



December  
2021



# Boorna Wangkiny



## ▶ CHAIRPERSON'S MESSAGE

**At the end of a significant year for SWALSC, this Birak edition looks back on the extraordinary work that Noongar people have done to get us to this point.**

Before the South West Native Title Settlement, members of our working parties did the hard work of consulting with community and negotiating native title claims on behalf of, and to benefit, all Noongar people.

Thank you to every one of you who contributed their time and effort to these working parties. We're planning a celebration in the new year – stay tuned for more details.

Last month we held a successful AGM. Thanks to everyone who attended and contributed.

I also want to take this opportunity to thank Barry Winmar for his valued service as SWALSC's director for the Ballardong ward. Barry has resigned to take up a new role as a councillor in the City of Kwinana council (see page 8).

Nominations are now open for Ballardong ward members and an election to fill this position will be held next year.

### **Regional corporations at work**

Following the successful pre-incorporation meetings, the initial directors for the six regional corporations have been hard at work finalising their membership drives and completing the timeline to endorsement.

All six regional corporations are now successfully registered with ORIC, have received their ICN and ABN, and have applied for charitable status.

Ballardong, GKB, Whadjuk, Wagyl Kaip and Yued have now closed their membership rolls and are opening nominations for their boards and cultural advice committees.

Please take a moment to learn about the roles and consider nominating for the one that will best suit your interests and skills.

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### Regional corporation boards

If your interests, skills and experience include strategic planning, corporate management, finance, compliance, risk management, education & training or economic development, you may consider nominating for the board.

Once nominations are open you can request a director nomination pack through the returning officer at [shawn@boyleandassociates.com.au](mailto:shawn@boyleandassociates.com.au) or on 0409 683 546.

### Regional corporation cultural advice committees

If your interests, skills and experience are related to culture, community development, heritage protection, and identifying cultural lands suitable for selection under the Settlement, you may consider nominating for the cultural advice committee.

Regional corporations will support and promote the work of their cultural advice committee, and be guided by them when making decisions about country and culture.

Details will be sent to members of each regional corporation soon. You may also nominate online: [www.noongar.org.au/cultural-advice-committees](http://www.noongar.org.au/cultural-advice-committees)

If you have any questions about these processes, email [regionalcorporations@noongar.org.au](mailto:regionalcorporations@noongar.org.au) or call 9358 7400.

I strongly encourage you to get involved with the regional corporations, and play a part in making them an effective and positive force for the benefit of the Noongar community.

Thank you for your work and support this year. I wish you a merry Christmas and look forward to an exciting and productive new year.

Sincerely



Brendan Moore  
SWALSC CHAIR

## Birak season

(December-January)

During Birak season the rain eases and the warm weather really starts to take hold. The afternoons are cooled by the sea breezes from the south west.

Traditionally this was the fire season. An almost clockwork style of easterly winds in the morning and sea breezes in the afternoon meant that this was burning time of the year for Noongar people and they would burn the country in mosaic patterns.

There are several reasons for this, such as fuel reduction, forcing animals out into the open so they were easier to hunt, seed germination and making it easier to move across country.

Many fledglings begin venturing out of nests, reptiles start shedding their old skin, and baby frogs complete their transformation into adulthood.

When the Moodjar (Christmas tree) began flowering its distinctive orange blossom, people knew it was time to move towards the cooler temperatures along the coast.



# WORKING FOR A BETTER NOONGAR FUTURE

**For decades, members of the Noongar working parties have worked tirelessly for their people participating in community consultations and negotiating native title claims.**

These parties included many invaluable people who have volunteered a huge amount of time and energy to this space, and whose commitment and knowledge has been instrumental in getting to this point.

The end of this big year for the Noongar community is a good time to be reminded of the many stories that are part of the hard work that brought us to this point.

The working parties were formed to represent the community of native title applicants. Through comprehensive family group representation, they served as the platform for decision making for and on behalf of the claimant groups and the Noongar community in general.

They formed the cornerstone for decision-making and exercising control over activities on their lands as envisaged by the Native Title Act, and they also played a pivotal role in decision making with respect to cultural and heritage matters. As representatives of their family groups, it was their role to communicate information and decisions with their families, the claimant group, and the Noongar community in general. Not surprisingly, this process was often challenging and hard.

William Thompson, chair of the South West Boojarah working party, was involved with the working party since its inception, more than 20 years ago. Among other things, he said the working parties were instrumental in setting up policies, strategic planning, dealing with Future Acts and working out what the regional corporations would do with their trust funds.

“We did all the groundwork for the directors,” he said.

“The working party was a work force of the actual corporation. We put in the knowledgeable part for that corporation.

“We set up and we planned everything for that corporation; we did most of the policy work and everything like that.”

William said that the working parties were the main driving force from working through native title claims to where we are today, with the South West Native Title Settlement.

“Without the help of the working party and all the old people that were on it, they wouldn’t have got that far,” he said.

“It kept culture alive,  
it kept their lore alive,  
and it was important.”

### Negotiating Native Title

Geraldine Hayden was chair of the Gnaarla Karla Boodja working party and a founding member of the Noongar Land Council—a predecessor of SWALSC established in 1995, not long after the Native Title Act commenced. Geraldine, along with a group of other Noongar people started visiting Elders who were being restricted in conducting customary activities on their country.

“We started visiting Elders who were getting fines from the department, which was CALM at the time, for killing a kangaroo and eating it, or making a fire, or taking wood from reserves—that’s why it started. And the protection of sites, that’s what it was all about,” Geraldine said.

“The whole idea of setting up a land council was so that Noongar people could have the rights to go onto reserve land, national parks, and have the rights to practice their culture and lore. To go back and be able to hunt and gather and all of that—for them to survive what the old people were doing before settlement.

“It kept culture alive, it kept their lore alive, and it was important.”

Before the Settlement, working parties also supported families on Noongar country as they worked through their native title claims with the Federal Court.

Under native title, Noongar people from the six claim areas were required to provide information about their cultural heritage to progress their claims in the court. Geraldine said they were required to tell their stories and prove their cultural heritage.

“All those working parties were set up simply because of what the native title bill made them do,” Geraldine said.

Family groups were identified within the regions, and most families had two representatives on the party.

“Those working parties were set up to establish making decisions for the whole family groups of that claim area, which is a very big claim area,” she said.

“They gathered information on heritage, family ancestors, you name it—everything they had to identify and go into the courts to say that they were traditional owners of this area and that they had the rights.

“That went on for many, many years.”

One of the working party functions was to negotiate and approve mining and other compensation agreements under the Native Title Act. In this way, the working parties obtained a huge amount of funds and other native title benefits.

These funds benefit the Noongar community in a wide range of ways, including education, health care, crisis support and more.

## Cultural leadership

Brendan Moore represented his family on the Whadjuk working party for around ten years before taking on the role of SWALSC chair. Brendan said the working party provided leadership for the Whadjuk people and an opportunity to provide advice and input into culturally appropriate developments in the region.

"The beauty of these working parties is that they were the cultural authority for Noongar families," he said.

Brendan said the working parties were the most culturally appropriate model for Noongar governance. It meant that every family had a voice – not just the loudest.

"I was on the Whadjuk one so I can't speak for the others, but the working party provided Whadjuk leadership in the Whadjuk area. It provided governance, leadership and created a culturally appropriate authority to do business.

"[Members] were elected through family meetings which were done on country, by the family, with the family, however the family wanted to elect those representatives," he said.

"The way Noongar families work is through the family. So those working parties represented the families in Noongar tradition.

"The Working Parties were an opportunity to have partnerships with development. That wasn't in the design, that just came out of it. For example, the Whadjuk working party signed an MOU with Development WA. We worked on things like Yagan Square and the stadium."

Beverly Port-Louis sat as chair of the Yued working party for five years. She said she found the experience could be frustrating at times, but that they achieved a lot of good things in the community.

"They were good years because you had some really good Elders," she said.

"When I was the chair, I would go and spend a weekend, or go up Thursday and come home Sunday, because we would gather our family around and tell them what's going on.



"It's for my future,  
it's for my kids, it's  
for my grandchildren.  
It's for my community  
so they can survive."

"Because then you've got an educated community. Knowledge is not for 'me', it's to be shared among our families."

## An honoured legacy

Fay Slater was a member of the Ballardong working party for around 15 years and said the Elders achieved so much by putting in consistent hard work over a long period of time.

Many Noongar Elders and working party members have sadly passed throughout the years. These people have shared their knowledge for others to benefit from and put in a significant amount of work. Their legacy for the Noongar Nation is not forgotten.

"We've got to acknowledge all those Elders that have passed on," Fay said. "They started that up years ago and it's grown to where it is now because of them. The Noongars have kept at it and kept at it, and I think they can achieve a lot if they're willing to work together.

"They've always done the heritage and the Noongar culture, they kept all that going. And the working parties have helped get a lot of

“The Noongars have kept at it and kept at it...they can achieve a lot if they’re willing to work together.”

land back, different parcels of land. That was all because of these older ones that are gone now.

“I think they were wonderful in all the things they did. They just kept at it; where we are now is because of them.”

### Looking to the future

In 2010, SWALSC supported negotiations between the Noongar people and the government. The working parties elected representatives from each region to take part in these negotiations.

Glen Colbung, a founding member of the Wagyl Kaip working party, saw that the Native Title Act wasn’t working for Noongar people and that there was a better way forward.

Glen was one of a few passionate people who began the process of the Single Noongar Claim, which eventuated into the Settlement. From the start, Glen was clear that the funds needed to be protected so that they could be used for the benefit of future generations.

“The native title legislation, I thought very early on in 1995 or thereabouts when native title came into being, I looked at it and I could see there was nothing there for Noongar people,” he said.

“All our country was freehold title and it wiped out native title. Why have something that is basically useless?”

“We needed to be in a position to hand back our native title claim, or relinquish it, in place of a deal where we get real benefits out of it – and ongoing benefits.”

Geraldine explained it was a long process which took place over many years.

“It wasn’t smooth running; a lot of people didn’t agree. But a lot of people did agree because

while we were under native title, we were still under that 1905 Act where we can negotiate but we can’t have, we can’t keep, we can’t do what we want.

“The politics were very hard, but we just kept going; we didn’t want to stop.

“A lot of old people in the process died and actually didn’t see the outcome of what they wanted for the future.

“But today we move forward with our new regional corporations and our central services corporation that will be formed.

“And of course, it’s not going to be easy. Everybody has their ups and downs when they’re starting off, but at the moment we’re running according to the plan.”

With the implementation of the Settlement a new governance structure comes into play. Although the working parties cease to operate in the same way, the knowledge and wisdom of the members will be vital for the six regional corporations.

The Indigenous Land Use Agreements are now conclusively registered, and we will start to see the benefits of the Noongar Boodja Trust for our people.

We would not be at this point without the working parties, and Geraldine believes it has all been worth it.

“It’s for my future, it’s for my kids, it’s for my grandchildren. It’s for my community so they can survive,” she said.

“The settlement has given Noongar people hope. It’s given them hope that there are lands there, there are Noongar businesses there that can help pave the way for their communities.”

Working party members have given so much of their time and knowledge – a commitment spanning decades.

“These people gave up their time – volunteered their time – for the good of the rest of the Noongar community,” said Brendan.

“The working party members donated their time towards a better future for the Noongar Nation.”

# CO-DESIGN OF HERITAGE PROTECTION

On Saturday 23 October, hundreds of Western Australians showed their opposition to the new Aboriginal Cultural Heritage Bill. After a Welcome to Country by Noongar Elder John McGuire, speakers from around WA spoke passionately about the need to protect Aboriginal cultural heritage.

WA had a once in a generation opportunity to co-design legislation that would have protected our heritage and prevented another Juukan Gorge disaster in the future.

The Minister still has the power to make the final decision on the destruction of Aboriginal heritage sites, but he has promised that the regulations will be co-designed with Traditional Owners.

Co-design is a process through which the people most affected by a problem play a lead role in designing solutions. It's not simply about designing innovative services, products or policies, but about prioritising the stories of those most affected at every stage of the design process, through dialogue and storytelling.

SWASLC has partnered with Yamatji Marlpa Aboriginal Corporation, Native Title Services Goldfields, and National Native Title Council to form the WA Alliance of Native Title Representative Bodies and Service Providers.

The Alliance will host a workshop in January for Traditional Owners, industry and government to begin the process of designing regulations and the five yearly review process according to true co-design principles, with the assistance of co-design expert Dr Chris Kueh from ECU.

There's still time to improve this legislation through the careful co-design of the new regulations. For more information see:

[protectaboriginalheritagewa.org.au](http://protectaboriginalheritagewa.org.au)



Photographs by Cole Baxter



## NEW NOONGAR VOICES ELECTED

Kwop koorliny (good journey) to Dorinda Cox and Barry Winmar who have both begun new journeys to represent their people as elected members.

Dorinda Cox recently became the first Aboriginal woman to represent WA in the Senate. She is a Yamatji Noongar woman who has made significant contributions to policy and advocacy in the areas of domestic violence, child protection and Aboriginal justice.

Barry Winmar is the first Aboriginal councillor for the City of Kwinana. Barry has supported the community through his work in justice, child protection, training and education, and community sport. He was recently SWALSC's member-elected director for the Ballardong ward, but has now resigned to take up this new role. We thank you for your contribution to the board, Barry.



SWALSC representatives with the Minister following the WA government's apology.

## WADJEMUP PROJECT

On Saturday 6 November, the WA Government apologised for the treatment of approximately 4000 Aboriginal men and boys who were imprisoned on Wadjemup (Rottneest Island), and for the pain and anguish caused by concealing this history.

Between 1838 and 1931 Wadjemup was used as an Aboriginal prison. At least 373 prisoners died in custody and were buried in

an area now known as the Wadjemup Aboriginal Burial Ground.

In 1907, the Colonial Secretary's department drafted a scheme to transform the Island from an Aboriginal penal settlement to a recreation and holiday destination.

As part of this transformation, the area where the burial ground is located was repurposed as a camping ground known as Tentland, while the Quod (the main prison building) was converted into a hostel.

Over time, the history of the Island as a place of incarceration was concealed.

The Minister launched the Rottneest Island Authority's Reconciliation Plan for 2021 to 2023. Implementation of the Plan will aim to build respectful, trusting and equitable relationships with Aboriginal and Torres Strait Islander peoples, acknowledge the past, and move forward together on a shared journey towards understanding and healing.