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WELCOME!

The Martuwarra Fitzroy River Council wishes to acknowledge your contribution as a Newsletter subscriber which supports the protection of the Martuwarra, Fitzroy River.

 Please encourage others to visit our main website https://www.martuwarrafitzroyriver.org

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'Martuwarra, Fitzroy River', 2019 by Lachie Carracher -Front Cover

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'Water Justice Hub at the Australian National University' by Kat Taylor PhD

'The Council's Conservation and Cultural Heritage Plan for the Martuwarra Fitzroy River' by Jason Alexandra & Nadeem Samnakay

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Statement From The Chair - Dr. Anne Poelina



Photo: Dr. Anne Poelina by Magali McDuffie, 2011

You came, you took the land, you made us slaves, and now you want the water! (Senior Elder, Butcher Wise)

These profound words were spoken at a stakeholder meeting with traditional owners, pastoralists, local government, regional and business entities in Fitzroy Crossing in 2019. These words, "You came, you took the land, you made us slaves, and now you want the water!" by Senior Elder, Butcher Wise grounded the engagement with traditional owners, government and stakeholders, and framed the formation of the Martuwarra Fitzroy River Council.

We are obligated through the gift from Senior Elder, Butcher Wise these words of wisdom to stand with '*One Mind and One Voice*'.

The Martuwarra nations stand in unity through First Law as our authority to protect the Martuwarra, Fitzroy River from head to tail, catchment to coast and through to the King Sound and Dampier Peninsular. We hear the words of Senior Elder, Mervyn Street, 'water run down', because he knows as do our families on the coast, the connectivity between sacred places of living waters and their continuing relationship between the Desert, River and Sea Country, their peoples and ancestral being. Water is alive, it holds memory and is has a spirit of energy, a living force.

July has been a busy month.

I have presented six keynote addresses on both national and international platforms, including a podcast with the Global IPBES. Here's is the UN Intergovernmental Panel on Biodiversity and Ecosystem Services (IPBES) Natures Insight Episode 2 podcast featuring Billy Offland who interviewed me. My son composed the music: https://www.youtube.com/watch?v=-swe6fKnYHk. The message across the planet is an urgency to shift away from the destruction of the planet to alternative economies which are sustainable and result in sharing of the wealth creation, so all of us can reach our full potential and prosper as human beings. We know and live with our world as it is all about relationships where everything is connected.

The work of the Martuwarra Council is focused on strengthening the capacity of our emerging leaders, some not so young who are keen and ready to step up to their leadership roles. They are beginning an entrepreneurial pathway as Storytellers & Community Researchers through the Arts creating powerful and beautiful stories. These Storytellers continue the hope, resilience and transformation through their learnings and sharing. Together the young are equally valued with the Elders and with the Martuwarra Council we are forging a new dream for equity, human and climate justice in the balance between human and non-human beings; the birds, the fish, the kangaroos, the sawfish, the crocodiles, the snakes.

We are strengthening our cultural governance, forging new and emerging partnerships. As custodians and guardians of the Martuwarra Country we are managing our lands and living waters through our First Laws and wisdom and together with our *Friends of the Martuwarra* we are holding these commons for all of us for our common good.

(Cont.)

On the 6th-8th, July 2020 we had a three-day Martuwarra Fitzroy River Council (Martuwarra Council) meeting in Broome with a wide range of research partners, scientists and importantly to finalise the Project funded by the Commonwealth Government to develop our planning and capacity building processes forward.

The Martuwarra Council membership is made up on six independent Traditional Owner corporations with native title rights and interests in the Fitzroy River catchment. We have been asking the government to consider our Indigenous holistic wellbeing by including us in development planning and show us how new projects are beneficial to Traditional Owners and are going to be sustainable before any more developments are approved. There needs to be new ways of doing business, we need economic development strategies that provide sustainable jobs and cultural lifestyles on Country. Importantly, we must all act in good faith, through precautionary principles, using the best Indigenous and Western science to ensure the wellbeing of the Martuwarra and all people who live and work in the West Kimberley.

I have had the opportunity to work with a wide range of legal and environmental academics, practitioners, scholars and these papers are in press and forthcoming:

- RiverOfLife, M., Poelina, A., Bagnall, D., & Lim, M., Recognizing the Mardoowarra's First Law Right to Life as a Living Ancestral Being, Special Edition, Indigenous Water Rights in Comparative Law, University of Canterbury School of Law, Christchurch (New Zealand).
- O'Donnell, E., Poelina, A., Pelizzon, A., & Clark, C. (in press). Stop burying the lede: the essential role of Indigenous law(s) in creating rights for nature, Special Edition, Indigenous Water Rights in Comparative Law, University of Canterbury School of Law, Christchurch (New Zealand).
- RiverOfLife, Martuwarra, Taylor, Katherine S., and Poelina, Anne, (in press), Living Waters, Law First: Nyikina and Mangala water governance in the Kimberley, Western Australia, Australasian Journal of Water Resources.

(cont.)

This paper is championing, it's time for 'Just Development' and it must be on 'Just Terms'.

 Poelina, A., Brueckner, M., & McDuffie, M., (In Final Review), For the Greater Good? Questioning the Social Licence of Extractive-Led Development in Western Australia's Martuwarra Fitzroy River Region.

Colonisation has caused vast land and water degradation, species extinctions and the worst wellbeing outcomes for human beings as evidenced by internationally significant high levels of suicide and self-harm, violence, incarceration, homelessness and poor education, mental health and physical health outcomes particularly in our young people. The High Court of Australia acknowledged Traditional Owners along the entire length of the Martuwarra have shared the River through Warloongarriy and Wunan Law, since the creation time. The Commonwealth Native Title Act (1993) acknowledges Traditional Owners have the right to coexist on our County with pastoralists.

We have responsibility through our Law to protect our River and we do have rights under the governments laws, however government rules and processes for making decisions about whether to mine, frack or irrigate appear to be weighted towards invasive economic development that prioritise corporate interests above Traditional Owners, the environment and the River.

MARTUWARRA FITZROY RIVER TOO PRECIOUS TO PUMP



Dear Premier Mark McGowan.

The remote and pristine living waters of the Fitzroy River valley that start high up in the Kimberley ranges, past the edge of the Great Sandy Desert, meandering through open rangeland delta and finally emptying into the King Sound, are of outstanding importance to Traditional Owners and to all Australians. The Fitzroy River is recognised as an Aboriginal Heritage site and a National Heritage place. Plans for fracking, irrigation and associated broad-scale land and habitat clearing pose a significant threat to this unique and beautiful corner of Australia.

Given the magnitude and irreversible nature of invasive industrialisation, decisions on the future of the River will have generational consequences for our people, our culture and our rights. The WA Government recognised these extreme risks with a commitment to protect the River by co-designing its future with Traditional Owners – but it's not happening.

We call on the Government to stop out-of-date water planning processes. Traditional Owners must be central to Fitzroy River planning and ongoing water management.

We call on the Government to properly resource the Kimberley Land Council in partnership with the Martuwarra Fitzroy River Council and Native Title representative bodies to provide an information and consultation process for Aboriginal people living in remote towns and communities.

We call on the Government to adopt a planning process that is not pre-determined by out-of-date water planning processes and legislation.

We need new legislation and policy that recognises our rights, custodianship and water management knowledge to facilitate our responsibility to protect our cultural heritage, lifestyle and other values of the River.

The Government must implement our plans for local jobs and sustainable development, and not prioritise outside interests above our own for our greater good.













The 'Letter to the Premier' Advertisement

It is important that we let people throughout Western Australia know about this beautiful River, rich in wildlife and cultural heritage, as well as the growing threats to our River.

In order to inform Western Australians about the deep spiritual connection Traditional Owners have with the River Country, on the 23rd July Martuwarra Council and the Kimberley Land Council published '*Martuwarra Fitzroy River To Precious to Pump*'.

This full-page advertisement in West Australian newspaper promoted the attributes of the Martuwarra Fitzroy River and the depth of Traditional Owner relationships with the whole catchment. The advertisement also mentioned our concern about the risk of doing more damage to the catchment from the types of development the government is considering.

The first paragraph talks about the iconic beauty and heritage of the River and the genuine risk from invasive short-term, high impact invasive industries. The second paragraph talks about the governments concern about the extreme risks to the River and their need to work with communities to protect the River. Traditional Owners throughout the region are concerned about the potential risk to the River and surrounding Country from invasive development. There is concern that the WA Government processes and investment favour invasive industries.

In paragraph three and five, we asked government to review out-of-date water planning processes and that Traditional Owners, with registered rights and interests, be central in River planning and management. It is reasonable for government to review planning laws over time to ensure federal, state and community contemporary values are reflected in new policy and legislation.

Paragraph four simply identifies the need for government to resource Martuwarra Council to disseminate information and receive feedback from remote Aboriginal community members in regard to development proposals within the region. In paragraph six, we told the WA Government the community wants new laws and policy to protect our heritage, lives and lifestyles and support our plans for development. We expressed our need for local jobs in sustainable development in paragraph seven, instead of government investing in multinational corporations.

(cont.)

Where to next?

We are keen to maintain our relationship with the WA Government in their water planning process and to co-design the strategies going forward. We are in the process of finalising the Conservation and Management Plan for the Fitzroy River Catchment/ Estate the plan is due for release and a public launch soon of the two comprehensive reports:

RiverOfLife, M., McDuffie, M., & Poelina, A. (2020). Martuwarra Country: A
 Historical Perspective (1838 to the Present), Martuwarra Fitzroy River Council,
 Fitzroy Crossing, Western Australia.

This is a comprehensive body of research undertaken over 13 years of research by Dr. McDuffie and shows extensive evidence of 150 years of invasive development. It is time to do business with traditional owners differently. We have a Plan which can create sustainable lifeways, livelihood, and new economies. This information for how to do business differently is evidenced through the Martuwarra Council Plan.

• RiverOfLife, M., Poelina, A., Alexandra, J., & Samnakay, N. (2020). *A Conservation and Management Plan for the National Heritage Listed Fitzroy River Catchment Estate* (No.1). Fitzroy Crossing, Western Australia.

The Martuwarra Fitzroy River Council is calling for a water titling revolution that reconnects water law and policy to the social justice agenda of land restitution is long overdue. Indigenous peoples must have the opportunity to care for their land and waters holistically and share more equitably recognition that traditional owners are not stakeholders we are shareholder, in the water governance and management for the benefits of water use and values.

(Cont.)

We are sending the Dream out for a new way to do business with Aboriginal people and our communities within the Fitzroy River Catchment/Estate.

We have the leadership and the capacity to support our young and emerging leaders to reach their full potential as human being and we believe, we can shift from poverty to wealth creation if there is the political goodwill and investment for the job creation and workforce development we believe is possible for the greater good of our people and the Nation.

Respect and Goodwill,

Dr. Anne Poelina, Chair, Martuwarra Fitzroy River Council.

Email: chair@martuwarrafitzroyriver.org



Annie MilginNyikina Traditional Custodian

"The River is very important for us. River got the meaning, River got the story, River got the songs (...). We want to protect our River. Our River is like our Mother. (...) We got a rule that we do the right thing, what was given by Woonyoomboo - Law is still there standing".

(Martuwarra Fitzroy River Council Website, 2020)

View Annie Milgins short story - https://vimeo.com/448588635

Martuwarra Fitzroy River Council Meeting



Photo: Martuwarra Council Members by Martuwarra Council, 2020.

The recent Martuwarra Council meeting in July 2020 was held in Broome, Western Australia with Traditional Owners, traditional Custodians, Elders and guests.

Representatives of all six Traditional Owner members were present at the meeting, including Bunuba Dawangarri Aboriginal Corporation RNTBC, Walalakoo Aboriginal Corporation RNTBC, Yanunijarra Aboriginal Corporation RNTBC, the Warrwa Registered Native Title Claim Group, Wilinggin Aboriginal Corporation and the Yurriyangem Taam Native Title Claim Group.

Over two days, presenters spoke of a broad range of activities that are managed by the Council and provided accounts of their research, achievements and most importantly their extensive community engagement across the Kimberley region. During these face-to-face and online presentations the case for the Martuwarra RiverOfLife as an ancestral being with a right to life was reinforced as underpinning all activities of the Martuwarra Fitzroy River Council.

The role of the Council in Caring for Country was spoken to by the Council Chair, Dr. Anne Poelina with the obligations of Aboriginal community in supporting the Councils activities reinforced by Deputy Chair, Anthony McLarty. Topics such as data sovereignty, cultural rights as well as free, prior and informed consent also emerged through discussions over the two day program.

Martuwarra Fitzroy River Council Meeting

(cont.) The presentation of the Martuwarra Plan was delivered by Jason Alexandra and Nadeem Samnakay outlining the role of the Martuwarra Council and its future objectives and schedule of activities.

'The strength of the Martuwarra Council is apparent in the broad representation of the communities who have formed an alliance to protect the Martuwarra RiverOfLife. This is an important moment in history as rights of Aboriginal Traditional Owners and Custodians are related through First Law, and by alliance, informing the proper way to negotiate water justice'.

Other formal functions of the Martuwarra Council were voted though, followed by the facilitation of a discussion on developing strategic partnerships and guidelines to assist those working with the Martuwarra Council.

Dr. Alexander Hayes & Dr. Magali McDuffie.Ngikalikarra Media
July 1, 2020.



Photo: Martuwarra Council Elders by Martuwarra Council, 2020



Hanson Boxer

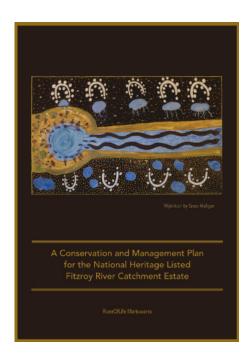
Walmajarri Elder

"Lots of blackfellas been born on that riverside, all along, many tribes and languages, but there is only one River - and all the people worry about that River not to be destroyed".

(Martuwarra Fitzroy River Council Website, 2020)

View Hanson Boxer's short story - https://vimeo.com/448094814

The Council's Conservation and Management Plan for the Martuwarra - Fitzroy River



The Conservation and Management Plan for the Martuwarra- Fitzroy River Catchment is soon to be released after several years of consultative development.

After being agreed to by the Martuwarra Council in July 2020, the Plan is the Martuwarra Fitzroy River Council's way of making sure that Aboriginal people are actively involved in decisions about their future and that of the region. The Martuwarra catchment is facing significant development pressures from large-scale extractive industries (mining and gas), intensive agriculture and irrigation development proposals.

Unchecked these could undermine the natural and cultural heritage values, and the life-ways and aspirations of the Traditional Owners, which the Plan seeks to address. The Plan gives voice to the Martuwarra River – a Living being, recognised through First Law and custom – and her Peoples, the Traditional owners and custodians.

These Traditional Owners have united to give voice to their shared ambitions, represented by the Council and their respective Native Title Prescribed Body Corporates (PBCs). The Martuwarra Council has formulated the Plan openly, sharing numerous earlier drafts with all the PBCs and other interested parties. To ensure Aboriginal cultural and heritage values are recognised and conserved, the Plan outlines the Martuwarra Council's agreed positions, ambitions and priorities. These are summarised through 15 position statements which build on traditional law and knowledge to clearly articulate a strength-based approach to Indigenous involvement in directing the future of the region.

The Council's Conservation and Management Plan for the Martuwarra - Fitzroy River

(Cont.)

The aim of the Plan is not to lock up Country as protected reserves. Instead, the Plan outlines how Indigenous People's rights, values, wellbeing and livelihoods can prosper under the broad principles of sustainable development. The Plan recognises that Indigenous Peoples' strengths, First Law and knowledge are central to appropriate development. It seeks to ensure that heritage values get proper consideration in all State and Commonwealth government planning and policy processes.

The Plan is nationally and internationally significant for several reasons. As far as we know, it is the first time that a coalition of Native Title holders has prepared a plan for a sizeable Australian river catchment. This is important also because many of Australia's rivers are already modified, degraded or do not give adequate recognition of cultural flows. Secondly, the Plan expresses how to look after natural and cultural heritage values from the perspective of Traditional Owners, who have been custodians of the Country for countless generations.

Thirdly the Plan supports the conservation of the region's heritage values. These are nationally and internationally significant, formally recognised when a large portion of the West Kimberley region, including the Fitzroy River, was Natural Heritage Listed by Australia's national government in 2011. The listing, under the Environment Protection and Biodiversity Conservation (EPBC) Act provides only limited protections for cultural and natural sites. The development of the Plan received funding from the Commonwealth Heritage Grants, and by articulating the Traditional Owner's positions, the Plan strengthens recognition and protection of heritage values beyond those afforded under the EPBC Act.

Fourthly, the Plan is both idealistic and pragmatic. It recognises that there are three forms of governance – the Commonwealth, West Australian and Traditional Law and governance of People's who have not ceded their sovereignty and territories. The Plan invites the State and Commonwealth to join with Traditional custodians in governing the Martuwarra estate. This practical approach to governance and reconciliation is important and timely. Australia is at a critical juncture facing critical choices about how we treat Aboriginal culture and heritage.

The Council's Conservation and Management Plan for the Martuwarra - Fitzroy River

(Cont.)

These values demand greater prominence, but could potentially be eroded further if the nation ignores Aboriginal voices. Having a clearly articulated strategic Plan for the Martuwarra catchment is timely given recent events such as the Uluru Statement from the Heart, the review of Western Australian and National heritage conservations laws, and the inadequate protection of Aboriginal cultural sites and values (e.g. destruction of Juukan Gorge rock shelters in the Pilbara).

The Plan outlines key activities and initiatives that the Council will pursue over the coming years. More importantly, it is also an invitation to build long-term, meaningful partnerships in managing the Estate with Aboriginal people. The Plan provides an opportunity to share knowledge, make joint decisions, learn together and chart a new course for a future which does not destroy nature or the environment. These ambitions are focused by the call to ensure the Martuwarra remains a free-flowing river, which in turn sustains all other social, economic, cultural, natural and spiritual values.

Importantly, in the Plan, the Council clearly states that all the water that makes up the River's flow regimes is already allocated to Traditional and environmental uses and values. The River's Living Waters sustain people and places, plant, animal and fish populations and customary harvestable production, and community and spiritual connections. The Plan provides an example of how strong agreements negotiated in the planning process, provide useful directions for shaping the future of the region.

As consultants who worked with the Martuwarra Council to develop the Plan, we feel immensely privileged to have worked on the Plan, including facilitating the workshops. Council members were very generous with their time and wisdom, welcoming us into a vibrant series of workshops, and other discussions over the past 12 months. The Plan is a strong starting point. However, it will only be useful if it leads to more effective action and we encourage you to connect with the Martuwarra and its Peoples through reading and supporting this Plan.

Jason Alexandra and Nadeem Samnakay July 28, 2020

Martuwarra Fitzroy River Council Community Storytellers



Photo: Community Storytellers in conversation with Alexander Hayes by Martuwarra Council, 2020

At the recent Martuwarra Fitzroy River Council meeting in July 2020, the Digital Storytellers participated in workshops to understand and determine the role and authority of Storytellers.

Together, we, as a group, decided on core values that would provide a framework moving forward. This includes the following concepts:

- **Community** which includes not only the people but non-human beings, most importantly the ancestral being, the River;
- **Liyan** which is our connection and wellbeing, taught through experiences and stories of law, values and ethics;
- Law which provides us with a duty to protect the community and our liyan, through the continuance of sustainability and wellbeing for all, while working within our cultural rights to protect our intellectual property.

Martuwarra Fitzroy River Council Community Storytellers



Photo: Marlikka Perdrisat in conversation with Kimberley Watson by Martuwarra Council, 2020

(Cont.)

Attending the two days of the meeting allowed us to connect with the Council to continue strengthening the relationship between the Martuwarra Council and Storytellers.

We, as Storytellers are in an amazing position to communicate for the River to the rest of the world and we are eager to continue this.

Marlikka Perdrisat

Martuwarra Fitzroy River Community Storyteller



Marmingee Hand Walmajarri Elder

"The River to me, it holds a lot of meaning. Living by it, around it, being raised at Old Cherabun Station, I was taught a lot about the River, respecting the River for what it is. It is Living Water: the River itself speaks to us at different times, and it sustains us (...) It brings a great lot of life to us. That's why the River, to me, is really important (...). For all of us, we need to really look after it."

(Martuwarra Fitzroy River Council Website, 2020)

View Marmingee's short story - https://vimeo.com/446230506

Martuwarra Fitzroy River Council Community Storytellers



Photo: Hozaus Claire in conversation with Community Storytellers Marlikka Perdrisat, Kimberley Watson and Edwin Mulligan. Martuwarra Council, 2020

The communication between communities and people are always about the different politics that we face.

For the last six months in communities I had to develop a new skill to get through many challenges but... as well, it is not just the challenges that take place in our communities, it's also showing the time and respect between different families. Tribes and members were notified of Coronavirus as a killing disease. Many people have fear of the virus and that made a big impact in all states of Australia. This has created a whole new life-way within six months.

The Kimberley's in Western Australia are a beautiful part of Australia... everyone knows!

The Traditional Custodians of the Kimberley realised how important it is to work together as well as with the government.

Martuwarra Fitzroy River Council Community Storytellers

(Cont.)

Society has changed since our generation started to grow smarter. Nothing is easy in our family groups until someone steps up and takes leadership, as there is always someone in every individual families to take that role.

Our challenges, as I would like to share, is access to communities, cleaning materials, food, storage, funerals, weddings and making a strong statement to Families that the virus is out there and it is taking people's life and as well, it is dangerous. Today our yarns are about (which means our Indigenous politics), going back to Country and keeping people healthy. It is a cure for the young generation, our lives and our leaders to be stronger than the virus. Country must be protected as well as looking after our Country and land as it is the safest place on this planet, mentally, physically and emotionally.

There needs to be a way for organisations in and around our communities to support more Country trips and educational learning connections and stories. We need to bring stakeholders together to use Country to make our community a healthier place. We have a vision to make our communities prosper through collaboration to bring back knowledge of our Aboriginal history to our community and strengthen our education with our own knowledge to be prepared for challenges such as the virus COVID-19.

Destroying our Country is the largest contemporary issue for our communities especially on our land. Why? Because, Country is the safest place for Indigenous and non-indigenous people to be educated and survive. A pure land provides to our schools, to our hospitals, to our shops, to our streets and most importantly creates safety for our keepers of our knowledge who are our Elders.

Hozaus Claire
Martuwarra Fitzroy River Community Storyteller

Water Justice Hub at Australian National University



Photo: Kat Taylor at the Martuwarra Council meeting, 2020

In July 2020, the Martuwarra Fitzroy River Council asked water policy researcher Kat Taylor to brief them on the new Water Justice Hub.

Water Justice Hub is an online "hub" connecting water researchers who support the voices of communities on water the mission is to promote both 'voice' and truthtelling in relation to water and respond to the global challenges of delivering water justice for all. The Members of Water Justice Hub are from countries and First Nations around the world. The Hub is hosted by the Australian National University (ANU) in Canberra and it's Convenor is Prof. Quentin Grafton, Chair-holder UNESCO Chair in Water Economics and Transboundary Water Governance.

The Hub aims to promote truth telling about water, amplifying voices on water via the ARC Laureate research, stories from First Nations people and other people, online events and social media. Water Justice Hub invited the Martuwarra Council to work together in the future and share water justice stories.



Photo: Martuwarra Council Meeting by Martuwarra Council, 2020

(Cont.)

You're invited to share your water justice story and photo by submitting a short story or article at the Water Justice Hub website - https://www.waterjusticehub.org/stories.

Speaking to us from Broome where she is based, Kat said the Martuwarra Council is exciting and innovative;

"The Martuwarra Fitzroy River Council is the most exciting, innovative water governance body in Australia. I thank the Council for asking me to present at their meeting. It was an honour to attend and to learn from Traditional Owners. Lots of work and wisdom has gone into the new plan for heritage protection. The plan shows that water 'business as usual' must change, and Traditional Owners are leading this change" said Kat.

The Water Justice Hub's official launch is Monday September 28 2020, with more information on the website available at http://www.waterjusticehub.org.

Kat Taylor PhD

Research Fellow, Water Justice Hub



Dianne Rivers

Kija & Jaru, Gooniyadi & Walmajarri Traditional Owner

"Part of being Kija, we know the Fitzroy starts in Kija Country. That's where my grandmother is from. A lot of places around there are very sacred. (...) It's about our future, our children, and the Law and the Culture, and what the River gives us".

(Martuwarra Fitzroy River Council Website, 2020)

View Dianne Rivers short story - https://vimeo.com/463709815

Thank you for reading our newsletter.

Please encourage others to visit the Martuwarra Fitzroy River Council website at https://www.martuwarrafitzroyriver.org

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