

SYNOPSIS

June 2016, Darwin: The government pitches its new policy on developing Northern Australia to an audience of prospective investors. “Gas, food and agriculture are the big ticket items,” they say, describing the north as “the future economic powerhouse of Australia.”

A business tycoon skypes in a keynote address from one of their recently acquired cattle stations. “We are on the verge of an exciting time in agriculture, with all indicators spelling a bright future,” she says. “Cattle prices are strong, and overseas demand is growing strongly as Asia’s middle class continues to expand to an estimated 30 million people by 2030.”

The Kimberley region of North Western Australia covers an area of 420,000 km² and is recognised as one of the world’s most ecologically diverse areas, with one of the last pristine coastlines left on Earth. 75 per cent of long-term residents are Indigenous, from 34 different language groups. Approximately half live in 200 remote Aboriginal communities varying in size from 20 to 900 people. 94 per cent of the Kimberley landmass is subject to an Indigenous Native Title claim or determination, the greatest of any region in Australia.

Up the Dampier Peninsula in Nyul Nyul territory, young community leader Albert Wiggan goes about life as an Indigenous ranger caring for Country. Having come an inch away from having the world’s largest LNG gas hub built in his backyard at the sacred James Price Point, the former activist now takes a hands-on approach to land management, vetting development proposals on his Country as the leading expert on the endangered bilby species in the region. But with the latest development proposal, will it be enough to provide resistance from the inside, or will be Albert be forced to pick up the placards once again?

Over the Napier Ranges in Bunuba Country, cattleman Kevin Oscar contemplates the fate of his family’s Leopold Downs station, on the brink of insolvency after a period of mismanagement by corrupt east-coast contractors. While Kevin has the gear, the expertise, and a family unit of highly-trained boys ready to go, he lacks the capital to approach banks for a business loan ahead of the muster. With mining down and beef prices up, a Pilbara-based mining company is diversifying into cattle and joining the

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billionaires thronging to the Kimberley – but with the unique offer of joint venture deals with Aboriginal-owned stations. Leopold Downs is on board and the Oscars are thrilled to be back working their Country in what is looking to be a bumper season. However two weeks out from the muster, the company’s front-man is nowhere to be seen. Rumours begin to reach Kevin of a deal gone sour up Gibb River Road between this company and the Ngarinyin people, which led to people being forcibly removed from

the community. With the debt default deadline looming, will Bunuba be able to save their last asset?

Over at a cattle station on Gooniyandi Country, Senior Elder June Davis looks longingly over the fence to her traditional homelands. She tells the story of how her ancestors built the old homestead as slaves, making each brick by hand using mud from the Fitzroy River. A successful Native Title determination for the Gooniyandi people gives June access to her Country for fishing, hunting and camping, but only with prior permission from the pastoralists. While June tries to make an appointment with one of the region's billionaire investors, her ancestors' sacred site is bulldozed to make way for a new airstrip. Meanwhile June can't help but wonder if this billionaire's interests in her land really are limited to what's above the ground. Or do they extend to the rich coal, natural gas and uranium deposits below the surface?

UNDERMINED investigates the politics of a vast and as-yet unspoiled area now under threat from mining, pastoralism and other large-scale development interests, with the backing of both state and federal governments. With the highest percentage of Aboriginal people living on Country in Australia, what will this mean for the Kimberley's custodians, lands and cultures? Will they survive the economic pressures forced upon them?

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BACKGROUND

It all started in 2014...

The filmmakers had been working in the Kimberley when the state government announced the plan to close 150 remote Aboriginal communities. There was initially little in-depth media coverage reaching the East Coast of Australia, and so we set out to record the stories of local people affected.

Cultural governance group KALACC (Kimberley Aboriginal Law and Culture Centre) invited us to hear from leaders of 34 nations at their annual general meeting and gave us unprecedented media access to film the KALACC festival – a one-off event which brought together thousands of Aboriginal people from across the region to resolve politics and exchange corroboree. The filmmakers gained the rare endorsement of the Kimberley's senior cultural bosses to make the film, which was formalised through a memorandum of understanding.

From this point we embarked on an investigation into the political economy of the Kimberley region, particularly those developers engaging with Traditional Owners through the Native Title process and the government's new policy of Developing Northern Australia. Traditional Owner Albert Wiggan joined us as a co-producer, working with us closely to guide creative choices and maintain cultural integrity.

THE KIMBERLEY

The Kimberley region of North Western Australia covers an area of 420,000 km² and is recognised as one of the world's most ecologically diverse areas, with one of the last

pristine coastlines left on Earth. 75 per cent of long-term residents are Indigenous, from 34 different language groups (or nations), which comprise the oldest surviving culture in the world. Their stories and ecological knowledge are recorded in tens-of-thousands of rock art sites dotted across the dramatic Kimberley landscape. Approximately half the Indigenous population now lives in 200 remote Aboriginal communities varying in size from 20 to 900 people.

94 per cent of the Kimberley landmass is subject to a Native Title claim or determination, which is the greatest of any region in Australia. The federal Native Title Act was designed to recognise the rights and interests of Indigenous people to their traditional homelands, or Country, after the famous victory in 1992 of Eddie Mabo in the High Court, which for the first time threw out the colonial legal doctrine of terra nullius, or 'empty country', in favour of the rightful claims of Australia's first people. The Act affords Traditional Owners a set of rights to access their Country for traditional purposes (hunting, fishing, gathering and ceremony), however it does not provide actual land tenure.

Having undergone multiple revisions since its inception, the main function of the Act now is to force Traditional Owners into negotiations with mining companies and pastoralists on their land, with no right of veto. If an agreement is not reached within six months, the power resides with the developer to proceed as they please – a position many of our characters have described as “negotiating with a gun to your head.”

People are often forced to leave their communities and move into town, where drugs, alcohol and social dysfunction are rife, and suicide rates are the highest in the world. The state government at one time even endorsed a policy of forced community closures, however they have so far only successfully closed two as a result of public outcry. Their approach now is to make continuous cuts to funding for Aboriginal communities, while ramping up expenditure in roads and infrastructure to support multi-national developers engaging in the Native Title process. This film gives voice to those suffering the challenges wrought by what our characters have called “Australia's most racist law.”

Although a distinctly Australian film, this is a universal story of the David-and-Goliath battles Indigenous peoples face against development on their homelands in the final sprint to tap natural resources and plunder the land. The film begs comparison to the Dakota Pipeline protests and other international examples, asking the question: for whose benefit is development of this scale? Is this any different from the violence first inflicted by colonization? And ultimately, what is the path to social justice for first peoples in 2018?

This is a hybrid style documentary film, investigative by nature but driven by character – the micro speaking to the macro. The interwoven stories of traditional custodians Kevin, June and Albert lead the film, opening out at key moments to showcase the colder picture of big industry and the political economy of Australia's north for context.

Intimate portraits combine interview with observational scenes of characters going about their lives, work and advocacy. We see characters with their families, doing business, art, sport, eating and living on Country. Some archive is used for historical

context, and a series of sophisticated 3D animated maps connects the audience to the spectacular locations.

Scenes of our key characters dealing with developers, whether in cooperation or protest, are shot hand-held, often in motion. By contrast, the big picture ambitions of government and industry are told in formal locked-off interview.

Country is an equal character in this film. With its striking colours, unique landforms and wildlife, there is no location more cinematic than the Kimberley. Aerials and low-level drone convey the beauty of what is at stake, and contextualise what connection to Country means.

The Kimberley is an epic and dramatic place, making this film a truly cinematic documentary. We spend time getting to know our characters on Country, hearing the stories which make the landscape such a unique cultural asset, and we dig deeper into the political machinations behind successive waves of policy which have been disadvantaging Aboriginal people since colonisation. This is a complex and urgent story which demands the attention of all Australians and indeed the world.