

YMAC

news

News from Yamatji Marlpa Aboriginal Corporation

ISSUE 21 | JUNE 2013

country
culture
people
future



*"China Wall" on Kariyarra country, photo by Tyson Mowarin
see page 8 for story*



Yamatji Marlpa
ABORIGINAL CORPORATION

Contents

Caution: Readers please be advised this publication may contain the names, images, and words of deceased persons. We apologise for any distress this may cause.

Hello and Welcome

- 2 Hello and Welcome from the Co-Chairs of the Board of Directors
- 3 Agreement for the Yugunga-Nya people: a mining agreement is reached with Ventor Resources
- 4 Yinhawangka people reach agreement with Rio Tinto (page 4) and Dragon Energy (page 5)
- 6 Badimia and Top Iron: a deal is struck with a Midwest miner
- 7 YMAC's Community Liaison Officers: meet some of YMAC's key staff members
- 8 Indigenous Stories on Film: Yamatji and Pilbara stories are preserved for the future
- 10 Nyangumarta Knowledge: Traditional Owners plan for the future management of their country
- 12 What is Preservation Evidence?: a quick guide
- 13 Looking after country: profiling YMAC's NRM project coordinator and the work that she does
- 14 Meet a YMAC Director: profiles on Victor Mourambine and Diane Stewart
- 15 Corporate Governance quick facts: some basic things Aboriginal Corporations should know



Pilbara Co-Chair, Mrs. Doris Eaton



Yamatji Co-Chair, Mr. Victor Mourambine

Welcome to the 21st issue of YMAC News, the quarterly newsletter of the Yamatji Marlpa Aboriginal Corporation. We have recently seen a change at the top of YMAC's corporate structure with the election in May of Victor Mourambine as the new Co-Chair of the Board of Directors.

Victor brings a wealth of experience that includes a long history of community work and leadership. The Board of Directors looks forward to moving forward together under the leadership of the two co-Chairs, and we are proud of our continued strong corporate governance.

Native title claimants and YMAC staff have been working hard over the past

few months, so we are very pleased to bring you this expanded edition of YMAC News highlighting some of their recent achievements.

This issue looks at some of the agreements that have been reached with mining companies, as well as projects that help to preserve stories and look after the natural environment.

We have also taken some time to look at YMAC's work looking after country, as well as some of the staff and Board members who continue to work for justice and recognition of country.

Agreement for the Yugunga-Nya people

The Yugunga-Nya People, Traditional Owners of land within the Eastern Murchison region of Western Australia, have announced the signing of an agreement with Australian base metals company Ventnor Resources Limited (Ventnor) for the Thaduna/Green Dragon Copper Project over 640 hectares of their traditional country in Doolgunna Western Australia.

The agreement recognises the cultural and environmental significance of the area for Traditional Owners and aims to

deliver significant financial and social outcomes to the Yugunga-Nya People through commercial and community development opportunities.

Yugunga-Nya Traditional Evelyn Gilla said, 'I am happy that this agreement was signed. The company was friendly, and it was a good agreement for Yugunga-Nya people'.

Ventnor Managing Director Bruce Maluish responded, 'we at Ventnor extend our appreciation to the Yugunga-Nya People for the goodwill they have exhibited

throughout our negotiations that have culminated in this important agreement. Ventnor looks forward to working with the group in the future'.

YMAC CEO Simon Hawkins said, 'This agreement shows what can be achieved when companies are open from the outset. The mutual cooperation throughout negotiations meant this agreement was finalised within a short timeframe and both parties were happy with the result'.



Emus on Yugunga-Nya country

Yinhawangka people reach Rio Tinto and

The Yinhawangka People of the Pilbara region announced a major agreement with Rio Tinto in February. The Yinhawangka People are the native title claimants and traditional custodians of approximately one million hectares of land and waters in the central Pilbara, including the mining town of Paraburdoo.

The agreement covers Rio Tinto's existing, current and future iron ore mining operations within Yinhawangka country and, importantly, establishes protocols for the protection of homeland communities and areas of special significance, including the exclusion of an area of outstanding cultural significance to the Yinhawangka People.

The agreement is similar to a series of five agreements reached in the Pilbara by Traditional Owners and the mining giant in 2011. It provides a range of economic and non-economic benefits for the Yinhawangka People, including significant financial benefits from mining on their traditional country; special treatment of areas of high cultural significance; employment and training opportunities; support for Pilbara Aboriginal business development and contracting; and a collaborative approach to environmental and cultural heritage management.

The financial benefits which flow to the Yinhawangka People will be used by the community for charitable purposes, including

the creation of a future fund, and individual and communal wealth creation. Strong governance measures have been put in place which mirror those set up under the 2011 agreements.

Yinhawangka Traditional Owner, Darren Injie, said it had taken over twenty years of hard work for the Yinhawangka People to establish their homeland communities and reach today's milestone. "I want to acknowledge a lot of important people whose leadership contributed to this agreement, and who are no longer with us today. This wasn't the work of one or two people, it's been a community effort.

I also thank Yamatji Marlpa Aboriginal Corporation; we would not have an agreement with this kind of scope and integrity without their ongoing support."

Michael Meegan, Principal Legal Officer, Yamatji Marlpa Aboriginal Corporation said, "Rio Tinto has recognised the Yinhawangka People as the traditional custodians of their land. We acknowledge their efforts to create strong relationships and negotiate in good faith."

Yinhawangka Country

agreements with Dragon Energy



In May 2013, the Yinhawangka people announced a native title agreement with Dragon Energy, paving the way for its flagship Pilbara Iron Project.

Under the agreement, Yinhawangka consent to all activities associated with the development of an iron ore mine at Dragon's Rocklea Central and North deposits. It also allows for further mining leases within the area. The Agreement follows 12 months of constructive consultation and covers milestone and production payments, employment opportunities as well as cross-cultural exchanges and consultation on environmental matters.

Yinhawangka representative Roma Butcher said, "It was a pleasure doing business with Dragon Energy. Dragon's General Manager Gang Xu was so easy to talk to and clearly has a huge respect for Yinhawangka People.

I feel that Dragon worked with us respectfully and understood things we had to say about the Country, the flora and fauna, and how these things are important for us, our community and our health. Dragon Energy had empathy for what we are trying to achieve, and that meant that in return we also wanted to work with them. Maybe some of the Chinese cultural values that Gang Xu brought to our meetings were similar and led to understandings of our Aboriginal culture.

Our flora and fauna are very important to us – as our Country is – and it's good to know that Dragon Energy respects that, and respects our knowledge of the Country and the river system, and have agreed to include Yinhawangka People in ongoing environmental management."

Dragon Energy's Managing Director, Mr. Gang Xu, commented that the parties had developed an excellent working relationship and looked forward to this continuing with the development of Pilbara Iron Project.

"Our negotiations with the Yinhawangka People have been based upon a strong mutual respect and have focussed on achieving outcomes that will benefit of both parties. We look forward to working with the group to develop our Pilbara Iron Project and at the same time provide opportunities to the Yinhawangka community and preserve their heritage and customs."

Simon Hawkins, CEO, Yamatji Marlpa Aboriginal Corporation said, "Dragon Energy listened to concerns the Yinhawangka People had regarding impact to the Hardey River and have put in place an ongoing program to incorporate traditional ecological knowledge. Both parties showed great flexibility which has led to a strong relationship."

Above: Yinhawangka community members with Dragon Energy representatives and YMAC staff

Badimia and Top Iron

The Badimia People, Traditional Owners of land in the Midwest region of Western Australia, are pleased to announce they have entered into an agreement with Top Iron Pty Ltd. The agreement paves the way for the iron ore miners to develop their Greater Mummaloo Project in Badimia country, near the existing Extension Hill project. The Badimia people will benefit from preferential contracting opportunities and employment targets on the project, as well as financial compensation linked to the project's production. The company has also agreed to hand over all housing units and light vehicles to the Badimia people at the end of the project, further enhancing opportunities for Badimia businesses.

The agreement also includes several provisions to protect and promote Badimia culture and heritage, including heritage survey protocols, Badimia cultural awareness workshops for Top Iron employees, and avoidance of certain areas that are important to Badimia cultural heritage.

Badimia working group member Frank Walsh Jnr. said of the agreement,



Photo, from left: Greg Knox (Top Iron), Nick Revell (Top Iron), Badimia Traditional Owner Frank Walsh Jnr., Bruce Richardson (Top Iron), Kevin Stemp (Top Iron), with YMAC claim lawyer Paul Avina.

'Badimia people have once again shown that they can reach agreements like this with mining companies in our region and that we are quite supportive of those companies who totally respect and understand our Badimia people and culture.'

'At the end of the day it is about empowering our people and communities. The financial aspects of these agreements are important, but the economic and employment

opportunities, as well as heritage protections that arise out of these agreements, are also very significant'.

Yamatji Marlpa Aboriginal Corporation (YMAC) CEO Simon Hawkins said, 'The agreement was reached swiftly, after Top Iron made efforts to develop a positive relationship with the Badimia people before the formal negotiations began. The company made an effort to understand the community's aspirations and concerns, so the negotiations went very smoothly and only took two formal meetings.

'This has laid the foundations for a good relationship between both parties for the future of the agreement'.

“At the end of the day it is about empowering our people”

YMAC's Community liaison officers

Community liaison officers (CLOs) play a vital role at Yamatji Marlpa Aboriginal Corporation. They have many responsibilities. They help make sure that the community understands how native title works and how they can participate in their group's decision making, and they also make sure that YMAC staff and consultants understand about the community to avoid misunderstandings.

If community members have any cultural concerns they can talk to their CLO who will explain the issues to their YMAC team to make sure culture is respected. CLOs also play a very important role when it comes to fieldwork, making sure everything runs smoothly and giving support to lawyers and anthropologists at meetings and on country.

YMAC's CLOs are:

Geraldton: Daniel Shiosaki (Senior CLO), Carrum Mourambine and Les Hill

Karratha: Danny Brown

South Hedland: Nyaparu Rose (currently Acting Deputy Regional Manager) and Michael Taylor

South Hedland/Tom Price: Coralie Cooke (acting Senior CLO) and Victor Woodley

"CLOs are the main contacts between the people and YMAC. We're here to inform people in the community what's happening with their native title. We're here to help people and make sure they understand what's being said in meetings, what the decisions are they have to make, so everyone understands each other." – Nyaparu Rose, Senior Community Liaison Officer, South Hedland



from left to right: Daniel Shiosaki (Senior CLO), Carrum Mourambine, Nyaparu Rose (Senior CLO), Victor Woodley, Les Hill, and Coralie Cooke

Indigenous stories on film



Earlier this year, YMAC spent time on country with Traditional Owners from the Yamatji and Pilbara regions as part of an initiative to record Australia's unique Aboriginal cultural heritage.

Indigenous Community Stories (ICS), run by WA's Film and Television Institute (FTI) in partnership with Rio Tinto, ScreenWest, Leighton and Ngarda Civil and Mining, aims to digitally archive one hundred West Australian Indigenous stories on film for future generations to view over the next century and beyond.

YMAC began working with FTI on this project in February 2013, teaming up with Geraldton-based artist and writer Charmaine Green to record her stories about growing up in WA's Midwest.

"Through this opportunity, I wanted to show that while many of our Elders suffered harsh living conditions and

severe disruption to their lives, they still found a way to uphold their culture. Younger generations need to remember this history and realise that although they may think life as an Aboriginal person is sometimes tough, anything is possible to achieve," she said.

Following on from the success of this project, in April 2013 YMAC also recorded the stories of Kariyarra elder, Irene Roberts, and Jurruru elder, Toby Smirke, who both spoke about their cultural ties to the Pilbara.

In the first of these stories, Kariyarra elder Irene Roberts talks about growing up around Abydos and Kangan stations, as well as her life in the Yandeyarra community. The second story, Jurruru elder Toby Smirke, The second story, told by Jurruru elder Toby Smirke, focuses on the working life of Aboriginal people on

pastoral stations, his family, and Jurruru connection to country.

FTI's Indigenous Community Stories manager Taryne Laffar said that she felt honoured to be responsible for overseeing the venture.

YMAC would like to extend a special thanks to all Traditional Owners, film crew, YMAC staff and community members who worked hard to record these precious stories.

Above: Toby Smirke being filmed on Jurruru country.

Opposite page (clockwise from top left): Charmaine Green and Barbara Merritt in Mullewa with soundperson, Irene Roberts with FTI film crew, Toby Smirke with cameraperson, Irene Roberts, Margaret Stewart, Doris Eaton, Evelyn Mitchell and Cynthia Coppin at "China Wall" on Kariyarra country, Charmaine Green with family members in Mullewa.



Nyangumarta knowledge

This April, 17 Nyangumarta Traditional Owners along with two YMAC staff members and consultants went on a field trip on the Kidson Track as part of the planning for the proposed Nyangumarta Warrarn Indigenous Protected Area (IPA).

The IPA Consultation Project, which is funded by the Federal Government, is a project to support the Nyangumarta people to develop, declare and manage Indigenous Protected Areas on their country. Aims of the project include for

the areas to be made part of Australia's National Reserve System and for the Nyangumarta people to work with Government to manage them.

An important part of the project is to collect the Nyangumarta people's knowledge of the environment and how to care for it so that knowledge can be used to manage the areas and be passed down to people in the future.

During the field trip in April, a huge amount of ecological knowledge was recorded about the plants and animals

in the area, as well as management issues around things like fire, access, and feral animals.

It was also an opportunity for Nyangumarta elders to pass on their knowledge and stories about the area to the younger Nyangumarta people who came along.

The information that was collected will now be used to create a report outlining the management issues and options and a draft Management Plan for the proposed IPA.





The women who participated in the April field trip



Above: Nyangumarta elder Martina Badal

Left: the men who participated in the April field trip



Nyangumarta elder Suzie Gilbert teaching the younger generation

What is Preservation evidence?

So, what is preservation evidence?

Preservation evidence is the holding of early evidence of elderly or ill native title claimants.

A full trial, or native title mediation may not take place for many years after the native title claim is first registered and by then some elderly or sick witnesses may no longer be alive or be able to remember things well. So, the court hears evidence from these witnesses before the rest of the trial. That evidence is then recorded and “preserved” for the full & final trial.

Preservation evidence is given just the same as other court evidence – witnesses give their evidence in front of a judge and they are questioned by the respondents’ lawyers. The respondents to a native title claim always include the State Government, and can include other parties like pastoralists or mining companies.

How does Preservation Evidence Happen?

There are two main parts to Preservation Evidence. They can happen at separate times or combined on one trip:

1. Film evidence on country:

We go to various places on country that witnesses can speak about. We film the witnesses pointing out and naming places or demonstrating things, like how to greet the land in language and to sing the songs about the place. The court sends officials to film this evidence and other parties can come as well.

2. Hearing evidence in front of the judge or registrar:

This can take place on country, or in a hall or meeting room, wherever the witness is most comfortable. The witness can have a family member

sit with them if they choose to. The witness swears or affirms to the court that what they’re going to say to the judge is true and correct. If film evidence has been taken this is also played to the court and the witnesses. The Respondents’ lawyers can then ask questions. All of this is also recorded and kept for the final trial.

Preparing for Preservation Evidence

To prepare for Preservation Evidence, a lot of time needs to be spent with the witnesses to get information about the land and their connection with it. This includes laws & customs of their people and to information to show connection to the land as far back as possible (at least to sovereignty). Sometimes this is all put into a long statement. The route for the filming must also be planned out and recorded on a map before the hearing.

If the witness is still alive and well when the full trial comes around, then they may have to give more evidence to the court.

Preservation Evidence takes a lot of time and can be stressful, but some people also find that it can be a positive experience to tell their story and to help their native title claim move forward.



Evidence heard on country: Kariyarra preservation evidence hearing, May 2013

Looking after Country



YMAC's Project Coordinator for research, environment and heritage, Tamara Murdock

Yamatji Marlpa Aboriginal Corporation (YMAC) is proud to have a full time project coordinator for heritage and environment projects.

Tamara Murdock, who has a degree with first class honours in environmental management, works out of YMAC's Geraldton office on a wide variety of projects that help Traditional Owners look after their country and their cultural knowledge.

Tamara's natural resource management work takes her all over the Yamatji and Pilbara regions. She is currently working with the Nyangumarta people on an Indigenous protected area consultation

project, with the Kurama and Marthudunera people on a project to record traditional ecological knowledge, and with the Nanda people on management for Kalbarri National Park.

In addition to these projects, she also helps native title groups negotiating with mining companies to understand the environmental impacts of proposed projects, and is able to offer informed, professional assessments of companies' environmental protection measures.

"This work is important because Traditional Owners have a right to manage country and they have the knowledge to do that. I can help give Traditional Owners the opportunity to fulfill their obligations to look after their country," said Tamara

Tamara has recently moved back to Geraldton, where she was born and raised, after working in YMAC's Karratha office for two years. As the great-granddaughter of Alice Nannup and daughter of YMAC's regional manager Donna Murdock, Tamara has a great respect for country and traditional knowledge.

"There is so much important traditional knowledge that elders want to preserve, that isn't captured by native title research because it doesn't fit within what's legally required by the Native Title Act. In addition to recording this knowledge, I also want to help promote public awareness of how valuable traditional ecological and cultural knowledge is.

"I think it's really important to help Traditional Owners effectively use this knowledge to care for and manage their cultural heritage and natural resources," said Tamara.

“ Traditional Owners have a right to manage country and they have the knowledge to do that.

”

Nyangumarta country, photo from IPA field trip, April 2013 (see page 10)

Meet a YMAC Director



Yamatji Co-Chair, Victor Mourambine

Victor Mourambine

Victor is a Wajarri man from Northampton who has very deep ties to the region. He gained his citizenship from the Australian Government in 1967.

He has a long history of working with the Aboriginal community, on the Commission of Elders at state and regional level, and through the Department of Justice helping prisoners. His work with Aboriginal prisoners earned him the Order of Australia. He is grateful for the opportunities he has had to help his community.

His work in native title is motivated by a desire to gain recognition for traditional owners. He wants to carry on the fight of elders who have passed before they were able to gain legal recognition of their country and culture.



Pilbara Director, Diane Stewart

Diane Stewart

Diane is a Nyangumarta woman who has been actively involved in the Nyangumarta Warrarn Aboriginal Corporation (Prescribed Body Corporate) after being inspired by elders who worked towards the 2009 Nyangumarta determination.

Diane was born in Port Hedland and continues to live there today, and is proud that her family of five generations continues to have such a strong connection to country. Diane feels a great sense of belonging when she spends time on country with her family, learning hunting and gathering.

Diane works as an Aboriginal and Islander Education Officer working with students, parents and the community for better outcomes for Indigenous students.

Corporate Governance

Quick Facts

Good corporate governance is very important when setting up an Aboriginal Corporation, but it can be difficult to get right.

One of the services YMAC offers to the communities we represent is assistance with setting up strong corporate governance structures to give our clients' Aboriginal Corporations the best chance of success. YMAC helps Prescribed Bodies Corporate (PBCs) and Local Aboriginal Corporations (LACs) to be compliant with the laws, agreements and regulations governing them and their funding sources.

Why is corporate governance important?

- It sets out a clear process for managing a corporation
- It provides accountability to the community of members
- It is required by funding bodies
- Responsibilities are shared between Directors, Company Secretary, the CEO and Staff

What is the difference between a Director and a Chief Executive Officer (CEO)?

The Board of Directors is responsible to the members for the business of the corporation.

A CEO is usually the most senior employee of a Corporation. The CEO is appointed by the Board of Directors to look after the day-to-day running of the Organisation and to advise the directors.

The CATSI Act

The Corporations (Aboriginal and Torres Strait Islander) Act 2006, or CATSI Act, sets out the rules that all Aboriginal Corporations, including Prescribed Bodies Corporate, have to follow. It is important for Aboriginal organisations to be familiar with the requirements under this Act.

For more information, contact your local YMAC office.

YMAC's Corporate Governance

YMAC has robust and transparent corporate governance structures in place, which are regularly audited. One of the things our governance structures do is set out the different responsibilities for different parts of the organisation:

- Directors- elected members who provide direction for YMAC and look at the Big Picture
- CEO- Provides the overall management of YMAC, reports to the Directors
- Staff-Support the organisation, report to the CEO

YMAC wishes you and your family

a very happy NAIDOC Week

7-14 July 2013



7 - 14 July

2013

We value the vision:

**YIRRKALA BARK
PETITIONS 1963**

country culture people future

YMAC

news

News from Yamatji Marlpa Aboriginal Corporation

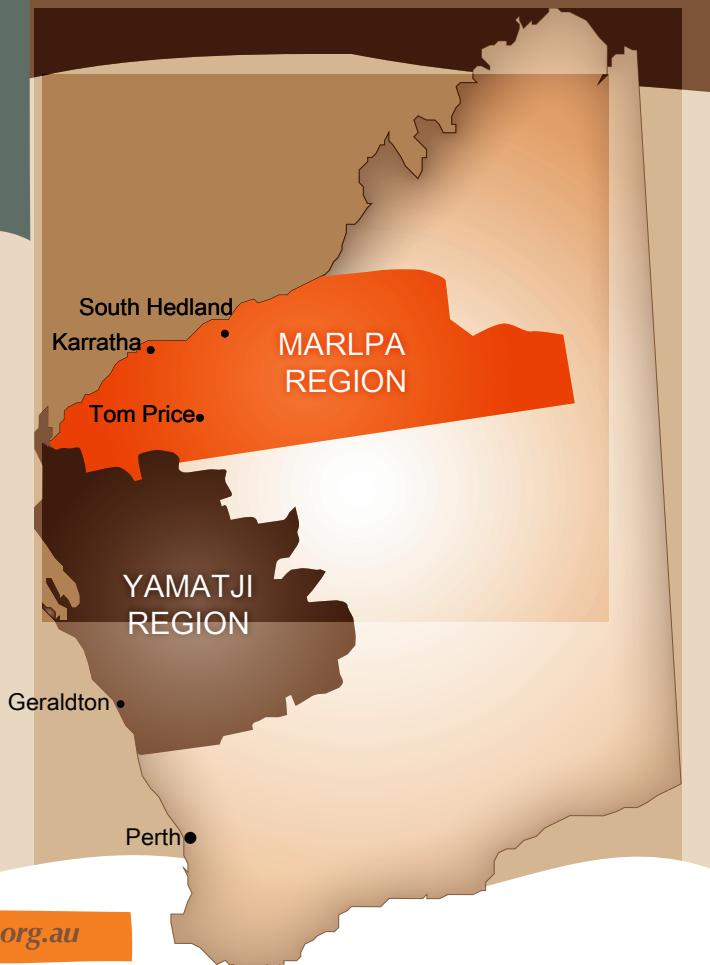
ABOUT US

YMAC News is produced by the Yamatji Marlpa Aboriginal Corporation (YMAC).

We are the native title representative body for native title claims in the Murchison, Gascoyne and Pilbara regions of Western Australia.

We work with Yamatji and Marlpa (Pilbara) Aboriginal people to pursue:

- Recognition and acceptance of Yamatji and Marlpa culture in country
- A strong future for Yamatji and Marlpa people and country



Send your questions, ideas, letters or photos to editor@ymac.org.au

MEMBERSHIP

YMAC membership is open to all adult (18+ years) Yamatji and Marlpa people. Our membership also includes people who live in other areas but who have a traditional connection to Yamatji or Marlpa country.

CONTACT US

GERALDTON

171 Marine Tce Geraldton WA
PO Box 2119 Geraldton WA 6531
T: 08 9965 6222 **F:** 08 9964 5646

SOUTH HEDLAND

3 Brand Street South Hedland WA
PO Box 2252 South Hedland WA 6722
T: (08) 9172 5433 **F:** (08) 9140 1277

SERVICES

Our work includes:

- Providing legal representation and research to assist with native title claims
- Negotiating land use agreements
- Heritage protection services
- Community, economic and environmental projects

KARRATHA

Unit 4/5, 26 -32 DeGrey Place Karratha WA
PO Box 825 Karratha WA 6714
T: (08) 9144 2866 **F:** (08) 9144 2795

TOM PRICE

Shop 2, 973 Central Road Tom Price WA
PO Box 27 Tom Price WA 6751
T: (08) 9188 1722 **F:** (08) 9188 1996

SUBSCRIBE

Get YMAC News delivered to you!

To join our mailing list, visit:

www.ymac.org.au or contact your local YMAC office.

PERTH

Level 2, 16 St Georges Terrace, Perth WA
PO Box 3072 249 Hay St East Perth WA 6892
T: (08) 9268 7000 **F:** (08) 9225 4633

www.ymac.org.au

FREECALL: 1300 7 12345
ICN 2001



Yamatji Marlpa
ABORIGINAL CORPORATION