

YMAC

news

News from Yamatji Marlpa Aboriginal Corporation

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country
culture
people
future

YMAC's Simon Hawkins, Victor Mourambine, Doris Eaton and Sapphire Savage with Clontarf Foundation's Gerard Neesham at the AIM WA/ WestBusiness Pinnacle Awards



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.

2 Hello and welcome from the Co-Chairs of the Board of Directors

3 Badimia people announce gold agreement: Traditional Owners will benefit from Minjar Gold's expansion.

4 Two agreements mean real progress for the Kurama and Marthudnera people: agreements resolving an overlap and addressing a gas pipeline are big news for one Pilbara group

6 Land agreements over pastoral station access: a series of ILUAs formalise relationships on Budina country.

7 Rare wooden artefact found in Monkey Mia: a piece of Malgana heritage was recently unearthed

8 YMAC wins Pinnacle Award for Aboriginal leadership: YMAC was honoured at an award ceremony in November

9 YMAC Strengthens Partnership with the Aurora Project: a focus on academic enrichment

10 Native title is part of the story of mining: read an excerpt from the book *The Miners*

Hello and Welcome



Pilbara Co-Chair Mrs. Doris Eaton

Welcome to the 23rd issue of YMAC News, the newsletter from Yamatji Marlpa Aboriginal Corporation (YMAC). 2014 marks YMAC's 20th anniversary, and we will be reflecting and celebrating this milestone throughout the year.

In this issue of YMAC News we are proud to be able to tell our readers about the Pinnacle Award for Aboriginal Leadership Development Excellence awarded to YMAC in November, and we recommend taking the time to read the excerpt from the new book *The Miners* on pages 10-11, in which CEO Simon Hawkins reflects on how far the relationships



Yamatji Co-Chair Mr. Victor Mourambine

between Traditional Owners and mining companies have come in the last 10 years.

The Budina people and the Kurama Marthudunera people have both reached important milestones of their own, which you can read about on pages 4-6.

This issue also includes stories about agreements reached with various mining companies and Aboriginal heritage.

Thank you for reading and we hope you enjoy this issue of YMAC News.

Badimia people announce gold agreement



The Badimia People, Traditional Owners in the Mid-West of WA have signed a native title agreement with Minjar Gold for its proposed mining operations and future expansions, approximately 400kms north-north east of Perth.

The agreement was negotiated over an eight month period and includes financial payments based on production along with employment targets and contracting opportunities for Badimia people. There are also protocols in place to protect Badimia heritage.

An Aboriginal Liaison Officer will be employed, and a monitoring Liaison

Committee will also be established to ensure the agreement works successfully over the coming years.

"The Badimia people are looking forward to a beneficial relationship with Minjar Gold," said Reg Yates, Chairperson of the Badimia Working Group. "It is important that this agreement gives preferential contracts to Badimia businesses. That is very valuable, because it allows us to be partners in the process, and gives Badimia people a sense of pride."

"Minjar Gold is delighted to have reached an agreement with the Badimia people to explore and mine gold in Badimia land

in a short time frame. This agreement will provide both the Badimia people and Minjar Gold economic success and a good long relationship that will benefit both parties," said Minjar CEO Max Ji.

YMAC CEO Simon Hawkins said, "The agreement commits to a 10% Badimia workforce on this project, which means opportunities for Badimia people on their own country, both to work and to develop the skills within the community. It is great to see these kinds of opportunities flowing to Traditional Owners in the Mid-West."

Badimia country

Two new agreements mean real progress for the Kuruma and Marthudunera people

Agreement over Pilbara gas pipeline

The Kuruma and Marthudunera people of the Pilbara region of Western Australia are pleased to announce an agreement with DDG Fortescue River Pty Ltd a company associated with DBP, the owner of the Dampier to Bunbury Natural Gas Pipeline.

It was recently announced that DDG FR will build the pipeline to supply to FMG's Solomon Hub power station owned by TransAlta. Much of the 270km of pipeline, which will begin near the Fortescue River on the North West Coastal Highway, will run through the Kuruma and Marthudunera people's traditional country.

As part of the agreement, the Kuruma and Marthudunera people will withdraw all objections to the pipeline proposal, while DDG FR has agreed not to object to the Kuruma and Marthudunera people's native title claim. DDG FR has agreed to follow heritage protocols to ensure

important places along the project's route are protected.

The agreement also includes milestone and periodic payments to be paid into the KM people's Trust. The KM people's Trust was established in 2012 for the benefit of the community and has already been investing in projects to strengthen the community's future.

YMAC CEO Simon Hawkins said, "This agreement will provide a stable and ongoing income stream for the KM community for the life of the pipeline, while supporting a project to increase efficiency in Pilbara mining operations. I am pleased that the Traditional Owners are going to benefit from commodities transported through their ancestral lands. They have the structures and governance in place to ensure this income is used for the community's long-term future."



ILUA resolves overlap, brings recognition one step closer

The Kurama and Marthudunera native title claimants and the Yaburara and Coastal Mardudhunera native title claimants have recently finalised an important agreement over land in the Pilbara region of Western Australia.

The Indigenous Land Use Agreement (ILUA) settles issues over traditional boundaries which have been affecting both groups' native title claims for many years. The ILUA was reached after intensive anthropological and genealogical research and a successful inter-Indigenous agreement in early 2013.

The ILUA provides for shared responsibilities and benefits over the area of the former overlap. These follow traditional principles stemming from the close connections between Mardudhunera people and Kurama people for many generations.

In the area of the former overlap, the two communities will jointly participate in certain decision-making processes and activities like heritage protection, as well as benefits from future resource projects.

Kurama Marthudunera elder Cyril Lockyer said, "The Kuruma Marthudunera People are pleased to have reached agreement with our neighbours, the Yaburara Mardudhunera People over an area of land that was previously an overlap of our two native title claims and look forward to future cooperative engagement with close relatives of our People."

YMAC CEO Simon Hawkins said, "This is an important step for the native title claimants. These two groups have had close ties for a long time. YMAC is very glad that they have been able to come to an agreement on the most culturally appropriate way to satisfy the demands of the Native Title Act and resolve an overlap of their claims. Following this significant step, and the completion of extensive research required to reach determination, YMAC will be expecting the Barnett Government to progress the KM claim in a timely manner."

Kurama and Marthudunera country

Land Agreements over pastoral station access

The Budina People of Western Australia have entered into a series of Indigenous Land Use Agreements (ILUAs) with pastoralists on their traditional country, approximately 150kms east of Coral Bay.

The agreements formalise how the Traditional Owners and pastoralists will co-exist on the land.

The ILUAs deal with issues of land access, protection of Budina heritage sites, and many of the practical arrangements that allow both parties to enjoy their rights to the land.

ILUAs for Lyndon, Towera, Emu Creek and Middalya Stations have now been registered by the National Native Title Tribunal, covering approximately 80% of the Budina People's native title claim. Three more ILUAs are expected to be registered, covering the remaining pastoral leases in the area.

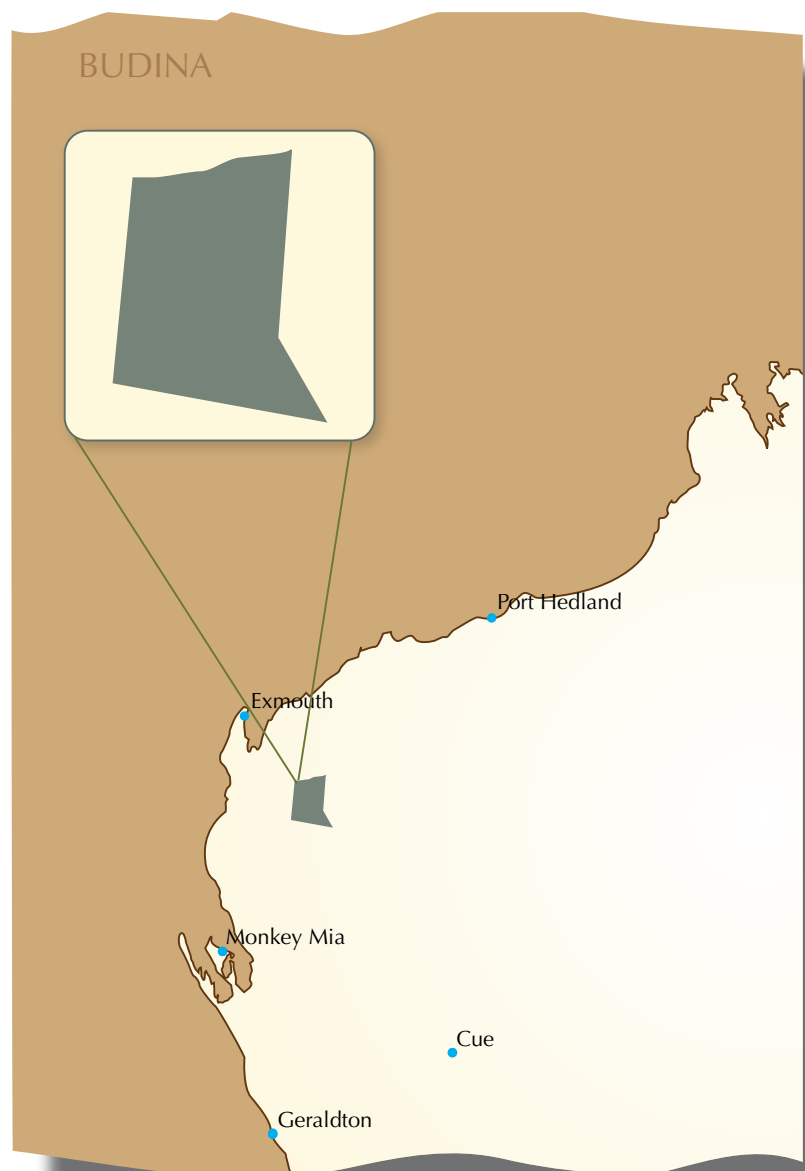
Budina Elder Clive Lyndon said, "These agreements change the relationship between our community and the station owners. It's recognition of our connection to this country. We're happy with this outcome."

Sean D'Arcy from Lyndon Station said, "The ILUA was written in the spirit of cooperation for mutual benefit and will help maintain a strong relationship between the Budina people and pastoralists."

Simon Hawkins, CEO of YMAC, said "This is a major milestone in the

Budina people's journey toward native title recognition. Budina country is all pastoral lands now, so these ILUAs guarantee in a very practical way that the Budina people can keep up their

cultural obligations to look after country. I hope the Barnett Government will now recognise that the Budina people are the Traditional Owners of their country."



Rare wooden artefact found in Monkey Mia

In November 2012, contractors for the Shire of Shark Bay found an artefact while they were installing a boat ramp at Monkey Mia, in the Shark Bay World Heritage Area. Malgana Traditional Owners, YMAC, The Shire of Shark Bay and the Department of Aboriginal Affairs (DAA) all worked together to make sure the artefact was safely transferred to the WA Museum. Conservation experts then began the delicate process of drying the artefact without damaging it

Experts at the WA Museum examined the artefact and found that it is a wooden spear thrower that is probably a few hundred years old.

"Wooden implements are rarely discovered in archaeological sites as preservation of this material is not as constant as stone and shell." Department of Aboriginal Affairs

The Malgana Working Group is currently working with the DAA to determine what will be done with the artefact in the future, and where it will be housed.

Malgana Traditional Owner Darren Capewell said, "This shows an important part of Shark Bay's history, and of our Aboriginal culture and heritage. It tells us something about the people who were living here hundreds of years ago. That is important not only for the Aboriginal community, but for Australia as a whole. More people need to be aware of what they find, when they come across artefacts, and of what they represent in Australian history."

YMAC CEO Simon Hawkins said, "Aboriginal people are indisputably linked to this land. Physical artefacts are an important part of heritage, along with intangible things like stories, songs, and traditions. It is important to understand and respect the rich history of Australian people, which based on our current understanding, traces back tens of thousands of years."



the wooden spear thrower, photo courtesy of DAA



Malgana country

YMAC ^{wins} Pinnacle Award for Aboriginal leadership



YMAC Co-Chairs Victor Mourambine and Doris Eaton His Excellency Malcolm McCusker
photo: The West Australian

The Western Australian business community recognised YMAC in the area of Aboriginal Leadership Development Excellence at the inaugural AIM WA/ WestBusiness Pinnacle Awards on 28 November 2013.

The awards, a collaboration between The West Australian Newspaper's business section and the Australian Institute of Management WA, recognised excellence

in business across a diverse range of fields.

A total of 117 entries were received from companies vying for the Pinnacle award for Aboriginal leadership development, philanthropy, customer service, green initiatives, human resource management, innovation, marketing and regional small business.

More than 600 guests, including Premier

Colin Barnett and Governor Malcolm McCusker, attended Crown Perth, with Co-Chairpersons Mrs Doris Eaton and Mr Victor Mourambine accepting on behalf of YMAC.

Mrs Eaton said, "I want to recognise the hard work and the journey of Traditional Owners, particularly the leadership of the Yamatji and Pilbara Regional Committees and Board of Directors. I also acknowledge the Noongar people, on whose country we have received this award."

Victor Mourambine said, "This means a lot for our people and shows we're heading in the right direction. I look forward to continuing this way and the benefits it can bring for the future."

Simon Hawkins, Chief Executive Officer said, "We're proud to have our ongoing endeavours toward Traditional Owners' rights and interests recognised. I congratulate all the award winners and nominees, it was inspiring to see the strength of community and business leadership in WA."

Each winner was awarded \$10,000 to donate to a charity of their choice, with YMAC selecting Clontarf Foundation for their dedicated work in Aboriginal education, training and leadership development.

YMAC strengthens partnership with the Aurora Project

YMAC has a long standing partnership with the Aurora Project. Aurora began providing internships to NTRBs in summer 2003, followed by professional development and other services to support NTRBs since 2006. Aurora's work has grown today to include

projects in Indigenous education, known collectively as The Aspiration Initiative (TAI). TAI aims to increase opportunities and support for Aboriginal and Torres Strait Islander students, helping to ensure they realise their potential at school, university

and beyond. TAI projects include an academic enrichment program for high school students, Indigenous scholarship guidebooks, the Aurora Indigenous Scholars International Study Tour and international scholarships.

A message from the Students of TAI WA



TAI WA Students Brock Parker and Clinton Benjamin, photo:YMAC

On behalf of The Aspiration Initiative we would like to thank YMAC for visiting us at Ern Halliday recreation camp and for welcoming us into their Perth office. We would especially like to thank Tamara for coming down from Geraldton, showing us around and organising everything. We wish her the best of luck with her studies at Oxford.

The theme for this camp was 'Agency'. Part of the camp involved inviting different Aboriginal agencies present to us and choosing an Aboriginal agency to visit. After watching the different agencies present to us, our group chose YMAC.

The following day after YMAC presented

to us we had the chance to visit their office in Perth. We had the privilege of having people from each department of the company come and talk to us about what they do as agents. We had a lawyer, anthropologist, finance officer, HR managers and the CEO present to us. We were really engaged and inspired by all the path ways we can choose to follow.

During our visit, Calvin said he had the experience of a lifetime. We had a video conference chat with the Geraldton office which Caleb and Caitlin found interesting because it gave them an insight into how such a large organisation successfully communicates across their regions. Brock said it was great see the office again as he goes to the Perth YMAC office for meetings and functions with his family.

At TAI every student has a goal to push their limits and not settle for average. YMAC can help the students to expand their network and understanding of opportunities available within Aboriginal organisations. At this camp, the students are learning about their agency and how to use their power.

Native title is a part of the story of Mining

YMAC's CEO Simon Hawkins was featured in the recently published *The Miners – Stories from the industry that drives modern Australia*, by Barry Avery.

The Miners is available at www.theminers.net.au with proceeds going to the Starlight Foundation.

Below is an excerpt from *The Miners*.

The 1992 event that has become known as the Mabo Decision changed the landscape of mining and exploration in Australia forever. This was a landmark High Court ruling that recognised the legal concept of Native Title for the first time, rejecting the previously held doctrine of terra nullius. It gave the Indigenous traditional owners certain legal rights to their land.

The Yamatji Marlpa Aboriginal Corporation (YMAC), of which Simon Hawkins has been chief executive for the past decade, is an organisation that represents 25 Aboriginal cultural groups across the Pilbara, Murchison and Gascoyne regions of Western Australia – including dealing with Australia's major resource developers with respect to Native Title claims. Hawkins explains that recognition of Native Title does not give a veto over mining or development, as traditional owners cannot stop mining from going ahead. What it does give these groups is a right to negotiate, allowing development to go ahead while claims are being resolved. 'This gives traditional owners a seat at the table – to have a say about how mining will unfold on their country,' he says.

'When I started as chief executive in 2003, the mining boom was ramping up and companies which previously had poor relationships with Aboriginal people were now knocking on our door. Within my first few weeks on the job, Rio Tinto said it wanted to do a comprehensive agreement in the Pilbara. By 2004, the boom really hit; iron ore projections were enormous and industry was clamouring to get agreements in place.' YMAC has since represented traditional owners in negotiations with many companies, including Rio Tinto, BHP Billiton, Chevron, Hancock Prospecting, Atlas Iron, Citic Pacific Mining, Fortescue Metals Group, Iron Ore Holdings and Murchison Metals.

'In the early days of the boom,' recalls Hawkins, 'the biggest challenges were about getting companies to acknowledge the

established decision-making groups for dealing with Native Title business. In some cases, it took years for YMAC to create a legitimate point of engagement with companies over future development. There was a tendency for some companies to try and strike deals with individuals or attempt to create their own Indigenous negotiating bodies, resulting in millions of wasted dollars and years of delays. This has changed dramatically over time, with most of the major players now engaging well with YMAC's community-endorsed structures.'

“ Giving Aboriginal people the chance to labour on mines can't be considered real compensation for the permanent destruction of traditional lands. ”

A more ongoing challenge has been impressing upon companies the true spirit of the Native Title legislation, continues Hawkins. 'Unfortunately, some companies still confuse legitimate compensation agreements with welfare,' he explains. 'Giving Aboriginal people the chance to labour on mines can't be considered real compensation for the permanent destruction of traditional lands. But the more progressive companies have recognised the potential to establish genuine partnerships with Native Title groups. They accept the need to properly compensate traditional owners for the loss of current and future generations' Native Title rights and the long-term impact on their traditional country.' Hawkins cites the positive attitude of Rio Tinto, quoting its former head of iron ore, Sam Walsh, as saying of Native Title, 'It's good for the Aboriginal community. It's good for our business. It also happens to be the right thing to do.'



YMAC Co-Chairperson Mrs Doris Eaton and YMAC CEO Simon Hawkins

Hawkins notes that, for its own part, one of YMAC's challenges was to change its internal culture – to move away from an ideological approach and become less adversarial, more professional and outcome focused.

Hawkins says agreements can be reached within very short time frames when company decision makers are present for critical parts of the negotiations. In 2008, Atlas Iron's David Flanagan met directly with the equivalent senior decision makers from the Kariyarra people of the Pilbara, which resulted in a benchmark agreement being reached in only two months. 'These new attitudes mean that many of the agreements we see today represent an important paradigm shift in the relationship between traditional owners and miners operating in these regions,' says Hawkins. While each agreement differs, he adds, there are common best-practice features that underpin them, including financial payments linked to annual production, non-financial benefits and heritage protection. These agreements do not always fall into place neatly, with Hawkins saying the process requires patience on both sides: 'Outcomes won't be seen overnight, and income streams might not start for several years. It's critical that relationships stay strong during these foundation stages, to withstand internal and political pressures.'

One of the emerging issues, according to Hawkins, is the need for traditional owners to have strong consumer protection standards in place to ensure that they obtain only ethical, professional advice and are not exposed to unscrupulous consultants. 'Another ongoing area of concern is the balance between development and conservation of some of the world's oldest cultural heritage. The Western Australian state government's proposed weakening of the Aboriginal Heritage Act 1972 threatens traditional owners' obligations to protect sites of importance for future generations.'

Reflecting on his decade in the role, Hawkins says he has seen many positive results flow from agreements with traditional owners: 'In addition to land access agreements, we're now seeing traditional owners involved in business ventures to service the mining industry, along with the generation of employment and broader social opportunities. Over the years, both YMAC and the mining industry have evolved to create sophisticated approaches to Native Title issues. Some companies, in particular, have shown very strong leadership in their relationships with Aboriginal people. In terms of a broader legacy, I hope the agreements negotiated on behalf of traditional owners will permanently shift the culture and relationships in Western Australia – not only between mining companies and traditional owners, but also with government and the broader public – with respect to formal recognition of Aboriginal country and culture.'

From *The Miners* by Barry Avery, Chapter 13, pp 160-162

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Text © Barry Avery

“ Many of the agreements we see today represent an important paradigm shift in the relationship between traditional owners and miners ”

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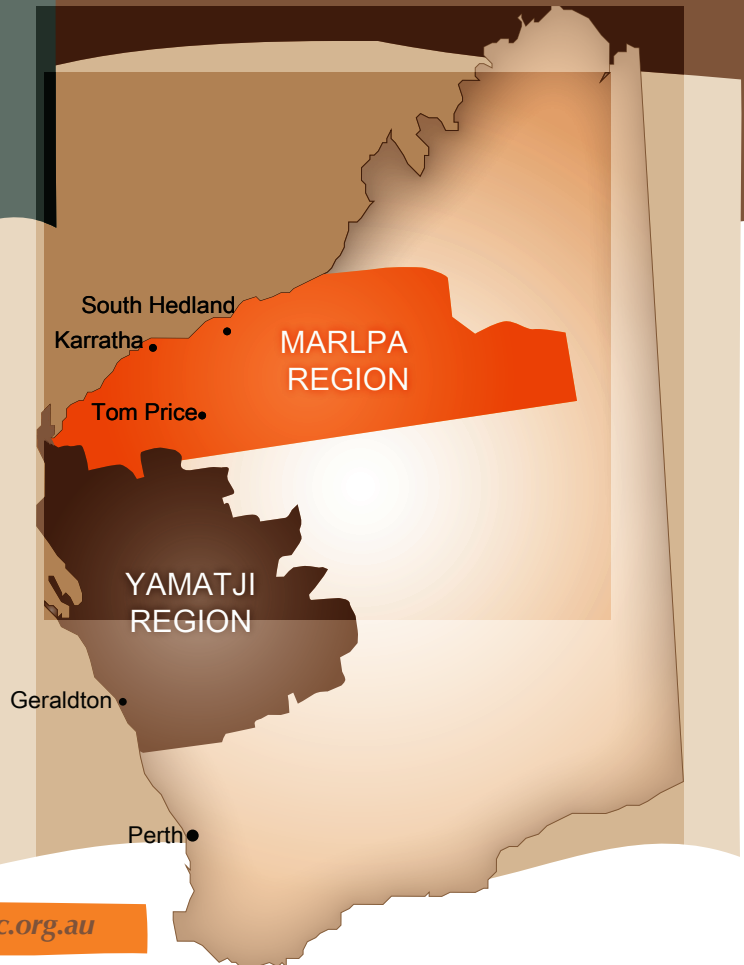
ABOUT US

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

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

PERTH

Level 2, 16 St Georges Terrace, Perth WA
PO Box 3072 Adelaide Tce Perth WA 6832
T: (08) 9268 7000 F: (08) 9225 4633

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