

## **APPENDIX VII**

### **Indigenous Land Use and NRM in the Rangelands**

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#### ***Introduction***

#### **Principles**

A large part of Western Australia's rangelands is managed by, or on behalf of Aboriginal people under various forms of Crown land tenure, principally Aboriginal Reserve and pastoral lease. Almost all of the rangelands is also the subject of applications for determination of native title and there are significant areas where native title has already been determined to exist. Both Crown tenure and native title imply significant rights and responsibilities for natural resource management (NRM) on the part of the titleholders.

Aboriginal people have a unique collective experience that derives from their disadvantaged minority status following European settlement. The State's Indigenous population manifests poverty, poor health, high rates of mortality for age and high incarceration rates, amongst many other indicators of significant economic and social disadvantage relative to every other sector of the Western Australian community.

State and Commonwealth Governments have attempted to deal with Indigenous disadvantage in a variety of ways. Over the last thirty years governments have restored land to Aboriginal people and have made grants of land-based enterprises, especially pastoral businesses, to Aboriginal groups. Governments have also recognised on-going Indigenous connection to land and natural resources in a number of other ways, including since the mid nineteenth century by statutory provisions intended to enable access to the natural resources associated with pastoral leases. In more recent times, governments have promoted the development of joint management arrangements for lands in the conservation estate and the facilitation of agreements with other landholders (especially pastoralists) to enhance the access of Aboriginal people to all crown lands.

The rangelands NRM strategy will seek to identify the management and planning needs that arise from Aboriginal people's contemporary ownership or use of the region's natural resources. However, in doing so it recognises that Indigenous people's contemporary land uses, aspirations and legally protected interests derive in large part from pre-colonial patterns of land ownership. Unique knowledge, interests and concerns regarding the use of land and waters are preserved and transmitted within the Indigenous community.

NRM issues will arise in the implementation of the strategy that are not based solely on the ownership or use of the specific lands held by Aboriginal people under the formal tenure system or as recognised by native title determinations. Such issues will also concern contemporary relationships between the Indigenous and non-Indigenous community, the management requirements of land-based industries such as pastoralism and mining and the broader public interest in the protection and enhancement of biodiversity and other values in the landscape.

## **Opportunities**

In the rangelands, particularly in the Kimberley, there are a growing number of community based initiatives in NRM, particularly for the management of wildfire, invasive weeds and feral animals. Such services are essentially of a broad community service character, are most readily and appropriately provided by Indigenous people resident on their traditional lands and could be funded accordingly. There is the opportunity for significant public funds currently disbursed through the Community Development Employment Program to be redirected through Commonwealth – State transfer mechanisms to State land management agencies or community based sub contractors.

These initiatives if fully developed could provide a genuine and important service to the wider Australian community in the management of natural resources and simultaneously offer one of the very few significant opportunities for the creation of meaningful Indigenous employment in remote areas.

The development of the rangelands strategy and associated investment plans provide an opportunity to capitalise upon these initiatives and leverage the funds available under other State and Commonwealth programs to an unprecedented level.

## **Strategy Development, Implementation and Review**

The strategy has begun to tap the representative capacity of common-interest organisations, local government and industry groups in the rangelands, filtering and synthesising community-held knowledge and opinion. Because of the identified need to take account of both traditional and contemporary concerns and interests in the social and cultural as well as economic domain, these matters may best be determined by reference to native title working groups whose makeup reflects traditional responsibility for areas of land and waters and the responsibility for traditional economic and cultural practice in the rangelands. Representative capacity has also been identified and drawn upon within ATSIC Regional Councils and the membership of various Indigenous community service delivery organisations.

## **The Kimberley**

The Kimberley incorporates three ATSIC regions – Kununurra (Wunan), Derby (Malarabah) and Broome (Kullari). Combined these cover an area of 455,592 square kilometres, roughly 18 per cent of the Western Australian land mass. The region shares borders with the Northern Territory and Tanami Desert to the east, the Great Sandy Desert and Pilbara to the south and the Indian Ocean to the west and Timor Sea to the north. It includes four local government areas, the Shires of Broome, Derby West Kimberley, Halls Creek and Wyndham East Kimberley.

## ***Population Characteristics***

The total population of the region in 2001 was numbered by the Census at 40,644, with the Indigenous population being 13,246, or 32.7 per cent of the total. It is notable that, with the exception of Broome and Kununurra, the Aboriginal population comprises a substantial proportion, in many places the majority, of the population. Significant Aboriginal communities are located throughout the region, in places such as One Arm Point (pop. 290), Beagle Bay (277), Bidadanga (481), Djarindjin/Lombardina (188), Bayulu (241), Looma (276), Mowanjum

(280), Yungngora (239), Kundut Djaru (106), Mindibungu (149), Mulan (186), Oombulgurri (186) and Yagga Yagga (70).

As with many regional populations, the Aboriginal population in the Kimberley is very much younger than the non-Aboriginal population in all three ATSIC regions.

## **Cultural groups**

Kimberley Aboriginal people are almost all members of a native title claimant group, or determined native titleholder. However, they do not necessarily identify strongly as such, but might instead more closely identify with a family, town, community or other area. As well as the use of Kimberley Kriol, many different Aboriginal languages are spoken around the region, the main ones probably being Walmajarri, Kija, Jaru and Mirriuwung.

The 2002 Kimberley Sub-regional Overview of Lands Needs (SROLN) however, argued that native title affiliations were probably the 'most efficient and practical self-identifying groups' for the purposes of land needs assessments; *"The native title group identified for the purposes of a claim is the appropriate group to negotiate benefits for its members, among themselves, and with outside parties"*.

## **Land Tenure**

The main forms of land tenure in the Kimberley are pastoral lease, UCL in various pockets and in the south and southeast, and other forms of Crown land, mainly National Parks and other conservation reserves, and Aboriginal reserves. There is minimal freehold land, and this is virtually all confined to town areas (with the exception of a few smaller rural lots).

The SROLN reported that, in the year of the ILC's inception (1995), 25 pastoral leases were held by Aboriginal interests. This amounted to 5,136,711 hectares, or 30 per cent of pastoral land in the region. Since then, the ILC has purchased a further six pastoral leases (Roebuck Plains, Myroodah/ Luluigui, Home Valley, Durack River, and Karunjie) and other titles in the region, the most recent being a freehold property at Udialla in the West Kimberley.

A further 5,032,128 hectares of land in the Kimberley is Aboriginal reserve held by the State Government Aboriginal Lands Trust (ALT). Reserve lands include large tracts in the southeast (Balwinna), north (Forrest River and Kalumburu), north west (Kunmunya and Wotjalum), and on the Dampier Peninsula north of Broome (Beagle Bay, Lombardina and One Arm Point). Various other smaller reserves are located in or adjacent to towns throughout the region. Other Crown lands are held by Aboriginal interests under Special Purpose Leases (SPLs) for living areas. These may be excisions from pastoral leases, reserves or other lands for the purposes of communities or outstations. Other SPLs or freehold titles are held by Aboriginal organisations in towns for commercial purposes.

## **Issues for Management**

The 2002 Kimberley SROLN sought to identify regional issues and recommend measures to guide the future activity of the ILC in the region. The first and overriding recommendation was that a 'regional Aboriginal body dominated by traditional owner representatives but including ILC nominees be delegated to implement a regional land acquisition strategy'. As well as dealing with acquisitions, this body was seen by the SROLN as having the central land management

function, notably co-ordination and distribution, and would progressively assume other functions and responsibilities 'as it demonstrates its capacity to fulfil its assigned roles'.

ILC acquisition and land management assistance should be designed to benefit as many 'traditional owners and other Indigenous people' as possible, and provisions included in grant conditions to ensure compliance with this requirement. In addition, the ILC is seen as having a leadership role in actively engaging '... with other agencies and individuals to assist in the negotiation of the appropriate mix of equipment and services necessary for the traditional owners to benefit from the positive intentions of the ILC's legislation'. This includes dealings with CALM and other agencies, to increase Aboriginal control and management over conservation lands, and 'to facilitate active return to their lands'.

## Broad Issues in the Kimberley Region

Land acquisition	Land Management
<ol style="list-style-type: none"> <li>1. Status of 2002 SROLN in the Kimberley region, which recorded widespread land needs for cultural, social, political and economic reasons</li> <li>2. Need for Kimberley traditional owners to be involved in decisions about land acquisition and land management</li> <li>3. Need for improved access to traditional country for cultural, social and economic reasons</li> <li>4. Equity issues – land for traditional groups without land holdings</li> <li>5. Requirement for updated information on land acquisition needs consistent with current ILC Program streams</li> <li>6. Communications strategy with groups with registered land needs under previous NILS</li> <li>7. Requirement that as many traditional owners as possible derive benefits from properties</li> </ol>	<ol style="list-style-type: none"> <li>1. Capacity of groups to manage lands sustainably and establish land based businesses</li> <li>2. Long-term environmental and economic sustainability of Indigenous held land</li> <li>3. Requirement for support to address land, property and business management</li> <li>4. Capacity building strategies, including business development, governance and strategic development of Aboriginal cattle enterprises.</li> <li>5. Assistance with property management planning</li> </ol>

## The Pilbara

The South Hedland (Ngarda-Ngarli-Yarndu) ATSIC region covers 208,736 square kilometres over eight per cent of the total area of Western Australia. It is bordered by the Indian Ocean in the west, the Western Desert to the east, the Kimberley region to the north, while its southern reaches border the Gascoyne, and Mid-West Regions. It has four local government areas, these being the Shires of Ashburton, Roebourne, East Pilbara and Port Hedland.

Yandeyarra is the largest Aboriginal community in the region, located on proclaimed Aboriginal reserve land.

## Population Characteristics

According to the ILC's IRIS data bank (derived from the 2001 Census), the total population of the South Hedland ATSIC region is 37,565, or 2.5 per cent of the total WA population. The proportion of Aboriginal people in the region is 12.1 per cent, compared with 3.1 per cent for the State as a whole. Other key figures for the region's Aboriginal population are:

- Less than half (49.6 per cent) of the region's Aboriginal population is female;
- 8.1 per cent of the State's Aboriginal population live in the Pilbara;
- Aboriginal women make up 13.6 per cent of the total number of women in the region;

- Aboriginal men make up 10.9 per cent of the total number of men in the total regional male population;
- The East Pilbara (east) area, which includes the town of Newman, has a total population of 3,592, of whom 616 (17.1 per cent) are Aboriginal;
- The area with the smallest proportion of Aboriginal people is Karratha (4.7 per cent), whilst Roebourne 69.5 per cent, Yandeyarra (93.8 per cent) and Marble Bar (49.4 per cent) have very high proportions of Aboriginal people; and
- Port Hedland (18.1 per cent) has a comparatively high proportion of Aboriginal people.

## ***Land Tenure***

Most land in the Pilbara is Crown land, including pastoral and SPLs, UCL, and land reserved for particular purposes, such as Aboriginal reserves, National Parks, road and water reserves. The Pilbara also has a small area of land under freehold title (fee simple), which is almost all in or adjacent to the towns of the region.

Two important features of the land tenure profile of the Pilbara are:

- The large number of native title claims in the region. By 2004, only one native title application had been determined by the Federal Court, this being the Ngarluma Injibarndi claim in the West Pilbara over land and seas in the Shires of Roebourne and Ashburton. Native title applicants have generally focussed on the management of future acts (development applications) in the region, and this has resulted in a large number of resource agreements with developers. These agreements have the potential to bring about significant changes in the socio-economic position of Aboriginal people in the Pilbara.
- The relative absence of freehold land in areas outside the townsites, almost all land in the region being Crown land.

## **Existing Aboriginal Land**

### **Reserve and Other Lands**

Proclaimed Aboriginal Reserves in the Pilbara are over a total area of 484,429.8 hectares and include the relatively large reserves at Yandeyarra (P 31427 and P 31428) and Irrungadji (P 16682) near Nullagine. Eleven non-proclaimed Aboriginal Reserves are in the region, occupying a combined area of 1,251.9 hectares. The largest of these are Pippingarra (near Port Hedland, 899 hectares), Millstream (near Roebourne, 200 hectares), Bloodwood Tree (South Hedland, 60 hectares) and Goodabinya (near Marble Bar, 46 hectares).

The ALT holds other lands within the area, with a total area of 7,055 hectares. These are made up of Pippingarra pastoral lease (near Port Hedland, 64,887 hectares) and a special purpose lease adjoining Pippingarra of 5,565 hectares. A freehold block in Simpson St, Onslow is also held by the ALT.

### **Pastoral Leases**

**Peedamulla:** The lease is held in the name of the Noulla Group, but currently run by the Junderoo Aboriginal Corporation. The lease was purchased in 1975 and is used as a pastoral enterprise, for ceremonial purposes and as a living area for a small number of families

**Mount Welcome:** The lease comprises Mount Welcome, Woodbrook, and Chirrita Stations, with a combined area of 191,120 hectares. The land is held by the Mount Welcome Pastoral Company and Ieramagadu Group Inc. The stations run only a small number of cattle and during the past few years have barely been profitable.

**The 'Strelley properties':** These are made up of five pastoral and former pastoral leases in the north of the region. These are Kangan Station (held in the name of Aboriginal Prospecting Co Pty. Ltd. and occupied by Mugarinya Community Association. 123,488 hectares), Abydos and Woodstock (reserves of 154,102 hectares vested since 1991 in Mumbultjari Aboriginal Corporation, Callawa Station (55,530 hectares, held by Pinga Pty. Ltd. in association with the Strelley Nomads), Strelley Station (75,468 hectares, held by Strelley Pastoral Co.), Lalla Rookh Station (107,917 hectares, held by Strelley Pastoral Co.), and Carlindie Station (65,004 hectares, held by the Strelley Pastoral Co. A small cattle enterprise continues to run from Carlindie station but by and large the properties are not profitable. The Strelley properties also include a number of SPLs including Strelley and Warralong.

## Communities

Bindi Bindi, adjacent to Onslow, located on 3.3 hectare of land held by the ALT;

Cheeditha, near Roebourne, located on a 406 hectare excision from the Mt. Welcome pastoral lease;

Bellary Springs (Innawongka) located on a SPL excision from Rocklea Station between Tom Price and Paraburdo;

Wokathuni near Tom Price, located on a SPL excision from Rocklea Station;

Warralong on Coongan Station, held by Strelley Nomads; and

Youngaleena, a 510 hectare living area SPL, located 20 kilometres west of Munjina, held by the Youngaleena Aboriginal Corporation.

## Service Organisations

Bloodwood Tree Association Inc. holds two freehold town blocks in South and Port Hedland;

Wirrika Maya Health Service holds a SPL in South Hedland;

Port Hedland Regional Aboriginal Corporation (PHRAC), a housing provider which holds either partly or fully a number of freehold residential and commercial lots in Port and South Hedland;

Marwankarra Health Service holds a SPL in Roebourne;

Buurabalayji Thalanyji Association, a land and native title organisation, leases part of the old Gilliamia Hostel in Onslow; and

Pipunya and Goodabinya, freehold title to six lots in Marble Bar for use as community offices.

## Broad Issues in the Pilbara (South Hedland) Region

Land acquisition	Land Management
1. Need for land needs audit to be undertaken in the region consistent with current ILC Program streams.	1. Capacity of groups to manage lands sustainably and establish land based businesses
2. Development of partnerships between ILC, ATSIC, PNTS and other appropriate bodies	2. Long-term environmental and economic sustainability of Indigenous held land
3. Need for improved access to traditional country for cultural, social and economic reasons	3. Requirement for support to address land, property and business management
4. Need for people with historical and current connections to gain tenure for social and economic purposes	4. Capacity building strategies, including business development, and governance
5. Equity issues – land for traditional groups without land holdings	5. Need and desire to establish partnership with government agencies and industry
6. Communications strategy with groups with registered land needs under previous NILS	6. Assistance with property management planning
7. Low socio-economic status of Indigenous population	

## Yamatji

The Yamatji region (Geraldton ATSIC area) covers approximately 384,000 square kilometres, which is nearly one-fifth of the total land area of Western Australia. The region stretches from Exmouth in the north, along the coast as far south as Leeman, east to Sandstone and north as far as the Upper Gascoyne. It includes two administrative regions of the Mid-West and Gascoyne and a number of Local Government Areas.

### *Population Characteristics*

According to the IRIS data set (derived from the 2001 Census and based on ATSIC areas), the total population of the Yamatji region is 63,004 (see Table One), or 3.4 per cent of the total State population. The proportion of Aboriginal people in the region is 8.8 per cent, compared with 3.1 per cent for the State as a whole. Seventy-six per cent of the region's population is concentrated into the small areas of Geraldton, Greenough, Carnarvon and the Northern Agricultural. Similarly, nearly 71 per cent of the region's Aboriginal population lives in these four areas.

Other key data on the region's Aboriginal population include:

- Over half (51.5 per cent) of the region's Aboriginal population is female;
- 9.4 per cent of the State's Aboriginal population lives in the Yamatji area;
- High proportions of Aboriginal people live in Meekatharra (38 per cent of the total population), Meekatharra South, including Cue (40 per cent), Mullewa (32 per cent), Carnegie South (16.9 per cent) and Carnarvon (16 per cent).
- Geraldton City (9.3 per cent), and Shark Bay (8.7 per cent) have significant proportions of Aboriginal people, whilst the southern part of the Mid-West in particular the Northern Agricultural (4.6 per cent) and Greenough (5.2 per cent), have smaller proportions of Aboriginal residents within their total population.

## ***Land Tenure***

### **Agricultural Freehold**

To the south and south west of the region, from the southern regional boundary to Northampton and the coast north of Geraldton, the main land tenure is agricultural freehold. Most of this land was previously pastoral lease, broken into smaller freehold farms during the first part of the 20<sup>th</sup> Century. Under the provisions of the *Native Title Act 1993*, native title on such tenures is likely to have been extinguished by the grant of freehold title.

### **Leasehold Land**

In the remainder of the region from the coast to the hinterland around Meekatharra, Mt. Magnet and further east to Sandstone, the prevailing land tenure is pastoral lease. The region has approximately 200 pastoral leases, the majority of which are owner occupied and managed. Many of the leases contain a reservation under section 106 of the *Land Administration Act* that guarantees Indigenous access to unimproved and unenclosed land within pastoral leases for ceremonial or traditional purposes.

The region also has numerous SPLs; most of them small in area and granted for a range of uses, from horticultural to recreational, light industrial or residential.

### **Crown Reserves**

A number of crown reserves are within the area, mainly National Parks and other conservation reserves, Aboriginal reserve and other forms of reserve such as town, water and road reserves, as well as stock routes. The main National Parks are Kalbarri, Cape Range and Mt Augustus, whilst marine parks exist at Shark Bay and Ningaloo. Aboriginal reserve land does not make up a large area in the region, as most are small reserves close to townships. The only substantial area of Aboriginal reserve is Wilgie Mia near Cue.

### **Mineral Tenements**

Many mineral tenements, including mining leases and exploration licenses, are currently extant in the region, particularly in the eastern part around Mt. Magnet, Meekatharra and Cue. This area has long been one of intense prospectivity, and gold and other mines have existed since the late years of the 19<sup>th</sup> Century.

### **Unallocated Crown Land**

The region includes a number of parcels of UCL, although not in the same volume as some other parts of the State. These include substantial tracts of land east of Kalbarri, north of Carnarvon, and adjacent to the Cape Range National Park, as well as in the east of the region adjacent to Meekatharra, and immediately to the south of Cue.

## Indigenous Land and Title

### Native Title

Most of the land area and waterways (and some of the sea) of the region is subject to applications for determination of native title under the terms of the *Native Title Act 1993*. The Yamatji Land and Sea Council (Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation), based in Geraldton, is the Native Title Representative Body for the region and represents all native title claimant groups with the exception of four. Key native title claims in the area are:

**Badimia:** in the east Murchison over land around Mt. Magnet. Sheep grazing, mining and tourism are the main industries in the area. There is one station owned by an Indigenous organisation (Ninghan, purchased by ATSIC, held by Pindiddy Aboriginal Corporation): Wanarie was purchased by the ILC in 2000 but is yet to be divested;

**Gnulli:** a large claim in the Gascoyne incorporating members of the Baiyungu, Mandi and Ingarrda groups. Most members of the group live in and around Carnarvon. The ILC has purchased two properties in or partially within the claim area: Cardabia (divested to Baiyungu Aboriginal Corporation) and Edmund stations. The latter overlaps into the Thudgari claim area and is also of significance to the Gnulli group. Towrana and Gilroyd (both to the south of Carnarvon) stations were purchased as joint properties by ATSIC, although the latter is within the Malgana claim area. The lease to these properties is held by the Mungullah Aboriginal Corporation based in Carnarvon.

**Malgana Shark Bay:** takes in the coast, including the Shark Bay area and the pastoral hinterland. Members of the claim group live in Denham, Carnarvon and Perth. Denham members are involved in the fishing and tourism industries in the region. The ILC has purchased one light industrial property in Denham, and one in Carnarvon, Farwest Scallops, both divested to the Yamatji Wirriya Aboriginal Corporation, made up of Malgana members predominantly living in Carnarvon.

**Naaguja and Hutt River:** have some common members and share interests in some of the same lands, particularly around Northampton, the Bowes River and Horrocks areas. The claims include the coastal strip north of Geraldton, inland to Northampton and almost to Mullewa.

**Nanda:** covers land in the central coastal region including Kalbarri, and the hinterland of the Murchison, extending north to the Malgana claim. The ILC divested Mount View Station in 2003. A previous attempt to purchase Murchison House Station by the ILC was unsuccessful. The only other land held by members of the group is the living area at Barrel Well, recently transferred from the ALT to the Barrel Well Aboriginal Corporation.

**Thudgari:** in the northern part of the Gascoyne covering a number of stations including Maroonah, Williambury, Lyndon, Middalya, Linden, Lyons River, Glenflorrie, Ullawarra, part of Edmund, and the Barlee Range Nature Reserve. Many of the Thudgari claimants live in Carnarvon, with others in Perth and Port Hedland.

**Wajarri Elders:** covers a large area in the central Yamatji region, including Mullewa in the west, Cue in the east, Yalgoo, and Burrengurah community in the north. Although members of the group share a common identity as Wajarri people and co-operate in relation to native title claim matters, they identify a number of smaller area specific sub-groups, each of which express their own land aspirations. These are the Nganunga Ngurra Aboriginal Corporation (western), the Pia

Wajarri group (between Mullewa and Yalgoo), the Cue Group (Thoo Thoo Warninha) and the Burrengurah group).

## **Existing Indigenous Land**

**Ullawarra Station** (268,333 hectares, 163,177 hectares, (Winjar AC), purchased 1987). The property is managed as a pastoral lease by the Winjar Aboriginal Corporation, representing members of the Mitchell and associated family groups.

**Towrana/ Gilroyd P/L** (201,257 hectares (Mungullah AC), purchased 1993). The properties are held by the Mungullah Aboriginal Corporation in Carnarvon, but used by the Woodgiemia Aboriginal Corporation, which administers a CDEP in Carnarvon. Five or six people work at the lease on CDEP

**Bellele/ Buttah P/L** (427,385 hectares (Bundundea AC), purchased 1996). Members of the Ngoonooru Wadjari claimant group are involved in the management of Bellele and Buttah as pastoral properties through the Bundundea Aboriginal Corporation.

**Cogla Downs P/L** (199,478 hectares (Yulella Fabrications AC), purchased 1994). Yulella Fabrications administers a CDEP in Meekatharra, and runs Cogla Downs for training and economic development purposes.

**Ninghan P/L** (206,787 hectares (Pindiddy AC), purchased 1993). Pindiddy Aboriginal Corporation holds the lease to the property on behalf of members of the Bell and associated family groups. The property is run as a pastoral venture, with some involvement in tourism through station stay accommodation and camping.

Other Indigenous pastoral properties are:

- Cardabia P/L – 199,876 Ha (Baiyungu AC), purchased 1997.
- Edmund P/L – (ILC for Gnulli Committee), purchased 1999).
- Mulgul P/L – (ILC for Nganawongka Wadjari Ngarla group), purchased 1998.
- Wanarie P/L – (ILC for Badimia group), purchased 2000
- Mt. View P/L – (ILC for Barrel Well Nanda AC), purchased 2001.

All of these were purchased by the ILC on behalf of groups claiming native title interests in the properties.

Other lands are held by the ALT, mostly as “C” Class Reserves in or adjacent to the towns in the region. Eight reserves are proclaimed “A” Class Reserves, whilst the ALT also holds a number of freehold blocks. Two small blocks are freehold as part of the AAPA heritage estate. Many of these ALT reserves are vested in Aboriginal Corporations, and are subject to the State Government policy of transferring titles to appropriate Indigenous interests. Their current uses are mainly for community purposes and include community offices and services, such as quarters for CDEP programs.

A number of larger reserves are held by Aboriginal Corporations, including Pia Wadjari Aboriginal Corporation and the Burrengurah Aboriginal Corporation. The proclaimed reserve at Wilgie Mia continues is held by the ALT, and is an area of high cultural significance both for those in the immediate vicinity and for groups further afield, as the land contains significant

ochre deposits that have been exploited widely, both before and since colonisation. Some ALT properties in the south of the region are leased to private individuals.

The existing Indigenous pastoral holdings are vested in Aboriginal Corporations and function primarily as pastoral enterprises or to support employment and training ventures through a CDEP. A widely held view amongst interested Yamatjis is that each of the properties faces considerable difficulties in running profitably, partly due to the marginal nature of the land for pastoral purposes, as well as run down property infrastructure on many of the properties, and the current general economic malaise of the pastoral industry in the region.

## ***Issues for Management***

The level of ILC activity in the region reflects a high level of Yamatji interest in acquiring land. Six properties have been purchased and divested to title holding bodies representative of those with a traditional or historical connection to the area of purchase (Cardabia P/L, Denham LIA block, Farwest Scallops, Carnarvon, Mt. View P/L, and Mulgul P/L). Two others (Edmund P/L and Wanarie P/L) have been purchased and are held by the ILC, pending establishment and divestment to title holding bodies.

Between 2001 and 2003 the ILC funded a pilot land use strategy covering the Yamatji area as well as the Pilbara. The Southern Rangelands Indigenous Land Use Strategy (SRILUS) established a partnership arrangement with the Central Agricultural and Pastoral Aboriginal Corporation (CAPAC) to support structural adjustment activities on participating Indigenous properties.

The Yamatji SROLN was prepared by the Yamatji Land and Sea Council in 2001, before the introduction of the current National Indigenous Land Strategy and program streams. Nevertheless, the findings of the SROLN and the priorities identified remain relevant even though they are not expressed in accordance with the 2003 NILS.

The SROLN was the result of detailed consultations with eleven native title groups, most of which participated in a planning process resulting in the completion and adoption of group LAASs (Land Acquisition and Access Strategies). Other Aboriginal community groups also participated in the SROLN ranging from family groups intending to apply for land or lodge native title applications, to service groups operating in the area of CDEP, economic development, health, substance and alcohol abuse, community services, community development and housing.

Most groups were also keenly aware of the problems and pitfalls in managing the land in a manner that is both viable and sustainable, and delivers economic benefits to members of the group. Recent land purchases in the region have had their difficulties. The lack of an established economic base by Aboriginal leaseholders, coupled with uneconomic status of wool, and the need for significant capital investment in station infrastructure, has resulted in most of the properties being uneconomic. Groups wishing to acquire land are concerned that they have sufficient support to effectively manage land, with a view to eventually achieving economic self-sufficiency.

The main recommendation of the Yamatji SROLN was that the ILC facilitate a regional land strategy in conjunction with the Yamatji Land and Sea Council, ATSIC and other key State Government agencies including the Departments of Premier and Cabinet, Training and

Employment, CALM, the Aboriginal Lands Trust, Agriculture and the Midwest and Gascoyne Development Commissions.

The SROLN recommended that the main objective of the ILC should be to increase the Indigenous estate in the region by responding appropriately to the stated land needs of each group. In doing so, it needs to focus on properties with economic potential, or to structure purchases in a way that maximizes economic potential.

Whilst all groups wanted land in their traditional country so they could maintain their cultural heritage, they were equally keen to derive long-term economic benefits for themselves and their communities. The SROLN found evidence that many of the region's pastoral properties are not viable as pastoral enterprises on a stand-alone basis and require amalgamation to increase carrying capacity and thus compete effectively in the pastoral market.

The SROLN recommended that the ILC should adopt a number of principles to underwrite future land purchases. These included:

- prompt responses to registered land needs;
- purchases should aim to promote economic self-sufficiency;
- facilitating the settlement of native title claims by agreement;
- setting priorities based on need;
- adding value to current holdings; and
- continuing support for property development and management.

ILC property purchases in the region also need to take account of:

### The Need for a Relationship

An on-going consultation program is necessary both with groups that have previously completed a Land Acquisition and Access Strategy (LAAS), and other groups, including town dwellers and service organizations. The ILC needs to develop long-term relationships with Yamatji groups throughout the region.

### Equity

Equity in the allocation of ILC assistance between Yamatji groups with land needs.

### Divestment and Property Management

The potential for prompt divestment to a title holding body should be considered at an early stage of the purchase process, and agreement reached on a title holding and management structure before a purchase is finalized. This means that groups should consider the realities of land management, in particular the feasibility and sustainability of organizational structures set up to manage purchased properties.

Main regional and local development issues to be considered include:

- Re-structuring the pastoral land base through property amalgamations, removal of properties from the pastoral estate, encouragement of the beef industry, and diversification of pastoral industries;

- Expansion of the conservation estate for the protection of the natural environment.
- Growing markets in eco-tourism and cultural tourism.
- Participation in other regional industries including mining, agriculture and wool production, retail and commerce, fishing, and building and construction.

## Support for Land Management

Support for land management requires the involvement of ATSIC and State Government agencies with responsibility for land management and land administration.

## Capacity Building

Access to appropriate training and education on land, property and business management will be fundamental to the effectiveness of a Yamatji Land Strategy.

## Broad Issues in the Yamatji Region

Land acquisition	Land Management
1. Status of 2001 SROLN in Yamatji region	1. Capacity of groups to manage lands sustainably and establish land based businesses
2. Development of partnerships with other bodies including YLSC, ATSIC, CALM	2. Long-term environmental and economic sustainability of Indigenous held land
3. Need for improved access to traditional country for traditional, social and economic reasons	3. Requirement for support to address land, property and business management
4. Need for Yamatjis with historical connection to get title to lands	4. Capacity building strategies, including business development, and governance.
5. Equity issues – land for traditional groups without land holdings	5. Assistance with property management planning
6. Requirement for updated information on land acquisition needs consistent with current ILC Program streams	
7. Communications strategy with groups with registered land needs under previous NILS	
8. Low socio-economic status of Indigenous population	

## *The Western Desert*

The Western Desert Region (Warburton ATSIC Region) covers an area of 963,062 square kilometres, about 38 per cent of the total Western Australian land area. It is a land-locked region stretching from the Northern Territory and South Australian borders in the east, to Meekatharra and Newman in the west; from just south of the Trans-Australian railway in the south to the Kimberley region in the north. Four local government areas are within the region, the Shire of Ngaanytjarraku, based in Warburton, the Shire of Wiluna, the Shire of East Pilbara based in Newman and the Shire of Meekatharra.

The ATSIC Regional Council is divided into three wards:

- Warburton ward (Ngaanyatjarra people);
- Western Desert ward (Martu people); and
- Cundelee ward (Spinifex people).

## **Population Characteristics**

The total population of the region was 8,228, of which 2,813 (34.2 per cent) was Aboriginal. The non-Aboriginal population is concentrated in the towns of Newman and Wiluna, which between them had over 90 per cent of the non-Aboriginal population. The other areas including the Great Victoria Desert, Jigalong, Ngaanyatjarraku and Warburton had significant majority Aboriginal populations.

## **Cultural Groups**

Western Desert Regional council wards reflect the main groups in the region – Ngaanyatjarra, Martu and Spinifex; culturally distinct but each closely related to the other groups. Each of the groups has their own communities and community organisations operating out of the main population centres, Warburton (Ngaanyatjarra), Jigalong (Martu) and Tjuntjuntjarra (Spinifex).

The towns of Newman (just inside the ATSI region) and Wiluna have significant numbers of Aboriginal residents, although the population tends to be very mobile, moving between other communities and visiting regional towns – Newman, Wiluna, Kalgoorlie, and Meekatharra – to visit family or access services.

## **Land Tenure**

The main forms of land tenure in the region are UCL, Aboriginal Reserve, National Parks and other conservation reserves, and some pastoral lease. Some of the communities are on SPL excisions, or Aboriginal reserves.

## **Existing Aboriginal Land**

Aboriginal land in the region is predominantly Aboriginal reserve, mostly vested in Aboriginal corporations and community councils, which effectively manage the land on a day-to-day basis. However, title to the land continues to be held by the State.

Four pastoral leases are held by Aboriginal interests in the western part of the region; Windida (Nganganawilli), Mt Divide (Irrungadji Group), Walgun / Billinooka and Robertson Range (Jigalong Community).

## Main ALT lands in Warburton ATSIC region

Status	Name	Area (ha)	Lessee or vesting
Proclaimed Aboriginal Reserve (PAR)	Irrungadji	253	Irrungadji
PAR	Central Australia	3,884,482	Ngaanyatjarra
AR	Sixty-one	1,838	Jigalong
PAR	Kiwirrkurra	532,400	Ngaanyatjarra
PAR	Maruwa	62,200	Ngaanyatjarra
PAR	Jigalong	257,830	Jigalong
P/L	Walagunya	174,811	Jigalong
SPL	Ngaanyatjarra	2,882,900	Ngaanyatjarra
AR	Nganganawilli	404	
PAR	Central Reserve	7,979,714	Ngaanyatjarra
PAR	Cosmo Newberry Reserves (4)	Combined area 868,264	Cosmo Newberry AC (part)
PAR	Cundelee	113,331	Upurl Upurlila Ngurratji
PAR	Cutter Back Hill	4,143	Ngaanyatjarra
AR	Coonana	7,859	Upurl Upurlila Ngurratji
PAR	Tjurrkali	80,000	Ngaanyatjarra
PAR	Kurlkuta	115,000	Ngaanyatjarra
PAR	Yupuparra	174,000	Ngaanyatjarra
SPL	Ngaanyatjarra	2,574,609	Ngaanyatjarra

One pastoral lease purchased by the ILC (Mulgul) is held in the western extreme of the region by Nganawongka Wadjari and Ngarla (NWN) native title holders. There has not however been a great deal of ILC purchase activity in the region, partly because of the prevailing land tenures (UCL and Aboriginal reserve) and their amenability to claims under the *Native Title Act 1993*.

### ***Issues for Management***

The Ngaanyatjarra Land Management Unit (LMU) works to achieve conservation, resource management, cultural maintenance and recreational interpretation outcomes with Ngaanyatjarra people. Central to this is raising awareness of land management issues integrated with Ngaanyatjarra life, and fostering an increased capacity for Ngaanyatjarra people to be proactive in making decisions on land use impacts, internal and external.

The land situation in the region differs from other regions in Western Australia in that a significant proportion of the land area is either UCL, Aboriginal reserve or National Park, and a relatively small proportion is under pastoral lease. Thus, much of the land is amenable to claims under the *Native Title Act*, and determinations already achieved have suggested that the resulting land titles may be quite secure. Similarly, although Aboriginal reserve lands remain the property of the Crown, they are in many cases vested in Aboriginal organisations and are thus nominally under Aboriginal control.

A number of broad land issues are current throughout the Western Desert communities. These include:

- The need to obtain secure tenure to traditional lands. There are large areas of Aboriginal reserve within the region and, although management is mostly vested with Aboriginal organisations, the land is still held by the Crown. The bulk of the region has been subject to native title claims, and there have been four consent determinations that have recognised the full beneficial ownership of the titleholders (Martu, Spinifex people, Kiwirrkur, Tjurabalan). However, it is still unclear what the practical results of such determinations is, particularly as they relate to statutory titles.
- There remains a need for land acquisition throughout the region, in some cases for the establishment of homelands, in others for economic development by the establishment of pastoral enterprises. A comprehensive audit of land needs is still to be undertaken in the region.
- Management of the existing estate for the cultural, social and economic advancement of the residents is of central importance to the residents. A number of land management projects operate with the assistance of community based organisations such as Ngaanyatjarra Council and Western Desert Puntukurnuparna Aboriginal Corporation (WDPAC).
- Martu traditional owners have sought to establish partnership with industry, notably mining companies, and conservation bodies (CALM) to improve the economic potential of the region for the benefit of the traditional owners.

## Broad Issues in the Western Desert Region

Land acquisition	Land Management
8. Need for land needs audit to be undertaken in the region consistent with current ILC Program streams. No SROLN has yet been undertaken.	7. Capacity of groups to manage lands sustainably and establish land based businesses
9. Need for improved access to traditional country for cultural, social and economic reasons	8. Long-term environmental and economic sustainability of Indigenous held land
10. Equity issues – land for traditional groups without land holdings	9. Requirement for support to address land, property and business management
11. Communications strategy with groups with registered land needs under previous NILS	10. Capacity building strategies, including business development, and governance
12. Low socio-economic status of Indigenous population	11. Need and desire to establish partnership with government agencies and industry
	12. Assistance with property management planning

Source : Indigenous Land Corporation Regional Profiles for the Kimberley, Pilbara, Yamatji, Western Desert, and Goldfields ATSIC regions.