Kimberley Land Council statement in relation to Wrong Skin, episode 4, The Age

The Kimberley Land Council (KLC) would like to address a number of unsubstantiated and incorrect assertions that were broadcast in the podcast Wrong Skin on 23 July, 2018.

The KLC rejects any suggestion that it plays a role in deciding which people are named as native title applicants under the Native Title Act. The native title applicant can be one person or as many as is decided by the Traditional Owners who form the claim group. The people who make up the claim group are determined by the Traditional Owners themselves, and supported by anthropological and/or historical evidence in relation to peoples’ connection to country.

The process of choosing the applicant occurs via a meeting where the native title claim group decides who the applicant should be. The process is transparent and supported by affidavit material presented to the Federal Court of Australia. The role of the KLC is to facilitate the legal process in accordance with the Native Title Act.

The KLC also refutes the suggestion that the organisation is unfairly holding onto genealogy reports generated for native title purposes. Any evidence which is gathered to support a native title claim for a community of native title holders is often confidential and may be subject to legal privilege. This makes the distribution of evidence following the completion of a claim a legally complex process. However, if requested, the KLC does provide genealogical information to individuals concerning themselves and their immediate families and is actively working on a process of distributing evidence to Prescribed Bodies Corporates when claims are complete.

The KLC would also like to make clear that the KLC Chairperson does not in any way direct the day to day operations of the KLC. The Chairperson fulfils duties as set out in the Corporations (Aboriginal and Torres Strait Islanders) (CATSI) Act. The KLC chairperson provides guidance to KLC senior management in relation to the vision and strategic direction of the organisation.

The Kimberley Land Council has been independently audited by the Office of the Registrar of Indigenous Corporations in accordance with the CATSI Act and the rules of the organisation as recently as 2016. This is in addition to annual financial auditing, the outcomes of which are publicly available online in annual reports for any party who is interested in the operations and performance of the KLC.

The KLC is proud of its track record assisting Traditional Owners to secure native title, but we also understand that native title can be a frustrating, emotional and at times a divisive process. That is why we have consistently and over many years advocated for changes to the Native Title Act due to the legislation’s inability to deliver on intended outcomes for Traditional Owners.

The KLC will continue to work for and with Traditional Owners to get back country, look after country and get control of the future for Kimberley Aboriginal people.