

to promote discussion. These sessions highlighted the work that RNTBCs are doing and this was then compared to what they would like to be doing if they had resources and time.



Victorian Registered Native Title Bodies Corporate meeting in Melbourne

Common issues were shared at all workshops, with many RNTBC representatives speaking positively about the strength and determination of their groups. However as was the case at both national RNTBC meetings in 2007 and 2009, RNTBCs were disheartened by the lack of funding for RNTBCs to allow for effective governance, coordination, administration and to fulfil their statutory responsibilities. Participants from all meetings identified the importance of RNTBCs supporting each other in business and commercial activities and for regular RNTBC national and state or regional based meetings.

It is hoped that through the AIATSIS RNTBC Support Project progress can be made towards national RNTBC representation to generate greater cohesion in the RNTBC sector and influence policy design in a way that matches the needs of native title communities. All three meetings have provided RNTBCs with the opportunity to discuss these issues. AIATSIS is still in the process of seeking representatives from other jurisdictions.

A South Australia RNTBC meeting will be taking place on the 11-13 February 2012 in Port Augusta, SA. This will be co-convened with South Australia Native Title Services (SANTS). AIATSIS acknowledges the funding support of the Native Title and Leadership Branch of FaHCSIA for these workshops. For further information please contact Matt O'Rourke on (02) 6246 1158 or [morourke@aiatsis.gov.au](mailto:morourke@aiatsis.gov.au).

For more information on RNTBCs see the website at [www.nativetitle.org.au](http://www.nativetitle.org.au)

## Weeds management on native title lands

Nick Duff, AIATSIS

A new AIATSIS research project is considering the relationship between native title and the weeds responsibilities of 'land holders' under different State and Territory land management legislation. This project is funded by the Rural Industries Research and Development Corporation (RIRDC), and is considering three research issues:

- the implications of the changing nature of land ownership for Australia's weed management;
- the weed management priorities of native title holders; and,
- the opportunities and limitations of current weed institutions, policies and programs with respect to native title holders.

In October 2011, NTRU Research Fellow Jessica Weir convened a workshop, 'Managing Weeds on Native Title Lands', in partnership with Bruce Goring from the Nulungu Centre for Indigenous Studies at Notre Dame University's Broome campus, and with input from the Kimberley Land Council. Workshop participants included Kimberley Indigenous Ranger groups, registered native title bodies corporate (RNTBCs), State and Commonwealth government departments, non-government organisations, and the Kimberley Land Council. The workshop was facilitated by Paul Mitchell from EthnoScapes. One aim was to provide an opportunity for non-Indigenous stakeholders to gain a better understanding of the cultural landscape for weeds management on native title lands, as well as the governance and logistical environment of RNTBCs (the corporate entities that hold native title rights and interests under the *Native Title Act 1993* (Cth)). Another aim was to give RNTBC land managers an opportunity to talk to other stakeholders about effective systems of weed management and issues of funding.

The workshop included a field trip to Minyirr Park, a coastal reserve adjoining Cable Beach in Broome. The field trip was hosted by Yawuru man Michael 'Micklo' Corpus and the Yawuru Rangers, who spoke to participants about Minyirr Park's cultural significance, the ecological degradation it had experienced over the years, and the efforts that traditional owners had made to protect and rehabilitate the site in conjunction with the Shire of Broome and the Western Australian Department of Environment and Conservation.

On the second day, the workshop presentations began with the Wunggurr (Willingin), Bardi Jawi, Karajarri, and Yawuru Ranger groups. The rangers and ranger coordinators spoke about the need to control weeds on their country to protect culturally significant sites and species, including bush food and medicine. Some of the main challenges they faced were the large land areas involved; the lack of sufficient funding for chemicals, equipment, training, and wages; and the limited capacity of their RNTBCs in administration and communication with external stakeholders. Rangers stressed the importance of cultural protocols and cultural competence – to be respected by both government and the rangers themselves. Alan Lawford ('Doody'), a Walmajarri man and the manager of Bohemia Downs Station, shared his experiences with weeds on an Aboriginal-owned pastoral station on native title country. He also spoke about the sorry history of weed control in the region, when in the 1970s the government paid Aboriginal people to spray Noogoora burr infestations along the Fitzroy River without protective clothing, training, or any warning about the dangers posed by the pesticide chemicals. Many people died and continue to suffer chronic illness as a result.

Representatives of the Western Australian Department of Agriculture and Food, Department of Environment and Conservation, and Main Roads WA, presented information about the areas of their respective responsibility. Participants discussed the question of who holds legal obligations to control weeds on different tenures within native title land. It emerged that there is considerable uncertainty and ambiguity on this question, and that statutory amendment and ILUAs dealing with weeds issues will be necessary to clarify the situation. It also became clear that in some situations, native title holders will have legal obligations to control weeds but without any funding to enable them to discharge those obligations.

Other presentations and contributions on collaborative weeds management in the Kimberley were given by Environs Kimberley, the Commonwealth Department of Sustainability, Environment, Water, Population and Communities, Rangelands NRM WA and the Australian Quarantine and Inspection Service. Different management and funding schemes were discussed, including Indigenous Protected Areas, Working on Country, Weeds of National Significance, Kimberley Science and Conservation Strategy, and joint management opportunities. Government stakeholders said that while their ability to commit

substantial funding for weeds management was limited, they could assist with some of the administrative and procedural hurdles that may otherwise make it difficult for RNTBCs and ranger groups to access funding sources. The need to promote the importance and benefits of weeds management to decision-makers in broader policy forums was also stressed.



Bardi Jawi Rangers Gemma Chaquabor and Kevin George with Bardi Jawi Ranger Coordinator Todd Quartermaine, talking about their work and its challenges. Facilitator Paul Mitchell behind.

A recurring issue in the discussion was that weeds management funding is largely limited to weeds that are 'declared' by the WA Department of Agriculture and Food. Declared weeds almost always present some risk to agriculture or some other economic risk, to the exclusion of cultural, social, ecological, or even broader economic values (such as tourism or cultural economic livelihoods).

To round off the workshop, participants broke into groups to design the key elements of a collaborative weeds management plan for native title lands. This activity produced some really useful and practical insights into how the important and difficult task of controlling weeds can be improved through better coordination, and increased and more strategic resourcing.

Overall, five main themes emerged from the workshop.

#### **Clear responsibilities**

A clear allocation of legal responsibilities for weeds management is required, and any decisions about allocating legal responsibility should take into account the resourcing and capacity constraints of traditional owners.

#### **Proper process**

Government agencies, companies, and other parties need to invest in understanding the cultural landscape,

and obtaining approvals for weeds work. This includes appreciating the role of RNTBCs in holding native title and representing the decisions and interests of the community; cultural protocols; Indigenous ecological knowledge; and the history of relations between government and traditional owners.

#### Proper priorities

The process and criteria for declaring weeds at the State level is too narrow. Further work is needed on identifying Aboriginal cultural values that may be threatened by weeds – mapping cultural sites, developing ways of explaining or ‘measuring’ the cost of different weeds in different places, so that cultural values can compete for priority on the agenda.

#### Proper resourcing

There are a number of issues with current funding for weeds management, including insufficient funding, funding being tied to a narrow list of specific species, and funding being short-term and one-off. Funding to support the administrative and organisational capacity of RNTBCs was also highlighted as a key priority.

#### Integrated, holistic and coordinated efforts

Weeds sit within a complex web of interconnected issues, and recognising these interconnections can help with better management of all of those issues. Weeds management needs to be coordinated between all parties, with a proactive and holistic approach.

These five themes are discussed at greater length in the weeds workshop report, which will be available shortly online. If you wish to have an electronic copy emailed to you, please contact [jess.weir@aiatsis.gov.au](mailto:jess.weir@aiatsis.gov.au).

The Kimberley workshop has provided valuable contextual information to support our national research into weeds responsibilities and native title. The outcomes of our national research, including a legal analysis of whether native title holders are responsible for weeds management, will be reported on at the National Native Title Conference 2012 and in a project report in 2012.



Yawuru man Micklo Corpus with Yawuru Rangers project manager Dean Mathews, explaining threats to culturally significant species such as the gubbinge tree to workshop participants in Minyirr Park

## The Social Justice and Native Title Reports 2011

### Mick Gooda - Aboriginal and Torres Strait Islander Social Justice Commissioner

The Aboriginal and Torres Strait Islander Social Justice Commissioner (Social Justice Commissioner), Mick Gooda, is required by legislation to prepare two reports on Aboriginal and Torres Strait Islander peoples' human rights issues each year – the *Social Justice Report* and the *Native Title Report*.

Both Reports are tabled annually in federal Parliament and consider major issues in Aboriginal and Torres Strait Islander affairs. They include recommendations to governments that promote and protect the rights of Aboriginal and Torres Strait Islander peoples.

The 2011 *Social Justice and Native Title Reports* identify the key developments affecting Aboriginal and Torres Strait Islander peoples between 1 July 2010 and 30 June 2011. These include a broad range of issues such as:

- native title reform
- the National Congress of Australia's First Peoples
- constitutional reform and recognition
- the Northern Territory Emergency Response
- giving effect to the *United Nations Declaration on the Rights of Indigenous Peoples*
- the Indigenous Human Rights Network Australia
- the Close the Gap campaign
- the Australian Government's engagement framework and draft Indigenous Economic Development Strategy.



This year's *Social Justice and Native Title Reports* also start a conversation about lateral violence. Lateral violence, also known as horizontal violence or intra-racial conflict, is created by experiences of powerlessness. It plays out in families and communities through behaviours such as gossiping, jealousy, bullying, shaming, social exclusion, family feuding, organisational conflict and physical violence.