENT OF FINANCIAL POSITION AS AT 30 JUNE 2020

	Note	2020 \$	2019 \$
<b>CURRENT ASSETS</b>			
Cash and Cash Equivalents	4	16,751,340	13,960,723
Trade and Other Receivables	5	249,645	701,699
Other Assets	6	390,403	276,890
<b>TOTAL CURRENT ASSETS</b>		<u>17,391,388</u>	<u>14,939,312</u>
<b>NON-CURRENT ASSETS</b>			
Right of Use Asset	8	545,136	-
Property, Plant and Equipment	7	10,587,591	10,320,940
<b>TOTAL NON-CURRENT ASSETS</b>		<u>11,132,727</u>	<u>10,320,940</u>
<b>TOTAL ASSETS</b>		<u>28,524,115</u>	<u>25,260,252</u>
<b>CURRENT LIABILITIES</b>			
Trade and Other Payables	10	1,942,797	2,919,870
Unexpended Grants		7,130,572	6,848,206
Lease Liabilities	9	413,052	-
Provisions	12	2,798,536	2,150,601
<b>TOTAL CURRENT LIABILITIES</b>		<u>12,284,957</u>	<u>11,918,677</u>
<b>NON-CURRENT LIABILITIES</b>			
Borrowings	11	-	75,000
Lease Liabilities	9	118,527	-
<b>TOTAL NON-CURRENT LIABILITIES</b>		<u>118,527</u>	<u>75,000</u>
<b>TOTAL LIABILITIES</b>		<u>12,403,484</u>	<u>11,993,677</u>
<b>NET ASSETS</b>		<u>16,120,631</u>	<u>13,266,575</u>
<b>EQUITY</b>			
Retained Surplus		16,120,631	13,266,575
<b>TOTAL EQUITY</b>		<u>16,120,631</u>	<u>13,266,575</u>

The accompanying notes form part of these financial statements.



KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN 21)  
STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 30TH JUNE 2020

	Note	Retained Surplus \$	Total \$
Balance at 30 June 2018		13,177,932	13,177,932
Comprehensive Income			
Surplus/(Deficit) attributable to entity		<u>88,643</u>	<u>88,643</u>
Total comprehensive Income		<u>88,643</u>	<u>88,643</u>
Balance at 30 June 2019		13,266,575	13,266,575
Comprehensive Income			
Surplus/(Deficit) attributable to entity		<u>2,854,057</u>	<u>2,854,057</u>
Total comprehensive Income		<u>2,854,057</u>	<u>2,854,057</u>
Balance at 30 June 2020		<u><u>16,120,631</u></u>	<u><u>16,120,631</u></u>

The accompanying notes form part of these financial statements.

KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN 21)  
STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 30TH JUNE 2020

	Note	2020 \$	2019 \$
<b>Cash Flows from Operating Activities</b>			
Receipt of Grants		23,323,372	19,560,910
Other Receipts		2,530,310	4,034,186
Rent Received		46,000	38,650
Interest Received		175,932	260,921
Payment to Suppliers and Employees		(22,403,772)	(22,182,267)
Finance Costs		(207,452)	(12,529)
<b>Net cash provided by Operating Activities</b>	18	<u>3,464,390</u>	<u>1,699,871</u>
<b>Cash Flows from Investing Activities</b>			
Purchase of Property, Equipment and Vehicles		(598,773)	(246,310)
Purchase of Land and Buildings		-	-
Proceeds from sale of fixed assets		-	-
<b>Net cash (used in)/provided by Investing Activities</b>		<u>(598,773)</u>	<u>(246,310)</u>
<b>Cash Flows from Financing Activities</b>			
Repayment of Borrowings		(75,000)	(1,700,000)
Proceeds from Borrowings		-	-
<b>Net cash (used in)/provided by Financing Activities</b>		<u>(75,000)</u>	<u>(1,700,000)</u>
<b>Net Increase/(Decrease) in Cash Held</b>		2,790,617	(246,439)
Cash at Beginning of Year		13,960,723	14,207,162
<b>Cash and Cash Equivalents at the End of the Year</b>	4	<u>16,751,340</u>	<u>13,960,723</u>

The accompanying notes form part of these financial statements.

KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN 21)  
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020

The financial statements are for the Corporation being Not For Profit (RDR) as an individual entity, incorporated under the Corporations (Aboriginal and Torres Strait Islander) Act 2006 and domiciled in Australia. Kimberley Land Council Aboriginal Corporation is a company limited by guarantee.

### Note 1: Summary of Significant Accounting Policies

#### Basis of Preparation

The financial statements are general purpose financial statements that have been prepared in accordance with Australian Accounting Standards – Reduced Disclosure Requirements of the Australian Accounting Standards Board, the *Corporations (Aboriginal and Torres Strait Islander) Act 2006 and the Corporations (Aboriginal and Torres Strait Islander) Regulation 2007*. 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.

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.

#### Accounting Policies

##### a. Revenue

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 revenue is recognised using the effective interest rate method, which for floating rate financial assets is the rate inherent in the instrument. Dividend revenue is recognised when the right to receive a dividend has been established.

Revenue from the rendering of a service is recognised upon the delivery of the service to the customers.

All revenue is stated net of the amount of goods and services tax (GST).

##### b. Inventories

Inventories are measured at the lower of cost and current replacement cost. Inventories held for distribution are measured at cost adjusted, when applicable, for any loss of service potential.

Inventories acquired at no cost, or for nominal consideration, are valued at the current replacement cost as at the date of acquisition.

KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN 21)  
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020

Note 1: Summary of Significant Accounting Policies (Continued)

c. Property, Plant and Equipment

Each class of property, plant and equipment is carried at cost or fair value as indicated, less, where applicable, accumulated depreciation and any impairment losses.

**Initial Recognition**

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the Entity includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads.

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the Entity and the cost of the item can be measured reliably. All other repairs and maintenance are recognised as expenses in the statement of comprehensive income in the period in which they are incurred.

**Revaluation**

When performing a revaluation, the Entity uses a mix of both independent and directors' valuations using the following as a guide:

Revalued assets are carried at their fair value being the price that would be received to sell the asset, in an orderly transaction between market participants at the measurement date (Level 1 inputs in the fair value hierarchy).

With regards to independent valuations of land and buildings, fair value is determined on the basis of observable open market values of similar assets, adjusted for conditions and comparability at their highest and best use (Level 2 inputs in the fair value hierarchy).

With regards to directors' valuation of land and buildings, fair value is determined having regard for current replacement cost and both observable and unobservable costs. These include construction costs based on recent contract prices, current condition (observable Level 2 inputs in the fair value hierarchy), residual values and remaining useful life assessments (unobservable Level 3 inputs in the fair value hierarchy).

Those assets carried at a revalued amount, being their fair value at the date of revaluation less any subsequent accumulated depreciation and accumulated impairment losses, are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

**Land and Buildings**

Land and buildings are shown at their fair value based on periodic valuations by external independent valuers less subsequent depreciation for buildings.

In periods when land and buildings are not subject to an independent valuation, the directors conduct directors' valuations to ensure the carrying amount for the land and buildings is not materially different to the fair value.

Increases in the carrying amount arising on revaluation of land and buildings are recognised in other comprehensive income and accumulated in the revaluation surplus in equity. Revaluation decreases that offset previous increases of the same class of assets shall be recognised in other comprehensive income under the heading of revaluation surplus. All other decreases are charged to the statement of profit or loss.

KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN 21)  
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020

Note 1: Summary of Significant Accounting Policies (Continued)

c. Property, Plant and Equipment (Continued)

Any accumulated depreciation at the date of the revaluation is eliminated against the gross carrying amount of the asset and the net amount is restated to the revalued amount of the asset.

Land and buildings that have been contributed at no cost, or for nominal cost, are valued and recognised at the fair value of the asset at the date it is acquired.

### Plant and Equipment

Plant and equipment are measured on the cost basis less depreciation and impairment losses.

The carrying amount of plant and equipment is reviewed annually by directors to ensure it is not in excess of the recoverable amount from these assets. The recoverable amount is assessed on the basis of the expected net cash flows that will be received from the asset's employment and subsequent disposal. The expected net cash flows have been discounted to their present values in determining recoverable amounts.

Plant and equipment that have been contributed at no cost, or for nominal cost, are valued and recognised at the fair value of the asset at the date it is acquired.

### Depreciation

The depreciable amount of all fixed assets, including buildings and capitalised lease assets, but excluding freehold land, is depreciated on a straight line basis over the asset's useful life to the entity commencing from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful lives of the improvements.

The depreciation rates used for each class of depreciable assets are:

Class of Fixed Asset	Depreciation Rate
Buildings	2.5%
Plant and equipment	10%-40%
Leased plant and equipment	33%

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

Each asset class's carrying amount is written down immediately to its recoverable amount if the class's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains or losses are included in the statement of comprehensive income in the period in which they arise. When revalued assets are sold, amounts included in the revaluation surplus relating to that asset are transferred to retained earnings.

### Capitalisation Threshold

Expenditure on items of equipment under \$10,000 is not capitalised.

KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN 21)  
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020

Note 1: Summary of Significant Accounting Policies (Continued)

d. Leases

Leases of fixed assets, where substantially all the risks and benefits incidental to the ownership of the asset but not the legal ownership are transferred to the entity, are classified as finance leases.

Finance leases are capitalised, recording an asset and a liability equal to the present value of the minimum lease payments, including any guaranteed residual values.

Leased assets are depreciated on a straight-line basis over their estimated useful lives where it is likely that the entity will obtain ownership of the asset. Lease payments are allocated between the reduction of the lease liability and the lease interest expense for the period.

Lease payments for operating leases, where substantially all the risks and benefits remain with the lessor, are charged as expenses on a straight-line basis over the lease term.

Lease incentives under operating leases are recognised as a liability and amortised on a straight-line basis over the life of the lease term.

e. Financial Instruments

**Initial recognition and measurement**

Financial assets and financial liabilities are recognised when the entity becomes a party to the contractual provisions to the instrument. For financial assets, this is the date that the entity commits itself to either the purchase or sale of the asset (ie trade date accounting is adopted).

Financial instruments (except for trade receivables) are initially measured at fair value plus transaction costs, except where the instrument is classified "at fair value through profit or loss", in which case transaction costs are expensed to profit or loss immediately. Where available, quoted prices in an active market are used to determine fair value. In other circumstances, valuation techniques are adopted.

Trade receivables are initially measured at the transaction price if the trade receivables do not contain significant financing component or if the practical expedient was applied as specified in AASB 15: *Revenue from Contracts with Customers*.

**Classification and Subsequent Measurement**

*Financial liabilities*

Financial liabilities are subsequently measured at:

- amortised cost; or
- fair value through profit or loss.

A financial liability is measured at fair value through profit or loss if the financial liability is:

- a contingent consideration of an acquirer in a business combination to which AASB 3: *Business Combinations* applies;
- held for trading; or
- initially designated as at fair value through profit or loss.

All other financial liabilities are subsequently measured at amortised cost using the effective interest method.

The effective interest method is a method of calculating the amortised cost of a debt instrument and of allocating interest expense over its profit or loss over the relevant period.

The effective interest rate is the internal rate of return of the financial asset or liability. That is, it is the rate that exactly discounts the estimated future cash flows through the expected life of the instrument to the net carrying amount at initial recognition.

A financial liability is held for trading if it is:

- incurred for the purpose of repurchasing or repaying in the near term;
- part of a portfolio where there is an actual pattern of short-term profit taking; or
- a derivative financial instrument (except for a derivative that is in a financial guarantee contract or a derivative that is in effective hedging relationships).

## Note 1: Summary of Significant Accounting Policies (Continued)

### e. Financial Instruments (Continued)

#### Classification and Subsequent Measurement (Continued)

Any gains or losses arising on changes in fair value are recognised in profit or loss to the extent that they are not part of a designated hedging relationship.

The change in fair value of the financial liability attributable to changes in the issuer's credit risk is taken to other comprehensive income and is not subsequently reclassified to profit or loss. Instead, it is transferred to retained earnings upon derecognition of the financial liability.

If taking the change in credit risk in other comprehensive income enlarges or creates an accounting mismatch, then these gains or losses should be taken to profit or loss rather than other comprehensive income.

A financial liability cannot be reclassified.

#### *Financial assets*

Financial assets are subsequently measured at:

- amortised cost;
- fair value through other comprehensive income; or
- fair value through profit or loss

Measurement is on the basis of two primary criteria:

- the contractual cash flow characteristics of the financial asset; and
- the business model for managing the financial assets.

A financial asset that meets the following conditions is subsequently measured at amortised cost:

- the financial asset is managed solely to collect contractual cash flows; and
- the contractual terms within the financial asset give rise to cash flows that are solely payments of principal and interest on the principal amount outstanding on specified dates.

#### Derecognition

Derecognition refers to the removal of a previously recognised financial asset or financial liability from the statement of financial position.

#### Derecognition of financial liabilities

A liability is derecognised when it is extinguished (ie when the obligation in the contract is discharged, cancelled or expires). An exchange of an existing financial liability for a new one with substantially modified terms, or a substantial modification to the terms of a financial liability, is treated as an extinguishment of the existing liability and recognition of a new financial liability.

The difference between the carrying amount of the financial liability derecognised and the consideration paid and payable, including any non-cash assets transferred or liabilities assumed, is recognised in profit or loss.

#### Derecognition of financial assets

A financial asset is derecognised when the holder's contractual rights to its cash flows expires, or the asset is transferred in such a way that all the risks and rewards of ownership are substantially transferred.

All the following criteria need to be satisfied for the derecognition of a financial asset:

- the right to receive cash flows from the asset has expired or been transferred;
- all risk and rewards of ownership of the asset have been substantially transferred; and
- the entity no longer controls the asset (ie has no practical ability to make unilateral decision to sell the asset to a third party).

Expected credit losses are the probability-weighted estimate of credit losses over the expected life of a financial instrument. A credit loss is the difference between all contractual cash flows that are due and all cash flows expected to be received, all discounted at the original effective interest rate of the financial instrument.

The entity uses the following approaches to impairment, as applicable under AASB 9:

- the general approach;
- the simplified approach;
- the purchased or originated credit-impaired approach; and
- low credit risk operational simplification.

Note 1: Summary of Significant Accounting Policies (Continued)

e. Financial Instruments (Continued)

**Derecognition (Continued)**

A financial asset is considered to have low credit risk if:

- there is a low risk of default by the borrower;
- the borrower has a strong capacity to meet its contractual cash flow obligations in the near term; and
- adverse changes in economic and business conditions in the longer term, may, but not necessarily, reduce the ability of the borrower to fulfil its contractual cash flow obligations.

A financial asset is not considered to carry low credit risk merely due to existence of collateral, or because a borrower has a lower risk of default than the risk inherent in the financial assets, or relative to the credit risk of the jurisdiction in which it operates.

**Recognition of expected credit losses in financial statements**

At each reporting date, the entity recognises the movement in the loss allowance as an impairment gain or loss in the statement of profit or loss and other comprehensive income.

The carrying amount of financial assets measured at amortised cost includes the loss allowance relating to that asset.

Assets measured at fair value through other comprehensive income are recognised at fair value with changes in fair value recognised in other comprehensive income. The amount in relation to change in credit risk is transferred from other comprehensive income to profit or loss at every reporting period.

For financial assets that are unrecognised (eg loan commitments yet to be drawn, financial guarantees), a provision for loss allowance is created in the statement of financial position to recognise the loss allowance.

f. Impairment of Assets

At the end of each reporting period, the entity reviews the carrying values of its tangible and intangible assets to determine whether there is any indication that those assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, is compared to the asset's carrying value. Any excess of the asset's carrying value over its recoverable amount is expensed to the statement of profit or loss.

Where the future economic benefits of the asset are not primarily dependent upon the asset's ability to generate net cash inflows and when the entity would, if deprived of the asset, replace its remaining future economic benefits, value in use is determined as the depreciated replacement cost of an asset.

Where it is not possible to estimate the recoverable amount of a class of assets, the entity estimates the recoverable amount of the cash-generating unit to which the class of assets belong.

Where an impairment loss on a revalued asset is identified, this is debited against the revaluation surplus in respect of the same class of asset to the extent that the impairment loss does not exceed the amount in the revaluation surplus for that same class of asset.



KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN 21)  
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020

Note 1: Summary of Significant Accounting Policies (Continued)

g. Employee Benefits

**Short-Term Employee Benefits**

Provision is made for the Corporation's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and time off in lieu. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Corporation's obligations for short-term employee benefits such as wages, salaries and time off in lieu are recognised as a part of current provisions in the statement of financial position.

**Other Long-Term Employee Benefits**

Provision is made for employees' long service leave and annual leave entitlements not expected to be settled wholly within 12 months after the end of the annual reporting period in which the employees render the related service. Other long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations or service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur.

The Corporation's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Corporation does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN 21)  
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020

Note 1: Summary of Significant Accounting Policies (Continued)

h. **Cash and Cash Equivalents**

Cash and cash equivalents include cash on hand, deposits held at call with banks, other short-term highly liquid investments with original maturities of three months or less, and bank overdrafts. Bank overdrafts are shown within short-term borrowings in current liabilities on the statement of financial position.

i. **Goods and Services Tax (GST)**

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of expense. The net amount of GST recoverable from, or payable to, the ATO is included as part of receivables or payables in the statement of financial position.

Cash flows are included in the statement of cash flows on a gross basis, except for the GST component of cash flows arising from investing and financing activities which is recoverable from, or payable to, the ATO. The GST component of financing and investing activities which is recoverable from, or payable to, the ATO is classified as a part of operating cash flows. Accordingly, investing and financing cash flows are presented in the statement of cash flows net of the GST that is recoverable from, or payable to, the ATO.

j. **Income Tax**

No provision for income tax has been raised as the entity is exempt from income tax under Div 50 of the *Income Tax Assessment Act 1997*.

k. **Intangibles**

**Software**

Software is recorded at cost. Software has a finite life and is carried at cost less any accumulated amortisation and impairment losses. It has an estimated useful life of between one and three years. It is assessed annually for impairment.

l. **Provisions**

Provisions are recognised when the entity has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured. Provisions recognised represent the best estimate of the amounts required to settle the obligation at the end of the reporting period.

m. **Comparative Figures**

Where required by Accounting Standards, comparative figures have been adjusted to conform with changes in presentation for the current financial year.

When an entity applies an accounting policy retrospectively, makes a retrospective restatement or reclassifies items in its financial statements, a statement of financial position as at the beginning of the earliest comparative period must be disclosed.

n. **Trade and Other Payables**

Trade and other payables represent the liability outstanding at the end of the reporting period for goods and services received by the corporation during the reporting period which remain unpaid. The balance is recognised as a current liability with the amounts normally paid within 30 days of recognition of the liability.

KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN 21)  
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020

Note 1: Summary of Significant Accounting Policies (Continued)

o. **Critical Accounting Estimates and Judgments**

The directors evaluate estimates and judgments incorporated into the financial statements based on historical knowledge and best available current information. Estimates assume a reasonable expectation of future events and are based on current trends and economic data, obtained both externally and within the corporation.

**Key estimates**

*Impairment*

The freehold land and buildings were independently valued between April and June 2015, with the main Gregory Street property independently valued in March 2018. The lot at 9 Gregory Street next to the main building was purchased during the previous financial year with no indication of impairment. The valuations were based on the fair value less cost to sell and market income capitalisation respectively. The critical assumptions adopted in determining the valuation included the location of the land and buildings, the current strong demand for land and buildings in the area and recent sales and rental data for similar properties.

p. **Economic Dependence**

The Entity is dependent on the grants from Government for the majority of its revenue used to operate the business. At the date of this report the Board of Directors believes that adequate funding will continue to enable the entity to continue operations.

q. **New Accounting Standards Applied during the period**

The Entity has implemented three new Accounting Standards that are applicable for the current reporting period have come into effect, which is included in the results.

AASB 15: Revenue from Contracts with Customers, AASB 1058: Income of Not-for-Profit Entities and AASB 16: Leases have been applied using the cumulative effective method; that is, by recognising the cumulative effect of initially applying AASB 15, AASB 1058 and AASB 16 as an adjustment to the opening balance of equity at 1 July 2019.

Therefore, the comparative information has not been restated and continues to be reported under AASB 118: Revenue, and AASB 117: Leases and AASB 1004: Contributions.

KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN 21)  
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020

	2020	2019
	\$	\$
<b>Note 2: Revenue and Other Revenue</b>		
<b>Revenue from Grants</b>		
State and Federal Government and Other Grants	<u>22,871,318</u>	<u>19,693,878</u>
<b>Other Revenue</b>		
Interest Received on Financial Assets	175,932	260,921
Rental Revenue	46,000	38,650
Other Revenue	<u>2,530,310</u>	<u>4,034,186</u>
<b>Total Other Revenue</b>	<u><u>2,752,242</u></u>	<u><u>4,333,757</u></u>
<b>Note 3: Expenses</b>		
<b>Depreciation and Amortisation</b>		
Plant and Equipment	117,608	107,736
Motor Vehicles	86,019	67,327
Buildings	128,494	128,494
Depreciation of Right of Use Assets	<u>472,439</u>	<u>-</u>
	<u><u>804,560</u></u>	<u><u>303,557</u></u>
<b>Finance Costs</b>		
Interest Expenses	1,174	12,529
Lease Interest Expenses	<u>206,278</u>	<u>-</u>
	<u><u>207,452</u></u>	<u><u>12,529</u></u>
<b>Rental Expenses</b>	<u><u>200,597</u></u>	<u><u>909,725</u></u>
<b>Note 4: Cash and Cash Equivalents</b>		
<b>CURRENT</b>		
Cash at Bank - Unrestricted	9,620,768	7,112,517
Cash at Bank - Restricted Unexpended Grants	7,130,572	6,848,206
Cash on Hand	<u>-</u>	<u>-</u>
	<u><u>16,751,340</u></u>	<u><u>13,960,723</u></u>

Cash at Bank - Restricted represents unexpended grants income on hand at the end of the year.

KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN 21)  
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020

	2020	2019
	\$	\$
<b>Note 5: Trade and Other Receivables</b>		
CURRENT		
Trade Receivables	249,645	701,699
Total Current Trade and Other Receivables	<u>249,645</u>	<u>701,699</u>
<b>Note 6: Other Assets</b>		
CURRENT		
Prepayments	390,403	276,890
	<u>390,403</u>	<u>276,890</u>
<b>Note 7: Property, Plant and Equipment</b>		
<b>LAND AND BUILDINGS</b>		
Land		
At Cost	622,531	622,531
Independent Valuation 2015 - level 2	1,960,000	1,960,000
	<u>2,582,531</u>	<u>2,582,531</u>
Buildings		
Independent Valuation 2015 - level 2	1,050,000	1,050,000
Independent Valuation 2018 - level 2	7,352,314	7,352,314
Less Accumulated Depreciation	(1,482,463)	(1,353,969)
	<u>6,919,851</u>	<u>7,048,345</u>
<b>Total Land and Buildings</b>	<u>9,502,382</u>	<u>9,630,876</u>
<b>PLANT AND EQUIPMENT</b>		
At Cost	1,563,373	1,472,720
Less Accumulated Depreciation	(1,314,528)	(1,196,919)
<b>Total Plant and Equipment</b>	<u>248,845</u>	<u>275,801</u>
<b>MOTOR VEHICLES</b>		
At Cost	1,436,600	1,322,005
Less Accumulated Depreciation	(1,167,650)	(1,081,631)
<b>Total Motor Vehicles</b>	<u>268,950</u>	<u>240,374</u>
<b>WORK IN PROGRESS</b>		
Replacement/upgrade servers, Finance system upgrade and Legal System Data:	433,414	59,930
Remote Ranger Base - pending construction and fit out	134,000	113,959
<b>Total Work In Progress</b>	<u>567,414</u>	<u>173,889</u>
<b>Total Property, Plant and Equipment</b>	<u>10,587,591</u>	<u>10,320,940</u>

KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN 21)  
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020

**Note 7: Property, Plant and Equipment (continued)**

The following assets have other 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 2020 work in progress consists of capital expenditure for the purpose of IT Equipment for meetings and the establishment of a remote ranger base for Land and Sea operations.

KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN 21)  
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020

Note 7: Property, Plant and Equipment (Continued)

Movements in Carrying Amounts

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

	Land	Buildings	Total Land and Buildings	Plant and Equipment	Motor Vehicles	Work In Progress	Total
	\$	\$	\$	\$	\$		\$
<b>2019</b>							
Balance at the beginning of the year	2,582,531	7,176,839	9,759,370	368,380	218,917	152,005	10,498,672
Additions at cost	-	-	-	-	72,421	173,889	246,310
Transfer	-	-	-	15,157	16,363	(31,520)	-
Adjustment	-	-	-	-	-	(120,485)	(120,485)
Disposals	-	-	-	-	-	-	-
Impairment	-	-	-	-	-	-	-
Depreciation expense	-	(128,494)	(128,494)	(107,736)	(67,327)	-	(303,557)
Carrying amount at the end of the year	<u>2,582,531</u>	<u>7,048,345</u>	<u>9,630,876</u>	<u>275,801</u>	<u>240,374</u>	<u>173,889</u>	<u>10,320,940</u>
<b>2020</b>							
Balance at the beginning of the year	2,582,531	7,048,345	9,630,876	275,801	240,374	173,889	10,320,940
Additions at cost	-	-	-	30,722	114,596	453,455	598,773
Transfer	-	-	-	59,930	-	(59,930)	-
Adjustment	-	-	-	-	-	-	-
Disposals	-	-	-	-	-	-	-
Impairment	-	-	-	-	-	-	-
Depreciation expense	-	(128,494)	(128,494)	(117,608)	(86,019)	-	(332,121)
Carrying amount at the end of the year	<u>2,582,531</u>	<u>6,919,851</u>	<u>9,502,382</u>	<u>248,845</u>	<u>268,951</u>	<u>567,414</u>	<u>10,587,591</u>

KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN 21)  
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020

**Note 8: Right of use assets**

The Corporation's lease portfolio currently includes motor vehicles and others. This lease runs for a period of 3 years. Previously, this lease was classified as an operating lease under AASB 17.

	2020 \$
<b>Right-of-use assets</b>	
Leased Motor Vehicle and others	1,017,576
Accumulated depreciation	<u>(472,440)</u>
	<u>545,136</u>
Recognised on initial application of AASB 16 (previously classified as operating leases under AASB 117)	
Depreciation expense for the year ended	<u>(472,440)</u>
Net carrying amount	<u>545,136</u>

**Note 9: Lease Liability**

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. The lease liabilities are presented below:

Operating lease commitments disclosed at 30 June 2019	1,523,378
Changes to extension options assumptions & discounting using incremental borrowing rate at date of initial application	<u>(505,802)</u>
Balance at 1 July 2019	<u>1,017,576</u>
Payments	<u>(692,275)</u>
Interest charges during the period	<u>206,278</u>
Balance at 30 June 2020	<u>531,579</u>
Lease liability – Current	<u>413,052</u>
Lease liability – Non-Current	<u>118,527</u>



KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN 21)  
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020

	2020	2019
	\$	\$
<b>Note 10: Trade and Other Payables</b>		
CURRENT		
Trade Payables	147,202	122,690
Other Current Payables	1,801,600	2,710,192
Accrued Salaries and Wages	(6,005)	86,988
	<u>1,942,797</u>	<u>2,919,870</u>

**Note 11: Borrowings**

CURRENT		
Bank Loan Secured	-	-
Total Current Borrowings	<u>-</u>	<u>-</u>
NON-CURRENT		
Bank Loan Secured	-	75,000
Total Non-Current Borrowings	<u>-</u>	<u>75,000</u>
Total Borrowings	<u>-</u>	<u>75,000</u>

The bank debt is secured by a first registered mortgage over the 11 Gregory Street Broome property owned by the Kimberley Land Council as detailed in Note 7.

**Note 12: Provisions**

**Analysis of total provisions**

Current	2,798,536	2,150,601
Non-Current	-	-
Total	<u>2,798,536</u>	<u>2,150,601</u>

	Provision for Annual Leave \$	Provision for Long Service Leave \$	Provision for Other Leave & Backpay \$	Total \$
Opening balance as at 1 July 2019	1,011,894	863,785	274,922	2,150,601
Additional provisions	949,644	345,457	742,573	2,037,674
Amounts used	(827,259)	(188,316)	(374,164)	(1,389,739)
Balance at 30 June 2020	<u>1,134,279</u>	<u>1,020,926</u>	<u>643,331</u>	<u>2,798,536</u>

Other Leave and Backpay - Provisions for Time Off In Lieu and backpay entitlements derived from a new Enterprise Agreement to be administered.

KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN 21)  
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020

Note 12: Provisions (Continued)

Provision for Long-term Employee Benefits

A provision has been recognised for employee entitlements relating to long service leave. The measurement and recognition criteria relating to employee benefits have been included in Note 1.

	2020	2019
	\$	\$

Note 13: Capital and Leasing Commitments  
Operating Lease Commitments

Non-cancellable operating leases contracted for but not capitalised in the financial statements  
Payable – minimum lease payments:

– not later than 12 months	-	619,961
– later than 12 months but not later than five years	-	903,417
Total	-	<u>1,523,378</u>

The motor vehicle lease commitments are non-cancellable operating leases contracted for but not capitalised in the financial statements with a five-year term. Increase in lease commitments may occur in line with the Consumer Price Index (CPI).

Capital Expenditure Commitments

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

Note 14: Events After the Reporting Period

The directors are not aware of any matter or circumstance that has arisen since the end of the year that has significantly affected or may significantly affect the corporation's operations, results and the state of affairs in future financial years.

Note 15: Key Management Personnel Compensation

The totals of remuneration paid to Key Management Personnel (KMP) of the corporation during the year are as follows:

	2020	2019
	\$	\$
Short-term employee benefits	802,543	438,398
Post-employee benefits	-	-
Other long-term benefits	21,713	-
Termination benefits	-	-
Total Key Management Personnel Compensation	<u>824,256</u>	<u>438,398</u>

KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN 21)  
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020

**Note 16: 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.

**Note 17: Financial Risk Management**

The Corporation's financial instruments consist mainly of deposits with banks, local money market instruments, short-term investments, accounts receivable and payable.

The totals for each category of financial instruments, measured in accordance with AASB 139 as detailed in the accounting policies to these financial statements, are as follows:

	Note	2020 \$	2019 \$
<b>Financial Assets</b>			
Cash and Cash Equivalents	4	16,751,340	13,960,723
Current Trade and Other Receivables	5	<u>249,645</u>	<u>701,699</u>
<b>Total Financial Assets</b>		<u><u>17,000,985</u></u>	<u><u>14,662,422</u></u>
<b>Financial Liabilities</b>			
Financial Liabilities at Amortised Cost:			
Trade and Other Payables	10	1,942,797	2,919,870
Borrowings	11	<u>-</u>	<u>75,000</u>
<b>Total Financial Liabilities</b>		<u><u>1,942,797</u></u>	<u><u>2,994,870</u></u>

KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN 21)  
NOTES TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2020

	Note	2020 \$	2019 \$
<b>Note 18: Cash Flow Information</b>			
Reconciliation of Cash Flow from Operations to Operating Surplus			
Operating Surplus/(Deficit)		2,854,057	88,643
Adjustment for non-cash expenses:			
Depreciation		804,560	303,557
Implementation of AASB 16		(472,541)	-
Loss on Revaluation of Assets		-	-
Adjustment for changes in operating assets and liabilities:			
Decrease/(Increase)in Accounts Receivable		452,054	(132,968)
Decrease/(Increase)in Prepayments		(113,513)	(35,389)
Decrease/(Increase) in Right of Usage Assets		(545,037)	-
Increase/(Decrease) in Accounts Payable		(977,073)	282,515
Increase/(Decrease) in Lease Liabilities		531,579	-
Increase/(Decrease) in Provisions		647,937	75,146
Increase/(Decrease) in Unexpended Grants		282,366	1,118,367
Net cash provided by Operating Activities		<u>3,464,389</u>	<u>1,699,871</u>

KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN 21)

DIRECTORS' DECLARATION  
*Corporations (Aboriginal and Torres Strait Islander) Act 2006*  
For the Year Ended 30 June 2020

The directors of the corporation declare that:

- (a) in the directors' opinion, there are reasonable grounds to believe that the corporation will be able to pay its debts when they become due and payable; and
- (b) in the directors' opinion, the financial statements and notes are in accordance with the Regulations, including:
  - (i) compliance with the accounting standards; and
  - (ii) providing a true and fair view of the financial position and performance of the corporation.

This directors' declaration is made in accordance with a resolution of the Board of Directors.

.....  
Director's Signature

.....  
Print Name

.....  
Date

## INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN21)

### Report on the Audit of Financial Report

#### Opinion

We have audited the accompanying financial report of Kimberley Land Council Aboriginal Corporation ("the Corporation"), which comprises the statement of financial position as at 30 June 2020, 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, notes comprising a summary of significant accounting policies and other explanatory information, and the directors' declaration.

In our opinion, the financial report of the Corporation is in accordance with *the Corporations (Aboriginal and Torres Strait Islander) Act 2006*, including:

- i. giving a true and fair view of the Corporation's financial position as at 30 June 2020 and of its performance for the year ended on that date; and
- ii. complying with Australian Accounting Standards – Reduced Disclosure Requirements, the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*, the *Corporations (Aboriginal and Torres Strait Islander) Regulations 2007* and the *Australian Charities and Not-for-profits Commission Act 2012*.

#### Basis of 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 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 audit opinion.

#### Directors' Responsibility for the Financial Report

The Directors of the corporation are responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards – Reduced Disclosure Requirements, the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*, the *Corporations (Aboriginal and Torres Strait Islander) Regulations 2007* and the *Australian Charities and Not-for-profits Commission Act 2012* and for such internal control as the Directors determine is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

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

The Directors are responsible for overseeing the Corporation's financial reporting process.

**INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF  
KIMBERLEY LAND COUNCIL ABORIGINAL CORPORATION (ICN21) (CONTINUED)**

**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.

A further description of our responsibilities for the audit of the financial report is located at the Auditing and Assurance Standards Board website at: [http://www.auasb.gov.au/auditors\\_files/ar3.pdf](http://www.auasb.gov.au/auditors_files/ar3.pdf). This description forms part of our auditor's report.



SHAUN WILLIAMS  
PARTNER



MOORE AUSTRALIA AUDIT (WA)  
CHARTERED ACCOUNTANTS

Signed at Perth this 12<sup>th</sup> day of October 2020.

## Contact Us

Kimberley Land Council  
11 Gregory St, Broome, WA  
(08) 9194 0100 | [www.klc.org.au](http://www.klc.org.au)



**Kimberley Land Council**

**ICN: 21**