



NORTHERN
LAND COUNCIL

Northern Edition

LAND RIGHTS NEWS

Our Land, Our Sea, Our Life

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HISTORY MADE AS JABIRU NATIVE TITLE RIGHTS FINALLY RECOGNISED



Blue Mud Bay:
Permit waiver extended – p.4



High Court in Darwin:
Timber Creek compensation – p.6





A WORD FROM THE CHAIR

Dodson pay tribute to Joe Morrison on the following page.

I would also like to acknowledge the hard work of Chief Financial Officer Joe Valenti, who departs the NLC at the end of the year, but will remain branch manager (working remotely) until March 2019, and Policy and Communications Manager Murray McLaughlin, who finished up in early December. Joe Valenti has given sterling service, introducing new governance and management systems and he leaves the NLC in a much better shape than when he started. Joe leaves us for greener pastures in New Zealand. Murray McLaughlin joined the NLC in October 2013 as a media officer, after a long career as a journalist with the Australian Broadcasting Corporation. He was appointed manager of the Executive Branch in October 2016. A man of great integrity, the NLC was lucky to benefit from his expertise, guidance and immense high-level political and media experience. He was a true believer in the work of the NLC and its role advocating on behalf of Aboriginal people in our region. He leaves behind big shoes to fill.

It is always good to see outstanding land claims and native title claims being progressed and the last few months have seen two major native title claims resolved: Larrimah and Jabiru. It is a proud and celebratory time for Traditional Owners after decades of struggle, yet I felt sadness too reflecting on the old people we have lost waiting for justice. In Jabiru, I attended a special on-country hearing recognising the Mirarr people as the native title holders. Lead claimant, Yvonne Margarula, first lodged the claim with the National Native Title Tribunal in 1997 and it was filed with the Federal Court in 1998. 20 years on, her long fight for her people is a legacy she carries on from her late father, Mr Gangale. For the Wubalawun group, who now hold native title over Larrimah, it has been an 18-year wait to achieve this final piece of the puzzle, a significant day, and I know they have some big plans for Larrimah.

The highest court in Australia sat in Darwin in September to hear the Timber Creek compensation case. The decision is the first judicial consideration

economic importance to its Traditional Owners. A long overdue measure of justice is finally being provided by this Bill.”

The Senate approval is a final step towards the resolution of four land claims: Ngombur, Alligator Rivers Area III (Gimbat and Goodparla), Kakadu (Jim Jim) Area and the Kakadu Region Repeat Claim. Some of the claims date back to 1978.

“This means that some 39 years after the first stage of Kakadu National Park was declared (5 April 1979) the whole of the Park will finally become Aboriginal land and be jointly managed as originally envisaged,” Mr Morrison said.

“The Park is a World Heritage area under the World Heritage Convention, recognised as parts of Australia’s National Heritage and includes wetlands of international importance under the RAMSAR convention.”

The Bill also adds areas in the town of Urupunga that are subject to the Township of Urupunga Indigenous Land Use Agreement (Urupunga

of the principles for the calculation of compensation for the extinguishment and impairment of native title. I acknowledge our legal team led by Principal Legal Officer Michael O’Donnell for the hard work that went into the High Court appeal. We are now in the hands of the Court and it could be many months before there is a result.

The NLC was pleased to see the amendment to the Land Rights Act passed through the Senate on 26 November 2018. The Aboriginal Land Rights (Northern Territory) Amendment Bill 2017 allows areas of Kakadu to be granted as Aboriginal land, resolving outstanding land claims, and provides for the leaseback of the Kakadu Land to the Director of National Parks. The Bill also adds areas in the town of Urupunga to the schedule of Aboriginal land and settles long-standing claims over a stock route and bore reserves on Anthony Lagoon Station. A long overdue measure of justice is finally being provided by this Bill.

The Executive Council and Sea Country Working Group agreed in December to a 6-month extension of the permit waiver for access to tidal waters over Aboriginal land. We now have the important job of negotiating with the Northern Territory Government, the NT Seafood Council and the Amateur Fishermen’s Association of the Northern Territory to recognise Indigenous interests in Sea Country. Meanwhile, work on the new permit system is continuing and we look forward to seeing the first phase of the system rolled out in the New Year.

The Full Council will meet in May 2019, the last meeting of the current members before the nomination process begins and elections take place in November 2019.

Finally I would like to wish our constituents a safe and happy Christmas period. Please take care and I look forward to seeing you all in 2019.

Samuel Bush-Blanasi
Chairman

Land) to the schedule of Aboriginal land. The township of Urupunga was created in 1885. Lots in the town were not sold and the town failed to develop. Surrounding areas have been recognised as Aboriginal land. The town was the subject of a native title determination in 2001 and an agreement was reached in 2005 with the Northern Territory Government to provide for land within the town to become Aboriginal land. In exchange, security of tenure was provided to a local business.

The Bill also settles long standing claims over a stock route and bore reserves on Anthony Lagoon Station (NT Portion 5010) which were unalienated Crown land by the recognition of an area of land for a community living area within the boundaries of the pastoral lease. This Bill provides secure tenure for Traditional Owners over a small portion of their country and is by agreement with the pastoralist and the NTG.

The Bill must now be agreed to by the House of Representatives before it is presented to the Governor-General for assent.

FAREWELL NLC CEO JOE MORRISON

By Senator Patrick Dodson

The two largest Land Councils of the Northern Territory are influential organisations, as important to First Nations’ people as they are to the future of the Northern Territory.

Their role and function is critical in representing the interests of the traditional landowners under the provisions of the Northern Territory Land Rights Act. The traditional Owners have been well served in recent years by the calibre and quality of the two men who have most recently served in those roles. Joe Morrison from the Northern land Council has left before he chose to leave, which must be a personal and organisational challenge. David Ross has chosen to retire on his own terms after many years of service. Both of these men will be missed.

Joe Morrison took up his duties as CEO in February 2014. He had been the founding CEO of the North Australian Indigenous Land and Sea Management Alliance Ltd (NAILSMA). Joe was very influential in gaining recognition and credibility for First Nations’ land owners and their economic and cultural values. Through the work of



Senator Patrick Dodson

NAILSMA, the existence of the large property estate held in the North by First Nations’ peoples started to be given both environmental and economic leverage. A great example has been the work done to capture carbon emissions through traditional practices. Looking after country, and building a rural and remote economy, sat side by side.

Joe came to the NLC at a time when this duality was not widely accepted in the broader Territory community. There has been a persistent argument that First Nations’ land tenure (both Land Rights country and native title) have been blocking economic development despite the numerous consents to leases, licenses and approvals with developers and other third party interests. It’s an argument which both Joe Morrison and David Ross have worked to rebut in the media and public speaking engagements but which will continue to spark debate into the future.

David Ross had a much longer tenure at the Central Land Council, and brought to his role the calm and unflappable persona of the bricklayer focused on the job in front of him, not being distracted by whatever the current flap going on around him. I was Director of the CLC after David and others had contributed to the governance restructure of the Land Council that made my appointment possible. He eventually replaced me in that role after spending time in Adelaide to build his qualifications and skills.

Rossie built the economic, political and cultural credibility of the CLC to a point where in the southern regions of the Northern Territory, at least the Land council was regarded as a key player in the economic and social development of the region whilst upholding the cultural values of the Traditional Owners. This was important and sustainable work. On a personal note, his advice to me has always been valued and important, even giving me advice, and good advice at that, on going into the Senate.

In coming months if an election does not intervene, I will be sitting on a Senate committee that will be looking into the economic development of North Australia. The Joint Standing



Former NLC CEO Joe Morrison

Farewell Chief Financial Officer, Joe Valenti

The NLC is saddened to announce the departure of Chief Financial Officer Joe Valenti. Joe joined the NLC in November 2015 and has made an enormous contribution to the NLC at a critical time of reform, stabilisation and planning for growth. Joe has given sterling service, introducing new governance and management systems and he leaves the NLC in a much better shape than when he started. We are now in a much stronger position, financially, and governance and compliance-wise. Joe leaves the NLC for New Zealand and will remain branch manager working remotely until March 2019.

Committee on Northern Australia will be holding an Inquiry into the Opportunities and Challenges of the Engagement of Traditional Owners in the Economic Development of Northern Australia. Regardless of the timing of an election, the Committee is accepting submissions now. You can see more at https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Northern_Australia

It has been the work of the Land Councils of the Northern Territory, under the leadership of the many bosses in traditional law who have guided their work, that has allowed the issues of economic development and traditional land ownership to co-exist, side by side. Until these two domains are recognised as complementary and valued equally, the North of Australia will continue to stop short of its full destiny.

Leaders like David Ross and Joe Morrison have shown us the right path, pointed to the road ahead and encouraged all of us to follow their lead. In my view they will be sorely missed, and I thank them for their advice, friendship and guidance and I wish them both well.

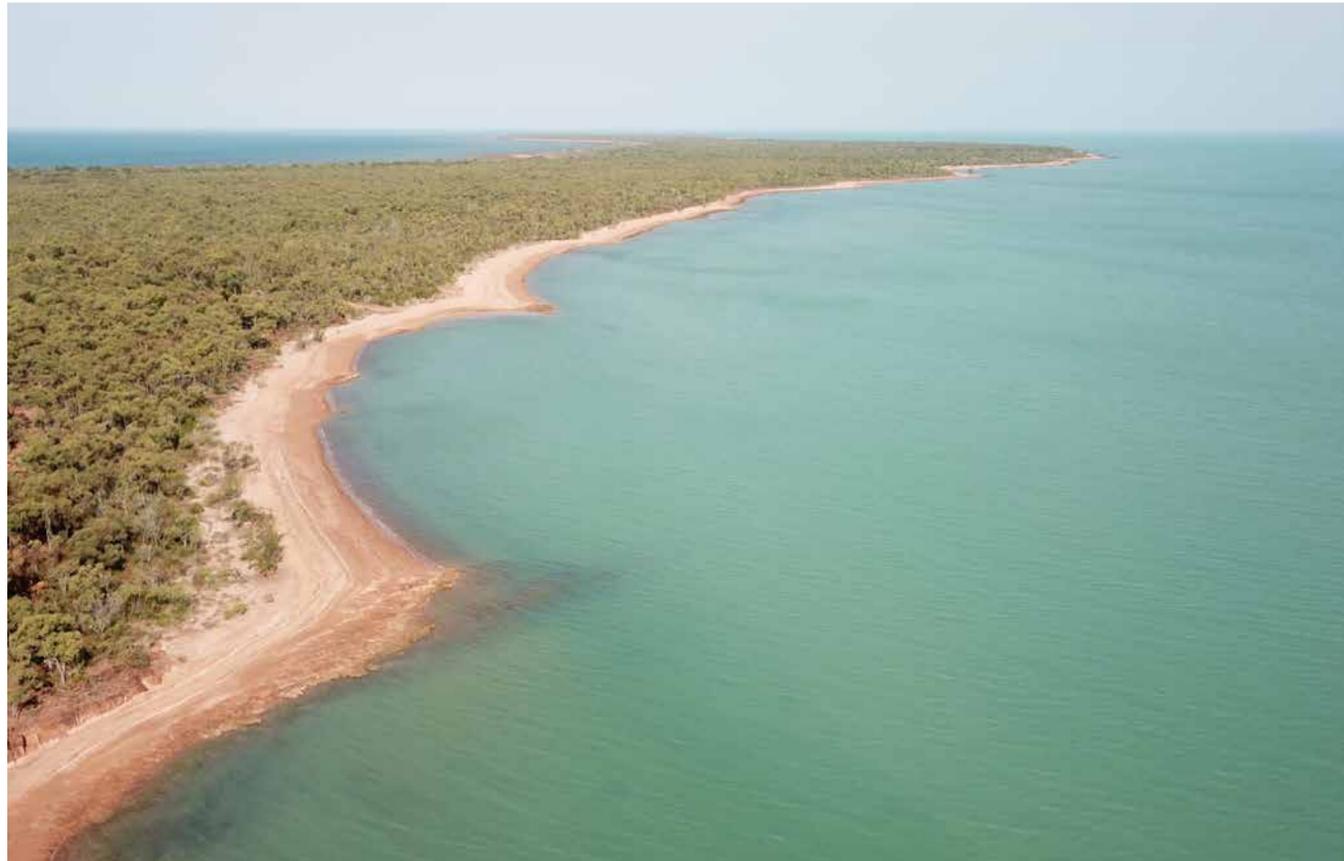
NLC welcomes amendment to NLC Land Rights Act

The Northern Land Council welcomes the amendment to the Land Rights Act passed through the Senate on 26 November 2018.

The Aboriginal Land Rights (Northern Territory) Amendment Bill 2017 allows areas in the Kakadu region to be granted as Aboriginal land. The Bill also provides for the leaseback of the Kakadu Land to the Director of National Parks.

Former NLC CEO Mr Joe Morrison said: “Kakadu is Bininj/Munggy land of immense cultural and

Extension of intertidal zone permit waiver while negotiations take place



The Northern Land Council has agreed to a 6-month extension of the waiver that allows permit-free access to tidal waters over Aboriginal land, including for commercial and recreational fishers.

The extension is to give time to negotiate an agreement that recognises the legal rights of Aboriginal landowners and supports economic development.

The permit waiver will now expire on 28 June 2019 and the NLC will consider extending the waiver until 30 June 2020 if the Northern Territory Government, the NT Seafood Council and the Amateur Fishermen's Association of the Northern Territory (AFANT) have negotiated in good faith during this time.

The six-month extension was decided at a meeting of the NLC Executive Council and the Sea Country Working Group on 4 December 2018, following a revised letter from the NTG representing a significant advancement of the position it had previously presented.

Importantly, NTG has agreed to negotiate the "principles of settlement" articulated in an NLC proposal submitted in June, and to have an Independent Chair oversee the negotiations.

"We are satisfied that the Northern Territory Government has agreed to negotiate in good faith about the guiding principles set out by the NLC," said Interim Acting Chief Executive Officer, Rick Fletcher.

"The Seafood Council, AFANT and NLC will work together with NTG to negotiate a comprehensive settlement," he said.

"The Northern Territory Government has proposed a sum of \$10 million to facilitate Aboriginal involvement in the commercial fishing sector and has agreed to negotiate about a set of principles to recognise Indigenous interests in Sea Country generally."

"An extension by the NLC of the waiver due to expire on 31 December 2018, allows time for the negotiations to begin."

The waiver gives certainty for another 6 months to the commercial sector and recreational fishers to be able to continue fishing in the intertidal zone.

Traditional Owners control access to waters over Aboriginal land to the mean low tide watermark as provided under the *Aboriginal Lands Right (Northern Territory) Act 1976* and confirmed by the High Court in 2008 in its decision on the Blue Mud Bay case. Since 2008, access to these Aboriginal-owned tidal areas by commercial and recreational fishers has been granted by way of interim arrangements and permit waivers.

Traditional Owners have long expressed a desire to control access to their tidal waters, and to manage their Sea Country.

In June, the NLC presented to the Government a wide-ranging submission which proposed ways for Aboriginal people to participate in the commercial fishing and recreational fishing industries and have a real role in management of fisheries, and for recognition of sea country as it is understood by Aboriginal people.

On 9 October, not having received any response from

Northern Territory Government and mindful of the forthcoming Full Council meeting at Jabiru on 12-16 November, the NLC CEO wrote to the Minister for Primary Industry and Resources, Ken Vowles, warning the Government of "substantial negative consequences that would flow from the waiver expiry".

The letter said: "In the absence of an agreed process to resolve Blue Mud Bay and sea country comprehensively, there is a likelihood that large areas of the Northern Territory coastline which are currently open to recreational and commercial fishers will be closed, and default permitting processes might not be well-received."

The letter asked the Government to respond to the NLC's request to negotiate a comprehensive settlement by 5 November.

The Government did not respond until Friday 9 November, the last working day before the Jabiru Full Council meeting, with a response which did not acknowledge the NLC's Proposal in June.

Minister Vowles addressed the Full Council on Thursday 15 November, but was unable to elaborate on his letter to the satisfaction of Council members.

Later that day, the Full Council passed a resolution to conditionally approve a six-month extension of the waiver of the need for permits to access the Aboriginal-owned intertidal zone. That extension was dependent on the Northern Territory Government's delivering a satisfactory response by early December to a request by the NLC that the Government agree to negotiate a comprehensive and final settlement of matters affecting fishing in the intertidal zone.

ARMED POLICE IN SCHOOLS CAUSE FOR ALARM

The introduction of armed and uniformed Northern Territory Police Officers in 10 NT Government schools has been met with opposition from youth advocates, Aboriginal leaders and organisations.

The School Based Policing Program is an initiative of the Northern Territory's Department of Education, the Northern Territory Police Force and the Northern Territory Council of Government Schools. According to the School Based Policing Framework, the primary aim of the program is to 'provide the safest possible learning environment, relying on school-police partnerships'. The Program was rolled out at the commencement of Term 4, 2018, at 10 initial locations: Sanderson Middle School; Dripton Middle School; Darwin Middle and High Schools (Bullocky Point Precinct); Nightcliff Middle School; Palmerston College; Taminmin College; Casuarina Senior College; Katherine High School; Tennant Creek High School; and Centralian Middle School.

The Framework lists the benefits for students as 'better relationships with police, feeling

safer in and around school and reduced offending behaviour and truancy'. However, concerns have been raised by youth and Indigenous advocates that the program will cause more harm than good. John Paterson, on behalf of Aboriginal Peak Organisations of the Northern Territory (APO NT) said that the introduction of the Program made his members "nervous", and noted the lack of engagement or input with the Aboriginal sector: "It was announced without us having any opportunity to have input in the design," he said.

In particular, the use of armed and uniformed police officers in school has been cause for alarm. In the United States, research has shown that the presence of armed police officers in schools has led to an increase in arrests for classroom disciplinary issues, which are often carried out with the use of handcuffs and pepper spray.

Proponents of the Program cite compliance with the recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory as a justification for its implementation. NT Minister for Education, Selena Uibo, has stated that the installation of armed police into classrooms across the Northern Territory has been done in line with recommendation 25.1, which states that: "all Northern Territory Police receive training in youth justice which contains components about childhood and adolescent brain development, the impact of cognitive and intellectual disabilities including Foetal

Alcohol Spectrum Disorder and the effects of trauma, including generational trauma". However, on the issue of training, Acting Deputy Police Commissioner Michael Murphy told the ABC in October that school based police officers would receive just one additional week of training, in the areas of psychology, cognitive impairments and cultural competence. He acknowledged that the week of training would not alone train police officers adequately, noting: "we're not specialised in those fields, but what we are dependent upon is working in partnership with stakeholders who are within government and outside government to grow the model."

However, the recommendations of the Royal Commission also notably emphasise the need for children to be spared from adverse experiences with the youth justice system, and for a therapeutic, rather than a punitive response to challenging behaviour. A punitive police response to challenging behaviour, which is often the result of previous trauma, often has the effect of worsening behaviour and increasing the likelihood that the child will disengage with the education system. An alternative therapeutic approach makes financial sense: one Australian study found the cost of mentoring 2,200 at-risk young people over the course of three years has been estimated at A\$40 million, which is well short of the cost of their predicted adult offending, which is A\$3.3 billion.

A report on the progress and efficacy of the program will be undertaken in Term 1, 2019.

Minimum floor price on alcohol instated

The Northern Territory has become the first Australian jurisdiction to implement a minimum floor price on alcohol sales.

The floor price has been implemented in accordance with the recommendation of the Riley Report, a report on alcohol policies and legislation in the NT which was commissioned by the Northern Territory Government and released in October 2017. The Riley Report notes the cost of alcohol abuse not only in economic terms, but the cost to alcohol consumers and their families.

The Riley Report states that "in 2004/5 the total social cost of alcohol in the Northern Territory was estimated to be \$642 million or \$4197 per adult compared with a national cost estimate of \$943 per adult".

Alcohol is a factor in most assaults and at least 56 per cent of domestic violence incidents, and alcohol misuse during pregnancy has led to the Northern Territory's high rate of Foetal Alcohol Spectrum Disorder.

It is clear that the previous regulatory framework was not working.

The implementation of the floor price came into effect from 1 October 2018. According to the NT Government's information package, "The legislative amendment prohibits selling alcohol below the price of \$1.30 per standard drink. The legislation imposes the minimum price as an automatic condition of a liquor licence."

The floor price is used to work out the minimum cost at which a product can be sold, depending on how many standard drinks the product contains. For example, if one bottle of wine contains eight standard drinks, the minimum price that that bottle could be sold for would be \$10.40.

The changes also require the Minister to review the minimum floor price every three years.

The minimum floor price does not affect, or minimally affects, the majority of alcoholic products for sale in the NT, but rather increases the price of cheap, high alcohol content cask and bottled wine, and fortified wine.

Media coverage has been critical of the imposition of a floor price, citing widespread opposition to the change. Darwin Lord Mayor Kon Vatskalis has voiced his opposition based on his opinion that those misusing alcohol "will pay any price for a fix," as he told the ABC. Independent MLAs

Robyn Lambley and Terry Mills have called on the NT Government to reinstate Alcohol Mandatory Treatment and to scrap the floor price on alcohol. The NT Council of Social Services has cited previous trials of a floor price which have shown positive outcomes. A floor price was trialled across the NT in 1995 and was trialled in 2006 under the Alice Springs Liquor Supply Plan, and in both instances there was a reduction in both the amount of alcohol consumed and levels of harm seen in society. This evidence-based approach is supported by a number of stakeholders across the Northern Territory and Australia, including the Australian Medical Association, AMSANT, APO NT, Danila Dilba, Making Justice Work, NAAJA and NTCOSS.

It is too early to judge the impact of the current regulatory framework: evaluations and monitoring reports are due 6 and 12 months from the commencement date of 1 October 2018, and these reports will give an indication of the effectiveness of the floor price. It is vital not to dismiss such efforts at mitigating the harm caused by alcohol misuse before the impacts can be measured. This reform, which is evidence-based, has the potential to improve the health and safety of Territorians.

Human rights win

Aboriginal Housing NT (AHNT) has won the 2018 NT Anti-Discrimination Commission's Fitzgerald Award for Diversity.

The Darwin Supreme Court was the setting for the awards ceremony, which took place on 12 December 2018.

AHNT members Matty Ryan of Maningrida and Chris Neade of Elliott accepted the award on behalf of AHNT and acknowledged the tireless work of the committee and its supporters.

The Fitzgerald Diversity Award is granted annually to "individuals or organisations whose activities focus on promoting, protecting and fulfilling the human rights and equal opportunity of diverse communities in the NT". AHNT beat out a strong field of contenders to acknowledge four years of advocating and acting for better housing for Aboriginal Territorians in town camps, homelands, outstations and remote communities.

Over the past decade, there have been significant changes in the way that Aboriginal housing has been delivered and managed in the Northern Territory. In 2008 we saw the dismantling of the Indigenous Community Housing Organisations (IHOs), 75 per cent of which were run through local community councils that were replaced with 'super shires'. This, with the dismantling of the Indigenous Community Housing Associations, saw Aboriginal people stripped of any control over their housing, which has had profound and dire consequences.

In response to the continuing housing crisis in the Northern Territory, AHNT was formed at the Aboriginal Housing Forum in 2015. Its voluntary committee is made up of people with dozens of languages between them and their skills, cultural knowledge and experience guides the group's activities. The group is supported by more than 20 Aboriginal non-government organisations and is progressing to become the formal peak body for Aboriginal housing in the NT.

"There's been an on-going crisis in Aboriginal housing for many decades and AHNT was established to give a voice to the many people living in overcrowded housing, the long-grass, the humpies and the run-down shacks that pass as accommodation in the Territory," said Barbara Shaw, AHNT Co-Chair.

Since its establishment, AHNT has worked to articulate concerns and solutions to housing, overcrowding and homelessness in the NT. AHNT represent the most linguistically diverse and geographically dispersed communities of the NT. They address issues as diverse as water security, housing related illnesses (including rheumatic heart disease and renal disease), seasonal inaccessibility, remoteness and isolation, projected population increases, poor infrastructure, procurement policies and land tenure complexities.

During its short existence, AHNT has worked tirelessly to redress this crisis strategically and structurally, and the win is recognition of Indigenous-led advocacy at its best.

HIGH COURT COMES TO DARWIN: VALUING NATIVE TITLE IN DOLLARS



Around 40 Traditional Owners of Timber Creek travelled 600km or more to attend the High Court appeal in Darwin.

In September 2018, the Timber Creek native title compensation claim – one of the biggest test cases in Indigenous rights since *Mabo* – brought the High Court of Australia to the Northern Territory for the first time in its 116-year history.

The appeal was heard on 4, 5 and 6 September and we await the Court's decision in the coming months.

The claim group is the Ngaliwurru and Nungali peoples who are members of the estate groups Makalamayi, Wunjaiyi, Yanturi, Wantawul and Maiyalaniwung – the Traditional Owners of the town site of Timber Creek, in the Victoria River District of the Northern Territory.

The claim is for compensation for the loss of native title rights that have been 'extinguished' by the crown acquiring land without the native title

holders' consent. The Timber Creek claim relates to three kinds of loss: the market value of the land, interest over time on the market land value, and a 'solatium' amount for the personal, spiritual pain of losing rights to sacred sites and country.

Around 40 Traditional Owners of Timber Creek travelled 600km or more to attend the appeal. Claimant Chris Griffiths was among them, telling the ABC outside Court: "This court hearing, it makes us feel sad, it makes us happy and it also makes us proud because we know that our message is getting across, that they are understanding how important [it is that] we are connected to country and the land."

The right to native title compensation comes from the Australian Constitution's requirement that any property owner must be compensated on 'just terms' when the Crown acquires their property.

In 1992, *Mabo v Qld (No 2)* first considered how the Constitutional right to compensation on just terms applies to native title. The Court decided that the *Racial Discrimination Act* ('RDA') requires compensation to be paid to native title holders in the same way it must be paid to any other property owner, but only for native title acquired or affected

after the RDA commenced in 1975.

The right to claim compensation is now contained in section 51 of the *Native Title Act*.

The claim relates to 127 hectares of land now within

"This court hearing, it makes us feel sad, it makes us happy and it also makes us proud because we know that our message is getting across, that they are understanding how important [it is that] we are connected to country and the land."

- Chris Griffiths



Native title claimants Chris Griffiths and Lorraine Jones outside Court in Darwin.

Timber Creek, but the social and cultural effect of those developments on the native title holders relates to a much larger region of country. In the trial hearing in 2016, Federal Court Justice Mansfield heard evidence from claim group members in and around Timber Creek, including restricted evidence from senior men, in a confidential, men-only session.

A key question in the appeal is whether native title should be valued equally

"It's not about the money, it's about the land and the land is most important because we've got important sacred sites."

- Lorraine Jones.

to freehold property (eg a house or a commercial block), or if it is less valuable because it can't be sold or mortgaged (it is 'inalienable'). Part of that question considers whether the 'non-exclusive' native title taken from Ngaliwurru and Nungali peoples (that is, native title that co-existed with pastoral land) has a lower value than 'exclusive' native title, where native title holders can legally prevent others from entering the land.

The trial judge awarded a total of \$3.3 million dollars compensation across the three categories of loss in 2016. The Full Federal Court, on appeal, reduced that to almost \$2.9 million in 2017. The claim is for almost \$5 million. A compensation determination provides a once-off amount to the claim group.

"It's not about the money, it's about

the land and the land is most important because we've got important sacred sites," said claimant Lorraine Jones. "When you see damages happen to your land, you feel your tummy, your hurt, like you're emotionally hurt inside, you don't show it on the outside, but it's hurting you on the inside."

Australia is watching the Timber Creek case, which will provide a precedent for future compensation claims, which may relate to towns or other developments, like mines, established without consent of the native title holders from 1975. Due to the national significance of the case, the governments of Western Australia, Queensland and South Australia have joined the case as 'intervenor', supporting the arguments of the NT and Commonwealth.

Two other native title representative bodies from WA also joined, supporting the claim group's arguments.

Sadly, Chris and Lorraine's fathers, Mr A. Griffiths and Mr J. Jones, two very senior members of the claim group, passed away before the case was heard in the High Court. The strength of the compensation claim presented is a testament to their knowledge, the losses suffered when native title was taken, and the opportunities that their people will realise through their fight for compensation for the present and future generations.

"It's really important. Not only for me, not only for Lorraine but both of our fathers. They're not here today. But we're here and we're here to finish off the job that they've done," said Chris.



Members of the NLC legal branch alongside counsel for the Ngaliwurru and Nungali people: (left to right) David Spicer-Harden, Tamara Cole, Laura Hilly, Graeme Hill, NLC principal legal officer Michael O'Donnell, Sturt Glacken QC, Cath McLeish and Ben Niles.

Australian Government

Aboriginals Benefit Account (ABA) Grant Funding Round

ROUND OPEN

Funding for one off projects that benefit Aboriginal people in the NT. ABA supports projects not covered by other government funding.

Aboriginal controlled organisations based in the NT are encouraged to apply.

Opens: **3 December 2018** Closes: **1 February 2019**

For more information:
Contact **1800 354 612** or email aba@network.pmc.gov.au
Or visit www.pmc.gov.au/aba-grants

1970s ABORIGINAL CHILDREN'S ART OFFERS WINDOW INTO HISTORY

A project to reunite children's drawings from the 1970s with their original Yolngu artists is now underway involving Buku-Larrnggay Mulka Centre in Yirrkala and the National Museum of Australia.

Included among the collection are drawings by Rirratjingu leader and original member of Yothu Yindi Witiyana Marika, NATSIA-award winning artist Wukun Wanambi, and current principal of Yirrkala School Merrkiyawuy Ganambar.

The drawings, done between 1975 and 1977, were collected to form part of a book called "The Aboriginal Children's History of Australia: Written and Illustrated by Australia's Aboriginal Children", published in 1977.

The 346 drawings done by students at Yirrkala School, Dhupuma College and Milingimbi School, which have been returned to Yirrkala art centre, are just a tiny piece of the collection, with 3383 illustrations gathered from 70 schools Australia-wide.

Merrkiyawuy Ganambar was a student at Dhupuma College when her class was asked to take part in the project.

"I think we had to do three things that was happening at that time: one was the beginning, what they call the Dreamtime stories, the story of how life happened and that's why I drew the two sisters down on the beach, and then the next one was what's happening now, and the last one was what would you like to see in the future?"

Her drawings include a beautiful weeping brolga in front of setting sun; a depiction of the dreamtime story of Djankawu and Barrama, who divided Yolngu into two groups: Dhuwa and Yirritja; and a drawing of Tamarind trees at Drimmie Head, which were introduced by the Macassans and used by Yolngu to make a cough syrup. Each is accompanied by a description in her own words.

"[The teachers] said: 'what would you like people to know about your country, or what's happening on your country, on your land, at the moment, and history about your country, or stories of the Dreamtime?'" she remembers.

The final book published around 100 illustrations and stories and is divided into six categories: *Dreaming, Old Time, The Macassans, The Whitefellas, Today and My Country*. It includes works from all states except Victoria and Tasmania.

Three of Merrkiyawuy's illustrations made it into the final book, and she was then asked to take part in a media tour around the country to launch it.



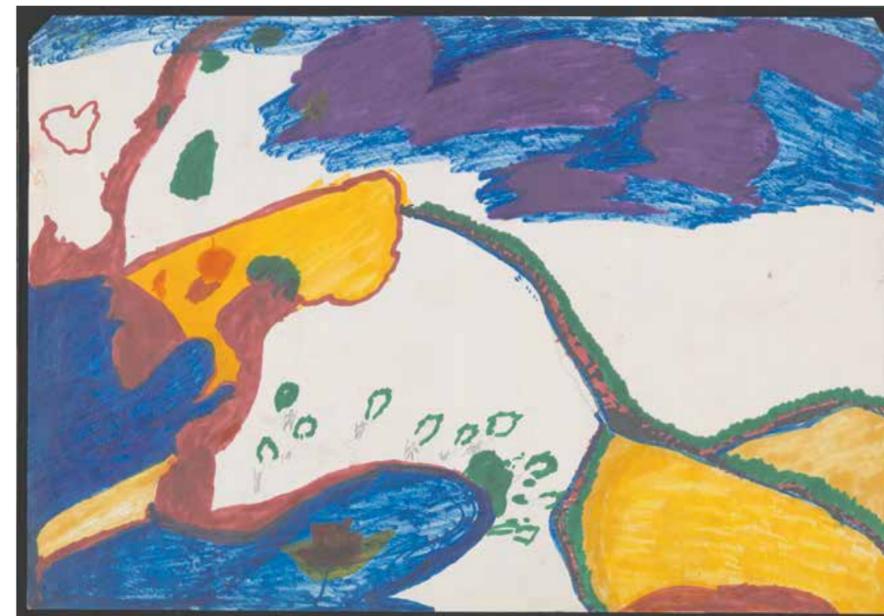
Merrkiyawuy Ganambar was a student at Dhupuma College when her class was asked to take part in the project. She flicks through "The Aboriginal Children's History of Australia," with copies of her drawings on the seat in front.

"Through the natural simplicity of their words and paintings, they convey their enjoyment and enthusiasm for the land which has been theirs for over 40,000 years."

- Wandjuk Marika



Merrkiyawuy Ganambar's Weeping Brolga.



Witiyana Marika's drawing of his homeland, Gulurunga.

"I was 14 years old. I can't remember [much]. I remember Melbourne because that's where I met grandad – my great uncle," she recalls. "My mother's uncle was living there, Wandjuk. He lived in Melbourne at the time, Chairman for the Aboriginal Arts Board as it was called then, so he came on TV on the show with me."

It was the then Aboriginal Arts Board, part of the Australia Council for the Arts, and chaired by Rirratjingu painter, actor, composer and land rights activist, Wandjuk Marika, which sponsored the project.

Mr Marika writes in the foreword:

"This is a unique book. It is the story of Australia as told and illustrated by the Aboriginal children of Australia."

"Through the honest eyes and minds of children, a new vision of Australia is unfolded – the Australia of the Dreamtime."

"Through the natural simplicity of their words and paintings, they convey their enjoyment and enthusiasm for the land which has been theirs for over 40,000 years."

A Northern Territory perspective

From the Northern Territory, more than 900 works were collected from schools including Kormilda College, Port Keats School, Wave Hill Station School, Oenpelli School, Milingimbi School, Daly River and Wattie Creek.

They include a drawing of Murinbata man Namarluk who was jailed in Darwin for killing two Japanese soldiers and escaped and swam across Darwin harbour to his country of Port Keats. There are Dreaming stories, the arrival of the Macassans to Arnhem Land in search of trepang (sea cucumber) and depictions of bauxite mining at Gove.

Rirratjingu leader Witiyana Marika drew his homeland of Gulurunga. When his drawing is returned to him, he points out the sand dunes and river, Yolngu people camped at the bay and a Macassan boat at sea. He was 13 when he did this drawing and remembers his teacher, Mr Turner, telling the class to draw something for a children's book.

A unique window into history

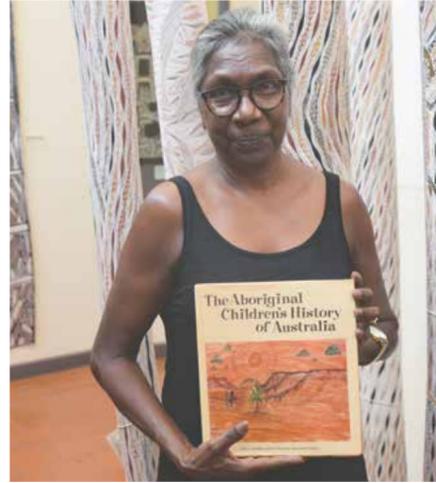
Renowned anthropologist Professor Howard Morphy, who connected the National Museum of Australia with the Yirrkala Art Centre, says the illustrations have historic significance.

"The collection is a phenomenal resource for many reasons – it provides a unique window into Indigenous children's sense of their place in history nearly 50 years ago; it provides early works by Indigenous Australian children who have subsequently played important roles in their communities and some of whom have become artists later in life; it is also going to be the source of sadness in many cases and joy in others."

"It is a huge resource that will increase in its significance over time as there are no equivalents. Interestingly there is no similar resource on non-

“It provides a unique window into Indigenous children’s sense of their place in history nearly 50 years ago; it provides early works by Indigenous Australian children who have subsequently played important roles in their communities and some of whom have become artists later in life; it is also going to be the source of sadness in many cases and joy in others.”

- Howard Morphy



Merrkiyawuy Ganambar holds up “The Aboriginal Children’s History of Australia”.



Maypilama Burrawanga (above, right) of Elcho Island, attended Yirrkala school in the 1970s and remembers taking part in the school art project. Here, she holds her drawing depicting trucks carrying bauxite from the nearby mine as school students watch on from a bus. Maypilama’s father worked at the Nabalco mine and she remembers visiting it on a school excursion. Her husband, Harry Garrawurra (pictured at left) sits by her side and becomes emotional as he is shown the drawing. “It’s a great gift from the good old days and gives us lots of memories,” he says.



Rirritjingu leader, Witiyana Marika (right), with his granddaughter Rurrthana Gumana, holding a drawing he did as a 13-year old of his homeland, Gulurunga.

Indigenous children from that era, though one could probably be put together from different sources at enormous expense,” he says.

“Indeed it is an example of one of the many innovative initiatives developed by the Australia Council’s Aboriginal Arts Board in its early years that shows what government arts funding can do. But it does need to be followed up to return value into the future.”

That is indeed the plan. The National Museum of Australia, which has held the works since 1991, is digitising the drawings and hoping to reunite copies with the original artists. Many of the drawings are already accessible on the National Museum of Australia website.

Chairwoman of Artback NT Denise Sylvestro, says an exhibition and tour of the works is the sort of thing Artback NT would be interested in supporting.

“I would imagine, yes. They are absolutely amazingly beautiful works and they are very significant works because they come from the 70s and it’s the children’s reflection of how the children perceived their community and I think this is definitely something that Artback would be interested in,” she said.

“The role of Artback is to help promote, develop and tour art that is relevant to the Territory and we are particularly interested in assisting remote communities to have access to such exhibitions.”

Dr Ian Coates, head of the Collections Development Team at the National Museum of Australia says the museum is keen to get the drawings into circulation again so people can see the way that Aboriginal children at that time saw Australian history. He says it tells a unique story about how children viewed their world.

“It’s kind of interesting that from Yirrkala, there’s quite a few drawings about the Bauxite mine, there’s drawings about the arrival of [Wilbur] Chaseling [founder of Yirrkala mission in 1935], the mission. But there’s also drawings about Captain Cook arriving and then there are some drawings which conflate all those elements to a history, so it’s pretty amazing.”

“When we do projects in particular communities, we do kind of take copies of those drawings back to those places,” he says. “But there hasn’t been a single project to reunite those drawings with communities as yet.”

“We are putting together an application for funds to cover the basic research needed to link the works with communities and to prepare the information needed for a possible exhibition.”

“The research will be collaborative and the plans of any exhibition will be developed with the artists’ communities.”

For Merrkiyawuy Ganambar, now she has seen the collection of children’s drawings from her childhood, she would like to see a similar project done with today’s students, and a new book

published in comparison.

“I would love to have a similar one, like this, with the kids now. Make another book like this [showing] what they understand about the past, the beginning, what they understand about things happening now. I think it would be a big jump and a big contrast from this book if they do that.”

The drawings from the 1970s are done mostly in a western style – blue ocean, green hills, sun in the top corner.

“I think our children now would do a bit of bark painting and stories, especially of the land.”

“At that time it wasn’t something we thought about. We weren’t encouraged but then at that time we weren’t allowed to because the old people said it was too secret for a little girl like you.”

“I’d like to see it toured around Australia.”

Yolngu who attended Yirrkala School, Dhupuma College and Milingimbi School in the 1970s and who think their work might be in the collection can contact Buku-Larrnggay Mulka Centre at art@yirrkala.com for a copy of their work.

Artists can also search the National Museum of Australia collection online at: <http://collectionsearch.nma.gov.au/>

HISTORY MADE AS NATIVE TITLE RIGHTS FINALLY RECOGNISED

Two historic native title claims are now resolved, decades after they were first claimed.



(Front row) Larrimah native title claimants Jimmy Wavehill, Peter Maroney, Daphne Maroney and Alan Maroney; (back row) NLC lawyer David Spicer-Harden with claimants Kevin Maroney and Patrick Jimmy.

Larrimah returned to Wubalawun group

The Federal Court of Australia held a special hearing at the Supreme Court of the NT in Darwin on 24 October 2018 to recognise native title rights and interests over the town of Larrimah.

It marked the last piece of the puzzle for members of the Wubalawun group who hold Native Title over surrounding pastoral leases.

The lead applicant on the claim, Jimmy Wavehill travelled to Darwin with members of his family, as well as the Maroney and Birdum families.

Alan Maroney spoke on behalf of his people outside the Supreme Court. When asked how he felt following this historic decision, he said: "Relief. [It's been] a long struggle. [I've been] forever questioning myself whether it's been worth it. After today, my heart's been

lifted to say yes it's been bloody worth it."

"I started this process back in 2001, the original claimant for Larrimah so it's been 18 years for me."

"I'm really glad that NLC has supported us for the long road that we had to take and I believe now that our next generation should be able to stand up and say yes this is our country, finally."

"After today, my heart's been lifted to say yes it's been bloody worth it." - Native title holder Alan Maroney

Native title over parts of the town of Larrimah was first claimed in 2001 and extended in 2011 to include the whole town. At this time, Jimmy Wavehill became the lead claimant.

"I feel happy today, what we do," said Jimmy. "We keep trying and trying till we got it now."

"I'm real happy and I'm real proud with my grandkids. We help each other. We do our best. We got our country back. In my heart, I really love them very much."

The Larrimah native title determination recognises a right to "access and take resources for any purpose"

— including for commercial purposes, not limited to personal or domestic purposes.

This is the first time that right has been recognised in the Northern Territory by agreement of the Northern Territory Government and native title claimants without going to trial as occurred in the Town of Borroloola in 2016.

Former NLC CEO Joe Morrison described it as a historic day.

"It's very significant because it's the first time in the NT that, by agreement of the parties, that a right to trade has been recognised as part of the native title determination as we've seen previously in Borroloola that that was by trial."

"It means that there's recognition that there was basically an economy that Aboriginal people had had at the time of the settlers arriving. Obviously Aboriginal people know that there was a customary economy in place and that is recognising that in a modern context."

It is hoped this determination will pave the way for recognition of that right in other parts of the Northern Territory without the need for costly trials.

What happens next is a question for the native title holders.

"They've moved from being claimants to holders of these rights as determined by the Federal Court today so it's really a question for them in the Northern Territory to come together to think about what the future of Larrimah might look like. And I think today's important because native title holders should in fact be

at the table for negotiations of their future town," said Mr Morrison.

Mr Maroney said the Wubalawun people had high hopes for the future of Larrimah.

"We'd like to change it so that it's more of a family town so that everyone can enjoy Larrimah."

"Now we've got bargaining powers in regards to getting funding and building houses for our younger generation. Now we have got the bargaining power in regards to talking to the NT government of assisting

us build the township of Larrimah, which I believe can prosper."

Mr Maroney would like to see an Indigenous Ranger program set up to encourage young people to move back to the town and work alongside native title holders in Middle Creek and Birdum.

"Now that Aboriginal people have now got title of Larrimah we can open up to places that have never been open before."



Justice Griffiths (centre) with Jabiru native title holders Nida Mangarnbarr, Yvonne Margarula, Ruth Gamarrawu, Annie Ngalmirama and May Nango holding up copies of the determination.

21-year fight for Jabiru resolved

One of the longest running native title claims in Australia's history was resolved in November when the Mirarr people were recognised as the native title holders of Jabiru at a special on-country hearing.

Lead claimant, senior Traditional Owner Yvonne Margarula, first lodged the claim with the National Native Title Tribunal in 1997 and it was filed with the Federal Court in 1998.

Ms Margarula said the Mirarr were happy to see the long journey finally come to an end. "We are Mirarr, we bring the land back now, that was a long time we've been waiting," she said.

Five women who were central to the claim, Ms Margarula, Nida Mangarnbarr, Annie Ngalmirama, May Nango and Ruth Gamarrawu, were presented with hardcopies of the determination.

The Mirarr estate extends beyond Jabiru to include the

areas currently affected by the Ranger uranium mine and the Jabiluka mineral lease.

Chairman of the NLC, Samuel Bush-Blansi, said the claim is part of a bigger struggle by the Mirarr people, and reflects the finding of the 1977 Fox inquiry into uranium mining, which recognised the Mirarr as the Traditional Owners.

"Back then it was the government saying 'we give you land rights you give us mining'. Today this native title proves the Mirarr are the Traditional Owners of Jabiru and assure that in Australian law," he said.

Also speaking at the ceremony was Mirarr Traditional Owner Simon Mudjandi, who spoke of the Mirarr's vision for the future of Jabiru.

"Lots of people know about Kakadu, they know it is important World Heritage country. We Mirarr people want to show them how special this country is and to make Jabiru a great town for locals too. We want Jabiru to be a place to show people."

The Northern Territory Government and the Gundjeihmi Aboriginal Corporation, which represents Mirarr, have a \$500 million vision for the post-mining future of Jabiru, which includes its transformation into a tourism hub and regional centre to service the Biniinj

community.

"We want people to come and learn about our country and culture. We look forward to welcoming people to the new town of Jabiru on beautiful Mirarr country," he said.

Essential to that plan is the successful rehabilitation of the mine site.

"We want to see the mining company do a really good job of cleaning it up, they need to make it good enough to be part of the World Heritage National Park."

"This is a big job and the government needs to make sure the mining company does it properly."

Indigenous Affairs Minister, Nigel Scullion said it brought him immense joy to see the historic final determination go the way of the land's traditional owners.

"This is a hard-fought, deserved outcome for the Mirarr people," Minister Scullion said. "They are the true owners of the lands in the north of the Northern Territory."

The application for native title over Jabiru Township and its immediate surrounds is around 13 square kilometres in size.

ON-COUNTRY EVIDENCE HEARD IN FITZMAURICE RIVER REGION LAND CLAIM



Senior Wakal Jinang elder Frank Jinjair (right) with family in front of Dathuwa (Table Hill).

Against the backdrop of a towering plateau known to the Wakal Jinang people as Dathuwa, Traditional Owners from nine groups met to give on-country evidence in the Fitzmaurice River Region Land Claim.

Claimants travelled from Alice Springs, Kununurra, Darwin, Peppimenarti, Palumpa and Port Keats to give oral evidence before the Aboriginal Land Commissioner, the Hon John Mansfield AM QC, a cloth tarpaulin providing the shade for the temporary "court room".

Senior Wakal Jinang elder Frank Jinjair and his nephew Luke Jinjair call the country around Dathuwa home and were pleased to welcome the hearing to their country.

"I think it's very important. Very important to me and this old fella here yes," said Luke Jinjair as he motions to Uncle Frank. "I think it's right. I think it's the right place."

Dathuwa was chosen as the setting in consultation with Frank and the Jinjair family

for its proximity to the Fitzmaurice River by helicopter, and Palumpa by road (just 20 km to the north).

Claimants camped at Dathuwa for 2 weeks, with the NLC's Regional Development Branch setting up tents, toilets, showers and a kitchen, and providing cooked meals every day.

Over three days and multiple trips, claimants were flown in helicopter over sections of the Fitzmaurice River to point out and share knowledge of sites of cultural significance.

At times, the helicopter would land and the hearing would re-commence under a tree on the banks of the Fitzmaurice.

This, as well as written submissions by the NLC and NTG, will inform Justice Mansfield's final recommendation to Indigenous Affairs Minister Nigel Scullion on whether this area should be granted Aboriginal land.

The Fitzmaurice River Region Land Claim was first lodged in 1997 and covers the beds and banks of the Fitzmaurice River from its mouth to the western boundary of Wombungi Pastoral Lease, and the islands located in the river.

North of the Fitzmaurice River is the Daly River/Port Keats Aboriginal Land Trust, 13,467 square kilometres of schedule 1 Aboriginal granted to that land trust in 1980.

"I think it's very important. Very important to me and this old fella here yes," said Luke Jinjair as he motions to uncle Frank. "I think it's right. I think it's the right place."

This is one of 22 beds and banks of rivers and intertidal zone claims still to be finalised.

For Frank Jinjair, who knows well the stories of his ancestors and how they connect to his country, this "whitefella" process provides a chance for him and his family to see country from above and to share knowledge with the younger generations.

"See, if I'm not around, after I'm not around, we're already taking them out with me like Luke, Henry, Paul and I try to get all the girls up here, this is all my mob over here see.

"Try to get them out on helicopter today. And they're coming with me so they can understand. They want to know where the Dreaming is, and not allowed to go in there. Some places are danger for them to go, I've already showed them here. They're not allowed to go there."

After submissions are completed, Commissioner Mansfield will write a land claim report for Minister Scullion, which will include a recommendation to either grant or not to grant the land. That report is likely to be published in late 2019.

The Commonwealth and the Aboriginal Land Commissioner expect finalisation or substantial progress of all remaining land claims by 30 June 2019.

Due to amendments to the Land Rights Act made in 1997 and 2006 (ss 50(2A) and 67A(6) (a)) respectively, no new land rights claims have been made since 1997. A number of claims are still unresolved.

On 6 July 2017 the Minister for Indigenous Affairs requested the Aboriginal Land Commissioner to undertake a review of detriment issues relating to 16 land claims previously recommended for grant but not finalised.

To date, the NLC has been invited to take part in the review as have the Northern Territory Government, NT Seafood Council, Amateur Fishermen's Association of the NT, NT Cattlemen's Association and other third parties.

The Commissioner's final report on the detriment review was to be made to the Minister by 6 July 2018 but this deadline has now been extended until 31 December 2018.



Wakal Jinang man, Luke Jinjair



Dathuwa (Table Hill), the setting for the Fitzmaurice River Region Land Claim.

Praise from Aboriginal Land Commissioner

The Hon John Mansfield AM QC, Aboriginal Land Commissioner, penned the following letter to then NLC CEO Joe Morrison, praising the work of the Northern Land Council's logistical operations during the Fitzmaurice River Region Land Claim.

We have just completed the 4 day on country evidence at Table Hill, near the New Moon Bay inlet north of the Fitzmaurice River; and on the Daly River/Port Keats Aboriginal Land Trust Area.

It was a complex process, involving coordination between the claimants, like NT and my office, as well as between several local descent groups. It required a permanent campsite for a large number, and a hearing shelter and facilities. It involved 2 days of visiting and inspecting sites, including by

helicopter. There were several senior members of the descent groups who required particular attention because of physical disability.

The purpose of this letter is to convey to the NLC my appreciation for the organisation skills and efforts of Errol Thorne, the senior NLC officer responsible for logistics. He did a great job. It reflected what I have seen to be the high standard of logistical support the NLC provides for such hearings.

I would be happy if you passed this letter on to Errol.

Yours sincerely,

*The Hon John Mansfield AM QC
Aboriginal Land Commissioner*



Errol Thorne carries supplies from helicopter at Table Hill.

ABA Homelands Project Update



ABA Homelands Consultation at Merrepen, Moyle River Area, Darwin Daly Wagait region.

In the last edition of Land Rights News, NLC provided advice on the Aboriginals Benefit Account (ABA) Homelands Project. The project has been allocated a total of \$40 million from the ABA; \$35.5 million will be allocated for the delivery of activities in homelands across the four Aboriginal Land Council regions in the NT. These funds are accessed through a grant application process coordinated by the NLC.

Budget break down across the NT land council regions is as follows:

- Northern Land Council — \$15.75 million;
- Central Land Council — \$15.75 million;
- Tiwi Land Council — \$2 million; and
- Anindilyakwa Land Council - \$2 million.

An amount of \$4.5 million will be kept as a contingency for the engagement of technical specialists as required. Any remaining funds are to be re-invested in this project.

Key Facts

Established Homeland communities in the NLC Region

- There are up to 5,000 Aboriginal people living in homelands;
- Populations can fluctuate depending on season, cultural activities and access;

- Approximately 200 communities are regularly occupied; and
- Overall Infrastructure need is extremely high.
- Existing homelands that are regularly used and maintained for residential or cultural purposes will be eligible to apply for funding;
- Homelands will be required to demonstrate involvement with a CDP provider and/or activities, or the potential to become involved in CDP activities;
- Homelands connected to Power and Water Corporation's Indigenous Essential Services network will not be eligible for funding;

Community Eligibility

What can be funded

- ✓ New and upgraded essential services infrastructure to provide safe and reliable:
- ✓ Power;
- ✓ Water; and
- ✓ Sewerage services.
- ✓ Upgrades and repairs to infrastructure that supports access to a homeland (e.g. roads, bridges, cross-overs, airstrips, barge landings) but do not or are not eligible to receive funding from other sources.
- ✓ New or upgraded radio/telephony infrastructure (including mobile phone coverage).
- ✓ New and upgraded community infrastructure to improve the amenity of a homeland such as: Ablution blocks; Meeting facilities; and New dump and fencing.
- ✓ Vehicles and machinery for municipal activities and owned by an Aboriginal organisations.
- ✓ Training and capacity development for Aboriginal organisations and residents to use and maintain infrastructure.

What can't be funded

- ✗ Establishment of new homelands;
- ✗ No new housing or major house upgrades/repairs;
- ✗ No new infrastructure to support access to a homeland;
- ✗ No new buildings or building upgrades to support an existing community function or enterprise
- ✗ No vehicles and machinery for personal non-commercial use;
- ✗ No direct support for existing local enterprises; and
- ✗ No ongoing operational costs for newly installed infrastructure, including for repairs and maintenance.

- Meeting the above criteria does not automatically guarantee funding for this project. Eligible homelands will be identified by the relevant land council and invited to submit proposals. Proposals will be considered on merit and the available funding.

Application Process

- \$15.75 million allocated for homeland communities in the NLC region sits with the Department of Prime Minister and Cabinet (PMC) who manage the administration of the ABA;
- Project funds are accessed via a grant application process facilitated by the NLC;
- NLC Regional Councils have prioritised the project's eligibility and funding criteria to assist and guide the application assessment process;
- On receiving applications from NLC, PMC staff will review all applications and provide recommendations to the ABA Advisory Committee for their consideration;
- ABA Advisory Committee considers those recommendations and then provides its own recommendations to the Australian Government Minister for Indigenous Affairs for his consideration and approval;
- Minister for Indigenous Affairs will consider the recommendations from the ABA Advisory committee and then provide an approval;
- Approved projects will be notified by PMC, who will negotiate with a service provider to deliver. It is anticipated that each project will be delivered by an Aboriginal organisation and will have high levels of Indigenous participation.

Managing Expectations

While the total amount of \$15.75 million may sound like a lot, unfortunately it isn't when you consider:

- Extreme high levels of need – basic essential service, access and communication infrastructure to be replaced or upgraded at 200 homeland communities; and
- Significant costs associated with remote infrastructure and capital works projects.

It is expected that not every homeland community will

directly benefit from this project; however, the project will potentially fund 80 to 100 high priority community projects that are likely to have a significant positive impact for Aboriginal people living on their country.

Approved projects are unlikely to start on the ground until at least the 2019 dry season.

NLC's Role and Consultation Process

This type of project is not something that NLC normally does; PMC have engaged us to apply our knowledge and networks to identify priority homeland communities and eligible activities under the project guidelines.

NLC commenced consulting Aboriginal homeland service provider boards and related boards servicing homelands at the end of May this year. It is these service providers that often have the strongest relationships with homeland communities and are the local experts in understanding need and priority with associated community infrastructure.

After these consultations, service providers have reviewed community and project eligibility and have undertaken a basic assessment of need, benefit and capacity to provide NLC with a list of prioritised homeland communities each with a detailed list of identified priorities.

NLC then consults the residents of these prioritised communities, and the information from the service provider helps to guide the conversation. However, it is the community residents that prioritise their projects and NLC prepare detailed funding proposals based on this consultation.

Complete funding applications are then forwarded to PMC for assessment.

ABA Advisory Committee Meetings

Meetings are usually held three times a year – May, July and October. Dates within these months can vary according to availability of members. The first meeting in 2019 is being brought forward to March, so this will provide a unique opportunity for early consideration of applications.

NLC aim to have the following packages ready for the ABA Advisory Committee meetings next year:

- March 2019 – up to 50 ABA Homeland Project community proposals. These will need to be submitted in early February 2019.
- July 2019 – 30 to 50 ABA Homeland Project community proposals. These will need to be submitted in early June 2019.

proposals. These will need to be submitted in early June 2019.

Please note that NLC have not put forward any applications for consideration to date.

Service Provider and Community Consultations

There are more than 20 service providers in the NLC Region servicing just over 200 homeland communities. The aim is to engage all service providers in each of NLC's seven distinct regions and find out about what are the priorities throughout the vastness of the NLC service footprint.

NLC have successfully engaged a large portion of the current service providers and most of them have provided feedback about what they view as their service area's community priorities. So far we have visited just over 40 priority homeland communities to discuss the project, and collate critical information for compiling the ABA applications on behalf of those communities.

Some of the homeland communities NLC have visited have anything up to 100 Aboriginal residents with 10 to 20 residential dwellings. On investigation, the basic essential service and communication infrastructure and access needs appear to be considerably high so the project is quite timely.

In regards to our community consultations, NLC are less than half way into it and presently we are racing the Wet Season. NLC's intent is to consult all homeland community service areas and visit the prioritised communities within that location. Any service provider or community consultations that have not taken place prior to the Christmas period will get picked up the following year between February and June 2019.

If you have questions about the ABA Homelands Project please feel free to touch base with the Regional Development Branch to discuss.



Kabarmwanamyo, West Arnhem

INDIGENOUS POVERTY IS FAR FROM BEING HISTORY

Jon Altman*

17 October 2018 was the United Nations International Day for the Eradication of Poverty. In this article I want to comment on the situation today for Indigenous Australians using the Sustainable Development Goals as the lens to frame my discussion.

I do so because the Australian government recently released its first Voluntary National Review on the 2030 Agenda for Sustainable Development. The *Report on the Implementation of the Sustainable Development Goals* showcases Aboriginal and Torres Strait Islander peoples in 13 of the 17 Sustainable Development Goals (SDGs) that Australia has committed to address.

At the outset, the report refers specifically to Aboriginal and Torres Strait Islander peoples who comprise 3 per cent of the Australian population, noting that while there

is no SDG specific to Indigenous peoples, all are significant for them.

Indeed, the review begins and ends with an Indigenous flourish. The artwork on the cover is by Jordana Angus, a Wiradjuri (NSW) artist, and depicts the 17 interconnected SDGs, bookended with a detailed glossary that explains the artistic symbolism embedded in each element. And the review itself was designed and typeset by Carbon Creative, an Indigenous company engaged through the government's affirmative Indigenous Procurement Policy.

In the foreword the now ex-Prime Minister Malcolm Turnbull refers to the diverse needs and aspirations of Indigenous Australians and there is reference to the Indigenous concept of Caring for Country to reflect a commitment to environmental sustainability, while simultaneously noting the national economic ethos of 'a fair go' for all—an ethos that dispossessed and marginalised Indigenous Australians might seriously question.

The Australian government's commitment to recognising Aboriginal and Torres Strait Islander peoples in 'our Constitution' is also noted, a statement that is totally divorced from reality following the outright rejection, without any negotiation, of the Uluru Statement from the Heart by Turnbull late last year.

The report lauds Australia's economic success and 26 years of uninterrupted economic growth and notes the challenge to improve outcomes for Aboriginal and Torres Strait Islander peoples without documenting the extent of that challenge, and the depth of poverty for some sections of the Indigenous population or its historical and ongoing structural causes.

The Australian national review is

highly selective in documenting the dire circumstances of many Indigenous peoples, especially in remote Australia. At times it reads like Australian government propaganda for international consumption rather than serious reporting.

Let's begin with the Council of Australian Governments' headline Closing the Gap framework reported under SDG 10: Reducing Inequality. This framework, launched in 2008, has failed to deliver as documented in 10 consecutive annual reports to the Australian parliament and yet there has been no attempt to change its fundamental direction.

To recap, lest we forget, Closing the Gap had seven very modest disparity targets: to halve the gap in child mortality by 2018, to halve the gap in reading and numeracy by 2018, to halve the gap in Year 12 attainment by 2020, to halve the gap in employment outcomes by 2018; to close the gap in life expectancy by 2031; a revised target to have 95 per cent of Indigenous four-year olds in early childhood education by 2025; and an ambitious target devised by another ex-Prime Minister Tony Abbott in 2014 to close the gap in school attendance by 2018.

In this report, as elsewhere, the Australian government asserts that three targets are on track. However, as I have argued previously in *Land Rights News – Northern Edition* only one of the seven targets year 12 attainment might be on track.

I say 'might' because research published by the Grattan Institute shows widening gaps, referred to as a gulf, in learning outcomes, especially evident in remote and very remote areas.

The information on child mortality provided refers to trends from 1998 with most progress already achieved by 2008. And the government's early Indigenous childhood goal is



not defined as a gap, rather an early childhood enrolment target. This target had failed after five years by 2013 and so was 'reset' to be met by 2025.

Focusing on SDG1: No Poverty, the Australian national review overlooks a body of published research from the Australian National University showing that not only are Indigenous poverty rates everywhere greater than non-Indigenous rates, but that in some geographic jurisdictions poverty is in fact increasing. Francis Markham and Nicholas Biddle in a report 'Income, poverty and inequality' based on the analysis of official census statistics show that Indigenous poverty rates in Australia have declined slowly in the last decade from 33.9 per cent in 2006 to 31.4 per cent in 2016: at this rate SDG1 would take more than 100 years to achieve.

The situation in very remote Australia is dire as more than half Indigenous people live in households below the poverty line; in this jurisdiction poverty rates have increased in the last intercensal period 2011–2016.

This is partly because the employment disparity between Indigenous and other Australians has grown. In very remote Australia, as the non-Indigenous employment rate has hovered about 80 per cent between 2006 and 2016, the Indigenous rate has declined from nearly 50 per cent to just over 30 per cent. In remote Indigenous Australia the disparity between Indigenous and non-Indigenous employment is growing; and the absolute rate of Indigenous employment has

declined to the extent that only three in 10 Indigenous adults are in paid work.

What is of great concern, but not mentioned in the national review, is that the government's own Community Development Program introduced on 1 July 2015 is exacerbating this deepening poverty by applying nearly 400,000 No Show No Pay penalties (to early 2018) to Indigenous people who do not turn up for Work for the Dole activities.

Some programs like the Indigenous Procurement Policy might work, but others like the Community Development Program is delivering below award forms of forced labour not 'Decent Work and Economic Growth' (SDG 8).

Despite SDG2: Zero Hunger, people are going hungry in Australia today in part because of discriminatory and expensive-to-administer income management regimes introduced in the past decade. These have been implemented in the name of 'improving food security' but instead of doing this, they force Indigenous people to purchase expensive store food while on welfare.

The option to live on country at homelands is limited by lack of clean water and sanitation (SDG 6) and infrastructure (SDG 9). Consequently, there is a reduction in remote people's access to their land and natural resources, a form of 'food sovereignty' that could effectively reduce hunger and enhance Good Health and Wellbeing (SDG 3).

The statement of how Indigenous

peoples care for country with which the foreword to the national review alludes to needs to be reversed: How does the Australian nation care for Indigenous peoples, especially those who are deeply disadvantaged owing to a combination of historical legacy, racial discrimination, structural demographic and locational factors and cultural differences?

The short answer is not very well at all.

It is a sad indictment of a rich settler society like Australia that no progress has been made in recent years on SDG 1 to end poverty and SDG 2 to eliminate hunger.

Policy reform is urgently needed especially in the context of international reporting to acknowledge the crushing failure of the past decade and the deepened impoverishment especially evident in remote Indigenous Australia.

Australia could learn from other settler societies that have managed decolonisation and governance for sustainable Indigenous development far better.

But the Australian government could also expand rapidly what it documents in the national review as working at present.

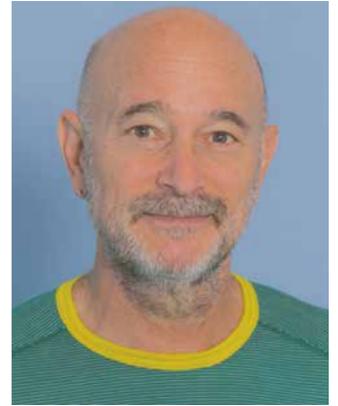
For example, on Climate Action (SDG 13) Indigenous groups have been successfully contracted to reduce greenhouse gas emissions through savanna fire management. And with Life on Land (SDG 15) Indigenous ranger groups are currently managing 75 Indigenous Protected Areas (45 per cent of the Australian conservation estate) but on uncertain and short-term shoestring budgets.

Industry, Innovation and Infrastructure (SDG 9) refers to the Development of Northern Australia but fails to specifically mention Indigenous peoples or that they have territorial interest in more than half this jurisdiction under land rights and native title laws.

The Closing the Gap agenda imposed on Indigenous Australians in 2008 is being 'refreshed' in 2018 in apparent 'partnership' with Aboriginal and Torres Strait Islander peoples. As with all such governmental impositions an opt-out of this inappropriate policy framework is not on the table.

As the consultation process nears completion, perhaps the 17 SDGs should be thrown into the mix to allow external scrutiny by the United Nations High-Level Political Forum on Australia's domestic Sustainable Development efforts. No Poverty

(SDG 1) and Zero Hunger (SDG 2) should not be left to languish until 2030: both goals are urgent priorities for Australia to ensure the decent treatment of Indigenous Australians today.



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An earlier version of this article was included in *Australia, Poverty, and the Sustainable Development Goals: A Response to the Australian Government's Review of its Progress on the SDGs* prepared by Academics Stand Against Poverty Oceania.

REPORT
ON THE
IMPLEMENTATION
OF THE
SUSTAINABLE
DEVELOPMENT
GOALS

2018



United Nations High-Level
Political Forum on Sustainable
Development 2018



SUSTAINABLE
DEVELOPMENT
GOALS

NLC PREPARES FOR 2019 COUNCIL ELECTIONS

The Northern Land Council is reviewing the way its members are allocated across its jurisdiction, ahead of Council elections to take place in the second half of 2019.

The Full Council of the NLC is the major decision-making body of the organisation. It currently includes 78 members elected from across the NLC's seven regions, plus five co-opted women's positions. Each Full Council sits for a three-year term, with the next Council to come together in late 2019 and governing until 2022.

Nominations for Council membership will be called for in mid 2019.

The NLC region includes some 200 communities ranging in size from small family outstations to townships of up to 3,000 people, as well as the urban centres of Darwin and Katherine. Fifty-four communities or areas are currently represented on the Council.

The distribution of seats on Full Council has been unchanged since 2001 and has changed very little since 1983.

In the 30 years from 1986, however, the Aboriginal population of the NLC region increased by at least 83 per cent and possibly as much as 137 per cent, now standing at around 47,200.

Alongside this substantial population increase there has also been significant shifts, with a greater share of the Aboriginal population now living in

urban areas and larger townships and a lower share in the more numerous but smaller places (mostly medium-sized communities and outstations).

Because of these changes, NLC is conducting a review of representation on Council in order to develop an equitable model for determining the distribution of seats. The model will need to balance three major things: population, inclusiveness of different groups and coverage of country, and administrative efficiency.

From the earliest days, representation of people and country on Council presented a challenge.

Justice Woodward first described this in 1974, in his Second Report of the Aboriginal Land Rights Commission:

"So far as the composition of these councils is concerned, I found considerable difficulty in making appropriate recommendations in my first report. I still feel the same difficulties and the councils themselves have not been able to resolve them satisfactorily. Some things are clear. The members of the councils must all be Aborigines and they must be chosen, by some appropriate method, to represent the people who send them."

Under section 29 of the *Aboriginal Land Rights (Northern Territory) Act 1976*, NLC Full

Council members are chosen by a 'method of choice' that has been approved by the Minister for Indigenous Affairs. Reflecting Justice Woodward's comments, the Act states only that members "shall be Aborigines living in the area of the Land Council, or whose names are set out in the register maintained by the Land Council ... chosen by Aborigines living in the area of the Land Council".

The first official Northern Land Council was appointed in 1977 (there was an interim Council prior) and had 36 members. Since the beginning, the policy has been to ensure as broad a representation from as many Aboriginal groups as possible. A 1977 NLC circular calling for nominations advised: "[Community councils] should remember that they have a responsibility to see that all Aboriginal people are suitably represented on the Land Council."

The number of Council members increased to 55 members and then 80 members by 1983 (at that time including representatives from the Groote Archipelago). The aim of expanding was to ensure the Council had a wide geographical spread and represented all Aboriginal people within the NLC region. Smaller communities had one representative and larger communities had two, while large communities with several outstations could have a third or fourth member from an outstation.

The comprehensive review now underway is the first since that time.

First major Legune contract awarded to native title holders

In a historic win for Aboriginal business development, a construction consortium involving local native title holders has been awarded the first contract of work for the billion-dollar aquaculture grow-out facility at Legune Station.

King have won this first contract of work," said Legune Constructions Director and native title holder Marcus Simon.

"The Consortium will be good for our younger generation, to get trained-up, and Allan King's company is the right fit for us to work with," Legune Constructions co-director Alfred Gerrard said.

Former Northern Land Council Chief Executive Officer, Joe Morrison, welcomed the news: "It shows that Project Sea Dragon developer, Seafarms Group Ltd, is genuinely committed to local and Aboriginal business development.

"This consortium is an example of how Aboriginal-controlled entities can grow their skills, experience and become increasingly competitive operators.



Allan King, Fred Gerrard, Lindsay Paddy and Mitch King at the signing of the consortium

"It's great that Seafarms has recognised the potential of the consortium. With an operator as experienced as Allan King, it's really a win-win situation for everyone. We hope this is the first of many Project Sea Dragon success stories for local Aboriginal people," Mr Morrison said.

Labor commits to restore shortwave

The Shorten Labor Government has committed to providing the ABC with \$2 million in funding to help re-establish shortwave radio services across the Northern Territory, if elected.

A federal election is expected to be called in May 2019.

Shadow Minister for Regional Communications, Stephen Jones MP, joined Senator Malarndirri McCarthy and the Hon Warren Snowdon MP to make the announcement in Alice Springs on 19 November 2018.

The ABC controversially terminated shortwave radio transmission in January 2017, following severe budget cuts to the national broadcaster by the Liberal Government.

Since then, the Northern Territory Government and organisations including NT Cattlemen's Association, Northern Territory Seafood Council, Amateur Fisherman Association NT, Indigenous Rangers, long haul transport drivers and the Toyota Land Cruiser Club have raised concerns about the loss of these services.

For remote First Nations communities, shortwave radio equipment is relatively cheap to purchase and does not require external power to operate. By contrast, other forms of communication such as mobile phones, TV and broadband all rely on mains power.

In January 2017, Opposition Leader Bill Shorten wrote to then Prime Minister Malcolm Turnbull asking him to work with the ABC to restore the shortwave.

Country Liberals Senator for the Northern Territory Nigel Scullion urged Territorians to provide submissions to a Senate inquiry into the ABC service delivery to rural and regional Australia.

Senator Scullion said the ABC's decision to terminate shortwave radio transmission would have a significant impact on remote and Indigenous NT communities.

"Shortwave radio transmission is an essential service – especially in times of emergencies such as cyclones and floods – for people in rural and remote areas of the Territory," Senator Scullion said.

POSITION VACANT: CHIEF EXECUTIVE OFFICER

The Northern Land Council is an independent statutory authority of the Commonwealth and is responsible for assisting Aboriginal peoples in the Top End of the Northern Territory to acquire and manage their traditional lands and seas.

The Northern Land Council is partnering with Hays Recruitment in the search for their new Chief Executive Officer (CEO). This is an important leadership position based in the Darwin CBD, on a 3 year fixed term contract.

As the CEO, you will provide high level leadership, governance and strategic focus in the delivery of organisation-wide services including Executive, Corporate Services, Anthropological, Legal, Community Planning and Development, Caring for Country and Regional Development Services. You will provide advice to the Executive, Regional and Full Council on a range of NLC corporate matters.

Key responsibilities of this role are broad-ranging and will include:

- Working to ensure the NLC's Strategic Plan meets the future needs of the organisation whilst ensuring the implementation of appropriate strategies to ensure NLC achieves its corporate goals and objectives.
- Ensuring statutory compliance of the organisation with regard to the relevant legislation effecting the operations of the NLC including the Aboriginal Land Rights (NT) Act 1976, the Native Title Act 1993 and the Public Governance Performance Accountability Act 2013.
- Promoting and protecting the NLC's commitment to serve Traditional Owners within the Council's jurisdiction and developing effective working relationships with Traditional Owners.
- Providing high-level advice on issues impacting upon the NLC and its constituents.
- Leading, developing and implementing corporate policies and integrated planning strategies.
- Actively leading the NLC Leadership Group to provide sound governance in line with the NLC's values and strategic direction.
- Working closely with the Executive and Full Council assisting with identifying developments and opportunities with potential for significant impact on Traditional Owners, assisting them in representing the NLC in an official capacity as required in negotiations with external agencies to ensure a favourable outcome.
- Maintaining a safe, healthy and effective working environment for all staff, and a secure environment for information and facilities, through the review, implementation, and monitoring of appropriate infrastructure and practices and championing necessary reforms.
- Developing and maintaining key partnerships internal and external stakeholders including and to promote a positive public image.
- Chairing or presenting at forums, briefing meetings and public seminars.
- Preparing, submitting and achieving annual estimates which meet budgetary and legislative requirements and meet appropriate quality and environmental practices.
- Ensure that the NLC's resources are deployed and used economically and efficiently and that relevant records are maintained.

What you'll need to succeed

- Completed high level qualifications in an appropriate discipline and/or extensive relevant experience in senior management positions.
- Demonstrated experience in leading and managing a complex and diverse organisation or large department.
- Significant experience and knowledge of financial, governance, personnel, safety, legal and other administrative processes.
- Excellent interpersonal skills, including the ability to develop effective working relationships with key stakeholders.
- Demonstrated skills in representing and negotiating with key government agencies and peak industry associations or similar bodies.
- Demonstrated understanding of the policy and administration of the Commonwealth and Northern Territory Government.
- Applicants should possess a strong understanding of Aboriginal culture and society and the issues affecting Aboriginal people in NT, and the ability to communicate sensitively and effectively with Aboriginal people.

What you'll get in return

This position offers an exceptional opportunity to lead a high profile organisation with a pivotal presence across the NT. The position will offer an excellent overall remuneration package which has been graded at an SES equivalent level. This package includes 5 weeks annual leave, 12.5% Superannuation and motor vehicle.

What you need to do now

The NLC is a peak Indigenous organisation in the Northern Territory. The filling of this vacancy is intended to constitute an affirmative measure under subsection 8(1) of the Racial Discrimination Act 1975, therefore we invite applications from Aboriginal and/or Torres Strait Islander Candidates.

Further information about the Northern Land Council can be found at www.nlc.org.au.

All interested candidates will need to send an updated resume and cover letter to Nicole Townsend at Nicole.townsend@hays.com.au or call 08 8943 6000 for a confidential discussion. Applicants will also be required to submit a separate document addressing the selection criteria, which will be provided.

WAANYI-GARAWA RANGER PRESENTS AT INTERNATIONAL CONFERENCE



Ostiane Massiani, Josephine Davey and Kate Van Wezel at the Unsettling Australia Conference, December 2018

Josephine Davey (Waanyi-Garawa ranger), Ostiane Massiani (Ganalanga-Mindibirrina IPA coordinator), and Kate van Wezel (NLC Caring for Country women and youth coordinator), travelled to the University of Queensland in early December to present a paper at Unsettling Australia, the 2018 biennial conference of the International Australian Studies Association.

They joined a large group of academics for three days of lectures covering a range of topics: colonialism and memory, contemporary feminism in action, everyday cultures of Australia, reconciling Country, decolonising practices and more.

The built-up nerves lasted a whole morning until Kate and Josephine introduced their collaborative work supporting women caring for country on the Ganalanga-Mindibirrina IPA, during Kate's doctorate research from 2015 to 2018.

They explored the research question: what do women caring for Waanyi and Garawa country want collaborators to understand? Kate placed the talk into context, and Josephine — for whom this kind of public speaking was a first — bravely faced the interested parties and shared her background of her mother's father's country, what working on country means to her, and what expectations and hopes her family has for partnering with external people.

At the end of the shared presentation, numerous

questions were aimed at Josephine, which continued throughout the conference.

Here is an excerpt of Josephine's public talk: "Working together as rangers is a way to get back onto our country and learn about our home together. When my family and I met with Kate's family, we all started learning from each other. Through research, we continued to build up women rangers from our elders' knowledge. When we work with other people, we would like to bring it together as equal, to share knowledge with one another with respect, and to pass this experience to our children. I'm going to show a video of a new traditional dance about my father's country where they are damaging our sacred site and homeland. We are teaching this dance, to show other people its meaning and its importance to my father's father heritage so that we can teach our culture to everyone."

We listened to multiple voices describing and analysing Aboriginality, culture, and responses to ongoing historical oppression. Many researchers advocated for a more egalitarian society, and some proposed legal and political strategies.

On the third day, Josephine voiced her concern, confusion and hurt to a room full of academics that so few Aboriginal researchers were present. She expressed sadness that so few Aboriginal people had the opportunity to represent themselves in

these conversations, and urged participants in the academic discourse to spend time with Aboriginal peoples and their communities, as this is requisite work to begin to understand their lived experience navigating today's society and its fundamental ills.

The outcome was gratifying: presenters were responsive and a number of them spent the remainder of the day conversing with Josephine while sitting in the grass, under thick native trees while colourful water dragons popped their curious heads from beneath the leaf matter.

While the ongoing need to unsettle research was confronting at the conference, this refreshing close incited hope for meaningful collaboration.



Kate Van Wezel, Josephine Davey and Dr Jane Palmer yarning at the University of Queensland.

Carbon farming supports Yugul Mangi culture camp for young people



Seventeen school students attended the Yugul Mangi culture camp at Namiilliwirri outstation.

The Yugul Mangi Rangers ran a two-day culture camp in September this year. Traditional Owners from the South East Arnhem Land Indigenous Protected Area (SEAL IPA) supported the camp using income from the carbon farming work of their rangers.

The camp was held at Namiilliwirri outstation, just outside of Ngukurr community. The Ngukurr school and Ngukurr Language Centre supported the Rangers. In total, forty-six people took part in the camp including 17 school students. All the young people enjoyed learning from the Elders and Yugul Mangi Rangers who led the camp and the bush classroom.

Bush Classroom Activities

On the first day, the students arrived at the outstation and set up their tents. The first activity was a talk by Winston Thompson, Yugul Mangi Assistant Ranger Coordinator. He talked about kinship and skin groups. The Rangers then took the students for a walk around the billabong to look at native plants and learn their traditional names and uses.



They also talked about the work of the rangers and how they built an exclusion fence around the billabong to keep the buffalo out.

On the second day, Clarry Rogers talked to the students more about the ranger's work and then took students for a walk to look for sugar bags and bush medicine.

In the afternoon, the Ngukurr Language Centre ran lessons with the students on the Nunggubuyu and Rembarunga languages. That night, the students performed Bunggul with the help of the rangers and elders and learnt about sharing

stories through dance.

The NLC's Caring for Country and Community Development & Planning units are working with the SEAL IPA Advisory Committee to plan projects using some of their income from carbon abatement work. The Advisory Committee has a vision for a culture project and this camp is their first project. They are collaborating with the local ranger groups in Ngukurr and Numbulwar to deliver two culture camps.

Overall, it was a great camp. The kids learnt a lot from the senior people about country, looking after country and their culture. Everyone worked together to make the trip successful. Thanks to all those involved.

Timber Creek Rangers trained in sawfish monitoring



Aron Harrison, Richard Pillans, and Floyd Rogers hold a sawfish on the Victoria River.

NLC's Timber Creek rangers and CSIRO have established a sawfish monitoring program on the Victoria River to record population estimates.

Sawfish are one of the most endangered species on the planet, yet this NT waterway is teeming with them.

The first survey in August captured 25 dwarf and largetooth sawfish, and provided the first recorded evidence of the critically endangered speartooth shark and northern river shark in that waterway.

CSIRO researcher Richard Pellens said: "We caught more in two weeks than I've caught in 20 years."

The five-year survey is hoping to shed more light on the sawfish, its behaviour and breeding.

While Australia still supports viable populations in some remote regions, numbers have declined dramatically as a result of bycatch in commercial fisheries, recreational capture as well as habitat modification.

"They have a big kind of electric hedge trimmer on the end of their body which makes them incredibly susceptible to being stuck in gill nets and trawl nets," Dr Pellens told the ABC.

"So while the fishermen aren't trying to catch them, as soon as [sawfish] come into contact with a net they become stuck.

"And because they're also one of the largest fish we have — they grow to seven metres in length — getting an animal that size out of a net is quite tricky."

The partnership between the CSIRO and Timber Creek rangers means Indigenous rangers will be trained in survey methods, capture, handling, measurement and tissue sampling of sawfish and speartooth sharks.

Floyd Rogers was one of the Timber Creek rangers who took part in the survey.

"I've been a full time ranger for 3 years now I enjoyed every trip we have done, but this 7 days on the river was the greatest I have done and learned a lot on this wonderful Vic River," he said.

"Now I know there is two sorts of sawfish fresh water and saltwater sawfish and great to know there scientific name *pristis pristis* (fresh water) *Pristis clavata* (Dwarf salt water). Good to know that other animals on the river are also endangered like spear tooth shark, and northern river shark.

"I had a good time on the river and I'm looking forward

to it again next year and I hope we can catch more fresh water saw fish with Dr Richard Pillans."

Fellow ranger Aron Harrison agreed: "It was a great exercise for me working on the river for the first time. It was really good and I really enjoyed it and I hope I will be doing more surveys on the river and get to know the waterways more. Best time of my life."



Dwarf Sawfish (*pristis clavata*)



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