

LAND RIGHTS NEWS

NORTHERN EDITION

"Our Land, Our Sea, Our Life"

January 2014-Edition 1

www.nlc.org.au

Mara dance, tradition on show

MATHIAS HAMMER, 18, is a member of the Mara dance group, one of a number of traditional dance groups from Borroloola.

Here, Mathias was performing at the opening ceremony of Western Desert Resources' Roper Red operations, at Bing Bong, about 700km south-east of Darwin.

The dance group often performs at festivals, NAIDOC and other events.

Last year in October, the Mara dance group were special guests at the Mbantua Festival in Alice Springs.

• WDR opening ceremony-P10

Picture: DARREN MONCRIEFF



Court endorses Rio Gove agreement

THE Northern Land Council's (NLC) negotiations under the Land Rights Act which led in May 2011 to the lease and royalties agreement between traditional Aboriginal owners at Gove and Rio Tinto Alcan (RTA) have been effectively endorsed by the Federal Court.

In the Federal Court, Dr Djiniyini Gondarra, for a group of clans known as the Dhurili Nation, challenged the decision of Federal Indigenous Affairs Minister Jenny Macklin to consent to the lease and approve the agreement.

The lease by the Gumatj, Rirratjingu and Galpu clans facilitates the disposal of red mud and other effluent from RTA's bauxite refinery at Gove.

Dr Gondarra's legal challenge was heard over five days in March 2013 in the Federal Court at Melbourne before Justice Susan Kenny.

She dismissed the challenge

on February 3 this year.

Dr Gondarra claimed that the Minister could not have been properly satisfied that the NLC had complied with its duty to consult with the traditional Aboriginal owners and other Aboriginal people interested in the land under lease.

Dr Gondarra has long disputed the ownership of the land known as the red mud ponds.

His claim to be a traditional owner has equally long been rejected by the NLC, for reasons which include its basis of matrilineal descent.

The NLC's position, based on anthropological research, has been that Yolngu clans, in particular the traditional Aboriginal owners as defined in the Land Rights Act, are organised on the basis of patrilineal descent.

In court, Dr Gondarra did not, in fact, challenge the NLC's position, but Justice Kenny said it was clear, from correspondence between lawyers for Dr

Gondarra and the NLC, that his claim was "substantially about the lack of consultation (by the NLC) of his group (the Dhurili Nation) in their supposed capacity as the traditional Aboriginal owner."

"... if Dr Gondarra's group had been recognised as the traditional owner then this would have been a tenable complaint; but his group was not so recognised and the complaint was not therefore sustainable."

Rather, Dr Gondarra was consulted by the NLC as an Aboriginal person who had an interest in the land and was potentially affected by the agreement and the lease.

Of those consultations, Justice Kenny said there was "simply no evidence that Dr Gondarra and his group were not told sufficiently what was proposed".

"It was also apparent that Dr Gondarra and his group had ample opportunity to present their

views," she said.

Justice Kenny referred in her judgement to the "substantial autonomy" of land councils.

She rejected the notion, advanced by lawyers for Dr Gondarra, that the Minister for Indigenous Affairs had a supervisory role when land councils negotiated agreements.

That, the judge said, "is apt to conceal both the role and expertise of land councils, and the amenability of their processes to judicial supervision".

It would also allow an Aboriginal group to re-agitate an unfavourable land council decision before the Minister.

Justice Kenny rejected all the grounds of Dr Gondarra's case, including the proposition that he had been denied natural justice or procedural fairness.

Timeline of events

1969 - Gove operation starts.
1972 - Bauxite mining begins: 900 employees, 600



JUSTICE Susan Kenny.

contractors.

1976 - First Gove Agreement (expiring 29 May 2011, no right of renewal).

2007 - Commissioning of \$3 billion expansion of alumina refinery.

2008 - Consultations and negotiations begin for new lease.

2011 - On 26 May, Minister Macklin approves new lease and royalties agreement.

2013 - In March, legal challenge to Minister's approval heard in Federal Court, Melbourne.

2014 - In February, court dismisses legal challenge.

SUBSCRIBE

LAND RIGHTS NEWS -NORTHERN EDITION

The Land Rights movement needs a national voice. Land Rights News-Northern Edition plays a vital role in this. Support the Land Rights movement and Land Rights News-Northern Edition by subscribing below:

Name: _____

Address: _____

Postcode: _____

Phone: () _____

2014 subscription fee: \$30 a year.

International: US\$50 airmail,
US\$35 surface

Further donation: \$

Send your subscription to:

**Land Rights News-Northern Edition
GPO Box 1222, Darwin, NT, 0801.**

Land Rights News-Northern Edition is published by Samuel Bush-Blanski for the Northern Land Council.

**Projected publication dates:
April 2014, July 2014, October 2014,
January 2015.**

**Advertising
Classifieds: quarter-, half-,
full-page available (contact numbers below).**

**Contributions
Land Rights News-Northern Edition welcomes
news items and photos regarding Aboriginal
people and Aboriginal organisations.**

**Deadlines
For photographs and copy: 2 weeks before
publication; For advertising copy: 1 week
before publication date.**

**Contact the editorial team for more info at:
Land Rights News-Northern Edition
GPO Box 1222
Darwin
Northern Territory
0801**

**Subscriptions
GPO Box 1222, Darwin, NT, 0801. media@nlc.
org.au; www.nlc.org.au
Ph: (08) 8920 5100 Fax: (08) 8945 2615.**

CONTENTS

NEWS

Concerns over haulage on Roper Highway	-page 4
CEO keen for the challenge	-page 5
Customary law	-pages 6-7
How the NLC played a key role in north-south rail link	-page 8
There's Red in them hills	-page 10
Will we again ignore history and fail on the Ord?	-page 11
Ranger conference	-pages 12, 13
Study raises questions on home ownership	-page 15
Jilkmिंगgan's new book	-page 18
Landcare awards for two community groups	-page 20

SPORT

Gumatj in Hottest 7s	-page 21
Jake finds his feet in AFL	-page 22
Wadeye's island home	-page 23
Nominate for marathon	-page 23

DANCE

The moves that made him	-page 24
-------------------------	----------

Legal hostilities end in failure for ORIC

Taking a different approach

ATTEMPTS by the Office of the Registrar of Indigenous Corporations (ORIC) to have legal sanctions imposed against dozens of small Aboriginal corporations within the Northern Land Council's jurisdiction have failed in court.

The NLC's legal branch helped get the corporations out of trouble, but not before ORIC and the Commonwealth Director of Public Prosecutions expended considerable investigative and legal resources pursuing them.

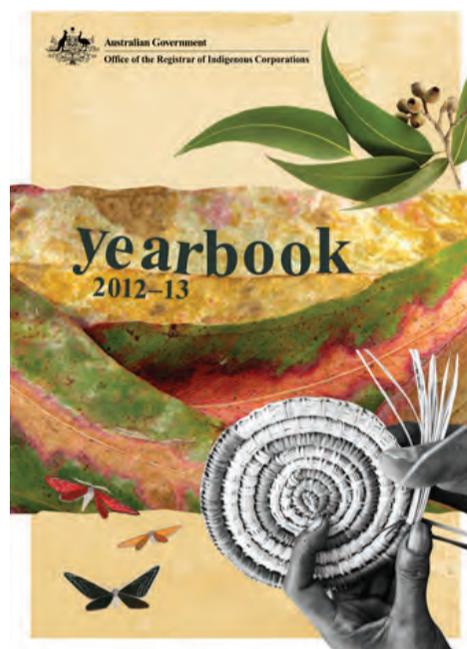
Two Northern Territory magistrates have declined to record any convictions against the corporations, and resisted arguments to subject them to a bond.

ORIC is a commonwealth statutory authority which administers the unwieldy Corporations (Aboriginal and Torres Strait Islander) Act (the CATSI Act). About 2500 Indigenous corporations are registered under the Act, and they're required to submit annual reports of differing complexity according to their size.

The first round of prosecutions by ORIC, against nine small corporations, was dealt with by Magistrate Sue Oliver in the Darwin Magistrates Court in June 2012. All nine pleaded guilty to not having filed annual reports for the financial year ending 20 June 2010, but Ms Oliver dismissed the charges. Further, she did not accept, as the Commonwealth argued, that the corporations should be subject to a bond requiring them to be "of good behaviour."

Six of the corporations existed only to hold title to small tracts of land; another two existed to hold exploration licences which have never been acted on. None of the eight had ever traded, operated a bank account or employed anyone. The ninth corporation oversaw the operation of the store at Ngukurr for a few years till the early 2000s, but has not been commercially active since then.

Magistrate Oliver also found that in most of the cases, a large number of people listed as directors of the corporations had passed away, "leaving only one or a small number of quite elderly directors to carry on the report-



ORIC's 2012-13 Yearbook. Image: ORIC

ing obligations of the corporation." In one case, a surviving director was in her late 70s, blind and living in care in Katherine.

The NLC was in early negotiations with ORIC to assist corporations within its domain comply with the CATSI Act, and to head off prosecutions. The NLC gave assurances that the corporations, having realised they were in default by not having filed returns, would become compliant; others, having no reason at all to continue operating, would be deregistered.

But while those talks were in train, ORIC was already on a course of prosecution.

The NLC engaged Darwin barrister Mark Johnson, who told Ms Oliver when the matters came to court: "What we didn't find out was that whilst [NLC lawyer] Mr Gosford and ORIC were in communications as to, 'Let's get this done, let's progress this in a constructive way,' at the same time they [ORIC] were sending off details and papers to the Commonwealth DPP's office to commence the prosecutions.

"Now, one can draw one's own conclusions as to the appropriateness of that."

Another two corporations were charged before Deputy Chief Magistrate Michael

Carey in December last year. Neither had ever done any business for which it had been established and Mr Carey followed the same course as Ms Oliver, discharging them without conviction. The main director of one of the corporations was a 96-year old traditional owner who lives on a small island.

"It is fairly trivial this matter, because it is not like a tax matter where there is taxation payment being avoided," the Magistrate said.

In both cases before Mr Carey, ORIC had served warning notices on solicitors who no longer acted for the corporations, even though both solicitors had long before advised ORIC in writing that they had stopped being official representatives.

Mr Carey identified the problem for ORIC. "It is rather difficult for you [the prosecutor] to sit there now and say, 'We want a conviction because they [the corporations] didn't comply, when all of our notices went astray and our office, or ORIC's office, was informed of the correct situation and didn't alter its records accordingly'."

Mr Carey said ORIC's flawed record keeping was one of several factors he took into account in refusing to enter convictions.

The very organisation that was attacking small Aboriginal corporations of no commercial consequence for being late with their paperwork itself had an out-of-date data base. By way of another example, in some of the matters dealt with by Magistrate Oliver, ORIC was regularly forwarding correspondence to the NLC at its old address at Casuarina, long after it had moved to its Darwin CBD address in July 2007.

Aside from the matters which did get to court, the NLC managed to convince the Commonwealth Director of Prosecutions to abandon legal action against many other small Aboriginal corporations.

With the help of the NLC, all the corporations are now compliant with their obligations under the CATSI Act. And ORIC, which as a Commonwealth authority has obligations to behave as a model litigant, has spent a lot of taxpayers' money but achieved nothing from its court actions.

THE Office of the Registrar of Indigenous Corporations (ORIC) has taken an uncompromising and determined approach in its failed attempts to achieve convictions for non-compliance against small corporations within the Northern Land Council's jurisdiction.

But, inexplicably, the same ORIC has chosen a much more sympathetic approach in the way it deals with Aboriginal corporations overseen by the Central Land Council.

ORIC has relaxed the rules it has previously applied to 76 corporations within the CLC's boundaries.

Instead of having to hold an annual general meeting and lodge a report each year, the corporations will now be required to do so only every three years.

A media release from ORIC says the 76 corporations undertake no activity other than to hold land, and have few changes in their corporate information every year.

That's just the same scenario that applied to most of the small corporations within the NLC's area which ORIC relentlessly took through the courts without success and at much expense.

The NLC will be seeking a similar dispensation from ORIC for the dozens of small Aboriginal corporations within its domain.

Councils throw their support behind AAPA

THE Executive members of the Northern and Central Land Councils have reiterated their full support of the independent board of the Aboriginal Areas Protection Authority (AAPA) at an historic joint meeting in Alice Springs in December.

The joint Executive Councils strongly endorse the current processes, structures and functions of the AAPA Board, in particular the independence of the board and the nomination of members by the Land Councils.

The Executives' vote of confidence in the AAPA Board comes after the Northern Territory Government indicated it was considering reforms to the

Sacred Sites Act.

The combined Executive Councils stated that the intellectual and cultural property of Traditional Owners can only be protected by strong and independent Aboriginal-controlled agencies.

Northern Land Council Chair, Samuel Bush-Blanasi, said an independent and strong AAPA is the key to maintaining integrity and transparency in the protection of sacred sites across the Northern Territory.

"Songlines and dreamings criss-cross the NT and connect our people from north to south and vice versa," Mr Bush-Blanasi said. "We share a responsibility to ensure our sites are protected

and our young people are learning about their obligations for sites protection."

The group called on the Northern Territory Government to abandon any plans to dismantle the AAPA Board and commit to maintaining processes that ensure independent Aboriginal agencies control sacred site protection processes.

Chair of the Central Land Council, Maurie Ryan, said the processes and structure of AAPA must be maintained so that cultural integrity continues to remain strong.

"From waterholes, hills, rocks and rivers, and saltwater, sacred sites are the heart of our law and culture," Mr Ryan

said. "Only senior Aboriginal people can properly discuss and determine issues relating to sacred sites, and this process must be maintained."

Article 12:1 of the United Nations Declaration on the Rights Indigenous Peoples says, in part:

"Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access to their religious and cultural sites."

The Executive Councils also encourages all members of the Legislative Assembly to support the institution that protects our sacred sites.

Concerns raised over haulage on Roper Hwy

THE Northern Land Council has raised serious questions about the proposal by Sherwin Iron to truck ore from its Roper River mine, 120km east of Mataranka, along the single-lane Roper Highway.

The NLC's concerns are contained in a submission responding to Sherwin's draft Environmental Impact Statement (EIS), which includes of the company's proposed traffic management plans.

Expanding current operations under phase two of its mining plan, Sherwin plans to truck one million tonnes of iron ore per year from its mine to Darwin's East Arm wharf, a journey of 550km.

Each day, quadruple road trains, capable of carting 90 tonnes of ore, will make about 38 journeys in convoys of up to four from the mine to an interchange near Mataranka. From there, single road trains will be dispatched along the Stuart

at 10-minute intervals.

Fundamentally, the traffic management plan does not consider options to using the Roper Highway, especially the option of a private, dedicated haulage road -- even though guidelines for the EIS required consideration of that alternative. Taking into account return journeys, Sherwin's road trains will more than double vehicle movements on the Roper Highway.

There are eight single-lane bridge crossings between the mine and the Stuart Highway, and the NLC submission notes that many of the crossings are not designed to requisite safety standards.

"There is no discussion in the (Sherwin) document about duplication of key sections of the road, or of dangerous bridges, or of creating by-passes of particularly dangerous blind spots," the submission says in part.



DISASTER: A semi-trailer and a four-wheel-drive collide on a single-lane bridge on the Roper Highway last year. Thankfully, no-one was seriously injured.

The submission says any plans that Sherwin and the Department of Transport may have for improving the road or bridges should be made open for public review.

It records that many Aboriginal communities (including large population centres at Ngukurr, Minyerri and Jilkming-

gin) rely solely on the Roper Highway for access to the Stuart Highway and to import supplies, including dangerous fuel loads.

The NLC believes that Sherwin should consider building a pedestrian bridge at Jilkminggin, especially for school children.



BOUND FOR CHINA: The bulk carrier at Darwin Port carrying iron ore from the Gum Creek site last October.

NORTHERN Land Council has hailed the first shipment of iron ore by Sherwin Iron as a beneficial outcome for the local Indigenous people.

Sherwin Iron has loaded a bulk sample of iron ore, extracted from its Gum Creek project site, on a ship bound for China.

The ore recovered is pursuant to a bulk sample, i.e. a test run, authorised by the NT Government.

The bulk sample operation is covered by an agreement between Sherwin Iron and the NLC.

Traditional Owners who attended Darwin Port speak for the Gum Creek mine site, which is located just off the Roper Highway, approximately 25km from the community of Urapunga.

"Traditional Owners and Sherwin Iron working together benefits us long-term," former chairman Wali Wunungmurra said in October when the shipment departed.

"This partnership looks to provide jobs and generate further employment



HOLDING COURT: Traditional Owners speak to media at Darwin Port in October ahead of the first shipment of iron ore from country.

opportunities for Indigenous people.

"Everyone seems to be working together and in this they have our full support."

The first shipment, loaded at Darwin

Port, shows that there are significant iron ore deposits in the Roper region, including the resources being developed by Sherwin Iron and Western Desert Resources, and significant employment



TRADITIONAL Owners, with a representative from the China-bound bulk carrier at Darwin Port in October.

opportunities for Traditional Owners and their communities.

In November 2012, representatives from Sherwin Iron attended the NLC's Full Council Meeting where Full Council resolved to enter into agreements with Sherwin Iron to cover the two sites identified for future mining -- one on land subject to native title claims and the other on Aboriginal land.

Morrison is up for the challenge

THE NLC's new Chief Executive Officer, Joe Morrison, was born and raised in Katherine. His father, John, was of Torres Strait Islander and Scottish heritage; his mother, Bernie Peckham, was a Dago-man woman, also having Scottish ancestry.

Mr Morrison has two brothers and two sisters and, like he, all were educated in Katherine. He recounts the quality of his education as having been "pretty average but adventurous, filled with many colourful characters and education back then occurred just as fast outside the classroom as it did in it".

Mr Morrison's mother spent most of her career working at the Katherine hospital, where she worked for 29 years, largely assisting Aboriginal women that came from remote communities to settle into the hospital. She became a rather legendary figure there, as she would go out of her way to assist those women who would have something to look forward to during their time at the hospital.

Mr Morrison's father worked in the animal production section of the NT Primary Industries Department for 38 years, travelling extensively around the Katherine district. These travels provided the perfect opportunity for the young Morrison to appreciate the country and its people and, importantly, coming to terms with how Aboriginal people were treated, particularly by the pastoral industry. At every opportunity, especially during school holidays, young Joe would accompany his father on work trips to distant cattle stations.

Mr Morrison remembers the Katherine of his childhood as a small community, but rapidly growing to become a polarising town. Racism was heightened in the 1980s by fears about Aboriginal land rights, especially Aboriginal ownership of Nitmiluk (Katherine Gorge) National Park. He recalls demonstrations by groups called 'One Law, One Nation' and 'Rights for Whites'. He recalls KKK-type cartoons posted in the streets. "I think the town and its people have learnt a lot from this period including the arrival of the Air force at the Tindal Air Base," he said.

Mr Morrison grew up with a small group of mostly Aboriginal mates. But suicide, drugs and alcohol have taken their toll on most of them. Of a close group of five, he's now the last man alive. "That reminds me a lot about the lessons of life and the struggles that many poor people have in many towns throughout north Australia and my situation is not unique but it is unacceptable," he said.

Mr Morrison still senses immense problems in Katherine, many of them the direct result of poor public policy and a lack of local engagement with the whole community. "The problems that many towns face are not just Indigenous problems, they affect the entire community," he said.

"We see the positive and negative effects of the (Federal Government's) Intervention, but in particular the disengagement between Indigenous people and governments is a significant legacy of 'top down' policy



NLC CHIEF EXECUTIVE OFFICER: Joe Morrison.

approaches, such as the Intervention."

Joe Morrison's first job after leaving school was at the NLC from 1992-94. He worked first at the old mechanical workshop at Coconut Grove, moved into administration, then at the NLC's Registry Office.

He then moved onto Greening Australia where he helped to establish the Aboriginal Landcare Education Program -- designing living areas on Aboriginal communities. His task was to improve the environmental health faced by all rural and remote Indigenous communities across the Top End of the Northern Territory.

In 1998, Mr Morrison began work with NT Parks and Wildlife as a land management facilitator, establishing land and sea management ranger groups in south-east Arnhem Land, the VRD and Barkly -- many of them now under the management of the NLC, but many now independent.

While at Parks and Wildlife, Mr Morrison completed a Bachelor in Land Resource Management from the University of Sydney, via correspondence, graduating in 2002.

Two years later he became founding chief executive officer of the

North Australian Indigenous Land and Sea Management Alliance. Mr Morrison nurtured the development of NAILSMA from a small unit within a large western science-focused research institution, to the nationally recognised Aboriginal institution. This extraordinary achievement, requiring sheer courage, determination and leadership, has been accomplished despite immense challenges.

Mr Morrison has an ambitious agenda for his new role as NLC CEO. He hopes to spend as much



NLC CHAIRMAN: Samuel Bush-Blanasi.

Bush-Blanasi, Daly take to the Chairs

SAMUEL BUSH-BLANASI is the new Chairman of the Northern Land Council after winning the ballot at the 107th Full Council Meeting in Darwin last October.

Mr Bush-Blanasi, 53, from Wugularr, assumes the position as Chairman after serving as Deputy Chair.

He won the position via ballot and becomes the NLC's seventh Chairman.

Mr Bush-Blanasi said he would give everything he has got to the position.

"Thank you all for your vote and for having the trust in me," he told Full Council shortly after learning the result of the ballot.

"I will give it my best.

"There is a lot to do and I will work hard to represent Traditional Owners across the seven regions."

Mr Bush-Blanasi paid tribute to former NLC Chairman, Wali Wunungmurra.

"I'd like to thank Wali for his hard work over the past six years," Mr Bush-Blanasi said.

"His work and dedication was an example for us all."

The position of NLC Chairman is a three-year term, after which time the position goes to a vote again. Mr Wunungmurra, 67, decided not to pursue a third term.

The position is voted on by each member of the Full Council from the NLC's seven regions.

A follow-up ballot was held for the vacant Deputy Chairman position, and that was won by John Daly, from Daly River South.



NLC DEPUTY CHAIRMAN: John Daly.

How Yolngu and Balanda law can work together



REVEREND Doctor Djiniyini Gondarra OAM.



John B. Lawrence, Senior Counsel.

But the outcome was initially opposed by the DPP when the matter came before the Supreme Court.

Crown prosecutor Steve Ledek attempted to argue that allowing the defendants to be subject to a regime of punishment under traditional law would offend Section 16AA of the Commonwealth Crimes Act: "In determining the sentence to be passed, or the order to be made, in relation to any person for an offence against a law of the Northern Territory, a court must not take into account any form of customary law or cultural practice as a reason for ... excusing, justifying, authorising, requiring or lessening the seriousness of the criminal behaviour to which the offence relates ..."

Section 16AA is a carry-over from the Commonwealth legislation (the Northern Territory Emergency Response Act) which allowed the Howard government's so-called Intervention into NT Aboriginal communities in 2007.

A transcript of the Supreme Court proceedings records Mr Ledek's objections to the extra option of punishment under Yolngu law:

CHIEF JUSTICE RILEY: It's not to do with the seriousness of criminal behaviour, which is acknowledged. It's to do with consequences that may have an impact upon sentence. What do you say about that, Mr Ledek?

MR LEDEK: Your Honour, if it is purported that necessarily a punishment that leads to the rehabilitation that may include ostracisation from the community and being sequestered in a place where the community or the elders have deemed it appropriate for them to serve out their time as the community punishment. And for your Honour to have to take that into consideration to either incorporate that as a lessening of the sentence that would be imposed because of the nature of the extra-curial punishment, would necessarily offend the rule of your Honour making a decision...

CHIEF JUSTICE RILEY: Sorry, where does it offend that?

MR LEDEK: Well, this would be in lessening the seriousness of the criminal behaviour by way...

CHIEF JUSTICE RILEY: It doesn't lessen the seriousness of the criminal behaviour, it provides a consequence of the behaviour, which doesn't make it less serious but shows that they are being dealt with or they have consequences.

And, later:

MR LEDEK: It's lessening the seriousness of the criminal behaviour because the repercussions are out of your hands because they're being dealt with by another party which makes -- should make it -- less serious objectively in the Court's eyes because of that extra-curial punishment (under Yolngu law).

Chief Justice Riley did not accept the Crown's argument.

John B. Lawrence, Senior Counsel, argued that the Court should accept a role for Yolngu law as part of the punishment. Neither offender had a prior criminal record and Mr Lawrence stressed their good prospects for rehabilitation.

To support his submissions, and to explain to the Court how Yolngu law would come into force after the two accused

returned to Ramingining, Mr Lawrence called Reverend Doctor Djiniyini Gondarra OAM as a witness.

Dr Gondarra, a senior lawman (Djirrikay/Dulkarra), told the Court that the offenders would be immediately arrested and taken to a "special Yolngu prison" where they would be protected and watched, isolated from each other, from their families and from the community.

"This is a very serious thing and the community has expected that this has to happen," Dr Gondarra said in evidence.

And, happen it did.

The supervised isolation under Yolngu law lasted for eight months, and Mr Djambuy's rehabilitation was marked during a Yolngu legal ceremony at Ramingining in September last year.

The ceremony was attended by defence barrister John B. Lawrence SC and other members of the Darwin legal profession.

"The proceedings were formal and clearly significant, not only in the large numbers attending but also in the palpable aura attached to them," Mr Lawrence said.

"Literally hundreds of young men were dressed and painted appropriately. I wore my wig and Senior Counsel's silk robes.

"Djiniyini explained our presence and what had happened -- which was secret and that was respected by the white lawyers."

Dr Gondarra reports that Mr Djambuy made excellent progress in terms of receiving teachings and discipline. He didn't see his wife and son for several months, and was not allowed leave to attend the funeral of his grandmother.

He's now back in Milingimbi with his wife. Both have jobs and their child is attending school.

"He has changed as a person. He is remorseful and is now a positive role model for other young men. Djambuy's case is a good example of two laws working together," Dr Gondarra said.

"This is the first time in a long time that Balanda (European) and Yolngu laws have worked together like this.

"The lesson is in finding a common path to achieve a commonly desired outcome -- increased community safety by making the law more relevant and meaningful for Yolngu. Yolngu are not asking for a separate system. This is about creating a dialogue between the two systems."

THE Northern Territory's Chief Justice has enabled Aboriginal customary law to have a role in the punishment of an Aboriginal couple convicted of drug offences.

The landmark case serves to recognise the surviving reality and power of Yolngu law and its potential to coexist with mainstream legal systems. It also puts paid to the myth that customary law cannot be taken into account when Northern Territory courts sentence an Aboriginal person.

In the NT Supreme Court in December 2012, Edwin Djambuy and his wife Sheraldine Yakayaka pleaded guilty before Chief Justice Trevor Riley to having unlawfully supplied a commercial quantity of cannabis to people in the Millingimbi community.

Chief Justice Riley held Mr Djambuy to have been more culpable and said he would have sentenced him to 16 months gaol; but, taking into account the guilty plea, he imposed a 12-month gaol sentence, suspended after 28 days. Ms Yakayaka would have received a 12-month sentence but for her guilty plea. Her sentence was for eight months, but it was immediately suspended.

Mr Djambuy was placed on a suspended sentence for one year after his 28-days in gaol. Usually, the court would have made him subject to supervision by NT Corrections for the period of the suspended sentence.

Remarkably, though, the judge did not regard that sort of supervision as "necessary, or indeed appropriate". Rather, he accepted submissions that the couple would be punished and supervised under Yolngu law.

The couple were "arrested" immediately upon their return to their community and banished to an isolated "prison" under supervision of elders.

Of Mr Djambuy, the Chief Justice said: "I am told he will be under strict supervision (under Yolngu law) within the community by community members for a significant period and that would seem to me to be an adequate response to any need for supervision in his circumstances."

The outcome has recognised the efficacy of Yolngu law and saved the NT Government having to expend money and resources to supervise Mr Djambuy for the one year of his suspended sentence, which expired on January 17 this year.

A history of attacks on law

NORTHERN Territory and Commonwealth governments have been whitening away at recognition of Aboriginal customary law for many years.

In 2003, the first NT Labor government, led by Clare Martin, angered the then chairman of the Northern Land Council, Galarrwuy Yunupingu, when it changed the law affecting promised marriages.

Until then, Aboriginal men had been able to claim a defence under law to a criminal charge of carnal knowledge of a girl under 16, providing the parties were living as husband and wife according to tribal custom.

The law-change soured the relationship between the Martin government and its largely Labor-voting constituency in north-east Arnhem Land. "You don't throw your punches at people who put you there, right," Mr Yunupingu said at the time.

And in 2004 the Northern Territory Labor government put restraints on how Aboriginal defendants could introduce evidence of customary law. The Sentencing Act was amended so that the evidence had to be flagged in advance to other parties and presented on oath or by affidavit.

The case of Jackie Pascoe Jamilmira had been a trigger for the government's moves against the accommodation of customary law.

Pascoe pleaded guilty in April 2002 to unlawful intercourse with a female under the age of 16 (his promised wife) and to recklessly discharging a firearm. He was 49 at the time of the offence.

Pascoe did not explicitly use the little-known defence of promised marriage, but the way his case unravelled caused public and political concern.

In the Magistrates Court, Pascoe was sentenced to 13 months imprisonment, suspended after four months. He successfully appealed that sentence. Northern Territory Supreme Court judge John Gallop instead imposed a sentence of 24 hours gaol, on the basis that more weight should have been given to evidence that Pascoe was exercising conjugal rights in accordance with Aboriginal custom. On further appeal, the Northern Territory Court of Appeal upped the sentence to 12 months, suspended after one month.

Public disapproval of Justice Gallop's approach, and of a sentencing decision by then Northern Territory Chief Justice Brian Martin (the second NT Chief Justice by that name), in the notorious case of "GJ" in 2005, set the scene for further attacks by governments on the invocation of customary law.

The "GJ" case, more than any other in recent history, gave weight to those pushing for constraints on how courts could take account of customary law.

GJ was in his mid-50s in 2004 when he was sentenced to gaol for five months for unlawful assault, and for 19 months for sexual intercourse with a child under 16. The gaol terms were suspended after one month by Chief Justice Martin. While he accepted that GJ believed his actions were acceptable and justified



DESECRATION: Traditional owners inspect the toilet on a sacred site in 2007.

under traditional law, Chief Justice Martin pointed out that GJ was not required under Aboriginal law to strike the victim or to have sexual intercourse with her.

"Your beliefs mean that your own moral culpability is less than those who know that this type of thing is wrong," Chief Justice Martin told GJ. "Recognising these beliefs and their effect upon your culpability is not to condone what you did, but simply to recognise as a factor relevant to sentence the effects of your culture and your state of mind at the time."

Chief Justice Martin's sentencing provoked widespread outrage.

The Crown appealed and the Northern Territory Court of Criminal Appeal, while it recognised mitigating factors like GJ's clean record and guilty plea, imposed a sentence of three years and six months for the sexual offence, to be served cumulatively with the five month sentence for the assault. The appeal court suspended the sentence after 18 months.

No doubt with the Pascoe and GJ matters in the back of their mind, the Council of Australian Governments (COAG) met in mid-2006 and reaffirmed a commitment to the National Framework on Indigenous Family Violence and Child Protection.

COAG agreed that "no customary law or cultural practice excuses, justifies, authorises, requires or lessens the seriousness of violence or sexual abuse." All jurisdictions agreed that their laws would reflect this, if necessary by future amendment.

The Commonwealth was the only government to hold to that commitment. In 2006 it amended its Crimes Act so that, in dealing with offenders of federal legislation, courts were precluded from considering customary law or cultural practice as a mitigating (or aggravating) factor.

Then came the Howard Government's "Intervention" and enactment of the Northern Territory National Emergency Response Act in August 2007. That law prohibited a court, when sentencing or making an order in relation to an NT of-

fence, from taking into consideration any form of customary law or cultural practice to lessen (or aggravate) the seriousness of an offender's criminal behaviour.

The provision subsequently became an amendment to the Commonwealth Crimes Act, and still applied to only Northern Territory courts, because the Commonwealth can impose laws on its territories. Other jurisdictions have not followed the 2006 COAG commitment to legislate similarly.

The Intervention legislation was to have unfortunate, though unintended, consequences for the east Arnhem Land community of Numbulwar where in 2007 a construction company dug a long-drop toilet on a sacred site.

The company pleaded guilty in the Darwin Magistrates Court to an offence under the NT Aboriginal Sacred Sites Act and was fined \$500 (the maximum fine was \$22,000.) No conviction was recorded.

The Aboriginal Areas Protection Authority finally took an appeal to the Supreme Court in 2011, arguing that the Magistrate had failed to give sufficient weight to the damage to the site in the eyes of its traditional custodians.

But the Authority had to abandon that line of argument because the Intervention legislation stopped the court from looking at the effects of the damage under customary law. Recognising this perversity, the Commonwealth later amended the law so that it did not apply to offences under the NT's Sacred Sites or Heritage Conservation acts.

But the law continues to be roundly criticised by legal, human rights and Indigenous agencies.

In June last year, Northern Territory Chief Justice Trevor Riley wrote a paper for a conference of criminal lawyers in Bali. The Commonwealth law was an example of the legislature imposing laws which require the courts to act in a way that may lead to injustice, he said.

"It unnecessarily leads to the creation of further victims of the system.

"Customary law and cultural practices are, of course, important aspects of eve-

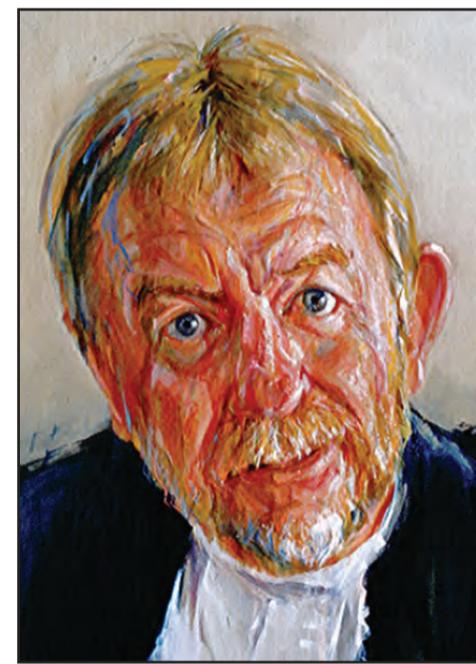
ryday life in many remote communities in the Northern Territory. While the level of moral culpability of an offender may have been substantially reduced because he or she acted in accordance with, or under pressure to perform, a cultural practice, the court is barred from taking those matters into account.

"This means that the court must proceed to sentence in a partial factual vacuum. In such a case the court is required to ignore the actual circumstances that led to the offending," Chief Justice Riley said.

The Northern Territory Emergency Response legislation and its impact on customary law was the Commonwealth's response to The Little Children Are Sacred report, the product of the NT Government's inquiry into child sexual abuse in Aboriginal communities.

The report was authored by Rex Wild QC and Aboriginal health bureaucrat Pat Anderson, who found that overall levels of dysfunction were higher in Indigenous communities where traditional law had significantly broken down.

Further, they argued that is more likely that Indigenous people will respond positively to their own law and culture than to laws imposed upon them.



JUSTICE RILEY: Official portrait.

As the Intervention rolled though NT Aboriginal communities, the Yolngu lawman and elder, Reverend Dr Djiniyini Gondarra, made a passionate plea for recognition of traditional law.

"Our traditional law is still here and it is keeping the peace on hundreds of Aboriginal communities in the NT," he wrote in November 2006.

"That is, it is not the NT or the Federal government jurisdictional powers that are protecting our women and children and keeping the peace amongst many different clans and families; it is the traditional Aboriginal law that is doing it and it is costing the government nothing.

"There needs to be a real dialogue between these two systems of law so we can move away from the colonial mud slinging and find some real answers to real problems. Of course, this will mean that there needs to be some true communication between these two systems of law."

Gambling under the microscope



THE social and health effects of gambling and smoking on Aboriginal and Torres Strait Island populations will be measured in a study by a senior research fellow at the Menzies School of Health Research.

Dr Matt Stevens has received a \$300,000 grant to run the study over the next four years.

Dr Stevens said community card gambling causes significant problems in remote communities, but there's been little research done.

"Harms associated with gambling affect the individual, their family and the broader community in which they live and include financial hardship, criminal activity, witnessing violence and being verbally and physically abused," he said.

"Findings from this research

will inform counselling services, gambling policy and public education campaigns."

Another academic, Professor Jon Altman, has a different take on the effects of gambling in remote communities. He undertook fieldwork for his doctorate in the Maningrida region in 1979-81 and recorded the impact of gambling there.

"The gambling I analysed in the community is little changed and is relatively benign, except that officials and authorities hate it because it challenges state disciplining of Aboriginal subjects," he said.

"It can be fun and a means to get small money bundled into useful amount."

What has changed in the years since Professor Altman's research is the incidence of gam-

bling in commercial venues.

"Engagement with commercial or capitalist gambling inevitably sees blacks lose and commercial and state interests reap profits," he said.

Dr Stevens doesn't disagree: "The preference for pokies by Indigenous people places them at higher risk of gambling problems due to the continuous nature of this form of gambling and given it is the activity most associated with problem gambling."

Dr Stevens has found that Indigenous people reported gambling problems at rates two to three times higher than in the general Australian population in non-remote locations, while rates for Indigenous people living in remote locations were nearly 10 times higher.

How the two Land Councils played a key role in rail link

NORTHERN Territory Chief Minister, Adam Giles, has praised the Northern and Central Land Councils for their part in the final stages of the 3000km Darwin to Adelaide railway line.

Mr Giles was speaking at the 10th anniversary celebrations of the completion of the Alice Springs to Darwin line that links Australia's northernmost capital city with Adelaide.

"I want to acknowledge the Northern Land Council and the Central Land Council. Without their co-operation, all this would not have been possible," Mr Giles said.

"They also helped ensure there were substantial levels of Indigenous employment (in the project)."

The line between Alice Springs and Darwin was completed 10 years ago.

The original idea for a Darwin-Adelaide railway was first put forward in the mid-1800s.

The construction phase of the final 1500km link was a major employment driver for Indigenous people at both the NLC and CLC.

The land councils played key roles in negotiating with the company on behalf of Traditional Owners whose lands would come under the railway line's path.

The NLC's Jobs and Careers

Services (JACS) manager, David Ross, who joined the land council in 2004, remembers the project being completed.

"It was a major project in terms of Indigenous employment," Mr Ross said.

"The NLC had a strategic plan in place to make sure our people would gain employment.

"The approach was to have people employed in key areas and all up there were up to 150 Indigenous people working on the railway, which crossed several traditional lands.

"The NLC played a key role in providing employment for Indigenous people and, ultimately, in its completion."

JACS started in 2000 as a pilot program under the Alice Springs to Darwin railway project (JACS was originally called the Northern Land Council Employment and Training Services -- NETS).

Among the jobs during the construction phase was truck driving and sleeper-factory work, where the sleepers were produced in Katherine and Tennant Creek.

Former Deputy Prime Minister, Tim Fischer, a railway buff, said the line was a crucial addition to the country.

"This railway line adds to the infrastructure fabric of this nation," he said.



THE END OF THE LINE: Northern Land Council Executive Member, Bill Risk (left) with former NT Transport Minister, Barry Coulter, at the 10th anniversary celebrations at Berrimah.

"Can you imagine the Northern Territory without this railway line?"

"I don't think Australia has seen anything yet in terms of what this line can do for the development of northern Aus-

tralia."

Mr Ross was joined at the ceremony by NLC Executive Member, Bill Risk.

Other people of note at the ceremony were NT Deputy Chief Minister, Dave Tollner,

NT Minister for Mines and Energy, Willem Westra van Holthe, former NT Chief Minister, Clare Martin, former NT Transport Minister, Barry Coulter, and NT Commissioner of Police John McRoberts.

Vince escapes after a close call with crocodile

VINCE FULTON kept a cool head when the unthinkable happened.

Mr Fulton had too close a call with a crocodile at a waterhole near

LEFT: Vince Fulton sporting an injured thumb in a sling after his close call with a crocodile, at Minyerri in November.

his community in late October last year.

Mr Fulton was in the waterhole, about two hours' drive from Minyerri, when the animal launched itself at him, gripped his hand and tried to take him in.

But quick thinking and instinct saved him when he used his free right hand to poke the beast in the eye.

It worked just as the croc was

beginning its death-roll, to immobilise its prey.

With Mr Fulton's thumb entrenched in its eye, the animal soon gave up and let go and took off in the muddy waters of the pool.

The incident could have been much worse as there were children in the waterhole, too.

But luck would have the crocodile choose to have a go at a very brave man in Vince Fulton.

Salties no match for rangers

REMOVING crocodiles hiding underneath houses is just part of a larger role ranger groups play.

That was the experience of the Garngi Ranger Group at Minjilang when a one-metre crocodile was found to be seeking shelter at the island community.

That animal was the second to have wandered into Minjilang in recent months.

The first was a 3.2 metre crocodile which walked into the community a few weeks ago around midnight, perhaps hoping to cruise through unnoticed. Instead, it came upon a group of kids playing basketball.

It was worrying to the residents of Minjilang because the centre of town, where the croc was found, is at least 500 metres from the beach. According to local knowledge, this hasn't happened before.

Thankfully, the Garngi Ranger Group, consisting of Carl Hansen (co-ordinator), Captain Brown, and Lazarus Lamilami, were able to remove both reptiles both without incident.

Both animals were humanely captured using a long pole and rope loop to secure the mouth.

The police were present to ensure community members kept their distance.

The crocs were then tied and transported in the ranger vehicle to Palm Bay, which is about 20 minutes drive away from the community on the opposite side of the island, and released.

The Garngi Ranger Group has been managed by the Northern Land Council since 2008.

Its primary function is land management and cultural activity support.

Land management by the Garngi Ranger group includes feral animal control, capture and removal, weed control, beach patrols and ghost net removal, flora and fauna survey, and permit checks.

The group, and their work, are invaluable to their community.

They provide employment and opportunity for people who have good land knowledge and enjoy being out on country.

They support the community during



CAUGHT: The captured 3.2m crocodile on the back of a ute, ready to be transported away from Minjilang. **INSET:** Captain Brown and Carl Hansen.



LAZARUS LAMILAMI: Garngi Ranger.



ABOVE: The croc and rangers engaged in a stand-off before its capture.

ceremonial business and sorry time.

The group ensures the island is not overrun by feral animals (pigs) and supplies their community with a constant supply of fresh meat.

Also, as part of their work, the rangers weed-treat the vulnerable floodplain, an important hunting area, to control *Mimosa pigra*, a weed of national

significance.

They regularly provide departments such as AQIS, Ghostnets Australia and Weeds NT with much-needed statistical information.

- By JEN REDWAY

OUR stories here provide a sobering reminder of the need to remain vigilant of saltwater crocodiles. If you see or suspect a crocodile is lurking close to a waterhole often used by people or other areas where people gather do not approach it; inform the rangers in your area or other relevant authorities.



MAIN: Traditional Owners Bobby Nungumajbarr (centre) with NT Chief Minister Adam Giles (left) and WDR’s Norm Gardner, at Bing Bong. **TOP RIGHT:** Graham Friday spoke at the ceremony. **CEN-TRE RIGHT:** Eric Mulholland performs traditional dance. **RIGHT:** Nancy McDinny spoke to assembled guests.

There’s Red in them hills

WESTERN Desert Resources (WDR) believes its operations at Roper Bar will generate “wealth and prosperity” for the people of the region in years to come.

WDR is an iron ore mining company based in the Northern Territory.

The organisation celebrated the first shipment of iron ore from the port at Bing Bong, flying in Traditional Owners, shareholders, guests, media and members of Northern Land Council (NLC), from Darwin.

Traditional Owners were on hand to welcome the assembled party and take part in official celebrations.

Traditional Owner Bobby Nungumajbarr was presented with a golden shovel to use in the first ceremonial loading of iron ore alongside NT Chief

Minister Adam Giles and the mine’s operations managing director, Norm Gardner.

WDR operates the 100 per cent-owned Roper Bar Iron Ore Project, located in the Gulf Country of the Northern Territory.

Development of this project has been carried out over the past five years, with export beginning last month.

Iron ore is shipped to China from the port at Bing Bong and this takes around 15 days.

“WDR aims to be the leading low-cost iron ore producer in Northern Australia while generating wealth and prosperity for the people of the Roper Region and other regions where we operate,” it said in a statement.

WDR has developed a brand and symbol for its product -- Roper Red.



Managing director of the operations, Norm Gardner said of the branding:

“Within the world of iron ore it is important to identify a name for the unique product that occurs in this place.

“So, after much discussion and thought, we have decided that

our product shall be known and marketed as ‘Roper Red’.

“The name reflects the origin of the ore, its association with our community and of course its distinctive colour.”

The company said its Roper Red is anticipated to be “two thirds lump and one third fines”.

RED GOLD:
On its way to China.

Will we again ignore history and fail on the Ord?

TAKE a fast flowing northern river that runs enormous quantities of water to the sea every wet season and then breaks into pools during the dry; build a dam to store the water for irrigation; subsidise farmers to settle and grow crops on the irrigated land; spend more than \$1000 million of taxpayers' money over 60 years carrying out the above without ever conducting a truly independent and rigorous cost benefit analysis and then look at the result.

This is the Ord River Irrigation Scheme about to have even more money thrown at it by the Commonwealth, WA and NT Governments, each of which well knows what a properly conducted cost benefit analysis would tell them.

The Northern Myth of the great Northern Food Bowl -- so termed by Bruce Davidson as far back as 1965 -- remains just that.

He foretold in his book just why talk of a great northern food bowl would never be realised. Despite 60 years of failure it is now undergoing a strong revival.

Years later Davidson again said: "In retrospect, the most interesting aspect of the Ord River Irrigation Project is that anyone should at any time have thought it would be economically viable."

He would be greatly disturbed with the events of the past couple of years with the Commonwealth, WA and NT Governments now seeking to push the irrigation scheme across the border into the NT for a Chinese company to grow sugar on the Keep River Plain.

The Abbott government discussion paper on developing the North has as its first dot point: "A food bowl including premium produce which could help to double Australian agricultural output."

What then is the past and current state of the Ord Irrigation Project?

Gazing out of the plane on descent into Kununurra you are struck by the greenness of the country below and frustrated by the inability to determine exactly what is being grown that appears from the air so lush and productive.

On the ground and a short drive north from Kununurra to the Ivanhoe crossing on the Ord River and the greenery is revealed as drab straggly Indian Sandalwood plantations, kilometre after kilometre -- it's a tree that takes 14-20 years to mature. And not a sign of anything edible.

In fact the Ord now hosts the largest commercial Indian Sandalwood production in the world covering more than 60

per cent of the land under cultivation, and has supplanted melons, pumpkins, chickpeas, bananas and so on.

So what happened in the past 50 years to arrive at this sad point in the development of the 'great northern food bowl'?

Cotton thrived between 1963 and 1974 but insect pests required millions of litres of pesticides and when the government removed price subsidies it collapsed.

In 1975 farmers were paid an adequate living allowance provided they kept unused land in clean fallow and a subsidy was paid for land under cotton in the previous year.

commentary from the company suggests a 10-year period until production.

But we now get to the heart of the matter for the NT Government.

Governments have an obligation to drive economic development for the common good but it has to be driven by reality. It has to survive a rigorous cost benefit analysis. It has to be sustainable, economically, environmentally, socially and culturally, and must provide long-term secure employment and an economic return in the form of GDP for the jurisdiction.

In the case of the Keep River Plain

Native Title. What then is the view of the Native Title holders, a group who retain strong cultural links and association with their country?

They are extremely concerned with the prospect of any development on the Keep River Plain that would change the country in any way.

They hold a view that while much of the country was under pastoral use for many years the cattle themselves did not alter or damage the country.

A large irrigation project carving country into lots with deep and wide irrigation channels carrying water from the Ord would in their view not just change their country, it would destroy the deep spiritual significance of the country, its dreaming track and its sacred sites, thereby destroying their intimate connection to it.

As custodians of these sites which run through the Keep River Plain and the dreaming track which runs away to the south they would fail in their lifelong commitment to care for their country, its sacred sites and its dreaming track, if such a development was to occur.

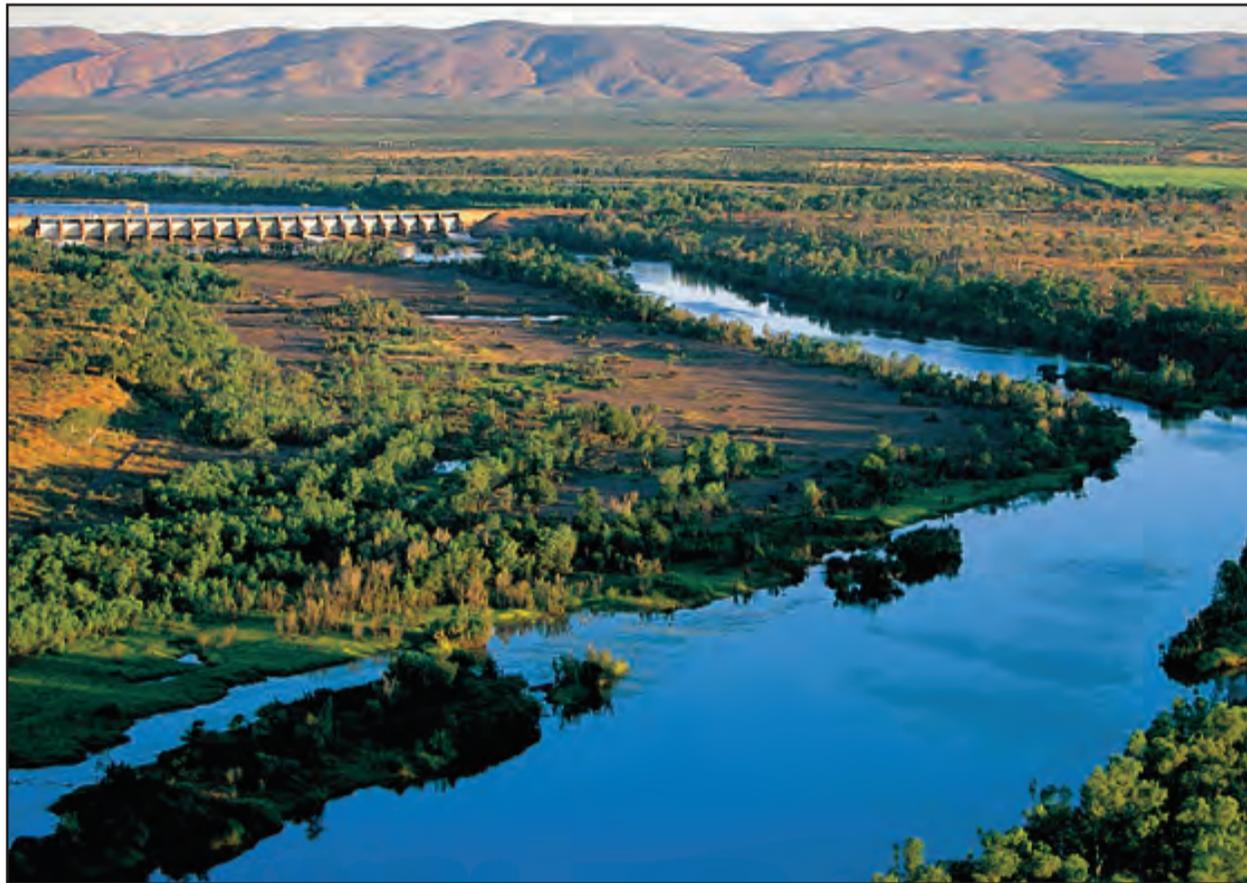
This failure to protect country would impact on tribes and clans away to the south who are connected through the dreaming track that continues through their country and it would be the native title holders of the Keep River Plain who would be held to account.

So just why would the NT Government entertain participation, given 60 years of consistent failure, to develop a sustainable cropping industry from this irrigation scheme?

Given there is no economic or social benefit occurring to the NT, given there would be enormous social and cultural damage visited on the native title holders of the Keep River Plain, and given that the NT Government has no money to contribute to the scheme, it is totally irresponsible for the NT Government to be even considering participating in this project.

The Northern Territory Government needs to take a deep breath and understand that not only is there no win in this project for the Territory, to give over the Keep River Plain for a project of dubious merit at best will cause great pain and create an enormous sense of loss for the native title holders which will never be healed.

- By Syd Stirling, former Labor NT Deputy Chief Minister, and former NLC senior policy officer



CAPITAL WORKS: The Ord River dam near Kununurra in WA. **Image:** BILL PEACH JOURNEYS

Rice came and went for similar reasons with magpie geese blackening the sky and closing the airport, so thick were the numbers.

Sugar came and collapsed when production failed to meet anywhere near the amount required to keep the mill viable and the price collapsed.

Buoyed by the potential of new varieties in 2010 farmers planted the first commercial rice crops in the region for 30 years.

After two promising years the fungal disease rice blast was discovered, rendering the crops worthless.

Similarly driven by strong global prices, a number of farmers grew cotton last year but cold weather reduced yields by half and a wet picking season further reduced production.

Neither rice nor cotton will be grown again this year.

The Chinese interest in the region including the Keep River Plain in the NT is concentrated on sugar possibly for biofuel production, although recent

area being given over to a Chinese company to grow sugar, no benefits as outlined above flow to the NT.

While the sugar would be planted, grown and harvested in the NT, each of these functions are heavily mechanised requiring few workers.

The cane would be transported to Kununurra for processing into sugar or biofuel creating jobs in WA that would get the jobs incomes and the GDP increase.

For all this to occur many hundreds of millions of dollars need to be spent clearing land, building roads, creating irrigation channels and preparing for cultivation.

What is the NT Government expected to contribute to this project?

That the NT Government is interested in participating in this project and handing over the Keep River Plain is beyond doubt.

In November 2012 the project was granted Major Project Status, and over \$400,000 was allocated for the Ord Development Unit to pursue settlement of

Our ties 'never stronger'

THE relationship between NT Fisheries and Northern Land Council has never been stronger, according to Simon Xureb of the NT Fisheries Department.

Mr Xureb presented at the Northern Land Council's Mary

River Park Resort Senior Rangers & Ranger Coordinators Conference in November as one of several guest speakers.

He spoke of the need to undertake a strengthening of the partnership which sees both organisations combine resources

in several productive ventures.

Marine Ranger groups in the NT are supported by the NLC and the NT Government.

According to the Fisheries Department, the groups assist government in fisheries monitoring and surveillance of

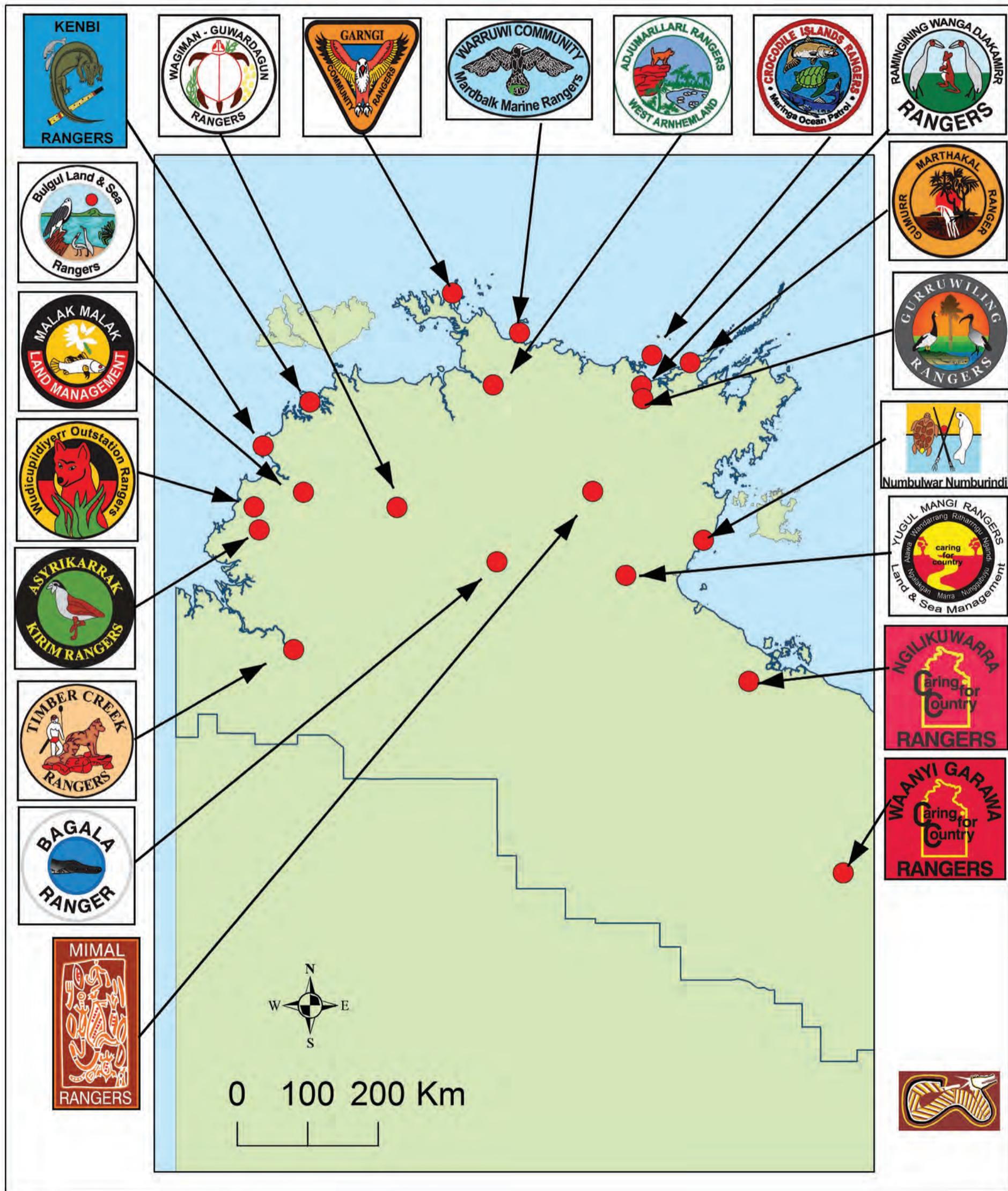
coastal waters.

The marine rangers' presence on the water helps in deterring illegal fishing activities and promotes a culture of environmental responsibility and community leadership, Mr Xureb said.

One of the pressing issues

facing fisheries is ghost nets. Ghost nets range in size and weight and trap anything that crosses their path. They can sometimes weigh up to 13 tonnes and need specialised craft to be removed.

• Continued next page





2013 SENIOR RANGERS & RANGER COORDINATORS CONFERENCE: Those at the Mary River Park conference in November included the ranger groups and NLC staff.

Conference call for rangers

RANGERS are on the front-line in the care and management of land and sea and their work and experience is a valuable resource for their respective communities.

This was borne out at the 2013 Senior Rangers & Ranger Coordinators Conference at Mary River Park in November where representatives of the ranger groups, employed directly by the Northern Land Council, met over five days to discuss a range of issues relating to their work and operations.

The rangers heard from key NLC staff and various Northern Territory government departments on policy, safety procedures on land and sea, fire management plans, fisheries, permits, and training and compliance.

Several ranger groups also made presentations on work they have done and work to be done in the future.

Key discussions included the sharing of ideas to enhance work already being done and to be done, stronger awareness of support available for rangers and an undertaking of continued support from the NLC.

Justine Yanner, Manager of



LADY RANGERS: From left to right Alice Nagy (former NLC Project Officer, Working on Country), Julie Roy (Yugul Mangi Ranger), Eva Nungumajbarr (Numbulwar Ranger), Edna Nelson (Yugul Mangi Ranger), Raelene Singh (Kenbi Ranger), Zoe Singh (Kenbi Ranger), and Jen Redway (NLC Project Officer, Working on Country) at Mary River Park.

NLC Land & Sea Management, said the annual conference gives stakeholders the chance to stay up-to-date on several fronts.

“Part of it is to give us a chance to review the various policies and procedures relating to ranger work,” Ms Yanner

said. “For example, at Mary River we produced two new policies relating to quad bike operations and fire management.

Ms Yanner said the feedback at the conference was good, with a balance of guest speakers and ranger presentations.

“The conferences allow rangers to network, swap notes on weed management, fire management, and a host of other work they do.

“It offers practical reviews of work done and to be done and whatever changes that need to



THE rangers at the conference (and below).

be implemented,” she said.

“The importance of having rangers cannot be stressed enough. They are on the frontline in managing weeds, feral animals, and are trainer-qualified.

“Land is back in the right hands now and there is a need to manage it.

“The rangers are just as important to the NLC as a mining agreement, for example, plus the employment opportunities for Traditional Owners and youth getting back on country, in keeping cultural practices alive, and in keeping country healthy.”

Our ties ‘never stronger’

• From previous page

Fisheries want to join with marine rangers with support from the federal government in the fight to eradicate ghost nets.

“We want to provide more support for marine rangers,” Mr Xureb said.

“The fight against ghost nets is becoming a big issue so the idea is to join with rangers and to source federal funding to make it happen.

“We are open to an invitation from the NLC to do this.”

Fisheries is also concerned with fish stocks. Mr Xureb quoted a two-year

study by marine rangers in which numbers of certain species are plummeting. Currently, there is a possession limit of 30 fish per day for jewfish and snapper but fisheries, citing the ranger research, say this could be dramatically reduced.

The department wants the Fisheries Act amended to “enable suitably qualified and experienced Marine Rangers to be provided with fisheries compliance and enforcement powers”.

The plan is for marine rangers to progress to become fully qualified Fisheries Officers.



Memory of Mr Roberts' life lives on in tribute

A SPECIAL tribute to Mr Roberts, a respected ceremonial leader and law man in the Borroloola/Roper River region, was delivered at a special sitting of the Federal Court at Minyerri in late October.

The court convened at Minyerri to make Native Title determinations over the Tanumbirini and Broadmere pastoral leases.

Northern Land Council lawyer Tamara Cole specially thanked Mr Roberts for his help in the preparation of anthropological evidence to support the Native Title claims.

Sadly, Mr Roberts passed away in August 2013.

Here's Ms Cole's tribute to Mr Roberts:

"Mr Roberts was born in 1925 in the bush at a billabong called Wurrungurra near the Roper River Mission. After but a few years of primary schooling in a bough shed, Mr Roberts left the mission on foot with his parents to find work on St Vidgeons station.

"This was the beginning of his life as a stockman which included work on Nutwood Downs, Old Macarthur River, Top Springs, Anthony Lagoon, Cresswell Downs, Alexandra Downs, Clifley, St Anne's, Newcastle Waters, Tanumbirini, Bauhinia Downs, Nathan River, Balabarini, Kiana, Gallipoli and Mallapunya stations.

"Mr Roberts retired to Hodgson Downs in 1987 to allow his grandchildren to go to school.

"He enjoyed spending time at outstations on Cox River and Tanumbirini, and camping and hunting at Horse Creek, Potato Tin Hole and Labanga.

"Mr Roberts was eminent in his cultural knowledge of Alawa ceremony and country encompassing large portions of the Hodgson River and Cox River Land Trusts and the Hodgson River, Nutwood Downs, St Vidgeons and Vermelha pastoral leases.

"He was also the senior living authority on the Aboriginal cultural topography of Broadmere, Tanumbirini, Kalala and Maryfield pastoral leases in which he held secondary rights and interests.

"He spoke multiple languages including Alawa, Mara, Kurdangi, Binbinga, Jingili, Wambaya, Yanula, English and Kriol.

"Mr Roberts was committed to the continuation of ceremony and Aboriginal Law, and remained active in ceremony until shortly before his passing.

"In his lifetime, Mr Roberts made an immeasurable contribution to the land rights movement through his participation in multiple land claims, native title claims and the recording of sacred sites.

"At all times Mr Roberts brought a high level of cultural integrity and authority to his work.

"Additionally, Mr Roberts was a great teacher who worked tirelessly to instruct others in matters of Aboriginal law and custom.

"Mr Roberts' countrymen and all those who were fortunate enough to work with him are indebted to him and will miss him deeply."



ABOVE: NLC Chairman Samuel Bush-Blanasi (fourth from left) with NLC staff members (from left) Shawn Stokes, David Dowd, Wayne D'Ambrosio, Tahnee Mawson, Troy D'Ambrosio, Jo-Ann Christophersen, Kane Vellar, Jonathan McLeod and Don Couzens with the new fleet of vehicles at Winnellie. **BELOW:** The new vehicles.

Troopies, bus added to NLC fleet

THE Commercial and Community Projects Development Branch of the NLC unveiled several new vehicles as part of an on-going fleet replacement program that aims to improve work, health and safety standards.

Chairman Samuel Bush-Blanasi was on hand to inspect the vehi-

cles at the Winnellie workshop in November.

Funding from the Aboriginals Benefit Account for 2012-13 has enabled the NLC to start this program.

Importantly, the six new Toyota troop carriers will ensure the NLC is able to provide staff with appro-

priately equipped vehicles, which includes forward facing seat conversions and seat belts to undertake remote work activities.

And a new 18-seater 4WD Isuzu bus will assist the NLC in safely and efficiently transporting constituents between meetings, consultations and official engagements.



Study raises questions on home ownership

THE benefits of a Commonwealth Government program to encourage home ownership on Indigenous lands have been called into question by an academic study.

Dr Leon Terrill, a lecturer in the University of New South Wales Law School, says there's been limited enthusiasm for the Home Ownership on Indigenous Land (HOIL) Program; and those few who have accessed the program have had to

ongoing rent.

In the latest edition of the Indigenous Law Bulletin, Dr Terrill recalls the context of the debate several years ago about the introduction of home ownership in communities on Aboriginal land:

"A great deal of emphasis was placed on the role of communal land ownership in preventing home ownership and people with concerns about its introduction were characterised as ideologues and

As he's written, this was not for lack of trying. As part of the program the Government built 49 houses for sale to Aboriginal residents -- 10 each in the outstations of Wudapulli and Nama, near Wad-eye, and 29 in the community of Wurrumiyanga (Nguu) on Bathurst Island (depicted below).

By July 2010 only three of these 49 houses had been sold (to Wurrumiyanga residents) under the HOIL Program. Another 45 were



take out onerous mortgages.

Dr Terrill is especially concerned about the prices of new houses on Aboriginal land in the NT.

"Aboriginal residents buying new houses have been required to take on an average mortgage of \$250,000. The concern is that this is well above what markets in a remote community can support," he says.

The Government created the HOIL program in 2006. It's been jointly administered by the Department of Families, Housing, Community Services and Indigenous Affairs, and Indigenous Business Australia. It was meant to complement the Government's land tenure reform program, in particular the introduction of township leasing. Leases by the Government of townships on Aboriginal land are then meant to enable home ownership subleases, which are long-term and transferrable and not subject to

naysayers. That was not helpful, as there are a number of real barriers to the introduction of home ownership and those barriers need to be discussed and worked through."

The HOIL program incentives (apart from NT Government contributions such as the first home-owner grant and stamp duty) include: a matched savings grant of up to \$1000 to assist with meeting the minimum deposit of \$2000; a good renter's discount of 20 per cent of the purchase price, to a maximum of \$50,000; loan co-payments of up to \$25,000 over the first 10 years of the loan; a grant up to \$13,000 to assist with up front-costs; and a reduced interest rate.

The HOIL program's budget was enough to provide 460 loans in eight communities across Australia during its first four years (2006-2010). But Dr Terrill has calculated that only 17 loans have been granted, all on the Tiwi Islands.

transferred to the Northern Territory Government's public housing stock.

Dr Terrill puts the lack of buyers' interest down to the relatively high price of the houses.

He searched NT Land Titles Office records to determine the amount of each registered mortgage for the 16 home ownership subleases at Wurrumiyanga. Half of the properties were existing social housing stock (average mortgage, \$108,985); the other eight were government or self-managed construction (average mortgage, \$249,601).

Dr Terrill asks whether these mortgages are fair or viable in remote Aboriginal communities, and suggests that the prices in Wurrumiyanga have been set too high.

He argues that sale prices "inhibit the development of sustainable home ownership markets and put purchasers at risk of significant financial loss."



WALI WUNUNGMURRA

Wali hopes leadership legacy lives on

YOLNGU leader Wali Wunungmurra departs the position of Chairman of the Northern Land Council, confident the organisation is well-placed to continue its work with Traditional Owners and Indigenous communities across the Top End of the Northern Territory.

After months of consideration, Mr Wunungmurra, 67, has ended his six-year term as chair of the NLC last October.

Mr Wunungmurra is one of the original signatories of the 1963 bark petitions that were presented to the Commonwealth government in protest to mining taking place on his people's land. He joined the NLC as chairman in 2007.

Mr Wunungmurra thanked the NLC Executive for its work in his time at the organisation.

"My strong point was that I always thought that to be a true leader, now and in the future, was to be a democratic leader as opposed to an authoritarian one; that was always my intention as chairman, I was always on strong on this," he said.

"Working for the NLC, it impressed upon me the need to sit down together and work things out like that. Working for people and with people, and to listen to the people's voice, that's the sort of leadership I like to think I showed.

Mr Wunungmurra said key to good leadership was the ability to bring people together united for a common cause. He said the most pleasing aspect of his time in the position of chairman of the NLC was the inclusive nature of consultations with key stakeholders.

"Bringing people together and shaping our future together in a proper manner is too important to mess up," Mr Wunungmurra said.

"I can say that everything we achieved had a lot to do with the fact we were there all the time. We would go out to the communities, engage with Traditional Owners and community leaders. That continuous communication, keeping those lines open and being prepared to do what is asked of us, is vitally important.

Mr Wunungmurra wished his successor all the best in their term as chair of the NLC.

For his part, he will spend the majority of his time at Barraratjpi outstation and Yirrkala.

Praise for all parties in Native Title process

THE Federal Court, sitting at Minyerri, has made Native Title determinations over the Tanumbirini and Broadmere pastoral leases. Together, the properties extend over more than 7600 square kilometres.

Justice John Mansfield told the native title claimants who attended the hearing that it was a credit to them and to the Northern Territory that they had been able to reach agreement.

He acknowledged the extensive assistance of the Northern Land Council, particularly the work of NLC lawyer Tamara Cole.

In turn, Ms Cole acknowledged the huge team effort by the NLC's anthropology and legal branches and regional offices.

She particularly thanked anthropologist Stephen Bennetts who anchored the connection reports which informed the determinations made by the court.

She also mentioned the efforts of Ben Gotch, Alex Gibson and Don Couzens.

Justice Mansfield also congratulated the Northern Territory government for its efficient processes in agreeing to recognise the traditional rights of the Aboriginal peoples of the area.

"Unlike the rest of Australia, the Northern Territory government has generally been prepared to accept the anthropological evidence presented by the Northern Land Council to support claims such as the present as the basis for accepting the recognition of traditional rights and interests."

He also recognised the support of pastoralists for their "sensible and fair approach."



Traditional Owner Shirley John with Justice Mansfield at Minyerri.



IN FOCUS: ABC Katherine filmed the proceedings at Mataranka and later aired their report on the Territory-wide ABC News later on in the week. Channel 9 filmed their report at Minyerri and later televised theirs on their news channel, also.

Spotlight on Minyerri, Mataranka

NATIVE Title has been determined over more 11,000 square kilometres of land covered by 16 pastoral leases south-west of Mataranka.

The determinations were made by Justice John Mansfield at a special sitting of the Federal Court on October 29 at the Territory Manor at Mataranka.

The 16 pastoral claims were among the first to be determined under a new, short-form approach, and the process was specially praised by Justice Mansfield.

"It is a credit to the Aboriginal people whose interests are being recognised ... and to the Northern Territory (Government) that you have been able to reach agreement," Justice Mansfield told the group of claimants who had gathered at the ceremony to receive copies of the determinations.

"It is a very responsible role the Northern Territory has. It has been provided with anthropological evidence as well as the evidence of some of the Aboriginal people of the area from the Northern Land Council.

"Unlike the rest of Australia, the Northern Territory Government has generally been prepared to accept the anthropological evidence presented by the NLC to support claims such as the present as the basis for accepting the recognition of traditional rights and interests," Justice Mansfield said.

He singled out the hard work of NLC



Traditional Owners at Mataranka listen to the proceedings. NLC Acting CEO Robert Graham, and NLC Deputy Chair Samuel Bush-Blanasi were there, too.

officers, especially the NLC lawyer Tamara Cole, to bring the determinations to a head.

Ms Cole told the Court of the "huge team effort" by the NLC's anthropology and legal branches and regional offices.

She paid special tribute to John Laurence, the NLC's regional anthropologist for the Victoria River District, who authored all 16 of the connection reports which informed the determinations.

"We are indebted to John's knowledge

of the pastoral claim areas, the region and its peoples."

Ms Cole also mentioned the work of Ben Gotch, Alex Gibson, Sue Meaghan and Simon Watkinson, and Don Couzens.

The pastoral leases subject to determination are: Nenen, Providence, Sunday Creek, Tarlee, Western Creek, Bloodwood Downs, Birdum Creek, Avago, Dry River, Cow Creek, Middle Creek, Margaret Downs, Larrizona, Lakefield, Gorrie and Wyworrie.

NT efficient on title rights

NATIVE Title consent determinations made by the Federal Court during special sittings at Mataranka and Minyerri in late October are evidence that the Northern Territory is moving much quicker than the rest of the country in settling Native Title claims over pastoral leases.

The existence of Native Title over Northern Territory pastoral leases was first settled in September 2007 in a decision known as *King v Northern Territory of Australia*.

Justice Michael Moore of the Federal Court determined then that Native Title existed over the Newcastle Waters and Murrarji pastoral leases, and the town of Newcastle Waters.

Justice Moore said that much of the land in the Northern Territory now used by cattle stations may have been used for other purposes by Aboriginal people for thousands of years through to the present.

On Newcastle Waters and Murrarji stations, he said it was mostly conceded that this use of the land by the Native Title claimants and their forebears was in accordance with traditional laws and customs.

Justice Moore's decision laid the basis for the determinations made by Justice John Mansfield at Mataranka and Minyerri.

Before a gathering of Native Title claimants at Minyerri, Justice Mansfield asked why it had taken so long to settle claims after the Native Title Act was passed in 1993, following the Mabo cases.

At first, he said, the NLC on



RIGHTS TO NATIVE TITLE: Traditional Owners at the Native Title Consent Determination ceremony Minyerri, with Justice Mansfield.

behalf of Aboriginal people had applied for traditional rights to be recognised as soon as an exploration licence was sought.

"That led to a great many claims over small areas and odd-shaped areas, which were fixed by the area of the proposed exploration licence.

"It was difficult to progress so many claims over small areas. So, those claims were consolidated into 13 groups of claims, and are being dealt with progressively.

"That is with the agreement of the pastoralists, as well as the Aboriginal people through the NLC, and of course with the support of the Northern Territory (government)."

That agreement and support began in late 2009, when lawyers for the Northern

Territory and Commonwealth governments, the Northern Territory Cattlemen's Association and the Northern Land Council came together under the auspices of the Federal Court to explore options to resolve the Native Title status of nearly 100 Top End pastoral leases. At that time claims were taking upwards of five years to determine.

Before the Federal Court at Mataranka, NLC lawyer Tamara Cole said that timeframe meant "it was likely some of the existing claims would outlive most living claimants, party representatives and court officers".

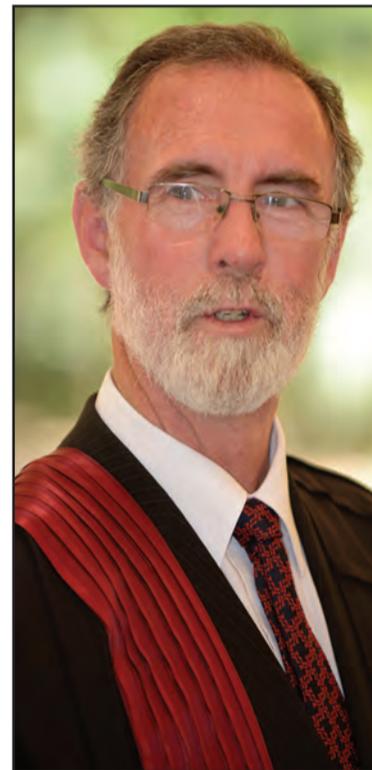
In 2010 the parties agreed to resolve all outstanding pastoral claims on the basis of a "short-form" process.

That requires the parties to furnish the Court with anthropological evidence supporting the claimants' connection to the relevant pastoral lease, and evidence of public works and improvements on the lease.

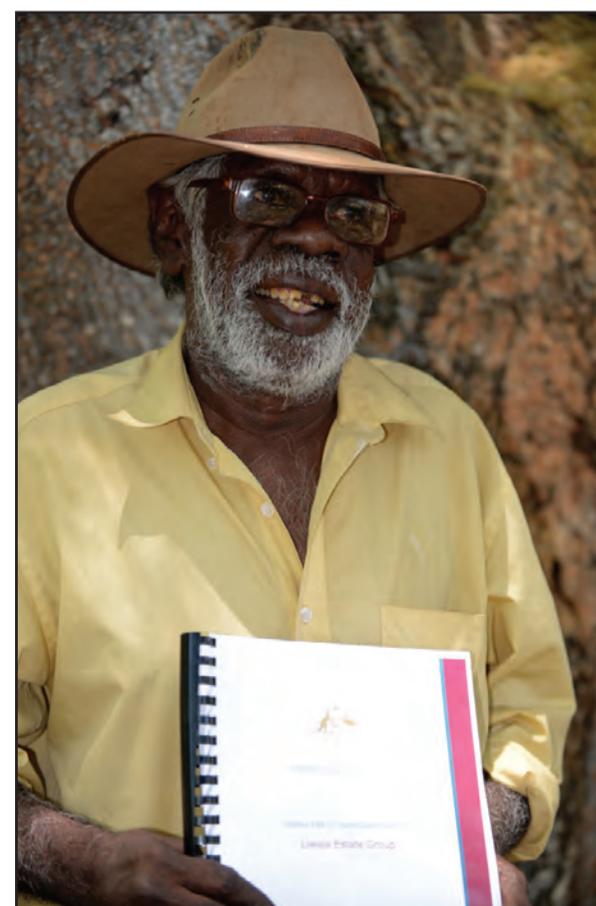
In the Native Title matters settled at Mataranka (across 16 pastoral leases south-west of the town), anthropological research began in July 2011.

Ms Cole told the court that it had therefore taken two years to resolve the 16 claims - less than half the time it had taken to settle earlier claims.

Justice Mansfield said he was confident that the Native Title orders had been achieved with justice under the Native Title Act, "as quickly, inexpensively and efficiently as possible."



JUSTICE MANSFIELD



LEFT: Traditional Owner Smiler Larrgut at the Mataranka Native Title Consent Determination ceremony. **ABOVE:** (from left) Kevin Moroney, Daphne Moroney, Alan Moroney and Sylvia Birdum at Mataranka.



New book from Jilkminggan

A NEW book produced by the Jilkminggan community helps readers to understand country in a unique way.

The book, called Mangarrayi Country, explores country around the Roper Region of the NT.

Its uniqueness comes from a 6-metre long map that depicts various parts of the region, including waterholes, plants and trees and the various wildlife and reptiles.

Alongside the photos are vari-

ous portions of the map depicting what the photo shows.

Just 20 were produced in the first run of the attractive bound volume.

The photographs were taken by Simon Normand from Melbourne. Simon had previously worked as a teacher at Ngukurr, hence his involvement in the book.

It's the first project of its kind for the community and was part of its ranger program.

It took three-and-a-half years

from concept to end product and the community is happy with the outcome.

There are plans for another print run of the book in the near future.

A copy of the book was presented to the Northern Land Council by Jilkminggan community members Kerry Roberts, Charles Morgan, and Ian Rowbottom, from Katherine, who has spent the past 20 years working out on the community.



NEW BOOK: Charles Morgan (centre), from Jilkminggan, holds the new Mangarrayi Country book. To his left is Kerry Roberts, also from Jilkminggan, and to his right is Ian Rowbottom from Katherine.

TOs attend economic forum in Alice Springs

TRADITIONAL Owners Darryl Tambling and Valarie Tambling, from the southern area of Mary River National Park, attended the sixth Indigenous Economic Forum in Alice Springs last October as delegates of the Northern Land Council.

The pair were joined by NLC staff members Robert Dalton and Pam Wickham.

The forum provided opportunities for people to come together from a diverse range of industry and backgrounds to network and talk about how best to promote services and programs, share knowledge and experiences, and explore opportunities (including business partnerships) to achieve sustainable economic outcomes for Indigenous Territorians.

The theme of this year's forum in Alice Springs was "Taking Care of Business".

These forums are held every two years, the first of which was in 2003. It is largely "targeted at Indigenous and non-Indigenous stakeholders in economic development and those who have an impact on the emerging Indigenous business landscape".

Both Darryl and Valarie described the event as "a great way to learn about business for our people back home".

"That forum was very powerful message, empowering," Darryl said.

"I really got a lot out of it. A good experience. Things like this are valuable for families starting off."

"It was very good that I went along, inspirational knowledge," Valarie said.

"A lot of new ideas and advice. Good for others who starting off too; very valuable."



ABOVE: Darryl Tambling (TO), Robbie Dalton (NLC), Valarie Dalton (TO), and Pam Wickham (NLC) in Alice Springs in October. **BELOW:** Djawa Yunupingu (left), NLC Full Council Member and Gumatj Corporation representative, and Samuel Bush-Blansi, NLC Deputy Chair, in Alice Springs at the forum in October.





LEFT: East Journey band members in the recording studio at Nhulunbuy (from left) Gathapura Mununggurr, mentor Buruka Tau from Yothu Yindi, Marcus Marawili, Rrawun Maymuru, Arian Pearson and Kevin Yunupingu.

BELOW: Kevin Yunupingu and Rrawun Maymuru with vocal coach Shellie Morris.

Images: Matt Garrick, Arafura Times



The Journey continues

THE past and the future of East Arnhem Land music came together in recently, for a recording session in Nhulunbuy's ARDS/Yolngu Radio studios.

The past was represented by members of legendary rock group Yothu Yindi, and the future by rising stars, East Journey.

Gluing the team together was NT Australian of the Year for 2013, singer-songwriter Shellie Morris.

Multi-talented Yothu Yindi members Ben Hakalitz and Buruka Tau, along with Ms Morris, also mentored the boys from EJ, giving them advice from their long careers in the music industry.

EJ singer Rrawun Maymuru, who has this year fronted stages across Australia, including in Broome, Sydney, and at the 50th Anniversary of the Bark Petitions in Yirrkala, said working with the musicians was a privilege.

"I think this type of thing is what we'll be doing in the future – teaching the younger ones coming up," he said.

"This mentoring gives great

opportunities to young bands like us, and I'm so grateful to learn from these musicians – it's very exciting."

Rrawun said it was all part of EJ's musical quest in following the footsteps of Yothu Yindi, and in trying to break into the mainstream market.

"People have to believe in themselves – they have to find the key inside them, and if they use the key properly they'll open the path to the mainstream," he said.

Ms Morris said during their time in the studio, as well as laying down a new track, Bright Lights, Big City, the group also workshopped things like commitment, teamwork, leadership and discipline.

"We were encouraging East Journey that their foundation of Yolngu culture is something that they should always keep strong, as they carry on the legacy and vision of Dr Yunupingu," she said.

Mr Tau, Mr Hakalitz and Yothu Yindi bassist Stu Kellaway will continue to work closely with East Journey and their manager Susan Sandery, with the new track due for re-



ABOVE: East Journey's Arian Pearson and PJ White take time out in the recording studio.

RIGHT: Ngalkanbuy Mununggurr on stage.

Images: Matt Garrick, Arafura Times

lease in April 2014.

• Yolngu Radio studios are currently open for business, so anyone looking for some studio time can contact Studio Coordinator Ava Dub (0439 432 913).

- By Matt Garrick, Arafura Times



**COASTCARE AWARD WINNERS:**

Dr Shane Norrish, Landcare Australia Ltd (left) presents the Crocodile Islands Ranger team with their award (from left) Leonard Bowaynu, Samuel Wumulul, Fabian Gaykamangu and Simone McMonigal.

Landcare awards due reward for hard work

THE Roper River Landcare Group Inc and Mangarrayi Land Management Rangers have been recognised for their hard work by Landcare in November.

The organisation's outstanding work on Mangarrayi Lands, east of Mataranka, saw them take out the Indigenous Land Management Award at the NT Landcare Awards in Darwin last November.

Special appreciation in this field was given to the Mangarrayi Land Management Ranger project which started the collection of important information that was recorded into a book and maps drawn to show songlines and has the approval of Traditional Elders and the Northern Land Council.

"This stand-out project demonstrates a strong example of Indigenous land

management which will have positive flow on effects to the wider community and two-way land management in the region for the future to come," the judges remarked.

Accepting the award on the night was Roper River Landcare Group and Mangarrayi Land Management Rangers Charles Morgan and Kenny Roberts with facilitator Ian Rowbottom.

Crocodile Islands Rangers won Landcare's Coastcare award for their work in Arnhem Land.

Their work includes addressing the causes of the environmental issues through behaviour change, strong community engagement, partnerships, role modelling and whole-of-community ownership of the project.

The rangers were congratulated for their junior rangers school program, Milingimbi beach clean-up and turtle sanctuary.

The various winners range from long-term conservationists, Indigenous rangers, dedicated pastoralists and local school children.

The NT Natural Resource Management Awards complement the NT Landcare Awards, which are in their 23rd year, and celebrate the efforts of Territorians of every age who look after the land, soil, water, plants and animals across the NT.

Territory Natural Resource Management executive officer Karen May said the awards recognise the diverse range of activities and the local people involved in managing the natural environment.

"In particular, the NT NRM awards have a strong Indigenous focus around areas of management including Indigenous ecological knowledge and the work that Indigenous ranger groups do," Ms May said.

"The NT NRM awards have been introduced to recognise the remarkable work undertaken by Territorians to manage our environment.

"Many men and women work very hard to ensure that our environment is well looked after and the diversity of this work reflects our landscape.

"Territory Natural Resource Management is very proud to host these awards and offer a token of appreciation to these groups and individuals for their wonderful efforts."



INDIGENOUS LAND MANAGEMENT AWARD WINNERS: Dr Shane Norrish, Landcare Australia (left) presents RRLCG & Mangarrayi Land Management team Charles Morgan (ranger), Ian Rowbottom (facilitator) and Kerry Roberts (ranger) with their award.



WINNERS: Rosemary Sullivan, Chair of the Roper River Landcare Group and the Mangarrayi Land Management Rangers Kerry Roberts and Charles Morgan.



ABOVE: Gumatj Cavaliers at the Hottest 7s rugby union tournament in Darwin.
FAR LEFT: The Cavaliers post-match.
LEFT: Gumatj players get ready to do battle on the field.

Gumatj in Hottest 7s

FOR a side that only got to train together for the first time at the 11th hour, the Gumatj Cavaliers' runner-up finish at the Darwin Hottest 7s rugby union tournament was a pretty impressive result.

Supported by primary sponsor Gumatj Corporation, and McMahon's Services and InTract, the Cavaliers pushed the fancied and semi-professional side Hong Kong in the final of the senior division, only to fall late in the second half 28-12.

Their presence in the final was the first by a local side in the annual tournament in years.

The Cavaliers players included former AFL footballer (Geelong, Western Bulldogs) Nathan Djerkurra, from Yirrkala,

alongside Gabirri Yunupingu, Leon Rotumah, George Morseu and a number of Fijian players.

The team was co-managed by former AFL great, Andrew McLeod, and his brother, Jonathan, .



Our Boomerangs back after trip to NZ

FOUR Northern Territory teenagers got to play international football in December as part of the AFL's Boomerangs program.

Jordy Jeffrey (Palmerston Magpies, NTFL) (left), Kieran Martin (South Alice Springs, CAFL), Jamie Hampton (Pioneers, CAFL) (at right) and Keenan Waterbury (Big River Hawks-Katherine, NTFL) were part of the squad that played against New Zealand in New Zealand.

The tour is part of the AFL's Indigenous Program that also includes a national under-15s carnival, and two teams in the national under-16s carnival; both of those tournament are held each year.

IMAGES: AFL PHOTOS



Jake finds his feet in the AFL

IS the 'second-year blues' a real thing?

In sport, it is defined as a competitor having a breakout debut season only to barely be able to match those heights in their second season, only to steadily make their way back to the high standards set in their first year in subsequent years.

We will know how our very own Jake Neade fares on that front when the 2014 AFL season gets underway in March.

Neade, 19, from Elliott, will suit up for his second season in the AFL with Port Adelaide this year. He was a raw 17-year-old when the Power swooped in the 2012 trade period, acquiring the teenager from GWS Giants.

Here's how the club described Neade's first season at Alberton: "(Jake Neade) arrived at Port with few expectations as a slight-of-frame youngster with a little experience in the cut and thrust of elite under 18 football.

"But many would recall his burst onto the scene early in the 2013 campaign -- in February when Port played an internal trial between its AFL and SANFL sides.

"In that match he exhibited

the traits which he would make his trademark throughout the rest of the year: flashy and exciting bursts of speed combined with a brutal tackle for a man of his size. Not to mention his lethal boot.

"And he tore up the track and rallied the faithful in the outer in the Power's early season wins.

"Few would forget that incredible run down the eastern wing of Football Park against West Coast in Round 5."

Indeed, Neade was a revelation at a club that had managed just five wins in 2012 but which would match those same numbers of wins in 2013 in the first five rounds of the season.

The challenge now for both club and player is to maintain a consistent level of form and fitness, and a realistic appraisal



POWERFUL: Jake Neade. **Image:** AFL PHOTOS

of what goals to reach in 2014.

In October, Neade made history by being part of the first all-Indigenous football side to play Ireland, in Ireland, in the International Rules series.

Despite Australia's 0-2 drubbing at the hands of the Irish, Neade played a solid role for his country, a role that many at Alberton, and Elliott, would like to see repeated in the AFL in 2014.



COUNTRY: Jake Neade at training for the all-Indigenous Australian team that played Ireland, in Ireland, in October.

Image: AFL PHOTOS

Wadeye Magic finds new island home

• From page 23

"To do that all over again would have achieved nothing. The main thing we noted was that the community was losing a sense of ownership of the side in the NTFL. With the Tiwis, we found that returning."

And the move across the Arafura Sea has paid off.

"We got the off-field structure right with a strong committee, and the football has gone from strength to strength."

At the time of going to print, the Magic were pushing for a finals berth.

Wadeye also has something of a cult following on the islands with many people there throwing their support behind the newcomers.

Late in January, they played their first home game at Wadeye, against Ranku Eagles, which attracted a huge turnout.

"Long-term, this provides a much stronger pathway into NTFL football for the players," Kimberley said.

"Already, we've had Francis Kintharri play for the Tiwi Bombers and there are players like Alex Alantjin who are ready-made Premier League players."



MAGIC MOMENT: Wadeye Magic and Ranku Eagles players after the Magic's first home game at Wadeye.

Image: NT POLICE



Wadeye Magic finds a new island home

THREE years after its formation, Wadeye Magic looks to have found a new island home.

The football team from the largest Indigenous community in the Northern Territory is playing in the eight-team Tiwi Islands Football League (TIFL) during the 2013/14 season.

It's the first time a mainland side has joined the island league since formalised football began there in the late 1960s.

And it looks likely to become permanent.

The Magic were formed three years ago with several purposes in mind.

The team's first season saw it play a 10-game trial in the newly formed Division 1 of the Northern Territory Football League (NTFL) (formerly the NTFL's Reserves).

The initial purpose was to see if the side could become a permanent team in the Darwin-based competition.

After a credible mid-table finish in its first season, the team was invited to complete another 10-game trial.

But with no firm word on their future standing within the league, enthusiasm began to wane. A footballer lives for a results-based season and another trial season saw interest levels drop.

Club officials then approached both the AFLNT and Tiwi Islands Football League.

The community and the islands share several familial links and it seemed an obvious fit.

And that proved to be so with the Magic invited to join the TIFL this season.

Craig Kimberley, AFLNT regional development manager – Wadeye/Daly River Region, said the move has been nothing but a success.

"We went through the process and listed the pros and cons of the move," he said.

"With no result at the end of our second trial season, I detected a massive demotivation among the players and community. So given that situation it just wasn't conducive to play in Darwin again.

LEFT: Evelynna Dhamarrandji, from Elcho Island, in New York last year. ABOVE: Charmaine Patrick, from Hermannsburg, with her mentors Jo Weaver and Charlie Maher at a community farewell before leaving for New York last year.

Images: IMP

Marathon applications open until end of Feb

THE growing and successful Indigenous Marathon Project is on the lookout for people who are keen to run in New York later this year.

Applications for 2014 close by the end of February and there are tryouts in March (more details below).

The organisation uses the marathon as a vehicle to promote healthy lifestyles to Indigenous and Torres Strait Islander peoples.

The project annually selects a group of young Indigenous men and women to complete the New York City Marathon with just six months of training.

There have been more than 70 applications already received for the IMP's 2014 program.

Following the success of its 11 runners in New York last November, the IMP is on the hunt for the next crop of Indigenous champions to take on the gruelling 42.195km event.

Those who have completed the marathon are trained to become healthy lifestyle leaders by completing a Certificate IV in Health and Leisure with a focus on Indigenous healthy lifestyle.

This qualification is used to promote community-based health and exercise initiatives including the Deadly Fun Run Series.

Runners become role models within their communities and become leaders in the promotion of health and physical exercise to address the high rate of chronic diseases such as diabetes, heart disease and renal failure.

The year spent preparing will consist of a lot of hard training, studying for a Certificate IV in Health and Leisure, running in some of the country's biggest and most exciting fun runs, inspiring others to achieve greatness, and making some friends that you will keep for life.

Organisers are on the lookout Indige-



nous Australians aged between 18-30 who want to make a difference.

There is no need to have any formal running experience, just a passion and commitment to get out there and do your best.

- Applications will remain open until the end of February, at which time the organisers will announce dates and locations for their national tryouts tour to be held in March.

For more information, please call (02) 6162 4750, email: laura.o@imp.org.au and/or visit imp.org.au



Milika Marika

-- the moves that made him



MAIN: Milika Marika hunting on country in East Arnhem Land. **Image:** AARON SMITH / MOVE IT MOB STYLE. **ABOVE:** Milika in action on the dancefloor. **LEFT:** With his Dad, Banula, as a youngster. **Image:** DHIMURRU ABORIGINAL CORPORATION

SEASONED performer Milika Marika returned to country recently to film a fourth season episode of the popular television series Move it Mob Style.

Milika was born into dancing; his parents met at the National Aboriginal Islander Skills Development Association (NAISDA) Dance College in Sydney, where his father Banula Marika was a teacher.

He is well known in his community, not only as a performer, but also as a ranger for Dhimurru Aboriginal Corporation in Nhulunbuy.

An all-day shoot by Move it Mob Style took place at Yalangbara and included Milka's father.

Milika will be choreographing two dance routines in Sydney during February for season 4 of the series to music by East Journey, also from East Arnhem Land.

Milika's favourite dance style is hip-hop and he has danced all over Australia with the Indigenous Hip Hop Projects dance company.

Last year, Milika was selected to be a part of the CircusOz Masterclass, held over two weeks in Melbourne and teaching performers a variety of tricks.

Milika has been in constant work as a dancer and says he loves seeing the reaction audiences have to his dancing.

Move it Mob Style airs at 5pm each weekday on NITV from March 2014.