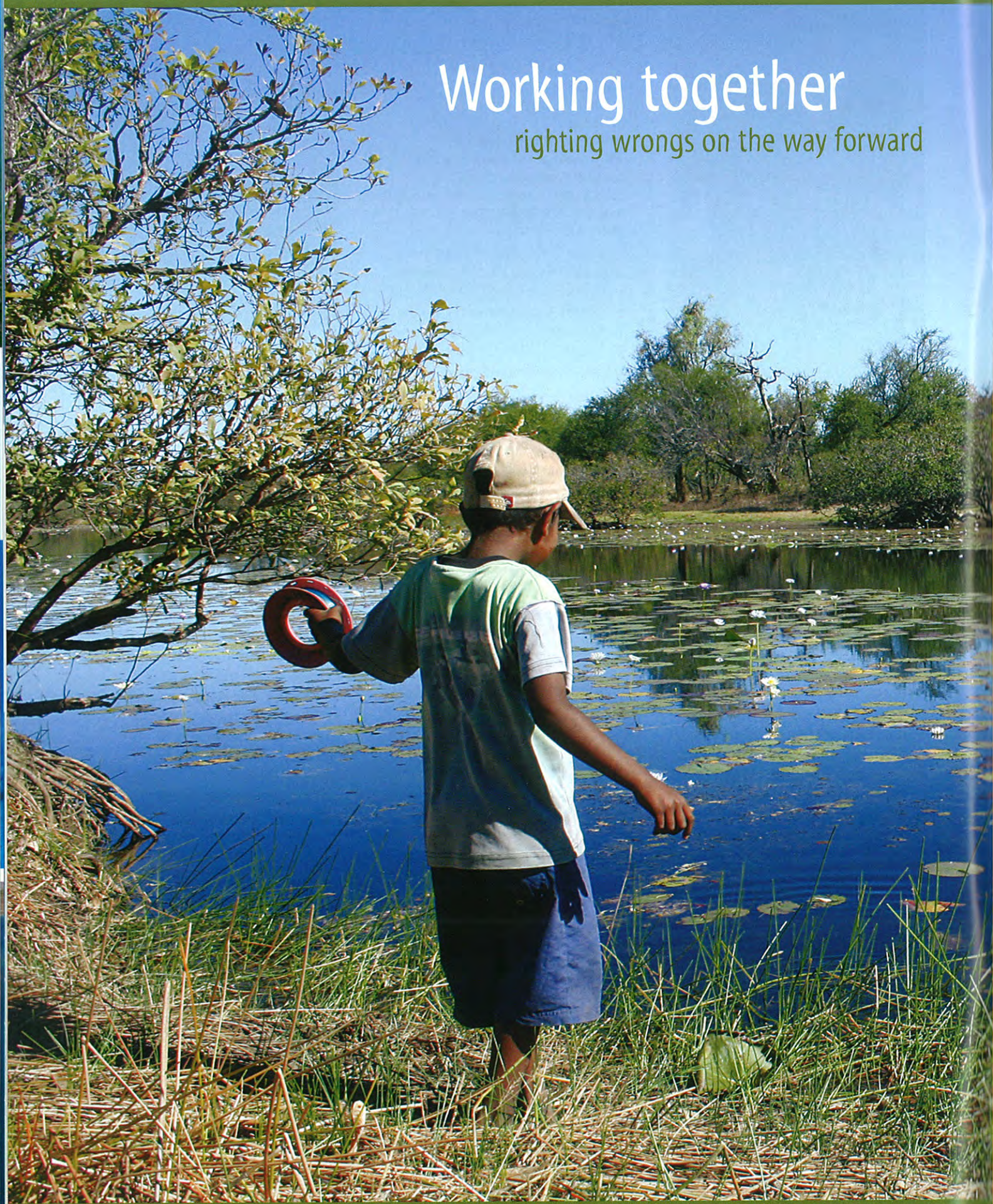
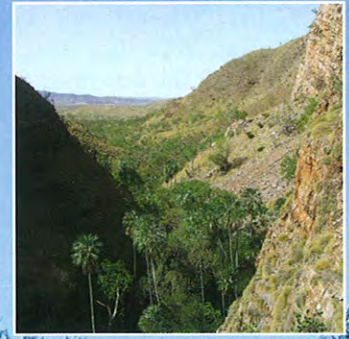


# Working together

righting wrongs on the way forward



In a Western Australian first, the Department of Environment and Conservation, the Conservation Commission of Western Australian and the Yawoorroong Miriuwung Gajerrong Yirrgeb Noong Dawang Aboriginal Corporation have forged a meaningful partnership to manage six new conservation parks developed under the Ord Final Agreement. The partnership is going from strength to strength in managing the land and is providing economic and social benefits to local communities. It is also working to right some of the wrongs of the past.



by Rhianna King, Des Hill, Rosemary Hill and Scott Goodson

In the 1960s and early 1970s the Western Australian Government embarked on an ambitious irrigation project in the East Kimberley region known as 'Ord Stage One'. The project was designed to transform the area into a food bowl for the nation through the creation of 13,000 hectares of irrigated farmland. It also led to the creation of lakes Argyle and Kununurra.

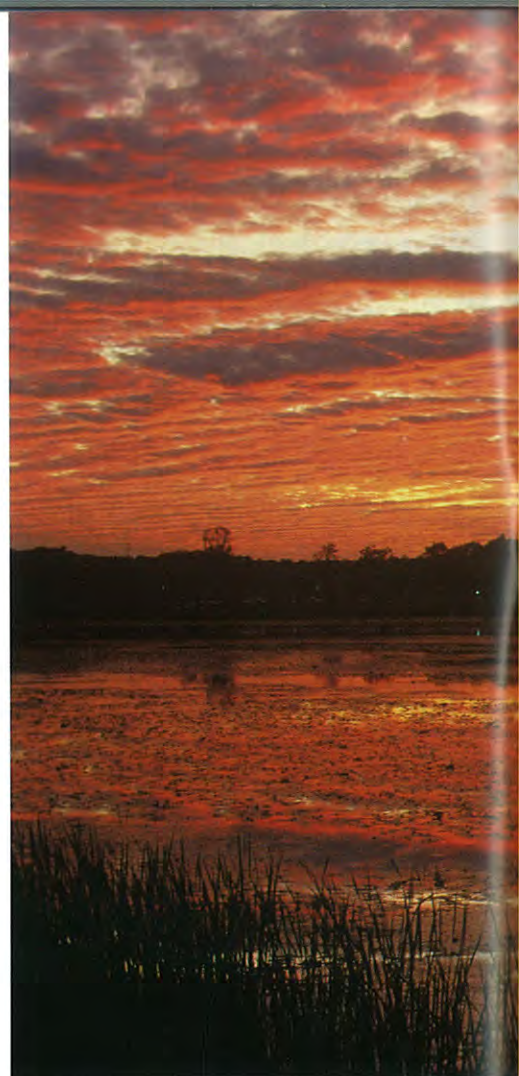
However, the project had significant negative ramifications for the local Miriuwung and Gajerrong peoples. Much of their traditional land was either flooded or allocated for agriculture and resulted in dispossession and cultural and socioeconomic damage.

In the early 1990s, the State Government developed a proposal to extend the Ord River Irrigation Area by 65,000 hectares as part of an 'Ord Stage Two' project. In response, the Miriuwung and Gajerrong peoples sought native title claim over 8,000 square kilometres with the National Native Title Tribunal. The case, known as the 'Ward case', was referred to the Federal Court in 1995 where Justice Lee determined the Miriuwung and Gajerrong peoples held native title of the area. Then, in 2000, the Full

Bench of the Federal Court partially overturned Lee's decision, resulting in a major reduction in the area of recognised native title. In 2002, the High Court re-examined the nature of native title and referred aspects of the case back to the Federal Court. However, in an attempt to resolve the issue through negotiation rather than litigation, the State Government and the Miriuwung and Gajerrong peoples sought an adjournment. The next three years were filled with complex negotiations while the parties sought to determine suitable compensation for Ord Stage One, compensation for the 65,000 hectares of land necessary for Ord Stage Two and compensation for the abolishment of native title in the region. The result of these negotiations: the Ord Final Agreement.

### Moving forward, together

The Ord Final Agreement recognises the injustices of the past and sets out a range of measures that form the basis for future partnerships between the Miriuwung and Gajerrong peoples, the State Government, industry bodies and developers to lead the area, and its people, into the future.



A crucial part of this was the establishment of the Yawoorroong Miriuwung Gajerrong Yirrgeb Noong Dawang Aboriginal Corporation (MG Corporation), which will receive and manage the settlements of the agreement. The corporation was established in 2006 and is governed by a structure made up of one representative from each of the 16 dawang, or traditional land areas, which make up the Miriuwung and Gajerrong lands. The corporation aims to improve the social, cultural and economic wellbeing of the Miriuwung and Gajerrong peoples.

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**Main** Gilbert Riley fishing at Niligem in Barrbem Park.

*Photo - Rosemary Hill*

**Inset top** Skeleton Creek, Ngamoowalem Park—one of the six new conservation parks.

**Inset bottom** DEC Miriuwung Gajerrong Rangers Andy Reid and Jerrimiah Hester with Miriuwung elder (Garrayilng) Button Jones together as part of a men's 'back to country' trip.

**Left** Looking north-east at Barrbem Park—one of the six new conservation parks.

*Photos - Scott Goodson*



**Above** Lake Kununurra, created as part of Ord Stage One.

*Photo – Bill Belson/Lochman  
Transparencies*

**Right** Carol Hapke, Matthew Ningamara, Nancy Dilyai, DEC's Scott Goodson and Janelle Ningamarra in front of Garn-Garnbe (Barbecue Hill) near Yirralalem community bordering Darram Park.

*Photo – Rosemary Hill*



The agreement also led to the creation of six new conservation parks in the East Kimberley (see 'New conservation parks' on page 23). The parks were created to be held under freehold title by the traditional owners, the Miriuwung and Gajerrong peoples, and leased to the State for joint management between the Miriuwung and Gajerrong peoples and the Department of Environment and Conservation (DEC). They will be the first Aboriginal-owned jointly managed conservation parks in WA and will be managed through the Yoorrooyang Dawang Regional Park Council (YDRPC), which is made up of representatives from DEC and the MG Corporation. The park council will be guided by individual park

management plans due to be released in 2010 and an overall management plan which will be developed through a three-stage planning process.

### **Cultural planning**

The Miriuwung and Gajerrong peoples' approach to park planning is based on culture and customary law and they believe that keeping culture alive and strong is central to conservation management. In the words of Miriuwung elder Ben Ward,

who was instrumental in the Ward case (2004):

"The law comes from the country and controls the Miriuwung tribe. The law comes from Ngarranggarni, the Dreaming. Ngarranggarni comes from the country. Ngarranggarni provides the reasons and rules, the law, for how we look after country. The law is taught by the old people to the young people and is passed on through generations. People can't have country unless they have the law, because the law teaches us about the country and how to protect and manage

## Miriuwung and Gajerrong Dreaming

Our ancestors created Miriuwung and Gajerrong country in the Ngarranggarni, the Dreaming. At the dawn of time, our land was covered by the waters of an enormous flood. The waters eventually receded, placing some of the Dreamings, the ancestral beings, on the landscape. Other Dreamings roamed the land, creating creeks, billabongs, hills and escarpments on tracks through our country. They created the different soils, plants and animals, and all the seasons of our country—yin-geng (the wet season), gerloong (big storm), barndinyiriny (dry season) and wan-gang (cold weather). During these sagas of journey and creation, our ancestral beings, who were simultaneously human and animal, also established the all-encompassing moral and practical rules by which succeeding generations of Aboriginal people have lived for thousands of years—our Law, languages and ceremonies.

Our Dreamings became different features of our landscape, and are still present in our country today. Every part of our country has a song. Our Dreaming makes connections between our people, plants, animals and parts of our country like water holes, creeks, hills, mountains and tracks through our country. Yarndungarll (dingo), lemoogeng (blue-tongue lizard), diwānang and jalareng (wedge-tailed eagle and egret), bilbiljing (grass-hopper, goorrgoorjing (tawny frog-mouth owl) and gerdan (frill-necked lizard) are some of the Dreaming stories and places on our country.

Taken from the *Miriuwung Gajerrong Cultural Planning Framework*

it. When old people say you have to know about country, it means you have to have law for that country.”

The Miriuwung and Gajerrong peoples feared their traditional laws and customs would not get adequate recognition if the standard management planning process employed by the State was followed for the six new

conservation areas. Therefore, DEC, the MG Corporation and the Conservation Commission agreed to work together, with research support from CSIRO, on an innovative approach to develop the management plan through a three-staged process.

The first stage involved developing the Miriuwung Gajerrong Cultural

**Background left** Original artwork.  
*Painting – Nancy Dilyai*

**Below** Ngamoowalem Park.  
*Photo – Rosemary Hill*

Planning Framework. Released in November 2008, the framework documents the Miriuwung and Gajerrong peoples’ approaches to land management and outlines how the Western Australian Government Planning Guidelines could incorporate these approaches. It also sets out protocols for the partnership.

The second stage focuses on the development of the Yoorrooyang Dawang Joint Planning Guidelines—a joint planning framework between the MG Corporation, DEC and the Conservation Commission that brings the two approaches together, taking into account management principles set out in the Ord Final Agreement. These guidelines were endorsed by YDRPC in September 2009.

Finally, stage three will use the Yoorrooyang Dawang Joint Planning Guidelines to guide the development of the management plan and the sub-plans.





**Above** Helen Gerrard with her grandson Tremayne together as part of an 'on-country' trip to Wawoolem Creek. Photo - Rosemary Hill

This staged approach paves the way for a successful partnership for the joint management arrangement that will see Miriuwung and Gajerrong peoples and DEC working side by side, each sharing and taking equal responsibility for managing the conservation areas. After all, both share the same vision for the country and have an obligation to protect it—one group through legislation and the other through traditional law and culture. In time, it is hoped this will lead to the Miriuwung Gajerrong people assuming sole responsibility for managing the land.

So how's it going?

### Progress so far

To date, the partnership has made significant progress on a number of projects with stages one and two complete. The third stage will see much of the planning being implemented on the ground in the new conservation parks.

A significant highlight has been the progress of the Miriuwung Gajerrong Ranger Program which is involving up to 10 rangers who are being trained in certificates II and III in Conservation and Land Management. The rangers are also taking part in a culture and language course, which has been specifically



developed to cover the needs of the program and to prepare the rangers for working on country in the new conservation areas. In addition, two of the rangers have received specialised training in law enforcement and now have powers under the *Conservation and Land Management Act 1984* and the *Wildlife Conservation Act 1950*.

As well as learning practical skills, the program has given the rangers the opportunity to take part in projects and programs that have increased their

standing in their broader community. They have gained positive reputations for the quality and timeliness of their work. These results are pleasing indications that a key objective of the program is being fulfilled—that it's not just about managing parks and providing employment, but improving the standing of Miriuwung and Gajerrong individuals in their community and assisting them to make meaningful and significant contributions to the conservation of their traditional lands.



**Left** Ngamoowalem Park.

**Below left** DEC Miriuwung Gajerrong Rangers Jerrimiah Hester and Andy Reid talking with pastoralist Geoff Warriner about park planning and management. Photos – Scott Goodson

As well as the significant cultural and social benefits, on-ground work has been successfully implemented in the conservation areas. A works maintenance and capital works program has been developed for each park and it is hoped that site plans will be developed in 2010 for the Ngamoowalem and Goomig parks that will include infrastructure such as interpretive signage and walk trails. Work to scope and plan for potential tourism developments will also be carried out.

In addition, the rangers have helped conduct fauna surveys in five of the six new parks. The information gleaned from these surveys will provide benchmark information on species diversity, ahead of the arrival of cane toads. These surveys have been conducted in partnership with the relevant Dawawang (people of the area) as part of on-country trips and have facilitated the sharing of traditional and contemporary knowledge. A number of on-country trips have been conducted and more are planned for later in the year.

Rangers have also been involved in a number of activities with the local community, including taking part in agricultural shows and national forums and working with school students as part of in-school visits and talks, and DEC's Bush Rangers WA program. They have also taken part in special projects such as providing assistance to the Australian Quarantine Inspection Service to protect against exotic plants, insects and avian influenza, and in a study into potential tourism economic development in the six new conservation areas.

### **Moving on**

The landmark project is achieving important results for one of the most beautiful and remote parts of the world



## New conservation parks

### Goomig Park (Pincombe and Cave Springs Ranges)

Goomig Park incorporates the Sorby Hills and spectacular Pincombe Range which are vegetated by sparse eucalypt woodlands over spinifex. Cave Springs is the only permanent fresh water body in the park and is surrounded by ferns, palms and rainforest plants. The cave is home to bats and provides an important habitat for as many as 134 bird species as well as 16 mammal, 25 reptile and 11 frog species. Martin's Bluff hills to the south of Martin's Gap have many paintings in them and three sites in the park, which include mythological places, ceremonial sites, paintings, grinding patches and engravings, are registered with the Department of Indigenous Affairs.

### Barrbem Park (Zimmerman Range)

The eastern side of the 14,328-hectare Barrbem Park borders Keep River National Park, and the Northern Territory border, as well as the Goorboome (Kumburumba) living area to the north. Biological surveys have identified the park as having significant biological values including the presence of the endangered Gouldian finch and a diverse range of flora. The park's vegetation ranges from open woodlands on flat areas to rainforest thickets and palm groves. The park incorporates Mount Zimmerman, Mount Septimus and Burt Range. The ranges are thought to be up to 350 million years old. To the Miriuwung and Gajerrong peoples, the park is an important story place for sugar-bag and lemoogeng (blue-tongue lizard) Dreaming.

### Darram Park (Packsaddle Swamp)

The smallest of the parks, the 896-hectare Darram Park is bordered by the Ord River, private property and the proposed Wawoolem Conservation Reserve. It forms part of the 117,495-hectare Lake Argyle and Lake Kununurra Ramsar site and is an important habitat and breeding area for waterbirds such as swamphens and magpie geese. The Miriuwung and Gajerrong peoples hope to establish the area as a bird-watching destination. It also contains a number of

sites that have cultural significance to the Miriuwung and Gajerrong peoples and a number of Dreamings. The area also was used as a refuge by people hiding from the police and as a safe haven during World War II when Wyndham was bombed.

### Ngamoowalem Park (Livistona Range)

The largest of the six new conservation reserves, the 70,310-hectare Ngamoowalem Park adjoins Parry Lagoons Nature Reserve to the west. It has a diverse range of flora, including populations of cycads and Livistona fan palms (*Livistona lorophylla*) and riparian plant communities that grow around the seasonal waterfalls and permanent freshwater pools. It also contains a number of culturally significant sites and is rich in bush tucker.

### Mijing Park (Ningbing Range)

The Nimbing community living area is located in the southern part of Mijing Park. The park's defining landscape feature is the Ningbing Range, consisting of limestone that was formed as part of an ancient (Devonian) barrier reef system which contains vast deposits of marine fossils. The park supports eucalypt woodlands and palm groves of Livistona fan palms and its permanent freshwater pools provide vital habitat for many bird species. It is also home to *Georissa obesa*—land snails known to occur only in the Ningbing Range.

### Jemandi-Winingim Park (Weaber Range)

Jemandi-Winingim Park extends about 63 kilometres to the Northern Territory border and borders Point Spring Nature Reserve along its southern border. The Miriuwung and Gajerrong peoples would like Mijing and Jemandi-Winingim parks to be connected to reflect that their ancestors used to walk between the parks. Eucalypt woodlands over spinifex grasses cover much of Jemandi-Winingim and patches of rainforest are found in sheltered valleys and under cliff lines. Seasonal swamps, characterised by sedges and paperbarks, cater to the many birds that can be found in the area.

**Above background** Original artwork.  
Painting – Nancy Dilyai

**Right** Niligem in Barrbem Park.  
Photo – Rosemary Hill

and the people who live there. By developing a sound framework from which to build lasting partnerships, provide employment and potential prosperity for the Miriuwung and Gajerrong peoples and achieve tangible environmental benefits, the project is setting a strong example for other areas—both within WA and around Australia. Importantly, it is also working to repair some of the damage done to an ancient and proud people who still carry scars from the past.

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Rosemary, Scott and Des wrote the Miriuwung Gajerrong Cultural Planning Framework and also prepared the Yoorrooyang Dawang Joint Planning Guidelines with DEC's Daryl Moncrieff and Laurina Bullen. The development of the framework was funded by DEC and supported by CSIRO through the contribution of Rosemary. This work could not have been completed without the generous contribution of time and energy by many Miriuwung and Gajerrong peoples.





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