

# UNDERMINED

TALES FROM THE KIMBERLEY

AN AMNESIA PRODUCTION



SCREEN AUSTRALIA PRESENTS IN ASSOCIATION WITH MELBOURNE INTERNATIONAL FILM FESTIVAL PREMIERE FUND & CREATE NSW AN AMNESIA PRODUCTION A FILM BY NICHOLAS WRATHALL & STEPHANIE KING "UNDERMINED - TALES FROM THE KIMBERLEY"  
SOUND BY WES GHEW MUSIC BY SIMON WALDRONK CINEMATOGRAPHY MARK JONES EDITED BY ANDREW ARISTIDES & PETER O'DONOGHUE EXECUTIVE PRODUCER TOM ZUBRYCKI, MITZI GOLDMAN & KATIE DORRY  
WRITTEN & PRODUCED BY NICHOLAS WRATHALL & STEPHANIE KING CO-PRODUCERS MARK JONES & ALBERT WIGGAN DIRECTED BY NICHOLAS WRATHALL



# U N D E R M I N E D

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T A L E S F R O M T H E K I M B E R L E Y

AMNESIA PRODUCTIONS

a film by Nicholas Wrathall & Stephanie King

<http://www.documentaryaustralia.com.au/films/4065/kimberley-project>

[www.facebook.com/kimberleyproject](http://www.facebook.com/kimberleyproject)

## PUBLICITY CONTACTS

Nicholas Wrathall, Producer

nicwrathall@gmail.com

+61 456 621 780

Stephanie King, Producer

stephanieclaireking@gmail.com

+61 422 370 332

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Albert Wiggan (right) at the James Price Point blockade (Save the Kimberley)

## ONE LINE

Australia's vast and unspoiled Kimberley region is under threat, with mining, pastoralism and irrigated agriculture driving an unprecedented land grab. What will be left of over 200 remote Aboriginal communities?

## ONE PARAGRAPH

Australia's vast and unspoiled Kimberley region is under threat, with mining, pastoralism and irrigated agriculture driving an unprecedented land grab. UNDERMINED investigates the politics of an area now branded "the future economic powerhouse of Australia," and what this means for our First People and their unique cultural landscapes. As pressure from industry exposes the limits of Indigenous land rights, what will remain of over 200 remote Aboriginal communities? We follow young leader Albert Wiggan, veteran cattleman Kevin Oscar and Senior Elder June Davis through David-and-Goliath battles to preserve their homelands, asking the question: *for whose benefit is this development?*

## 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 km<sup>2</sup> 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. Finding unauthorised workers taking samples on his Country, Albert makes contact with the mining company and secures the contract for bilby conservation on their mineral sands mine down the road. However as Albert learns the location of the mine site is to be Mt Jowlaenga, a cultural crossroads for the most significant songline connecting his mob from the desert to his family by the sea, he begins to have serious concerns. As the company begins to recruit friends and family with the lure of royalties, Albert sees that this development is becoming “JPP all over again, but more strategic this time.” But will it be effective to pick up the placards once again, or will Albert provide greater resistance from the inside?

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 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?

## 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.



Traditional Owner Kevin Oscar at Leopold Downs (Mark Jones)

## THE KIMBERLEY

The Kimberley region of North Western Australia covers an area of 420,000 km<sup>2</sup> 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.



Kimberley language groups (Kimberley Language Resource Centre)

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."



Traditional Owner Alfie White at Ngallagunda (Mark Jones)

## CREATIVE VISION

This is an urgent film about Indigenous rights in an untouched part of Australia on the brink of unfettered development, with industry and government now opening up the Kimberley for mining, fracking and industrial-scale irrigated agriculture. Meanwhile scientists, Traditional Owners and archeologists are racing to have the Kimberley World Heritage-listed for its unique cultural and ecological assets.

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.



Walmadany, or James Price Point (Robin Chapple MLA)

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.

## KEY CREATIVES

### **Nicholas Wrathall // Producer, Writer, Director**

*Born 16 May, 1966 in Sydney, Australia*

Nicholas Wrathall is an award-winning director and producer known for GORE VIDAL: THE UNITED STATES OF AMNESIA which opened to acclaim at Tribeca Film Festival and was distributed theatrically by IFC. He was first recognized for ABANDONED: THE BETRAYAL OF AMERICA'S IMMIGRANTS, featured on PBS Independent Lens and winning the 2001 Alfred I. duPont Columbia Award for Broadcast Journalism. Other documentaries include ENDLESS CARAVAN, HAITIAN EKSPERYANS and THE MODERN GULAG.

### **Stephanie King // Producer, Writer**

Stephanie King is a writer and producer known for critically-acclaimed feature OBSERVANCE (London Film Festival), distributed theatrically by Umbrella and sold to multiple territories by Shoreline. She co-wrote and produced TOOTHMOB about dental health in the Kimberley for Charlie Perkins Trust, and covered KALACC festival of Kimberley cultures. In her advocacy work, Stephanie has won the national and international Green Gown Awards for campaigns around welfare and sustainability.

### **Mark Jones // Co-Producer & Director of Photography**

Mark Jones is a Broome-based DP and producer with over twenty years' experience navigating the unique challenges of shooting in the Kimberley. He is known for OLD COUNTRY NEW COUNTRY for SBS, WILD AUSTRALIA series for The Australian, KRIOL KITCHEN for NITV and SBS, and an untitled Kimberley rock art feature now in production.

### **Albert Wiggan // Co-Producer & Indigenous Consultant**

Co-Producer and young traditional owner Albert Wiggan is a Bardi man from Dampier Peninsula, and a writer and performer who trained at the Western Australian Academy of Performing Arts. He is known for OLD COUNTRY NEW COUNTRY (SBS) and has toured world stages with John Butler.

### **Andrew Arestides ASE // Editor**

Andrew Arestides is an award-winning editor known for BAULKHAM HILLS AFRICAN LADIES TROUPE (SFF); MONSIEUR MAYONNAISE (MIFF, Berlinale), THE CATS THAT ATE CHINA (ASE award for Best Editing of a Documentary); FACING THE DEMONS (Logie winner and the UN Peace Award for TV Documentary); and the acclaimed AFI award-winning 'Wedding In Ramallah' for Independent Lens. He received an AFI award for Best Achievement in Editing for PAINTING WITH LIGHT IN A DARK WORLD, and was awarded his second ASE Award for Best Editing in a Documentary for MY ASIAN HEART, directed by David Bradbury.

### **Peter O'Donoghue // Editor**

Peter O'Donoghue is a film and television editor working in Australia, New Zealand, China, Japan, the U.S. and the UK. His film LOVE STORY won Best Film and Best Editor at the New Zealand Film & Television Awards, with PULP: A FILM ABOUT LIFE, DEATH AND SUPERMARKETS premiering at SXSW and SPOOKERS opening at SFF. Peter also edited ABC's landmark series FIRST FOOTPRINTS for Bentley Dean and Martin Butler (TANNA).

### **Tom Zubrycki // Executive Producer**

Tom Zubrycki has for the last 38 years mapped Australia's changing social and political landscape, directing 15 documentaries and producing another 19 with early career filmmakers. His films on social, environmental and political issues have won international prizes and earned a reputation for their truthfulness, realism and humanity. Titles include HOPE ROAD (DAF nominee Best Documentary), MOLLY & MOBARAK (In Competition IDFA), THE DIPLOMAT (AFI Awards for Best Director & Best Documentary), HOMELANDS, BILAL and EXILE IN SARAJEVO (Emmy Award Best Documentary). In 2010 Tom received the Stanley Hawes Award "in recognition of outstanding contribution to documentary filmmaking in Australia".

**Dr Mitzi Goldman (Documentary Australia Foundation) // Executive Producer**

Founder & CEO of Documentary Australia Foundation, Mitzi Goldman, has 30 years' experience as director, producer and editor of award-winning documentaries including: KA-CHING! POKIE NATION (ABC), NIGHT PARROT STORIES (Sydney Film Festival), A COMMON PURPOSE (SFF Audience Award for Best Documentary), HATRED (ABC), PORTS OF DESTINY (SBS), BLOODLINES (ABC), MEMOIRS OF A PLAGUE (National Geographic, IDFA 2010 In Competition), and IDFA Award winner END OF THE RAINBOW (SBS, ARTE, ITVS).

**Katie Barry (Documentary Australia Foundation) // Impact Executive Producer**

With 15 years' experience working with non-profits and social enterprises on business development, strategy and partnerships, Katie Barry is now a leading impact producer of documentaries in Australia and overseas. She is known for the Australian social action campaign for award-winning U.S. documentary BULLY, and for her work on land-rights documentary THE OPPOSITION. Katie is now Impact Director at Documentary Australia Foundation (DAF), advising filmmakers on impact and outreach campaigns.

## PRESS

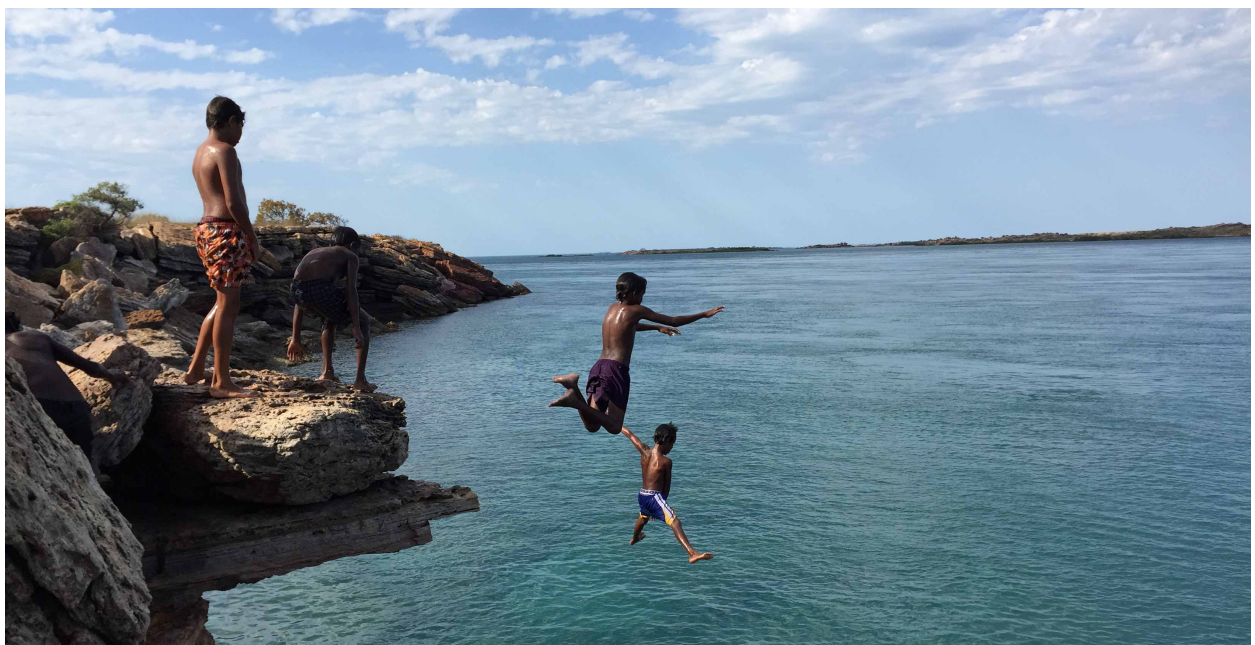
*Inside Film: 16<sup>th</sup> March, 2017*

[Nicholas Wrathall, Stephanie King plan 'The Kimberley Project' impact campaign](#)

## SELECTED STILLS



Geike Gorge on the Fitzroy River (Mark Jones)



The Davey family at One Arm Point community on the Dampier Peninsula (Mark Jones)

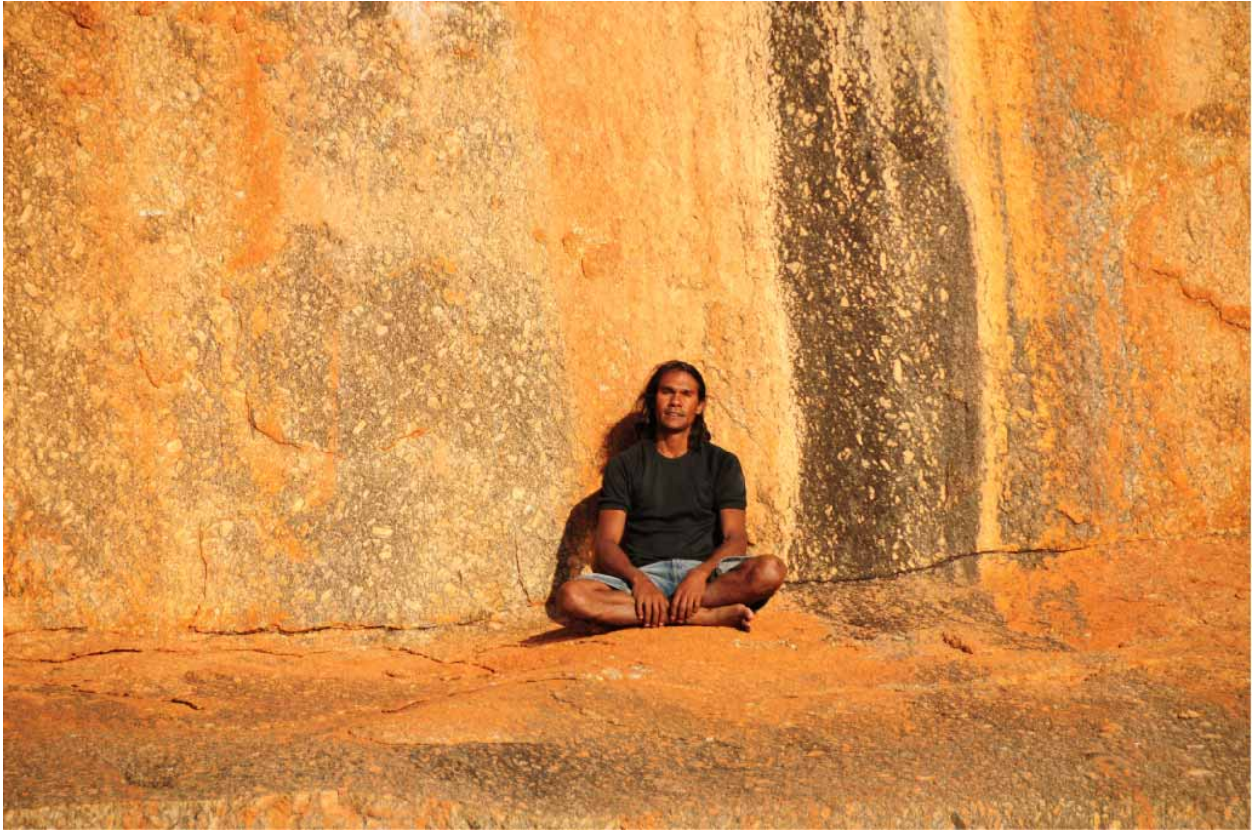


Mervyn Street & June Davis on Gooniyandi Country (Mark Jones)



Kevin Oscar on Bunuba Country (Mark Jones)





Young leader Albert Wiggan (Mark Jones)



Mervyn Street's Gooniyandi dancers, KALACC festival (Stephanie King)

## CREDITS

SCREEN AUSTRALIA presents  
In association with  
MELBOURNE INTERNATIONAL FILM FESTIVAL PREMIERE FUND  
and CREATE NSW

an AMNESIA PRODUCTION  
a film by NICHOLAS WRATHALL & STEPHANIE KING

Directed by  
NICHOLAS WRATHALL

Written & Produced by  
NICHOLAS WRATHALL  
STEPHANIE KING

Executive Producers  
TOM ZUBRYCKI  
MITZI GOLDMAN  
JOSH POMERANZ

Co-producers  
MARK JONES  
ALBERT WIGGAN

Director of Photography  
MARK JONES

Editors  
ANDREW ARESTIDES ASE  
PETER O'DONOGHUE

Original Score by  
SIMON WALBROOK

Sound Design by  
WES CHEW

Associate Producer  
MICHAEL AGAR

Impact Executive Producer  
KATIE BARRY

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