

The Survival of Land and Sea Units

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Unit

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John Hopiga: I would like to thank the Traditional Owners of this country and the Traditional Owners who are here. I come from Karajarri country and I am a Traditional Owner. This country is about 170 kilometres south of Broome.

Jane Blackwood: Thanks John. I am going to talk for a little while and then I am going to pass back to John.

There are three key problem areas that land and sea management units are facing at the moment. The first one I've called the milestone blues and anybody who has been involved in land and sea will know exactly what a milestone is and it is a sustainability issue for us. The second is the succession tree, some fruit aren't so ripe and some are very ripe - this is about succession planning. The last one is about the ranger rodeo. Rangers remain a large part of the operational arm of land and sea management units. Johnny is going to talk about the ranger rodeo - you never know which horse you are going to be riding and when you are going get bucked off.

Context

The Kimberley Land Council was formed 30 years ago in response to events surrounding a multi-national company drilling on a sacred site on Noonkanbah Station. Today the KLC maintains the rights of ownership of the Kimberley Traditional Owners to their lands and asserts those rights. In 1998, 10 years ago, the

first land management position was funded; it was an Indigenous Land Management Facilitator position funded by the Commonwealth Government.¹ After several years, this position developed very strong land management projects with Traditional Owners of the Kimberley. As people enjoyed managing and asserting their rights to manage and look after their country, more and more Native Title Claim Groups lined up to get advice and project management support for land and sea activities on their country.

Currently we employ 22 staff and we have got about five vacancies so well over 27 staff. We have 40 ranger positions that we don't directly employ, but we manage. We operate over eleven native title groups in the Kimberley, which is about half of the groups. We also have very strong partnerships with government and non-government parties that we are tied to through agreements and Memorandums of Understanding. One of the particularly successful ones is with the Department of Indigenous Affairs (WA), which helps us deliver on Indigenous Protected Areas and ranger groups.

But today I want to discuss the obstacles and challenges that land and sea management units face after 10 years. This is my perspective from my observations and conversations with my bosses like John, who we work in partnership with about these difficulties.

The vision of the Kimberley Land Council is: "The Kimberley Land Council is a community organisation working for and with Traditional Owners of the Kimberley, to get back country, to look after country and to get control of our future."

The land and sea management unit is mainly concerned with looking after country and getting control of the future. We are one of four operational arms within the KLC. The KLC has a Native Title Representative Body function, a corporate services function, a land and sea function and an agreements function which is a recent development for us. During 2008, the Land and Sea Management Unit finalised its Strategic Plan to guide us into the future. We have four main goals:

- One, to be an effective and accountable unit

¹ This position is no longer hosted at the Kimberley Land Council Land and Sea Management Unit

within our organisation.

- Two, to deliver strong land and sea projects in partnership with Traditional Owners.
- Three, to develop strong partnerships with research bodies, industry and government.
- Four, to facilitate change.

The KLC has been doing a lot of thinking about the Land and Sea Management Unit, because the Unit has actually grown to its maximum operational size (under current resources), yet there are still people wanting projects to be developed. They are standing in line, but there is currently no capacity in the KLC to further push the limits of how we are currently structured. Funding and the partnerships for developing land and sea projects has never been better, but how are we to achieve long term, economic sustainability of the Unit to deliver activities for the Traditional Owners? I think the answer is about the structure of, and policy around, land and sea management units.

The Milestone Blues

When we engage with a Native Title Claim Groups, we respond to the aspirations of the group, a steering committee from the Traditional Owners is formed, and, when we are successful in getting funding, the project officer collects a little bag of milestones.

They put down their milestones and try to ensure the milestones match the money. But there are often hidden components in the delivery of land and sea management projects. These include administration, payments to Traditional Owners for working on projects, and other things that are difficult to secure funds for. Achieving project milestones stretch budgets to the limit, so you are often running on the back foot.

As you develop more and more projects with any one Native Title Claim Group, you might have three or four partners. They all require regular reports, with very particular reporting requirements. This requirement needs to be managed, and stretches the capacity of the

Project Officers who are on the ground out working and engaged with the day to day activities of the project. By year three you might have six to ten funding partners, all participating in a project. As you go along, at first you do not really need a person, you might just need a little bit of somebody else's time. But gradually as the capacity builds, you actually need a full time project officer. Then you need a vehicle, some administrative support and perhaps the ranger groups need to be paid and equipped to do the work.



Jane Blackwood

As these projects develop, the requirement for coordination and administration grows. This is something that is not currently funded, although we have been lucky with the partnership in the Kimberley Land Council that we secured funding until the end of 2008 for a Land and Sea Unit Manager position. That comes from the Department of Indigenous Affairs and the Indigenous Land Corporation.

Most grant funding bodies will let you allocate 10% of the funding towards administration. At the KLC, this is applied to the whole-of-organisation

administrative structure (Corporate Services), which undertakes the financial management of Land and Sea Unit grants. Currently, roughly half of this 10% is re-applied to general management of the Land and Sea Unit (although this practice is unsustainable for the organisation).

Thus, to achieve \$100,000 in general management money to run a land and sea unit, you need to have \$2 million coming through your accounts every year. That is about where the KLC's Land and Sea Management Unit is at now; our annual turnover is about \$2.5 million. How can we strengthen our own position to continue on into the future and free ourselves from this dollars-milestone tension that dogs us all?

The Succession Tree

The Land and Sea Management Unit has been going for 10 years and some of our projects are 10 years old and they are very well developed. They have small mini

budgets that are almost like little land and sea management units within a native title holding group [represented by a Prescribed Body Corporate – PBC]. In all, they might turn over \$500,000 a year, with Rangers, Coordinators, and a little bit of project administration.

When can these projects be handed over completely to PBCs? Under present circumstances, they can't. Even though we have got PBCs that are seven years old in the Kimberley, with the exception of the Miriuwung-Gajerrong people who have some good agreement money, there is not one PBC that we can hand back these well developed, ready to enjoy projects. Those PBCs have to become functional and administrative. Once we can hand them back, they can be developed to become economically sustainable, but whilst they are within our Land and Sea Management Unit, they just tick over.

What new thinking is there to get that capacity, governance, administrative function, and resourcing of PBCs into shape to manage their own business? John is the head ranger for Karajarri and he is just going to talk about his story and the difficulty in coordinating all the different parties supporting what is a real employment opportunity for people; a culturally appropriate employment opportunity out on the country.

Ranger Rodeo

John Hopiga: In our Ranger project we have some young girls and boys we teach. We get TAFE to come up next to the coastal areas. We train a lot of boys and girls to work, not just riding motorbikes, but looking at sites, and our waterholes like *jilla* – water. We have got fish traps and all. At the moment they are thinking fish traps are what was there before, a long time ago when the old people leave us those things there. We are doing those things to help us along, help these old people and that is what we do; part of our job. It is a beautiful country. We do beach monitoring, what gets washed up on the shore from Indonesian boats. Checking them and taking

out the bugs or anything, check them out, scrub them and put them in a bottle with vinegar, send them to a lab in Darwin. Then they explain what it is, if it is good it is good. But if it is really bad then the State mob will come down and check them all out.

We have got some public road signs, saying there is no entry and everything, but people like to ignore it, drive through it, destroy rocks or sand dunes and a couple of sacred sites. You can drive all along the beach, but we don't like to drive there because there are a lot of turtles laying eggs there every season. They come from October to January or February and we are trying to protect that area. Another thing the girls do is get soap out of leaves. They pick leaves off the trees, boil them up and make soap. That is women's business.

We are looking for more funding to do all this stuff. We've got everybody involved in all those things, so it is very good. We even go into the desert areas. There are a

lot of cattle and even camels destroying waterholes and we are trying to protect those areas. At Dragon Springs Nature Reserve the CALM mob [WA Department of Environment and Conservation] try and protect all those areas from camels, and putting fences up. But how are we going to put water there, to protect the camels that are going into the spring areas?

We have a lot of things to do, which we are doing, like protecting areas, but there's no funding. That is the

only thing that we don't have. We are looking to all kinds of government agencies to help as along, so we can do this.

Jane Blackwood: Currently John runs this ranger program off his back veranda, with his own vehicle, with no supporting money at all, apart from \$70,000 we got about two years ago from the Office of Native Title and we purchased two quad bikes with that and we paid [CDEP] top up wages with that money and that's it. There is a lot of energy there just to get up and do rangers, and a lot of people do start off rangers like that,



John Hopiga directing vehicles across the rocks at Gourdon Bay

but I think the government should fund it, because it is exactly what they want to happen out on country.

News update: the Commonwealth Government's Working on Country program will fund the Karajarri Rangers over the next 5 years!!! So there will be no more Ranger Rodeos.

Book Review: 'Contested Governance Culture, power and institutions in Indigenous Australia'

By Ingrid Hammer, Research Officer,
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From the outset, *Contested Governance* undertakes to offer the reader a comprehensive ethnographic based account of the cultures of governance in Australia. The post colonial context is examined, with a view to exploring the future of Indigenous governance and its relationship with the dominant governance structures of the nation state. As contributors Smith and Hunt point out, 'It is simply impossible to understand the governance of Australian Indigenous communities as separate from the encapsulating governance environment of the Australian state'. (pg 3).

The research monograph, compiled by the Centre for Aboriginal Economic Policy and Research (CAEPR), is divided into five distinct parts: the governance environment; culture, power and the intercultural; institutions of Indigenous governance; contesting cultural geographies of governance, and, rebuilding governance. The research for the book is sourced from a diversity of sources, including Indigenous groups and leaders, government agencies and international institutions. Especially impressive is the variety of methodologies adopted by the researchers. The diverse approaches

enabled valuable access to information regarding Indigenous community governance, as well as portray the existing cultures of governance from both an Indigenous and a governmental perspective.

To begin, a discussion on the concept of governance provides readers with theoretical and contextual analysis and background to the subject matter. The tensions that exist between the governance intentions and procedures offered by the government, as distinct from those preferred by Indigenous communities, highlight the often fractious relationship between the entities. The chapters that follow stand independently of one another, and many of the authors work with a case study as the foundation for their analysis. Through this collection of papers observations of the current state of affairs are detailed, and projections for the future of Indigenous governance in each example are predicted. In many instances, the authors draw on organisational policy and contrast this with the practical, on the ground experience of a selected organisation.

The relationship between native title claims and Indigenous governance is discussed in the context of a case study of the Noongar native title claim, by Manuhua Barcham in Chapter 10. Although the claim is not discussed in great depth, the administrative process that the claim was subjected to is covered. This information is useful for those working in native title as it is an important procedural perspective on the claims process that is often not documented.

Particularly relevant for those involved with native title is the account by Manuhua Barcham of the diminution in significance of the Noongar Land Council (NLC) and the subsequent establishment of the South West Aboriginal Land and Sea Council (SWALSC). The turn of events, as Barcham describes, resulted from poor governance within the NLC. Originally consisting of 78 single land claims, and later being compounded into 6, the SWALSC proceeded to corroborate these 6 into a single Noongar land claim. A consensus to shift the claim area boundaries; consultation with communities; and, internal restructure within the SWALSC are all attributed by Barcham to the creation of the single Noongar claim, which was met with success in court.