

YMAC NEWS

News from
Yamatji
Marlpa
Aboriginal
Corporation

ISSUE 41 | November 2020



Yamatji Marlpa
ABORIGINAL CORPORATION



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Cover : Ningaloo coastline
courtesy of Rachael Cooyou

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

Hello & Welcome to the 41st edition of YMAC News



Ms Natalie Parker,
Co-Chairperson - Pilbara Region



Mr Peter Windie,
Co-Chairperson - Yamatji Region

In this edition we update you on:

- The recent Regional Committee meetings
- COVID-19
- Law reform and the Draft Aboriginal Cultural Heritage Bill 2020
- YMAC's Juukan Gorge Submission
- Ningaloo ILUA
- YMAC's 50 per cent ownership of Pilbara Solar
- What's happening in our regions
- How to unlock your Aboriginal ancestry

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

While the entire country has faced challenges affecting our work and personal lives due to COVID 19, in WA we have been fortunate to return steadily back to our workplaces. YMAC has introduced new flexible workplace arrangements, and while staff are now primarily office based, we continue to observe COVID-safe work practises. Our offices are now open to visitors and meetings with external visitors.

Since our April edition, YMAC has been very busy. Along with delivery of legal and associated work supporting our functions as a Native Title Representative Body, we have made several submissions to government in areas affecting Traditional Owners and native title holders.

These included submissions on carbon farming, biodiversity conservation, environmental approvals, access and benefit sharing of genetic resources; and assisting Traditional Owners with managing their caring for Country responsibilities.

A big focus for YMAC has been on legislative reform. The Juukan Gorge inquiry has highlighted the imbalance of power existing in the *Aboriginal Heritage Act* (1972) (AHA), and other legislation. We have continued to advocate for reform, to create a more equitable position for Traditional Owners when negotiating what happens on their Country, and stronger recognition and protections for cultural heritage.

On 2 September, the WA Government released the long-awaited draft *Aboriginal Cultural Heritage Bill* 2020 (ACH Bill), set to replace the outdated AHA. The AHA has long been criticised for its failure to appropriately protect Aboriginal heritage. This draft Bill presents a once-in-a-generation opportunity for the State government to get this right – to recognise the importance of Aboriginal cultural heritage – and find the right balance between heritage protection and economic outcomes for all parties.

In its submission to the Juukan Gorge inquiry, YMAC addressed this and other issues with current legislation, including WA's *Mining Act* (1978), and the

Commonwealth Native Title Act (1993), WA's *Local Government Act* (1995), and federal heritage and environment legislation. Stay up to date on YMAC's advocacy work on these issues at www.ymac.org.au/heritage-reform.

YMAC has also been working on its new 2021-2025 Strategic Plan. We look forward to sharing our organisation's direction and goals early next year. We will also be consulting with groups from our representative regions on implementation strategies.

You will soon receive an update on the work YMAC has progressed during the 2019/2020 financial year in our Annual Report.



**Simon Hawkins,
YMAC Chief Executive Officer**

Yamatji and Pilbara Regional Committee Meetings

After an extended period of not being able to hold face-to-face meetings due to COVID-19 restrictions, it was great that our Yamatji and Pilbara Regional committee members could meet in Exmouth. The meetings took place on 12-13 August, and committee members were happy to be back on Country to progress YMAC business. The committee meetings were followed by a YMAC Board of Directors meeting.

In attendance were the following members:

Yamatji Regional Committee

Peter Windie

Chairperson – Yamatji
Regional Committee

Deborah Oakley

Deputy Co-Chairperson
– Yamatji Regional Committee

Paul Baron

Merle Dann

Cicily Dowden

Glennis Little

Richard Oakley

Sharna Oakley

Susan Oakley

June Pearce

Tracey Tonga

Pilbara Regional Committee

Natalie Parker

Chairperson – Pilbara
Regional Committee

Nora Cooke

David Cox

Terry Jaffrey

Ivan Smirke

Diane Stewart

Congratulations to the following committee members who received their long service awards at the meetings:

Selina Stewart - 10 years - Pilbara Regional Committee

Ivan Smirke - 5 years - Pilbara Regional Committee

Paul Baron - 10 years - Yamatji Regional Committee

Peter Windie - 15 years - Yamatji Regional Committee

Richard Oakley - 7 years - Yamatji Regional Committee

Also receiving an award was Donny Wilson, YMAC's Pilbara Regional Manager. Donny celebrated 20 years with YMAC in August 2020, and this was acknowledged through a Staff Long Service Award. Congratulations Donny!

YMAC'S 2021 Annual Regional Meetings have been postponed due to COVID-19. Members will be notified when dates have been confirmed.



COVID-19 update



Amid the uncertainties of the COVID-19 pandemic, YMAC has been happy to offer its support to regionally-based initiatives, established to address related concerns during this time.

In both the Pilbara and Yamatji regions, Aboriginal leaders and other local organisations came together to work with government agencies and relevant service providers.

'REcov19ER' formed in the Pilbara, and COVID-19 Yamatji Regional Emergency Response Group was established for the Yamatji region. The priority for each was to ensure accurate and up-to-date information was being shared, especially with those living in remote communities and isolated areas, and that coordinated approaches were undertaken in response to each region's needs.

YMAC applauds the level of collaboration and mobilisation demonstrated by these groups and those involved with them; their contribution to the response efforts no doubt played a significant role in raising awareness in their communities, and in advocating community needs to government.

It also showed the community is well prepared to work together to keep people safe, should community transmission of the virus become an issue in WA. This continues to be important while the risk of infection exists across Australia.

The Aboriginal Health Council of WA continues to host useful information, visit www.ahcwa.org.au.

Ningaloo ILUA realises Elders' dream

Congratulations to Baiyungu and Thalanyji Traditional Owners, who celebrated the realisation of a long-held dream through the signing of the Ningaloo ILUA with the State Government of WA on 4 August 2020.

An on-Country signing was held to mark this historic occasion in Coral Bay. Attendees included Traditional Owners, representatives from the State Solicitors Office and Department of Biodiversity, Conservation and Attractions (DBCA), Environment Minister Stephen Dawson and YMAC CEO Simon Hawkins.

The ILUA enables creation of a recreation and conservation reserve along the spectacular Ningaloo Coast. The proposed Ningaloo (Nyinggulu) Coastal Reserves covers the former Ningaloo pastoral lease to Red Bluff (currently called "the Ningaloo Coastal Reserve"), and as well as additional areas of land and water to be added into the current Cape Range National Park, the Ningaloo Marine Park, and the creation of easements.

The conservation estate will be jointly vested and managed by a joint management body, comprised of representatives of Nganhurra Thanardi Garrbu Aboriginal Corporation (NTGAC) and DBCA.

The Baiyungu and Thalanyji people celebrated their native title determination in December 2019. YMAC is proud to have supported both the determination and these negotiations, and to witness these next steps in self-determination.

YMAC looks forward to more ILUA's to be developed in consultation with Traditional Owners through the Government's 'Plan for Our Parks' initiative, which aims to increase the conservation estate in WA by five million hectares over five years through new jointly managed parks and reserves.

Ningaloo coastline,
courtesy of Rachael Cooyou



Ningaloo ILUA signing



YMAC acquires 50 per cent ownership of Pilbara Solar



Pilbara Solar aims to create opportunities for equity ownership for Aboriginal people in renewable energy projects

Traditional Owners now have strengthened opportunities to participate in WA's growing renewable energy sector, with YMAC's new ownership deal in Pilbara Solar.

In May, YMAC acquired 50 percent ownership of WA renewable energy development and social impact company, Pilbara Solar Pty Ltd (PS).

PS's purpose is to advance commercial, utility-scale projects in WA (including solar, wind, storage and other technology), in partnership with Aboriginal organisations and Traditional Owners.

PS believes in sharing the benefits of projects with Aboriginal people, and seeks to create opportunities for co-ownership by Aboriginal enterprise.

The company's goal is to empower Aboriginal people by promoting an equity partnership business model that enables Aboriginal organisations to have the opportunity to participate and share in the wealth generated from the renewable energy industry.

The PS Board of directors also welcomed into the board, YMAC Co-Chairperson-Yamatji Region and

Thudgari Traditional Owner Mr Peter Windie as a new director. Mr Windie joins Nyiyaparli Traditional Owner and YMAC Co-Chairperson-Pilbara Region Mrs Natalie Parker on the PS Board. Mrs Parker became a director in May 2019.

PS Managing Director Kylie Chalmers congratulated YMAC for their commitment and ongoing support.

"As a company, we are at an exciting phase of development – moving from being a start-up to scaling-up our activities. This new growth period is critical to our operations. We are confident that with this support, we will be able to achieve the delivery of high-quality, renewable energy products to meet industry needs – and at the same time, deliver important social outcomes," Ms Chalmers said.



Aboriginal Cultural Heritage Draft Bill 2020

YMAC welcomed the State government's draft Aboriginal Cultural Heritage (ACH) Bill on 2 September, but is concerned it still falls short in addressing the inherent power imbalance in current legislation.

YMAC believes the new legislation should be the primary protection mechanism to strengthen agreement arrangements. This should happen through recognising the cultural authority of Aboriginal people, and mandating cultural heritage plans that support transparency, accountability, and early and ongoing communication between parties that allows for plans to change should significant information come to light.

While the Draft Bill contains improvements on the inadequate AHA, further amendments are needed. In its submission, YMAC also voiced concern on the short consultation timeframe, with only five weeks for community to access, absorb, discuss and understand implications and make a submission on the Draft Bill.

What needs to change?

YMAC has advocated for change on several aspects of the existing Aboriginal heritage legislation – the AHA – that still need to be addressed in the Draft Bill – including:

- Too much decision-making power remains with the Minister and with proponents.
- Best practice standards of heritage management in Australia should be consistent with international standards and heritage industry practice. This includes the requirement of free prior and informed consent (FIPC), applied consistently across all aspects of the bill, including with respect to removing or amending Protected Areas.
- Clear processes for Traditional Owners to make written and oral submissions to the Aboriginal Cultural Heritage Council, and the Minister prior to them making any decision about their cultural heritage, should be included in the bill.
- Heritage needs to be considered throughout a project's lifecycle – particularly as new information comes to light – and both before and after agreements (including existing agreements) have been made. This needs to be reflected across the board.

Importantly, it is unclear whether yet-to-be-written guidelines such as Due Diligence Guidelines and ACH Management Code (approvals section) will enhance or detract from the heritage protections set out in the Draft Bill. The new act must be future-proofed for successive governments, as guidelines influence how the new proposed act is to be interpreted and implemented by government, and can be subject to political whim.

For further information visit:

www.ymac.org.au/heritage-reform/

and the Department of Planning, Lands and Heritage, www.dplh.wa.gov.au.

AHA to ACH Bill – progress on current review of AHA

2018 – Minister for Aboriginal Affairs Ben Wyatt announced a review of the AHA. Consultation begins to guide proposals to improve legislation

2019 – March: Issues and discussion papers released. Feedback guides drafting of the new Aboriginal Cultural Heritage (ACH) Bill.

Juukan Gorge Submission

YMAC welcomed the opportunity to participate in the inquiry into the destruction of 46,000-year-old caves at the Juukan Gorge in the Pilbara region of WA by the Joint Standing Committee on Northern Australia.

YMAC made a written submission that provides background on YMAC's involvement with PKKP and the Rio Tinto agreements, and details issues and opportunities for reform of legislation surrounding Aboriginal heritage in WA.

Following this, YMAC participated in a public hearing with the Committee on Tuesday, 13 October. CEO Simon Hawkins' opening statement and key points discussed with the Committee is published on YMAC's website.

Included in this statement is YMAC's 'Roadmap to Reform.'

2020 – Feb: YMAC Staff and Board provide feedback to the DPLH as they draft the ACH Bill.

2020 – March: YMAC writes to Minister Wyatt to request delaying release of the bill due to the COVID 19 pandemic, to allow face-to-face consultation with Traditional Owners.

2020 – May: Destruction of Juukan Gorge Rock Shelters push problems with the AHA onto international stage.

2020 – September: Draft ACH Bill released for consultation.

To address the current power imbalance and inequity in agreement making and heritage protection for Traditional Owners, governments must:

- 1 Introduce comprehensive Federal and State laws that embody heritage protection across a range of legislations, and ensure successful implementation of agreed reform.

These include the *Native Title Act* (1993), the *Mining Act* (1978), *Local Government Act* (1995).

- 2 Legislate consultation rights and the need for Aboriginal heritage to be considered early in a development process, and continue to be considered as new information comes to light, both before and after agreements have been made.
- 3 Mandate cultural heritage plans including ethnographic and archaeological surveys with the involvement of Traditional Owners, legislate a clear regulatory framework surrounding agreement-making, heritage decisions and project approvals.
- 4 Ensure Traditional Owners have a greater voice in the management and mining of their land during negotiations, and throughout the entire lifecycle of a project, including the right of veto.
- 5 Introduce an independent appeal mechanism for all parties, and a more equitable and significantly more rigorous Section 18 equivalent in the proposed *Aboriginal Cultural Heritage Act*.
- 6 Provide appropriate funding and training to ensure Prescribed Bodies Corporate (PBCs) are properly resourced to undertake the necessary work to participate in the new heritage regime in WA.
- 7 And finally, promote the global significance of Aboriginal heritage as an original and irreplaceable part of Australia's collective cultural heritage, and create a clear distinction between heritage protection and the mining approval process.

Truth telling project scoops awards

YMAC congratulates the volunteer team behind the Lock Hospital Project for their outstanding achievements at the 2020 WA Heritage Awards.

The project played a key part in lobbying the WA government to formally acknowledge the shocking history of WA's Lock Hospitals off the coast of Carnarvon.

Between 1908 and 1919, hundreds of Aboriginal patients were incarcerated in the Lock Hospitals on Bernier and Dorre islands, with more than 150 people dying there. The removal of people for the Lock Hospitals has led to the dislocation of generations of people from their families, communities and country.

Project team member Kathleen Musulin said acknowledgement of what happened to family members is important.

"It's about not giving up our identity and truth telling, it's part of the healing that's ongoing, and the acknowledgement of what happened to our grandparents is important because it helps our grandchildren [the next generation] understand the trauma that has been carried for many years," she said.

The project was recognised for four coveted awards:

- Voluntary Individual Contribution category – Bob Dorey and Kathleen Musulin – (former YMAC Board Director),
- Community based organisation' – Lock Hospital Working Group (joint winner),
- Interpretation Project – Lock Hospital Working Group (joint winner),
- Judges Awards - The Professor David Dolan Award – Lock Hospital Working Group.

The group was commended for making more people aware of this important piece of Australian history.

For more information visit: www.lockhospital.com.au



Young descendants with artists Charles and Joan Smith
Above left: Historical photo, Battye Library

Calls for multi-billion environment stimulus package

A coalition of conservation and farmers' lobby groups are calling for a multi-billion environment stimulus package to help create jobs in rural and regional areas found to be hardest hit by COVID-19. Indigenous Rangers, and Land and Sea Management were identified as a key existing framework through which to increase effective stimulus into the regions.

A report prepared by Ernst and Young on behalf of more than 70 organisations found that a \$4 billion national program spend would generate 53,000 jobs, reduce welfare costs by \$630 million, and raise economic output by \$5.7 billion over the next four years – with economic gains rising to \$9.3 billion over the next 20 years.

As the native title representative body for the Pilbara and Yamatji regions of WA, YMAC fully supports this proposal that could potentially expand critical Indigenous Land and Sea Management programs across our representative regions.

Through the Aboriginal Ranger programs – YMAC supports delivery of vital environmental services and projects including; tree planting, weed control, feral pest eradication, fire management, threatened species projects and capacity building.

Ernst and Young said particular benefits of the regional environmental stimulus is an opportunity to employ many workers with no previous experience and accommodate workers who have lost their jobs in other sectors.

Creating funding streams that are specifically for Indigenous Land and Sea management, and Indigenous organisations, that deliver real jobs with proper operational funds over longer time frames, is a key element of ensuring Indigenous equity of access to stimulus. It raises the prospect of ongoing – rather than ephemeral – employment benefits in the regions.

Specifically, increasing funding to known models like Indigenous Ranger jobs and Indigenous Protected Areas is more likely to deliver results that endure, and ensure practical benefits are realised at the local level in regional and remote areas.

The groups calling for the environment stimulus spending include: Landcare, National Farmers Federation, NRM Regions Australia, Australian Land Conservation Alliance, Australian Conservation Foundation and Pew Charitable Trusts.

The report is available online www.alca.org.au.

YMAC supports the following programs:

- Nyangumarta ranger and IPA Program
- Malgana Ranger Program
- Meenangu Wajarri Rangers



Nyangumarta rangers marking flatback turtle nests, Eighty Mile Beach WA.

News from our regions:

PAV partners with Royal Life Saving Society to deliver youth program

YMAC is proud to be providing support to the Pilbara Aboriginal Voice (*Kakurrka Muri*) (PAV) in their developing partnership with the Royal Life Saving Society WA (RLSSWA). PAV and RLSSWA are teaming up to co-design and deliver a Pilbara Aboriginal youth engagement and employment strategy: “P250Y”.

This collaboration will result in securing Aboriginal youth (aged 13 to 23) living in the region first-time employment, at an anticipated 50 jobs per year over the next five years. The program is being made possible with funding provided through the Department of Communities' North-West Aboriginal Housing Fund (NWAHF), which recognises the importance of young people securing their first roles in the workforce – as does the existing job commitments that have already been made by several businesses.

One of the priority areas PAV has been instructed to focus on by the wider Pilbara Aboriginal community is ‘employment’, and, specifically, pathways and opportunities for the region’s youth to join the workforce. These have been issues raised at past Yule River meetings. The proposed P250Y will be an important initiative to assist in addressing this critical need.

“By working with Royal Life Saving on this program, we are creating real jobs for our young people; and by providing these opportunities for them to enter the workforce, we are helping our young people secure their futures.”

- PAV Co-Chair, Linda Dridi said.

PAV has been engaged in the design and development of P250Y since its inception, and will continue to provide input and oversight to ensure successful delivery across the region. The progress already achieved is evidence of the willingness and commitment from both PAV and RLSSWA to work together in the interests of achieving meaningful outcomes for the Pilbara Aboriginal community, particularly its younger generations.

YMAC congratulates both PAV and RLSSWA on the formalisation of this very important partnership.



PAV Co-Chair, Linda Dridi, with RLSSWA staff, Di McDonald and Tim Turner

Yamatji poet wins awards for book of poetry

Charmaine Papertalk Green's name is well known in literary circles, and this year she was acknowledged for her outstanding writing, winning two of Australia's coveted literary awards.

Charmaine – who is a Yamaji woman and lives in Geraldton – won the prize for poetry at the 2020 Victorian Premier's Literary Awards this January for her book of poetry – 'Nganajungu Yagu'. Following this, in July, she was awarded the 2020 Australian Literary Society gold medal for the same book.

Charmaine wrote Nganajungu Yagu in response to letters her mother wrote to her in the 1970s while she was growing up in a Perth boarding school.

"Nganajungu Yagu was inspired by Mother's letters, her life and the love she instilled in me for my people and my culture," Charmaine said.

In an interview with the ABC Mid West, she said the letters were a typical mother-daughter relationship, telling her about what was happening in Mullewa, and hoping she was OK.

Charmaine held onto the letters for the past 40 years. The book also covers topics around the intergenerational trauma she and her siblings felt as a result of her father being placed in an institution, and the 1905 *Aborigines Act of WA*, which saw her mother forced out of school and into work at 12 years old.

Speaking with the ABC, Charmaine said the collection of poems offered an insight to outsiders on an Aboriginal family, a Yamaji family, in rural WA in the 1970s, and drew on the issues affecting the family and the community.

Since the book was published, she had been approached by people sharing memories of their mothers and letters they had received.

The gold medal was awarded to Charmaine on the 15th anniversary of her mother's passing.

Her collection of poems, is written in English, Wajarri and Badimaya, "to honour ancestors, language centres, language workers and those Yamaji who have been and remain generous in passing on cultural knowledge."

Sources: Cordite.org.au

ABC Mid West and Wheatbelt online, 7 July 2020



Charmaine Papertalk Green has been awarded the 2020 Australian Literary Society gold medal for her book of poetry – 'Nganajungu Yagu'

Biography

Charmaine Papertalk Green is from the Wajarri, Badimaya and Southern Yamaji peoples of Mid West WA. She has lived and worked in rural WA (Mid West and Pilbara) most of her life, and within the Aboriginal sector industry as a community agitator, artist/poet, community development practitioner and social sciences researcher. Her poetry has appeared in a number of publications including Antipodes, Artlink Magazine, The Lifted Brow, as well as The Fremantle Press Anthology of Western Australian Poetry, The Penguin Book of Australian Women Poets and Those Who Remain Will Always Remember: An Anthology of Aboriginal Writing.

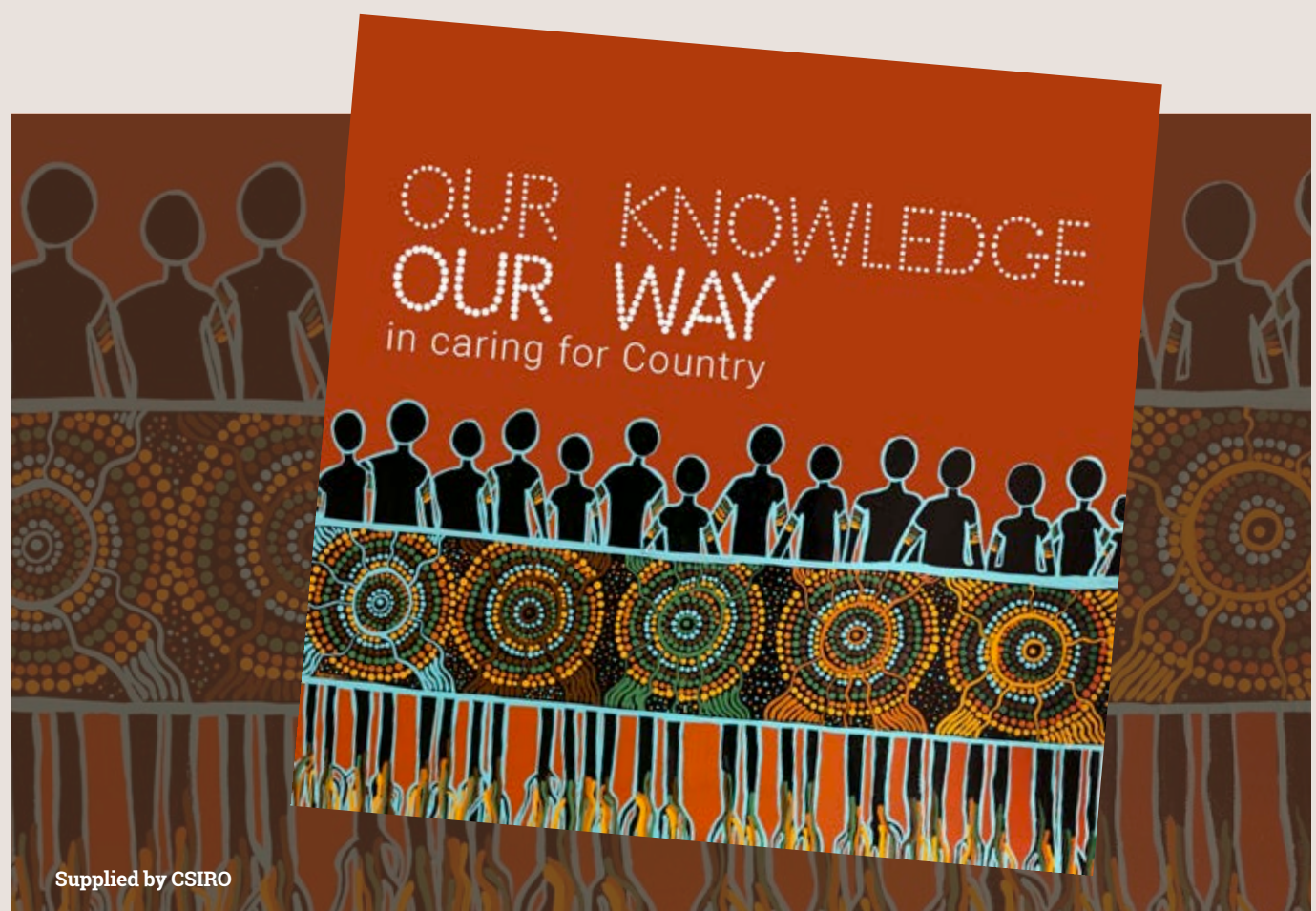
'Our Knowledge Our Way' in caring for Country

The 'Our Knowledge Our Way' in caring for Country Best Practice Guidelines, has been developed as a resource for Indigenous land managers to learn from others on options for bringing their knowledge into environmental and economic development. It is also an invaluable resource for partners of Indigenous land managers.

The development of the guidelines was supported by the Northern Australian Indigenous Land and Sea Management Alliance (NAILSMA) and CSIRO, and funded by the Northern Australia Hub of the Australian Government's National Environmental Science Program (NESP).

According to the CSIRO, more than 100 Indigenous individuals and organisations, including partners, co-authors, case-study providers and reviewers, contributed to the development of the Best Practice Guidelines. They are based on 23 case studies that illustrate the critical principle that Indigenous people must decide: What is best practice when working with their knowledge?

The guidelines are available for download: www.csiro.au.





Unlocking your Aboriginal ancestry

Mr Danny Ford (left), Aboriginal Affairs Minister the Hon Ben Wyatt (centre) and Noongar Elder Mr Albert McNamara (right).

The WA government encourages Western Australians to use the services of Aboriginal History Research Services (AHRS) to learn about their Aboriginal ancestry.

Western Australians can access a substantial range of historical and genealogical records pertaining to their Aboriginal history through the recently launched Norman Tindale Collection.

The AHRS unit manages access to restricted historical records and provides information in response to such requests. It has a range of ways to locate family history and can create comprehensive genealogies.

Aboriginal Affairs Minister Ben Wyatt said while there are some errors contained in the Norman Tindale Collection, it was an invaluable platform for people to begin uncovering truth and contribute to making corrections.

"Having experienced an emotional journey uncovering my own family history, I expect this resource will assist others in travelling the same path. Knowing the truth is an important step towards reconciliation and healing," Minister Wyatt said.

The new online index was created by the Department of Local Government, Sport and Cultural Industries' Aboriginal History WA.

The Collection contains vast amounts of genealogical information, recorded in 50 Aboriginal communities across WA between 1935 and 1966. The index features more than 14,000 names, photographs, and data cards, the originals of which are all housed in the South Australian Museum.

The online resource makes it easier for individuals to access their history and re-establish important links to family, culture and country. Trained staff can offer support in understanding the content that is recorded.

To access the Tindale records, applicants will need to complete a family history request form available from dlgsc.wa.gov.au/aboriginal-history or call (08) 9427 3469.

Country, Culture, People, Future

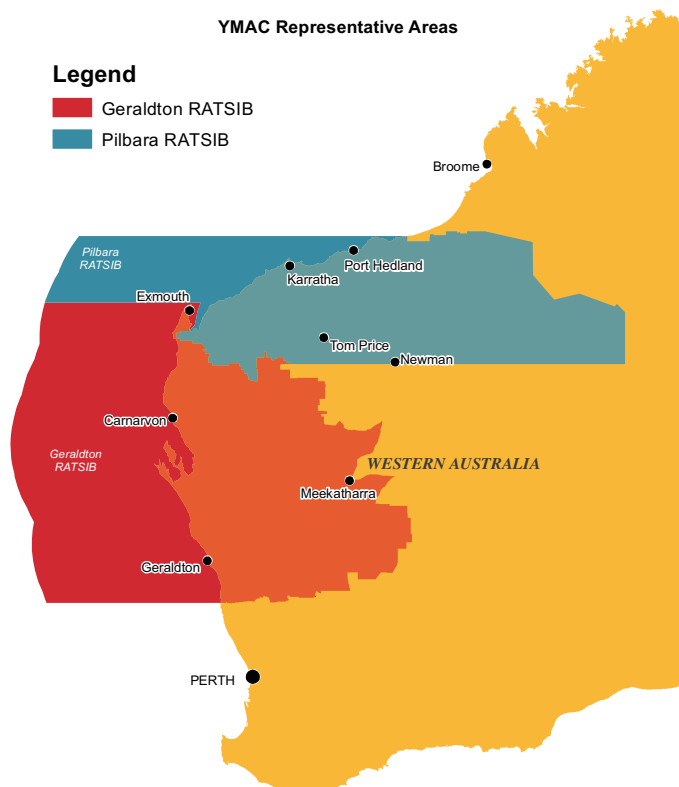
About us

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

We are the native title representative body for 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.



Contact us:

Send your questions, ideas, letters and photos to editor@ymac.org.au

Geraldton

171 Marine Tce,
Geraldton WA 6530
PO Box 2119,
Geraldton WA 6531
T (08) 9965 6222
F (08) 9964 5646

Perth

Level 8, 12-14 The Esplanade,
Perth WA 6000
PO Box 3072, 249
Hay Street, Perth WA 6892
T (08) 9268 7000
F (08) 9225 4633

Hedland

2/29 Steel Loop,
Wedgfield WA 6721
PO Box 2252,
South Hedland WA 6722
T (08) 9160 3800
F (08) 9140 1277

Broome

Lot 640 Dora Street
Broome WA 6725

Denham

61-63 Knight Terrace
Denham WA 6537

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