

YMAC response to National Indigenous Times editorial, 'Rio Tinto takes action, YMAC missing in action'

MEDIA STATEMENT: 24 September 2020

On 17 September 2020, the National Indigenous Times digitally published the editorial, "Rio Tinto takes action, YMAC missing in action". This statement addresses several inaccuracies and untruths contained in the article about Yamatji Marlpa Aboriginal Corporation (YMAC).

YMAC made a submission to the **Inquiry into the destruction of 46,000 year old caves at the Juukan Gorge in the Pilbara region of Western Australia** on 28 August 2020, and is liaising with the Joint Standing Committee on Northern Australia on a date to attend a hearing.

The Commonwealth Government did provide \$5.5 million funding to YMAC in 2008. This funding was to support progression of native title claim research for several groups in the Pilbara including the Puutu Kunti Kurrama and Pinikura (PKKP) native title claims. This \$5.5m government funding did not relate to support for negotiating mining agreements, including negotiations with Rio Tinto.

YMAC facilitates agreement-making between companies and the Traditional Owner groups it represents. YMAC is not a party to these agreements. YMAC did not and does not sign off on mining agreements and ILUAs. Only the individual Traditional Owner groups authorise and sign off on their mining agreements and ILUAs. PKKPAC became the Local Aboriginal Corporation (LAC) from July 2012 and assumed the responsibility of the LAC under the Claim Wide Participation Agreement (CWPA). From August 2012 PKKPAC was represented by an external legal firm. YMAC referred the fully executed version of the CWPA and Regional Framework Deed (RFD) onto the new lawyers in August 2012.

These agreements between Rio Tinto and Traditional Owners afforded better heritage standards than contained in the State's current, inadequate *Aboriginal Heritage Act* (1972) (AHA). The agreements include the requirements for ethnographic and archaeological surveys and consultation around Aboriginal Cultural Heritage Management including protection, avoidance and mitigation. These requirements did not exist 8 years ago, or under the current AHA.

A power imbalance occurs in agreement making as a result of this inadequate legislation. This is grossly unfair and something Traditional Owners struggle with throughout Australia. This is precisely why YMAC has been advocating for several years to amend and improve legislation to rectify this unjust imbalance.

YMAC has also been advocating for improvements to other State and Federal legislation, to improve tools at the disposal of Traditional Owners and achieve genuine empowerment in negotiations. In addition to improving Western Australian heritage laws, YMAC's Inquiry submission calls for amendments to WA's *Mining Act* (1978) and *Local Government Act* (1995), as well as Commonwealth legislation (e.g. *Native Title Act* (1993)) to address this fundamental imbalance and ensure the rights of Traditional Owners are better recognised and respected.

YMAC welcomes an Inquiry that shines a spotlight on inadequate heritage protection and associated laws, and sincerely hopes it will ultimately result in change for the better.

For more information visit www.ymac.org.au.

About Yamatji Marlpa Aboriginal Corporation

Yamatji Marlpa Aboriginal Corporation (YMAC) is the native title representative body for the Pilbara, Mid West and Gascoyne regions of Western Australia. YMAC has a representative area of over one-third of WA and represents several Traditional Owner groups - all with their own language, culture and traditions. YMAC is a not-for-profit organisation run by an Aboriginal Board of Directors and provides a range of services to its members including claim and future-act representation, heritage protection services, executive office, community and economic development and natural resource management.

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