



# Knowing Yawuru

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## YAWURU CORPORATE GROUP

Yawuru  
Native Title Holders  
Aboriginal Corporation

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Ltd

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## Yawuru Native Title Determination

The Yawuru people are the Traditional Owners of lands and waters stretching from Willie Creek to the southern portion of Thangoo Station – covering more than 100 kilometres of the Kimberley coast. In the hinterland Yawuru country covers Roebuck Plains, Thangoo and parts of Dampier Downs and Kilty stations. Broome is located halfway between Yawuru northern and southern coastal boundaries.

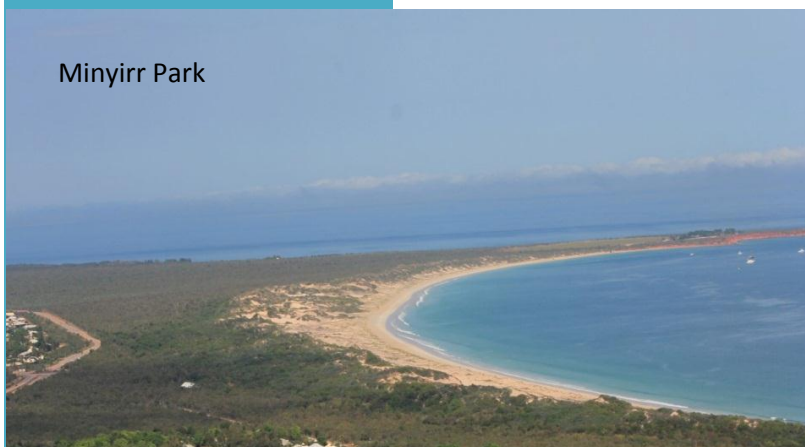
Under Australian Law, Yawuru became the native title holders of some 530,000 hectares of land in and around Broome following a Federal Court ruling in April 2006. Much of this land is held under exclusive native title, while other parts are non-exclusive native title lands, which extend to the intertidal zones. There are two categories of native title – exclusive native title and non-exclusive native title. Exclusive native title allows native title holders to control access to land, while non-exclusive native title does not allow native title holders to control access to land.

The Western Australian Government appealed the decision and two years later the Full Bench of the Federal Court upheld the original determination. During and following the appeal, formal negotiations were undertaken between Yawuru and the State Government.

In February 2010, the Yawuru Global Native Title Agreement in the form of two Indigenous Land Use Agreements (ILUAs) - was signed by the Yawuru Native Title Holders, the State of Western Australia and the Shire of Broome. The Agreement specifically applies to approximately 5300 square kilometres of the Yawuru land determination.

The ILUAs were formally registered by the National Native Title Tribunal in August 2010 following a six month period for objections.

Minyirr Park





The Agreement aims to balance the recognition and protection of Yawuru traditional ownership alongside the future development of Broome and for Yawuru its primary purpose is to safeguard culture, identity and the Yawuru way of life.

The Global Agreement formalised Yawuru Native Title Holders' consent to extinguish native title rights and interest over significant areas of land in and around Broome to allow residential and commercial development.

As compensation to Yawuru for this extinguishment and past acts of unlawful extinguishment, the Agreement provides;

- Commitment for a joint managed conservation estate comprising in town and out of town lands for a coastal and marine park
- Titles to land for cultural protection
- Freehold lands for development
- Perpetual leases for on country living (Thangoo Station)
- Limited Financial assistance for a range of purposes but principally to build Yawuru capacity to enable Yawuru to sustain their native title rights and interest in perpetuity

### ***What is Yawuru Native Title?***

The central dimension of Yawuru cosmology is Bugarrigarra. Bugarrigarra is the force that gave shape, meaning and form to the landscape. In a romantic and general sense the wider community understands this to be the dreamtime.

Bugarrigarra is associated with events that created our world deep at the beginning of time. It is not detached from contemporary life. It continues to exist and is the spiritual force that shapes our on-going cultural values and practice; our relationships with each other and the obligations and responsibilities that we have to each other that forms our community. The Federal Court found Yawuru Native Title exists because the contemporary belief of Bugarrigarra and the Culture that flows from it.

Within this broad framework that is defined by Yawuru belief in Bugarrigarra are three fundamental components of Yawuru existence that define our native title.





## ***The First is Community.***

There are between 1000 to 2000 Yawuru people who relate to each other through common belief systems, ceremony, language, history and importantly through culturally determined obligations. The modern economic model use of land and resources does not sit easily with the indigenous sense of community. Yet our survival as a community is fundamental to a mix and match of our native title rights and challenges of the social, economic cultural factor impacting Broome now and into the future. A resilient community is our aim.

## ***The Second is Country.***

Our connection to Country – how we use and occupy the seas and lands on Yawuru country is fundamental to who we are as a people. The protection of our Country is a fundamental imperative. This means we have to constantly deal with other peoples' interest in using our lands and waters. The constant challenge is how we balance development on our lands for economic purposes while protecting our Country for the enjoyment and cultural sustenance for contemporary and future generations. A Country capable of reliable prosperity is our aim for our people.

## ***The Third is Liyan.***

This concept relates to Yawuru and other Aboriginal people's view of their well-being. The meaning of Liyan captures the way Aboriginal people feel about themselves and their relationship with their community and the wider world. The western economic model looks at financial security and consumerism as fundamental measures of well-being.

Liyan is much broader than that. It is about relationships, family, community and what gives meaning to people's lives. Yawuru people's connection to Country and joy of celebrating our culture and society is fundamental to having good Liyan. When we feel disrespected or abused our Liyan is adversely affected which can be insidious and corrosive for both the individual and the community.

This is our native title – the all-encompassing power and richness of Bugarrigarra and the interdependent elements of our world that flows from that – Community; Country and Liyan.

## ***Yawuru Native Title Holders Aboriginal Corporation (Yawuru PBC).***

The Yawuru PBC is a corporate structure required by Australian law to hold Yawuru native title rights. The Yawuru Native Title Holders have a Board consisting of six members with responsibility for customary law and six Yawuru representatives elected from the broader community. The Board meets monthly and makes decisions on matters that directly affect Yawuru Country and Culture. This usually means dealing with what are called future acts under the Native Title Act (i.e what someone wants to do on or with Yawuru land outside of that agreed in the ILUAs).



## ***What is Nyamba Buru Yawuru?***

Nyamba Buru Yawuru (NBY) is a not for profit company limited by guarantee and governed by a five member Board, the majority of whom are Yawuru. It is the business arm of Yawuru, responsible for managing and dealing with the matters agreed in the Global Agreement. It has to develop land and engage in projects aimed at providing a financial return to sustain Yawuru's many social, cultural and environmental programs.

## ***What do Yawuru Indigenous Land Use Agreements (ILUA's) mean?***

The two Yawuru Indigenous Land Use Agreements (ILUAs) - the Yawuru Area Agreement and the Yawuru Prescribed Body Corporate Agreement – were officially registered by the National Native Title Tribunal on 6 August 2010. This followed a six-month period that allowed for community objections to any parts of the agreement.

There were no objections. The agreement is fundamentally concerned with a comprehensive integration of economic, social, environmental and cultural factors that would allow the commercial and residential expansion in Broome in return for lands to be transferred to Yawuru ownership and consequently to be developed at Yawuru's cost. The agreement also includes the creation of a conservation zone.

There are two ILUAs because one relates to the lands subject to the determination and the other relates to lands that were part of the global agreement but not specifically part of the determination due to technical legal issues of extinguishment. Our company—NBY has to deal with the matters agreed in these two ILUA's.

## ***What will the money and the land be used for?***

NBY has a property portfolio across the Broome Shire. The development of these lands under commercial lines is designed to produce a sustainable social dividend for Yawuru and hopefully provides opportunities for other Aboriginal people with respect to housing, employment, enterprise, land and sea management and cultural preservation.

The Yawuru Global Agreement incorporates limited government payments to NBY over five years so that Yawuru can build their organizational capacity and to leverage private and public investment aimed at achieving a sustainable future for Yawuru people. NBY Directors have to act in the best interest of the company and all the Yawuru people.

## ***Can Yawuru do whatever they want with the land?***

Yawuru is bound by normal planning and development processes which apply to the wider community at local, State and Federal Government level, with opportunities for public comment at each stage. While NBY seeks to maximise a commercial return on its asset base, it is also mindful that it has an obligation to ensure that its developable land should also be used by Yawuru people and to ensure that Yawuru's natural environment is protected. The simple answer is we cannot do what we like with the land but we try to respond to our community's needs of which there are many. We cannot meet all of them at once.

## ***What does this mean for the broader Broome Community?***

NBY is in partnership with the Broome community and often makes decisions with regard to the benefit of the whole community – not just Yawuru people. As part of the Global Agreement, land was provided for the Broome North residential area, a new airport, a truck layover facility and guaranteed strata title over residential property. Significant new areas of residential, tourism, commercial and industrial land are also being opened up to enable Broome to grow. In addition, 35,000 hectares of mainly coastal land has been set aside for a conservation park, which will be jointly managed by Yawuru Native Title Holders, the Department of Environment and Conservation (DEC) and the Shire of Broome.

### **NBY Commercial Development**

NBY are building a number of houses in Broome, many of which have been set aside for Yawuru occupation. We have built our Corporate Office on Yawuru property in Cable Beach which will provide one central location for staff and Directors of the Corporations to operate.



### **Yawuru Initiatives and Programs**

#### ***Yawuru Housing Project***

Supported by information from the Knowing our Country survey we now have a sound basis for developing a Housing Strategy to assist Yawuru families who are facing severe housing stress. Housing scarcity (particularly social housing), high rental costs, and high land and construction costs are problems facing low-medium income families across Australia. In regional areas like Broome the problems are even more severe. Through a number of strategies, including working collaboratively with government and NGOs, and developing our own housing construction projects, we will be improving housing availability and affordability for Yawuru families.

This is just a start and will not meet all expectations immediately but we are trying to be strategic in our approach. This will include rental subsidies and greater assistance in achieving home ownership. We will also provide a case management service for Yawuru members to assist in managing their housing difficulties. Yawuru will explore innovative ways to finance housing construction on parcels of lands that it holds outside of Broome so that more Yawuru people can enjoy semi-rural living. This is a long term project and will require Yawuru to work closely with government, research bodies and industry.



#### ***Yawuru Cultural Centre Project***

Yawuru intend to inject cultural vitality into Broome's tourism industry through a mosaic of interpretive walk paths, guided tours and artistic performances. The centre piece of this strategy will be the development of a world class Yawuru cultural centre at an iconic location in Broome.

#### ***Yawuru Scholarship Project***

In conjunction with the Yawuru Youth Development program Yawuru intend to establish a long-term scholarship fund to encourage Yawuru individual excellence and achievement in a range of endeavours.





## Yawuru Knowledge Project

NBY has established a number of projects and initiatives. So that Yawuru can protect and nurture traditional culture and country and participate equitably in contemporary society, Yawuru Knowledge Project. This framework project comprises three initiatives;

- Knowing Our Community – Yawuru Household Population Survey
- Knowing Our Country – digital mapping of Yawuru Country
- Knowing Our Story – collecting under one roof all available information on Yawuru society

### ***'Knowing our Community'***

#### ***Yawuru Household Population Survey***

NBY and the Kimberley Institute, working with experts from the Australian National University, employed more than 20 Broome Aboriginal people to count all the Aboriginal people who live in Broome.

The survey, carried out in June and July 2011, found that there were almost four thousand Aboriginal people living in Broome, one thousand more than were identified in the 2006 national census. We know it is an accurate figure because the local knowledge has been verified by ANU research using national geo coded address data base. The Yawuru data base shows age distribution; where people live; long term or short term residence status, numbers of visitors, and where there is overcrowded housing.

This data base allows the Yawuru PBC and NBY Boards plan investments and negotiate with strength with government and the Shire about housing and other matters that concern Yawuru and the wider Aboriginal community in Broome.

### ***'Knowing our Country'***

Yawuru is developing digital data mapping technology which will document the impact of land use on Yawuru Country by developers such as miners, pastoralists and horticulturalists. The intention is that when a third party seeks to operate on Yawuru Country, for whatever reason, their activities are monitored by Yawuru cultural monitors and recorded by observation and photographs.

This information will be recoded within the Yawuru understanding of the six season's weather patterns. This comprehensive cultural and environmental database will enable Yawuru to better manage our Country by applying both Yawuru and western science evidence to a cultural, environmental and economic sustainability framework.

### ***'Knowing our Story'***

Yawuru are planning the Yawuru Knowledge Centre which, will house substantial information on Yawuru society and Country that has been collected over the past century. Much of this information was presented in the Yawuru native title court case. There is also extensive information, photographs and cultural property pertaining to Yawuru society that is held in private collections, museums, libraries, government agencies and research institutions.

Yawuru intend to negotiate the repatriation of much of this material so it can be housed in the Yawuru Knowledge Centre. The Knowledge Centre will become a valuable source to inform Yawuru people and the wider community about Yawuru cultural heritage and Yawuru Country.

Household Survey Team



Gantheauame Point



Roebuck Bay



# Yawuru Conservation Estate Project

*Walyjala-jala buru jayida jarringun buru*

*Nyamba Yawuru ngan-ga mirli-mirli*

**Planning for the future: the Yawuru Cultural Management Plan**

*Mabu liyan, mabu buru, mabu ngarrungu*

*Good liyan, healthy country, strong community*



The Yawuru Cultural Management Plan presents the Yawuru vision and aspirations for managing our country. It underpins the emerging Joint Management Plans for the proposed Yawuru Coastal Conservation Park which extends along the coast from Willie Creek in the north to Barn Hill in the south. This encompasses out-of-town Reserves north to Willie Creek and south along the Thangoo coast, Townsite reserve areas, including the current Minyirr Park, intertidal zones in parts of Roebuck Bay and north of Cable Beach. The conservation estate will also include the proposed Roebuck Bay Marine Park.

## **Yawuru Park Council**

The Yawuru Park Council—comprising representatives from Yawuru, the Department of Environment and Conservation and the Shire of Broome will develop Management Plans over the Yawuru Conservation Estate and implement those plans. The management of the Conservation Estate will be done jointly by the Yawuru and the Department of Environment and the Shire of Broome.

Guided by Yawuru knowledge of Country gathered over countless generations, the Yawuru Cultural Management Plan is presented in four parts:

- The first part explains the importance of Yawuru Country and culture and how they must be protected, nurtured and passed on to future generations.
- The second presents the Yawuru vision for the management of the cultural and ecological values of our Country.
- The third sets out Yawuru protocols for other people who wish to work on Yawuru Country and use cultural information.
- The fourth presents management strategies guiding how Yawuru will work with our partners to make sure that Country is looked after. The Plan also seeks to ensure that the management of Country brings the greatest possible benefits to Yawuru people by providing access to Country, training, employment and business opportunities, as well as providing the opportunity for the broader Broome community to also understand and enjoy the cultural and ecological values of our country.

The development of the Joint Management Plans is well under way and a Yawuru advisory group is being established to work on these plans.

## **The Yawuru Ranger Program**

Yawuru Rangers are employed by the Department of Environment and Conservation (DEC) to play a key role in the joint management of the Yawuru Conservation estate. This provides employment and training opportunities for Yawuru people managing Yawuru Country. Yawuru funds the DEC Yawuru Rangers as part of the Yawuru Native Title Agreement.

The four trainees undertake their Certificate II, III and IV in Conservation and Land Management through a mixture of on the job training, short courses and guided workbooks while being employed full time with DEC. Of the nine staff working within the DEC joint management team, seven are Yawuru men

