



**Yamatji Marlpa**  
ABORIGINAL CORPORATION



Our Ref:  
Your Ref: 2016/003659  
Office: Perth  
Date: 6 April 2018

To: Ms Clare Atkins, Planning Officer  
Department of Biodiversity, Conservation and Attractions  
120 Albany Highway, Albany WA 6330

Dear Ms Atkins

**REF: DRAFT FORTESCUE MARSH MANAGEMENT STRATEGY 2018-2024**

Thank you for the opportunity to provide comments on the *Draft Fortescue Marsh Management Strategy, 2018-2024*.

Yamatji Marlpa Aboriginal Corporation (YMAC) is the Native Title Representative Body (NTRB) for the Pilbara, Murchison and Gascoyne regions of Western Australia. The organisation has a representative area of almost one million square kilometres and represents 24 native title claimant groups, each with their own language, culture and traditions. YMAC is a not-for-profit organisation run by a Board of Directors comprising 12 Traditional Owners, six drawn from the Pilbara region and six from the Yamatji region. YMAC provides a range of services to its members including legal representation throughout the native title claim process and future act negotiations, community and economic development, and natural resource management.

We note that YMAC is the legal representative of the Niyiyaparli people in respect of their native title claims (WAD6280/1998 & WAD196/2013) and provides future act and agreement making assistance. Karlka Niyiyaparli Aboriginal Corporation is the Heritage Body for the Niyiyaparli people and is responsible for the organisation of heritage surveys.

YMAC is also the legal representative of the Palyku people in respect of their native title claim (WAD6287/1998) and MacLean Legal provides future act and agreement making assistance to Palyku.

Our comments on the *Draft Strategy* are mainly general:

1. YMAC strongly encourage the Department of Biodiversity, Conservation and Attractions (DBCA) to closely involve the organisations directly representing the rights and interests of the Traditional Owners located in the strategy area, including Banjima Native Title Aboriginal Corporation RNTBC and Karlka Niyiyaparli Aboriginal Corporation. Meaningful engagement with those groups will greatly contribute to deliver significant environmental, social and cultural outcomes in the strategy area under consideration.
- 1) Between 2015 and 2016, YMAC facilitated a large consultation process between BHP Billiton Iron Ore (BHPBIO) and six groups of Traditional Owners whose lands overlap with the area considered by BHPBIO for their expansion works in the Pilbara. These consultations were conducted under the overall Strategic Environmental Assessment, and a summary of key points is contained in a supplementary report filed by BHPBIO with the Environmental Protection Authority, available here:  
[http://www.epa.wa.gov.au/sites/default/files/Proponent\\_response\\_to\\_submission\\_s/20161222\\_BHPBIO\\_PERSP\\_Supplementary%20Report\\_REV1\\_FINAL.pdf](http://www.epa.wa.gov.au/sites/default/files/Proponent_response_to_submission_s/20161222_BHPBIO_PERSP_Supplementary%20Report_REV1_FINAL.pdf).  
YMAC invites DBCA to take note of the concerns raised by the Traditional

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Owners, particularly the Banjima People and the Nyiyaparli People, with regard to the Fortescue Marsh.

- 2) Under its section 1.3 (Management Context) the *Draft Strategy* refers several times to Joint Management opportunities where Traditional Owners would enter into Indigenous Land Use Agreements (ILUA) with the State. We would strongly encourage DBCA and the State to also consider the option of Joint Vesting (s.8AA of CALM Act) in the case of the Fortescue Marsh, which is made up of several blocks of Unallocated Crown Land. Joint vesting would significantly strengthen the profile and the participation of Traditional Owners in the strategy area. It would also send a strong signal towards moving from a “business as usual” scenario, while also strengthening the role of several Aboriginal ranger groups currently being developed in the region, some of them with direct support from the State.

Yours sincerely,

Simon Hawkins

**Chief Executive Officer**

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