

YMAC NEWS

News from
Yamatji
Marlpa
Aboriginal
Corporation

ISSUE 40 | April 2020



Yamatji Marlpa
ABORIGINAL CORPORATION



Contents

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2. Hello & Welcome
3. News from the CEO
4. Regional Committee Wrap
6. Gnulli native title - an emotional celebration
7. Landmark Yamatji Nation Claim determined
8. YMAC's advocacy and policy work
10. Pilbara Community Services Awards
11. Thomas Cameron's work recognised
12. Timber Creek decision continues to inspire
13. Malgana people working with WAMSI
14. Return to Country to preserve culture
15. Anthropologists expertise broadens

Cover : Gnulli native title holders celebrate with Justice Griffiths

Warning: Aboriginal people are warned that this publication may contain images of deceased people.

Hello & Welcome to the 40th edition of YMAC News



Ms Natalie Parker,
Co-Chairperson - Pilbara Region



Mr Peter Windie,
Co-Chairperson - Yamatji Region

Content preview - In this edition we:

- update you on your Regional Committees
- celebrate consent determinations in our regions
- check out what policies you can influence
- celebrate community events
- learn about native title compensation claims
- hear about a 'return to Country'

Please send your story ideas to editor@ymac.org.au

For more information about YMAC, and for all the latest news, please visit our website at ymac.org.au

News from the CEO

Following the rapid global impacts of the COVID-19 Coronavirus pandemic, YMAC took steps as part of a wider community effort to help slow the spread. Our position is to support a safe working environment and protect staff, members and clients, and to take action that will help improve awareness and reduce impact in the communities we work with.

On 18 March, YMAC partially closed its offices and as we write this edition, most staff are working from home. This decision was also informed by advice from National Indigenous Australians Agency, ORIC, and the Federal Court about how they were adapting to the situation.

Regarding the Federal Court, as at the end of March, the reduction of activities is only impacting a small number of native title claims managed by YMAC. Our claim lawyers have been directly contacting groups to advise what this means for them and their claims going forward.

YMAC staff are working hard to reduce the impact of COVID-19 and to find innovative ways to progress work with the many claim and working groups, Prescribed Bodies Corporate (PBCs) and Aboriginal corporations for whom we provide services.

Please also visit www.ymac.org.au for regular updates.

Additionally, YMAC has worked with others to help source and share clear, current and correct information and advice for our members and clients, and will continue to do so. Some of this has been done through participation in the REcov19ER emergency response group in the Pilbara, which includes a website of information, links and resources – www.recov19er.com.au.

In March, YMAC wrote to WA Minister for Mines and Petroleum Bill Johnston about future acts, proponents and the inability to ensure full, prior and informed consent, and have face-to-face meetings with Traditional Owners during this time.

We urged greater understanding and cooperation from his department to ensure they respond to reasonable requests made on behalf of native title holders.

What has been heart-warming - but not unexpected – as we all work to meet the challenges of COVID-19, is to see so many PBCs and Aboriginal Corporations throughout our regions come together in support of each other and their communities. It wasn't so long ago that PBCs were few and far between, and it is great to see the strength of local knowledge and connection playing such a pivotal role.

Stay safe and well



**Simon Hawkins,
YMAC Chief Executive Officer**

Regional Committee Wrap Ups

What are the responsibilities of YMAC's Regional Committees?

Each of YMAC's Regional Committees has a responsibility to act on behalf of its members for certain items, including the appointment of directors to the Board, liaising with directors on issues in their region, making decisions on applications for membership and Aboriginality, and assisting in protecting culture.

At the Annual Regional Meeting (ARM) of each committee, reports are presented by the Board of Directors, Chief Executive Officer and Chief Financial Officer. These reports cover the operational and financial performance of the organisation over the past year. Members are then given the opportunity to ask questions or make comments on what has been presented.

If YMAC's members wish to read minutes from the ARMs, they can visit a YMAC office. The minutes can be made available for inspection each business day from 10 am to 12 noon and 2 pm to 4 pm, when YMAC offices reopen to the public. Please make an appointment to ensure these will be available to read.

Yamatji Region

Each year, the Yamatji Annual Regional Meeting (YARM) presents an opportunity for new members to become more involved via elections for regional committee positions.

At the YARM, committee positions may become open for new members. It is also when the committee votes in who will be the Yamatji Regional Committee Chairperson and Deputy-Chairperson, as well as directors of YMAC's Board.

The 2019 YARM was held on 30 November in Mullewa. Four members were elected to join the Yamatji Regional Committee for a two-year period.

- **June Pearce (new)**
- **Glenys Little (new)**
- **Paul Baron (re-elected)**
- **Sharna Oakley (re-elected)**

They will join existing Yamatji Regional Committee members Peter Windie, Deborah Oakley, Ben Roberts, Cicily Dowden, Richard Oakley, Roberta Dann, Susan Oakley, Tracy Tonga (Edney), Merle Dann, Jason Windie and Albert Winder.

For its first meeting (held immediately following the YARM), the Yamatji Regional Committee membership elected its office bearers: Mr Peter Windie was re-elected as Chairperson, and Deborah Oakley was re-elected as Deputy-Chairperson.

Elections to represent the Yamatji Regional Committee on YMAC's Board of Directors were also held. YMAC welcomes Sharna Oakley as a new director. Sharna joins Albert Winder, Cicily Dowden, Richard Oakley, Mr Windie and Deborah Oakley to complete the Yamatji region's representation on YMAC's Board of Directors. YMAC would like to thank outgoing director, Paul Baron, for his contributions to both the Board and regional committee, and Rodney Ryan Senior for his contributions to the regional committee.

New members were inducted at the 11 February, 2020 regional committee meeting in Geraldton.



YMAC presentations at the Yamatji Annual Regional Meeting



YMAC CEO Simon Hawkins and YMAC Board - Pilbara Regional Committee member Selina Stewart

Pilbara Region

As with the YARM, YMAC's Board, Chief Executive Officer, and Chief Financial Officer reports were presented to members attending the Pilbara ARM in Port Hedland on 1 November, 2019.

Selina Stewart presented the Chairperson – Pilbara Region's report on behalf of Mrs Natalie Parker. A highlight of these presentations included the confirmation of Mrs Natalie Parker, Chairperson of the Pilbara Regional Committee being appointed to the Board of Pilbara Solar (representing YMAC).

Following reports, there was a good discussion about the Annual On-Country Bush Meeting at Yule River and its importance to the community, as well as discussion on YMAC's role in supporting PBC's post-determination.

Elections for the office bearers were held at the Pilbara Regional Committee's 14 February, 2020 meeting. Mrs Natalie Parker was re-elected as Chairperson and Mrs Doris Eaton was re-elected as Deputy-Chairperson of the Pilbara Committee. Ms Nora Cooke was also re-elected to the committee, while the remaining committee members' terms are still current.

Gnulli native title - an emotional celebration

The date of 17 December, 2019 was long time coming for the Yinggarda, Baiyungu and Thalanyji people who form the Gnulli native title claim, when they celebrated achieving native title recognition. It was an emotional occasion for many as they were formally recognised as the native title holders by the Federal Court over a combined determination area of 71,354 square kilometres.

The on-Country court hearing was held at Gwoonwardu Mia Gascoyne Aboriginal Heritage and Cultural Centre in Carnarvon. The journey for the Yinggarda, Baiyungu and Thalanyji people to this determination began 22 years ago on 14 April, 1997.

In handing down his judgement, Hon. Justice John Griffiths declared it a momentous day.

"This is a wonderful day for everyone involved, especially the Indigenous people who have shown such extraordinary patience and determination to achieve this outcome.

"I congratulate them all and reflect to acknowledge all the good work done by those who cannot be here today," Justice Griffiths said.

Following the hearing, the Traditional Owners celebrated the recognition. Traditional Owner Kath Ryan said, "This is a great day of achievement for our people, I'm filled with pride. I'm so pleased we are recognised as Traditional Owners and we should be respected as such."

Traditional Owner Hazel Walker said it was a very special day of recognition and celebration.

"Native Title has brought the group together. It has been a long journey for us. Now it is time to take young people on Country to learn the journey of our Elders."

Gnulli native title holders
celebrate with Justice Griffiths



Landmark Yamatji Nation Claim determined



Justice Debra Mortimer celebrates with native title holders of the Yamatji Nation Claim, Hon Ken Wyatt AM MP, Hon Ben Wyatt MLA, State Government representatives and legal advisors.

On 7 February, 2020 the highly anticipated on-Country Federal Court hearing for the people who form the Yamatji Nation Claim was held in Geraldton. It marked both a celebration of native title recognition and the signing of a landmark Indigenous Land Use Agreement (ILUA) with the State Government of Western Australia.

This is the first time in Australian native title history that such an agreement - that includes both native title recognition and a significant economic package including cash and assets - has been achieved.

The comprehensive package includes recognition of native title for the Yamatji Nation Claim over several parcels of land; housing assets for lease, sale or development; capital; additional investment for business and tourism development; access to water reserves; and employment opportunities.

The ILUA is the outcome of successful negotiations between the State Government and Traditional Owners in the Mid-West that commenced in 2017 and is known as the Yamatji Nation Southern Regional Agreement (YNSRA).

YMAC has been privileged to coordinate and support negotiations in several ways, and to provide legal services to members of the Yamatji Nation Claim, and to the underlying Southern Yamatji, and Hutt River claim groups.

Mr Simon Hawkins, CEO YMAC said, "This has been a long journey for Traditional Owners and YMAC recognises the dedication and patience shown by all parties to achieve this fantastic outcome. This Agreement will change the relationship between Traditional Owners and Government, and we believe it can serve as a blue-print for future agreement making of this nature."

YMAC advocacy and policy work

YMAC has been very busy lately, preparing submissions and advocating on behalf of Traditional Owners on several matters, including;

- The WA State Government's *A Path Forward: Developing the Western Australian Government's Aboriginal Empowerment Strategy* discussion paper
- The WA Department of Water and Environmental Regulation's *Native Vegetation in Western Australia* issues paper
- The Federal Government's *Environmental Protection and Biodiversity Conservation Act* review
- The Federal Government's Senate Legal and Constitutional Affairs Legislation Committee *Inquiry into the Native Title Legislation Amendment Bill 2019*
- The WA State Government's *Aboriginal Heritage Act 1972* review

Aboriginal Heritage Act 1972 review – where to now?

In February, YMAC's Board of Directors, CEO, Legal and Heritage team members met with Department of Planning, Lands and Heritage (DPLH) staff as they finalised drafting a new 'Aboriginal Cultural Heritage Act' (ACHA).

At these meetings, DPLH presented key elements of the proposed ACHA for YMAC's feedback as they refine the content for this brand-new act, proposed to replace the existing *Aboriginal Heritage Act 1972*.

DPLH are proposing radical changes to the way Aboriginal heritage is identified and managed in WA. More detail on the proposed changes can be found on YMAC's website. Key points proposed in the February draft include:

- A brand-new act (not amendments to current, outdated Act), the *Aboriginal Cultural Heritage Act* (ACHA).



YMAC Acting Manager Heritage Callum Forsey on survey

- PBCs and eligible Aboriginal corporations to become Local Aboriginal Heritage Services (LAHS), a one-stop-shop for all heritage matters.
- Opening up the definition of Aboriginal sites to include intangible places and cultural landscapes.
- Increased transparency in decision making;
- Required consultation between Proponents and LAHS.
- Referral of appeals to State Administrative Tribunal. These appeals will be open to ALL stakeholders (previously Aboriginal groups have been unable to appeal).
- A modernised enforcement process, where the penalties for breaking the law under the new act will be like those associated with European built heritage.

In March, YMAC wrote to the Minister requesting he consider reviewing the timeline for presenting the draft Bill to parliament, given COVID-19 and the challenges now presented in ensuring Traditional Owners are fully consulted.

On 9 April, the Minister announced that consultation will be rescheduled when the COVID-19 pandemic has subsided and restrictions on travel in Western Australia are no longer required.

YMAC will continue to engage with this process on behalf of Traditional Owners to advocate for the best heritage outcomes.

Previous YMAC submissions on this topic can be found on our website.

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Native Title Legislation Amendment Bill 2019 **– Senate committee**

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The Senate Legal and Constitutional Affairs Legislation Committee held a public hearing for its inquiry into the *Native Title Legislation Amendment Bill 2019*, in Perth on 10 March. YMAC Principal Legal Officer Cameron Trees and Legal Counsel Colin McKellar responded to the invitation to speak to the committee.

The Bill was put before Federal Parliament on 17 October 2019. The proposed bill includes the following amendments to the *Native Title Act 1993*:

- Clarify that native title claim groups can impose conditions on its authorised applicant;
- Expand where body corporate Indigenous Land Use Agreements (ILUAs) can be made;
- Introduce 47C, to allow native title to be recognised in national parks with the agreement of the State;
- Refine the process of registered native title body corporate (RNTBC) bringing a compensation claim;
- Require the registrar to create and maintain a public record of section 31 agreements.

The proposed bill includes the following amendments to the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act):

- Clarify and expand the obligations and responsibilities of RNTBCs to the native title holders.
- Give the Federal Court exclusive jurisdiction to deal with civil matters arising under the Act that relate to an RNTBC.

In general, YMAC considers the Bill's amendments to be improvements to the *Native Title Act* and the *CATSI Act*. It confirms the authority of the native title claim groups, and the responsibility of RNTBCs to the common law holders. It also allows for native title to be recognised over areas where native title was extinguished by national parks.

A report on the Committee hearings will be released in due course.

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Have your say - crown land management

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YMAC Land Services team and the Department of Planning, Lands and Heritage (DPLH) are in discussion regarding the current form of management orders for Prescribed Bodies Corporate and Aboriginal Corporations.

A common type of tenure that is issued to Aboriginal people is a reserve with a management order. This does not provide land ownership but generally provides a low-cost, non-exclusive tenure option, however with onerous obligations.

YMAC Land Services would love to hear about your experiences with management orders, other land tenure and any conditions that are of particular concern, or difficult to comply with to make these known to DPLH.

If you wish to discuss this further or provide feedback, please email Kylie, Project Manager – Lands at kwilliamson@ymac.org.au or phone 0458 526 488.

Pilbara Community Excellence Awards

In only its second year, the 2019 Pilbara Community Services Excellence Awards attracted a fantastic response of community and organisation participation in the Pilbara.



YMAC Deputy Co-Chairperson – Pilbara Region, Mrs Eaton with awards winners Kanyirninpa Jukurrpa Aboriginal Corporation

The awards are organised by Pilbara 4 Purpose. They aim to promote excellence and celebrate outstanding achievements of organisations and individuals in the 'Community Services and For Purpose Sector'.

In 2019, YMAC sponsored the category: "Aboriginal Organisation or Corporation – Outstanding Commitment to Best Practice in Member Support and Development".

Overall there were 76 nominations in 13 categories from organisations and individuals across the Pilbara, from small volunteer groups to large organisations and Aboriginal corporations. There were 830 votes in the People's Choice Award, demonstrating how the Pilbara community has gotten behind these awards and shown support and appreciation of the amazing nominees.

Winners of each category were announced at a special dinner held in Port Hedland in November, 2019. YMAC Deputy Co-Chairperson – Pilbara Region, Mrs Eaton presented the award on behalf of YMAC to the well-deserving winner, Kanyirninpa Jukurrpa Aboriginal Corporation. Congratulations!

Thomas Cameron's volunteer work recognised

Congratulations to Wattandee Elder Thomas Cameron for receiving a National Dreamtime Award at a gala presentation held in Sydney in November, 2019.

The Awards are described as an opportunity for First Nation people to be recognised for their excellence in sport, arts, academic achievement and community.

Mr Cameron was named Community Person of the Year for his efforts preserving the former Littlewell Mingenew Aboriginal as a heritage site.

This national award follows his recognition in Perth earlier in 2019, as Indigenous Community Volunteer for WA, and accepting the NAIDOC Caring for Country award in Canberra on behalf of the Littlewell Working Group.



Thomas Cameron at the 2019 National Dreamtime Awards in Sydney. Picture: Thomas Cameron

Timber Creek decision continues to inspire

The High Court of Australia's decision in to compensate Ngaliwurru and Nungali Peoples, has been hailed as a landmark in Native Title, and as significant as the Mabo ruling.

Known as the Timber Creek decision, it was the first assessment of compensation for extinguishment of native title rights and interests under the *Native Title Act 1993* (Cth). It recognised the significance of spiritual connection of Aboriginal people to their Country as paramount.

Traditional Owner, Chris Griffiths took on the role of lead claimant in the case from his father. YMAC was privileged that Mr Griffiths accepted an invitation to share his experience at YMAC's annual staff development conference on 28 February, 2020.

Mr Griffiths reiterated the importance of connection - in everyday life, and for recognition in a court of law. It was also an exceptional opportunity to hear from Mr Griffiths about his personal experience and insights from the historic Timber Creek compensation case.

He explained just why compensation is so important, and it isn't just about dollars - it gives Traditional Owners recognition to be consulted about what happens on Country -

"We don't own Country, Country owns us."

Enabling their legal team - and then judges - to understand and appreciate the importance of Country and their identity, was key to the case and eventual decision handed down. The case involved five clans coming together, men taking their lawyer to their men's sacred sites, and the younger generation translating the stories of their Elders for the record.

Mr Griffiths emphasised that if Traditional Owners decide they want to apply for compensation, it is so important to work together.

**"Go in as a group,
with your people.
Make sure that when
you do your evidence,
make sure you are on
the same page. Fight
for the same cause,
for the same reason."**



Mr Chris Griffiths presenting to YMAC staff, during a Q&A with YMAC Legal Counsel Colin McKellar

Malgana people add their voice to science priorities for Shark Bay

Generations of Malgana people from Gatharragudu (Shark Bay) have come together to start the process of understanding the decades of research that has been carried out in the World Heritage site and to develop priorities for the future.

Supported by the Western Australian Marine Science Institution (WAMSI) partnership, the historic meeting between Malgana Elders, the Malgana Land and Sea Management Reference Group, Malgana rangers from both the Department of Biodiversity Conservation and Attractions, and the Malgana Land and Sea Management Program, has brought together western science and Aboriginal knowledge to contribute to a science plan.



UWA seagrass scientist Matt Fraser talks about some of the research on Gatharragudu (Shark Bay)

"We're working to ensure that Malgana voices are included in the science plan for the area," WAMSI Research Director Dr Jenny Shaw said. "This has been an important step in returning a large body of research back to Country so the Traditional Owners can make an informed assessment about their priorities for science."

Story courtesy of Western Australian Marine Science Institution

Scientists have been raising concerns about the need to monitor and understand changes in Shark Bay since a marine heatwave in 2011 wiped out 900 square kilometres of seagrass – 36% of the total coverage. This in turn has had an impact on the whole ecosystem.

A 2018 workshop convened by the Shark Bay World Heritage Advisory Committee classified the area as being in the highest category of vulnerability to future climate change. The Federal Court of Australia formally recognised the Malgana people as native title holders in December 2018.

The Malgana Aboriginal Corporation (MAC) acknowledged that a combination of western science and traditional ecological knowledge is important to help manage any future changes. Guidelines developed through WAMSI's Kimberley Indigenous Saltwater Science Project were also presented at the workshop to support the MAC in developing processes and protocols for scientists working on Country.

"This workshop has been a rewarding experience for us as researchers making the cultural shift toward right-way science with Traditional Owners on Malgana Country," Dr Shaw said. "This is such a unique part of the world, it needs our coordinated and collaborative efforts in order to manage it for future generations."

The WAMSI Shark Bay Science Plan will be released in 2020. For more information contact WAMSI at info@wamsi.org.au.

Return to Country to preserve culture

Recording traditional cultural knowledge of Ngarlawangga people for future generations has been identified as a vitally important activity by the Ngarlawangga Community. This need has recently driven a 'return to Country' trip for Ngarlawangga women as part of the Ngarlawangga Women's Knowledge Project (NWKP).

The project was a collaborative cultural venture between Martu and Ngarlawangga Traditional Owners aimed at recording knowledge about Ngarlawangga Country, families and language from key knowledge holders. It was recognised that the loss of such invaluable language and knowledge could have direct effects on the ability of Ngarlawangga people to exercise native title rights and interests, care for Country and teach culture and law to a new generation of Ngarlawangga people.

It was identified that the most productive way to gather and preserve research that was additional to native title purpose was to return to Country. YMAC and Ngarlawangga consultants focused on cultural recordings that are considered important to Ngarlawangga women. This included recording ethnography of returning to Country, recording flora

and fauna information from the project area, collecting images of Country for future community developments and life histories of families. Martu women assisted, acknowledging historic associations to past station life on Ngarlawangga Country.

Ngarlawangga Traditional Owner Glenys Pianta said stepping onto her family's Country where she had personally never been was awe-inspiring.

"It was very overwhelming to be able to follow my grandmother's footsteps to Country, and to take my mum back to where she had been as a child. We are so lucky our group supported us to do this," Glenys said.

"The trip was well planned and thought out, YMAC really went above and beyond, and Turee Creek Station were wonderful hosts to help us identify bush medicines and more. I hope we can go back to document more."



Left to right - Glenys Pianta, Lesley Pianta, Mareen Piper, Miriam Atkins and Hayley Jeffries



Anthropologists' expertise broadens

YMAC Research team expand their skills in workshops

YMAC's Research team continues to work extensively across its representative regions. In recent months team members have developed connections and qualifications to offer greater support to members and clients.

Research Manager Amy Usher has been invited to be one of a six (6) member reference panel for the Women in Native Title Anthropology (WiNTA) project. The 'women-led' project targets issues related to keeping female anthropologists in the sector, by promoting gender equity and more inclusive workplace practices. It is funded by Australian Government Attorney General's Department and run by Dr Cameo Dalley, who works out of Deakin University.

Amy said she was proud to be invited to provide content and advice to a national project that will support current and future female Anthropologists in the native title sector.

"YMAC has always been an organisation that really supports its Research team, women in Research management and women across all teams. I feel privileged to be recognised in my career so far to play a role in developing resources that will support more great female (and male) anthropologists to remain in their careers of choice," Amy said.

They already have extensive experience as anthropologists, now YMAC's Alistair Vaughan

and Carmen Cummings are also accredited mediators after completing the National Mediation Accreditation Course at the University of Western Australia.

This training provides professionals working in many fields with skills and understanding to resolve disputes constructively without the need to resort to litigation. They also learned to understand and practice the different forms of mediation and the appropriateness of using them.

For Alistair, the course provided an opportunity to extend existing skills he used in regular claim work, to help facilitate the resolution of challenging situations and client discussions that can be applied to a broad range of contexts across Australia.

"Anthropologists in our field already have a deep knowledge and understanding of issues affecting Aboriginal communities. Our role is to offer an alternative lens of looking at things," Alistair said.

"We have the skills to bring people together to formulate their own solutions that work for them, as against options that lead parties to court."



Country, Culture, People, Future

About us

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

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

We work with Yamatji and Marlpa Aboriginal people to pursue:

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



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