



Yamatji Marlpa
ABORIGINAL CORPORATION



Our Ref:
Your Ref:
Office: Perth
Date: 18 March 2020

To: Hon Bill Johnston MLA
9th Floor, Dumas House
2 Havelock Street, West Perth
WA 6005
Minister.Johnston@dpc.wa.gov.au

Dear Minister,

REF: COVID-19

As you are aware, Yamatji Marlpa Aboriginal Corporation (YMAC) is recognised under section 203AD of the Native Title Act 1993 (Cth) (*Native Title Act*) as a Representative Aboriginal/Torres Strait Islander Body (RATSIB) for the Geraldton and Pilbara regions of Western Australia.

YMAC provides assistance and representation to various native title parties (including registered native title claimants and registered native title bodies corporate) across the Geraldton and Pilbara regions, including assistance and representation in relation to future act matters in connection with mining tenement applications.

In light of the preventative measures being put in place to “stop the spread” of COVID-19, YMAC is concerned that its clients and constituents may face substantial difficulties dealing with and responding to future acts associated with the grant of mining tenements within existing timeframes.

Many native title parties will struggle to obtain full, prior and informed consent in relation to complex matters involving native title decisions (for example, consent to the grant of mining tenements which are subject to the right to negotiate provisions of the Native Title Act) from applicants, native title claim groups, directors or common law holders without the ability to hold face-to-face meetings.

Native title parties may also face obstacles with instruction-taking from native title party representatives (including Working Groups and RNTBC directors) and with the preparation and collection of evidence in connection with future act determination inquiries without the ability to consult directly with Elders and knowledge holders in a culturally appropriate and responsible manner.

YMAC seeks the cooperation and understanding of the Department Mines, Industry Regulation and Safety (**DMIRS**) when responding to reasonable requests made on behalf of native title parties.

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Yamatji Marlpa
Aboriginal Corporation
is a Native Title
Representative Body
ICN 2001
ABN 14 011 921 883

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These requests may include requests to suspend or extend compliance dates associated with exploration and prospecting licences in the expedited procedure stream and/or requests for negotiations and mediations to be placed into abeyance until appropriate measures can be put in place to seek instructions from native title parties, including Elders, and those living in remote Aboriginal communities or self-isolating members.

YMAC notes and appreciates that the processes affecting the grant of mining tenements subject to existing agreements between grantee parties and native title parties (for example, Indigenous Land Use Agreements) are less likely to be affected and DMIRS will process applications for mining tenements consistently with those agreements.

The Department's cooperation in these matters will assist native title parties to appropriately manage their cultural, legal, social and ethical obligations to their relevant native title holding communities.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Simon Hawkins'.

Simon Hawkins (JP)

Chief Executive Officer

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