

YMAC NEWS

News from
Yamatji
Marlpa
Aboriginal
Corporation

ISSUE 44 | May 2022



Save the Dates - 2022

Yamatji On-Country Meeting - Geraldton
Yule River On-Country Bush Meeting

3-4 August
13-14 July



Yamatji Marlpa
ABORIGINAL CORPORATION



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Attendees at the
Protect Aboriginal Cultural
Heritage Walk, in 2021.
Photo - Kylie Stirk

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

Hello and Welcome to issue 44 of YMAC News



Natalie Parker,
Co-Chairperson - Pilbara Region



Mr Peter Windie,
Co-Chairperson - Yamatji Region

In this edition we:

- Share the latest updates on Aboriginal cultural heritage protection legislation and explain what is next for the new laws
- Share the outcomes of YMAC's Special General Meetings and our most recent Annual Regional Meetings
- Provide updates on our new YMAC offices

YMAC posts regular updates on current news and issues affecting Native Title and Traditional Owners.

Visit ymac.org.au to stay up to date or sign up.

Please make sure you are following us on LinkedIn at [linkedin.com/company/yamatji-marlpa-aboriginal-corporation-ymac-](https://www.linkedin.com/company/yamatji-marlpa-aboriginal-corporation-ymac/) (and subscribe to our emails for regular updates.)

We are always on the lookout for the most interesting and informative news. If you have stories or photos you would like to share please reach out to us by emailing editor@ymac.org.au.

News from the CEO

Welcome to Issue 44 of YMAC News.

We've had a busy start to 2022, which has of course involved us working hard to ensure YMAC can offer COVID-safe work and meeting environments.

As well, we have been hard at work finalising two new office spaces – our relocated office in Port Hedland, and a new office space in Carnarvon. We look forward to welcoming our members and clients to these spaces in the very near future, with official opening events planned for coming months.

In March we were very excited to host internationally recognised psychologist Tracy Westerman when she made a virtual presentation on 'the importance of cultural competence matters and the impacts of our fear of difference'. The presentation that was broadcast to all YMAC staff was truly inspirational, as well as being educational and challenging.

As we were bringing together this edition of YMAC News, we held our first ever large-scale digital event – the Aboriginal Heritage Protection Co-design Workshop – which took place, 7 and 8 April 2022. This state-wide forum was presented by YMAC in partnership with South West Aboriginal Land and Sea Council (SWALC), Native Title Services Goldfields (NTSG), and the National Native Title Council (NNTC). Learn more about the event on page 16.

The co-design forum follows on from our heritage protection advocacy work in 2021. We were very proud to be involved in the Walk against the Aboriginal Cultural Heritage Bill in Perth on Saturday 23 October. People travelled to Perth from across the State to raise awareness on the importance of heritage protection and issues with the State Government's *Aboriginal Cultural Heritage Bill 2021*. The State Government introduced this controversial bill to Parliament in the final days of 2021, providing no notice and little opportunity for the public or Members of Parliament to absorb the content. It was passed without amendment.



**Simon Hawkins,
YMAC Chief Executive Officer**

This was a disappointing outcome for YMAC, but we will continue to advocate for the strongest possible protections of Aboriginal cultural heritage as government undertakes development of the associated regulations and guidelines.

This year we are very proud to acknowledge 30 years since the Mabo decision in Australia's high court. Read more about our reflections on Mabo Anniversary on page 10. Several YMAC staff and directors will be travelling to Kabi Kabi Country (Twin Waters, Sunshine Coast QLD) from 30 May to 3 June (Mabo Day) 2022, to participate in the AIATSIS Summit 2022. This will provide great opportunity to acknowledge this highly significant date, and to participate in forums exploring the theme of the conference, 'Navigating the spaces in between'.

Finally, we have locked in new dates for our annual On-Country meetings in both our Yamatji and Pilbara regions. Yule River will return on 13 and 14 July at the Yule River Meeting Place in the Pilbara. Our second Yamatji On-Country event will return and this year will take place in Geraldton on 3 and 4 August. These events aim to provide a forum for community members to discuss critical issues affecting Aboriginal people, their families and community, and to meet with representatives from government to discuss issues and shared solutions. YMAC Members, PBCs and Aboriginal Corporations within our regions will be sent invitations to attend in coming months.

I hope you enjoy the updates on these and more stories and we welcome any recommendations for anything you would like to read about in our next edition.

Simon Hawkins

Yamatji News

Report from 2021 Yamatji Annual Regional Meeting

The Yamatji Regional Committee and YMAC Members met on Saturday 29 November 2021 in Port Denison on Amangu/Southern Yamatji Country for their 2021 Annual Regional Meeting (ARM).

Before business got underway a Welcome to Country was performed by YMAC Member Tristan Mongoo.

To the Yamatji Regional Committee, Barry Dodd and Revel Oakley were newly elected and June Pearce and Sharna Oakley were re-elected. Sharna Oakley was also re-elected onto the YMAC Board as a Director.

The meeting included reports from YMAC Chairperson – Yamatji Region Mr Peter Windie, CEO Simon Hawkins and Chief Financial Officer Nick Kimber. The region has seen many achievements over the last 12 months including the inaugural Yamatji On-Country Meeting, where important discussions about Aboriginal cultural heritage and language preservation took place.

Thank you to our current members for their efforts and valuable contribution over the past year. Congratulations and welcome to our newly elected members.

Current Yamatji Regional Committee Members

Peter Windie (Chairperson – Yamatji Region), Deborah Oakley (Deputy Chairperson – Yamatji Region), Ben Roberts, Cicily Dowden, Richard Oakley, Merle Dann, Albert Winder, Tracey Tonga, Lucy May Bulley, Gail Bellotti, Wayne Evans, June Pearce (re-elected), Sharna Oakley (re-elected), Revel Oakley (new), Barry Dodd (new)



YMAC Chairperson – Yamatji Region Mr Peter Windie addressing attendees at the Yamatji Annual Regional Meeting



Yamatji News

Report from 2021 Yamatji Annual Regional Meeting



Tristan Mongoo delivering
Welcome to Country

Carnarvon

In our Yamatji region, YMAC has signed a lease for a new part time office space in Carnarvon. The new address will be revealed soon. The new office gives YMAC the opportunity to work more closely in partnership with our local PBCs in the Gascoyne region. It is a fantastic opportunity to maintain our relationship with the community by being on the ground, working at a grassroots level to help support local groups.

Save the Date

Yamatji On-Country 2022 - Geraldton • 3-4 August

The second Yamatji On-Country meeting will be held on Wednesday 3 and Thursday 4 August in Geraldton at Bundiyarra Aboriginal Community Aboriginal Corporation. Aboriginal and Torres Strait Islander peoples from across the Mid West, Murchison and Gascoyne regions are invited to meet and discuss issues affecting them and their communities and come up with resolutions to share with decision makers from government. Day 1 includes an evening celebration of food and performance.

The 2022 program will include updates on State and Federal heritage law reform and discussion on community issues.

Read about the 2021 event on page 10 and visit
ymac.org.au for 2022 event details.

Pilbara News

Report from 2021 Pilbara Annual Regional Meeting

On Friday 19 November YMAC Pilbara members met on Kariyarra Country for their Annual Regional Meeting (ARM) at the Walkabout Hotel in Port Hedland.

Kariyarra Elder Alfred Barker gave a Welcome to Country. The meeting heard updates on activity for the previous twelve months from Natalie Parker, Chairperson – Pilbara Region, CEO Simon Hawkins and Chief Financial Officer Nick Kimber. The region has seen many achievements over the last 12 months including several community meetings on the Aboriginal Cultural Heritage Bill 2021, and the Annual On Country Bush Meeting at the Yule River meeting place.

Following changes to the YMAC Rule Book in October, Nora Cooke, Albert Pianta, David Cox and Terry Jaffrey were re-elected as Committee members at this ARM. The committee also welcomed Raylene Button onto the committee.

At the February 2022 Pilbara Regional Committee meeting Raylene was nominated by the committee to YMAC's Board of Directors, replacing Nora Cooke. Thank you to outgoing director Nora, and welcome Raylene to this new role.

Current Pilbara Regional Committee Members

Natalie Parker (Co-Chairperson – Pilbara Region), Doris Eaton (Deputy Chairperson – Pilbara Region), Nora Cooke, David Cox, Terry Jaffrey, Ivan Smirke, Diane Stewart, Selina Stewart, Raylene Button (new).



Left to right Chelsea Gordon, Lena Gordon, YMAC Deputy Co-Chairperson – Yamatji Region Deborah Oakley, Linda Parker, Sally Mack and YMAC Co-Chairperson – Pilbara Region Natalie Parker enjoying some morning tea at the Pilbara Annual Regional Meeting.

Traditional Owners hand deliver letter to Premier Mark McGowan.

Pilbara Traditional Owners acted on the opportunity of the Premier's visit to Port Hedland on Friday 19 November to hand-deliver a letter describing their disappointment in his government and its insistence to push the controversial *Aboriginal Cultural Heritage Bill 2021* (ACH Bill) through Parliament.

Desperate to try and ensure their cultural heritage is suitably protected under the new legislation, a delegation from YMAC's Pilbara Annual Regional Meeting - including newly elected committee member Raylene Button along with Pilbara Regional Manager Donny Wilson – travelled to where the Premier was holding an unrelated meeting, to present him with the heartfelt letter.



Pilbara News

A big day working together in the Pilbara



Pilbara Regional Committee and YMAC Board Member Raylene Button attended the rally opposing the Bill with her daughter and sister.

Port Hedland office has moved to 8 Manganese Street Wedgefield. Visitors welcome, but please call ahead as we may be closed due to COVID-19 restrictions.

19 November 2021 was a day of working together to do more.

Following the Pilbara Annual Regional Committee Meeting and the hand delivery of a letter to Premier Mark McGowan as a last-ditch effort to oppose the *Aboriginal Cultural Heritage Bill 2021*, some YMAC staff travelled to Strike Park in support of local people rallying against the Bill.

Save the Date

Annual On-Country Bush Meeting at the Yule River Meeting Place • 13-14 July

The Annual On-Country Bush meeting at the Yule River Meeting Place will return in 2022 on Wednesday 13 and Thursday 14 July.

This year's meeting will focus on updates on State and Federal heritage protection law reform, community issues, and future directions for the annual Yule River meetings.

Visit ymac.org.au for 2022 event details

Big regional office moves



Excavation of the current car park in preparation for laying the new base for the visitor car park.

The team working out of the Hedland office moved into their new digs in Wedgefield in November last year and have been busy settling in and working around renovations to make their new office space look and feel great.

The majority of the work was carried out in the heat of the Pilbara Summer!

Although parts of the building are still under construction as this issue goes to print, the reception area, board room and upper floors have been finished and significant progress has been made.

The next stage will be completing the fit-out and installing signage in time for the official office opening which will be held in the next couple of months.

The new address is 8 Manganese Street, Wedgefield. Visitors are welcome, but please do call ahead as we may be closed due to COVID-19 restrictions.



Newly fitted cupboards and painted board room in the Pilbara Office.

MABO 30th Anniversary – 3 June 2022

This year, Australians will commemorate Mabo Day, marking the 30th anniversary of the historic Mabo decision. Eddie Mabo of Mer Island, along with Reverend David Passi, Sam Passi, James Rice and one Meriam women, Celuia Mapo Sale, in the Torres Strait, spent a decade seeking official recognition of his people's ownership of Mer and on 3 June 1992, the High Court of Australia agreed, rejecting the doctrine that Australia was terra nullius (land belonging to no-one) at the time of European settlement.



Portrait of Eddie Koiki Mabo taken by Bethyl Mabo.
Credit Aboriginal and Torres Strait Islander Commission

Over 10 years, the case generated 4000 pages of evidence conclusively proving that the eight clans of Mer Island had occupied the land for thousands of years.

The Mabo decision was a turning point for the recognition of Aboriginal and Torres Strait Islander peoples' rights to land and the Australian Parliament passed the *Native Title Act (NTA)* in 1993.

Through his tireless campaigning, Mabo reshaped the history and laws of Australia by seeking recognition of his people's ownership of Mer and for all native title to exist amongst all Aboriginal and Torres Strait Islander people. Eddie "Koiki" Mabo did not live to see the outcome of the ruling, passing away aged 55 from cancer five months prior to this landmark ruling.

The effects of the MABO decision changed understandings of colonisation and is the reason why YMAC exists today; to represent Aboriginal people of the Pilbara, Midwest, Murchison and Gascoyne regions of WA to be recognised as the Traditional Owners of their Country in achieving recognition for themselves. YMAC is very proud to have supported 32 positive native title determinations since gaining recognition as a native title representative body in December 1994. Each group we work with has its own distinct culture and identity and each are at a different stage

in their native title journey. YMAC strives not only to support native title recognition, but also to ensure that Native Title holders can best protect their rights, manage Country the way they want to, and create new opportunities for their people following recognition.

"Commemorating this milestone is far more than just celebrating a big number. A lot has happened in the 30 years since the decision was handed down, but the standout for me is that this very important part of our history was the inspiration for a lot of Aboriginal people right across the country. Many more people became just as determined in their own journey to fight for fairness and equality and of course their native title rights. This decision paved the way for a lot of our people because it meant that anything was possible,"

- Peter Windie - Co-Chairperson - Yamatji Region

According to the latest figures from the National Native Title Tribunal, there have been 554 native title determinations nationally since the historical case. These statistics and further details are available at nntt.gov.au/Pages/Statistics.aspx.

Reflections on Yamatji On-Country 2021

Traditional Owners came together at the inaugural Yamatji On-Country meeting on 13 and 14 October in Carnarvon at Gwoonwardu Mia – Gascoyne Aboriginal Heritage and Cultural Centre. At the meeting one of the main focus areas was the then not yet passed *Aboriginal Cultural Heritage Bill 2021* (ACH Bill).

In his opening address YMAC Chairperson – Yamatji Region, Mr Peter Windie said, “Today is about you, me, our communities, and our future. It’s our chance to talk together about protecting our language and culture and heritage.”

The inaugural meeting brought Aboriginal people from across the Mid-West, Gascoyne, and Murchison together to discuss the ACH Bill, language preservation and community issues. The meeting Welcome to Country was conducted by Yinggarda Traditional Owner Raymond Edney, and it was facilitated by Cherie Sibosado.

Day One attendees opposed the ACH Bill (which subsequently went through Parliament late 2021) and agreed that it still served as an approvals process to enable the destruction or harm of Australia’s Aboriginal cultural heritage.

On Day Two, speakers nominated by the community - Traditional Owners Mr Albert Winder (Yinggarda) and Ms Tracey Tonga (Yinggarda, Banjima and Wajarri) - presented a comprehensive two and a half page position statement outlining Day One attendee concerns with the ACH Bill to invited parliamentarians and other guests.

The statement was later shared through a media statement which can be found on YMAC’s website. Day Two guests and speakers included Western Australia’s first female Aboriginal Senator, Dorinda Cox of the Australian Greens Party, and Senator Sue Lines of the Australian Labor Party, as well as representatives from State and Federal government agencies. On the Wednesday evening invited guests joined Day One attendees to share a meal and enjoy live performances by Aboriginal musicians from the region.



YMAC Project Officer Carrum Mourambine performing at evening event following Yamatji On-Country Meeting.
Credit Jose Kalpers

AIATSIS Summit

The 2022 AIATSIS Summit is being held from 30 May to 3 June, in partnership with Queensland South Native Title Services (QSNTS) and will be hosted by the Kabi Kabi peoples on their traditional Country on the Sunshine Coast, Queensland.

The Summit brings together over five days the National Native Title and National Indigenous Research conferences. It provides a unique forum for academics, native title stakeholders, legal experts, community and cultural sectors and government to collaborate in addressing current and future challenges.

As well, this annual event offers opportunities to support and strengthen Aboriginal and Torres Strait Islander cultures, knowledge, and governance.

Navigating the spaces in between is this year's theme and foregrounds the brilliance and value of Indigenous ways of knowing and seeing the world.

The theme speaks of the importance of relationships and connections, of bonds of trust; it suggests a focus on a journey and destination but also requires us to reflect on where we have come from.

Learn more at aiatsis.gov.au



Some of the 2021 AIATSIS Summit audience members.
Photo Credit Amy Usher

YMAC Special Regional Meetings outcomes

Special General Meetings (SGMs) for YMAC's Pilbara and Yamatji regions were called last year and held in late September.

Due to a number of the determinations that have occurred in the Pilbara region there were changes proposed to YMAC's Rule Book that required consideration and implementation, to ensure compliance with the CATSI Act.

The Pilbara SGM took place on 1 October 2021 and the Yamtji SGM was held on 16 Oct 2021.

All proposed Rule Book ammendments were passed include 'Nomination and Election of Membership for Regional Committee', the process of 'Removal of a Committee Member' and 'Casual Vacancy'.

One of the main amendments to the YMAC Rule Book as a result of the SGMs was that the Chairperson for each YMAC region will be appointed for a two-year period (previously it was a one-year term).

This two-year term provides for a level of continuity and stability for the Corporation.

National Reconciliation Week

National Reconciliation Week (NRW) started in 1993 originally as the Week of Prayer and Reconciliation and in 1996 was launched as it is known today. It is a time for all Australians to learn about our shared histories, cultures, and achievements, and to explore how each of us can contribute to achieving reconciliation in Australia.

The dates for NRW are the same each year; 27 May to 3 June. They commemorate two significant milestones in the reconciliation journey— the successful 1967 referendum, and the High Court Mabo decision respectively.

The theme of this year's Reconciliation Week is 'Be Brave. Make Change'. There will be a number of events and opportunities to get involved across the week 27 May to 3 June.

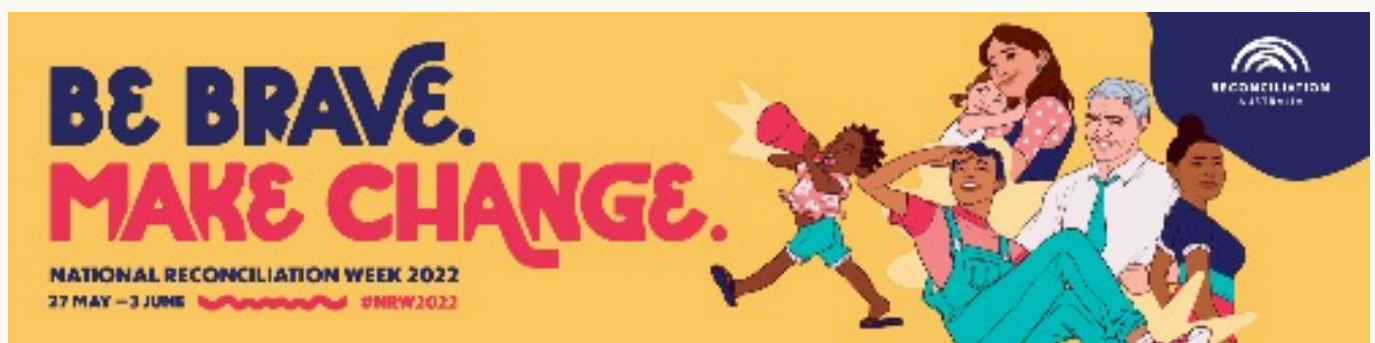
Boola Bardip WA Museum (WAM) will lead WAM activations in Perth by becoming the National Reconciliation Hub.

To kick off celebrations in a big way, Reconciliation WA is inviting 1 million West Australians to join in for a 'Virtual Breakfast'. You can get planning now to host a breakfast in your organisation, community, school and even at your own dining room table. A presentation will be broadcast from Boola Bardip during the event from 8-10am. There will be a special segment for school kids and if you can't hold your breakfast on that day, you can still watch the recording on another day of your choosing so you don't miss out.

As part of a suite of events, Boola Bardip will celebrate the 30th Anniversary of the Mabo Case with a screening of the MABO (2012) documentary and a panel discussion with special guests.

Registrations for all events are now open. YMAC will partake in its own virtual event activities, and we encourage you to register and hold your own too.

Learn more at aiatsis.gov.au





Nyangumarta Ranger Raewyn Wright practicing burning techniques out on Country (February 2022). Photo: Jacob Loughridge.

Joint Management Forum

Working with strategic partners, including Pew Charitable Trusts, YMAC is currently developing content and making the necessary arrangements to host an online 'Joint Management Forum' in 2022.

It is anticipated this forum will be of interest to people who have experienced joint management firsthand as well as Traditional Owners who are starting to negotiate similar arrangements; with the idea being they can share what has been learned across the sector to identify what works, the challenges, strategies to minimise impacts, and best ways forward.

Joint management provides an opportunity for Aboriginal groups to negotiate strategies to work with government to care for their Country. These agreements can also support social, cultural, and economic goals for communities, including (but not limited to) fee-for-service work for rangers and other community members, the establishment of tourism businesses, and the protection and preservation of important cultural sites.

However, more understanding about Aboriginal peoples' groups' collective aspirations and concerns in regarding joint management possibilities, e.g., to inform best practice guidelines and advice to government, is needed.

By coordinating this forum, YMAC seeks to gain invaluable insights that will assist the groups we work with that are involved in other projects such as the Plan for Our Parks negotiations, Aboriginal ranger programs, and so on.

As details are confirmed for the Joint Management Forum, these will be shared on YMAC's website: ymac.org.au; or you can contact YMAC's Program Manager – Land & Sea Management, Dr José Kalpers (P: 0407 083 214; E: jkalpers@ymac.org.au) to find out more.

Walk for Aboriginal Cultural Heritage

Hundreds of people gathered at Perth's Victoria Gardens on Saturday 23 October for the 'Protect Aboriginal Cultural Heritage Walk', in a show of solidarity to oppose the State Government's *Aboriginal Cultural Heritage Bill 2021*. YMAC was proud to partner with South-West Aboriginal Land and Sea Council (SWALC), Native Title Services Goldfields (NTSG) and National Native Title Council (NNTC) to stage the Walk, at which participants from across the State demonstrated their support for the highest possible protections of Australia's unique and globally-recognised cultural heritage in the new laws that are set to replace the *Aboriginal Heritage Act 1972* (AHA).

Following a warm welcome to Noongar Country by Mr Walter McGuire, walkers proceeded to the Swan River (Derbal Yerrigan) foreshore and across the Matagarup Bridge, shouting, "No Veto, No Bill,". After gathering outside Optus Stadium – a stone's throw from the symbolic Nick Winmar sculpture - SWALC Chair Mr Brendan Moore introduced several speakers including Mrs Geri Hayden (Noongar), Mr Clayton Lewis (Nhanda Widi), Mr Richard Evans (Kuwarra), Sandra Evans (Spinifex), Mrs Pat Mason (Kariyarra, Wati Council) and Mrs Doris Eaton (Njamal/Pitjkarli).

They delivered a clear message to government – the ongoing desecration of Aboriginal cultural heritage has

created great sorrow. Wajarri Yamatji man Mr Dwayne Mallard also delivered an impassioned speech about the continuing desecration of lands (barna), people and culture. He noted there isn't much land left to protect, questioned what the bill is protecting and noted that even when the Bill is introduced, Section 18s from the current AHA will remain in place for at least 10 years that will allow continued destruction of sites.

Mr Mallard reminded the (absent) Minister for Aboriginal Affairs Stephen Dawson that it is his job to stand up for Aboriginal people "For a culture that's 65,000 plus years old it's just no longer acceptable, it was never acceptable. It's got to stop."



Deputy Co-chair Mrs Doris Eaton leads some of the participants including Pat Mason and Martu Elder Mr Bruce Thomas in the Walk

Continuing to protect culture and heritage

YMAC is determined to influence policy makers and drive reform of heritage protection laws.

Despite the *Aboriginal Cultural Heritage Act 2021* being passed in WA Parliament in December 2021, YMAC is proud of its efforts highlighting the inadequacies of the new legislation and related government processes. We also remain committed to drawing attention to issues that fall short of Traditional Owner expectations and will continue to demand best practice approaches when it comes to protecting Aboriginal cultural heritage.

Throughout this issue of YMAC News we present a snapshot of YMAC's advocacy work to oppose the Bill.

ACH Act

In December 2021 the WA State Government passed the *Aboriginal Cultural Heritage Act 2021 (ACH Act)* through the Legislative Assembly, and - given Labor's majority in both houses - the problematic bill was passed without amendment.

YMAC was deeply disappointed WA Government proceeded to push the new laws through State Parliament, without first sharing it with Aboriginal people in its entirety for proper review, and despite issues highlighted by the United Nations' Committee on the Elimination of Racial Discrimination (UNCERD). YMAC welcomed the response from UNCERD questioning the WA Government's ACH Bill. YMAC and other concerned parties – including Dr. Hannah McGlade and several other well-respected WA Traditional Owners – wrote to the United Nations' Committee on the Elimination of Racial Discrimination (UNCERD) requesting their intervention regarding the ACH Bill. UNCERD responded, and we were encouraged by their apparent support for our position following review of information provided.

On 29 March 2022 Aboriginal Affairs Minister Tony Buti launched the state government's co-design framework, marking the final phase of consultation before the new ACH Act officially replaces the old legislation.

Cultural Heritage Protection Co-design Workshop

On 7 & 8 April, in partnership with Native Title Services Goldfields (NTSG), South West Aboriginal Land and Sea Council (SWALSC) and the National Native Title Council (NNTC), YMAC presented a virtual workshop on Co-Design. Traditional Owners from across WA met online with government, industry and investor representatives, to discuss how the principles of co-design should inform the implementation of the WA Government's *Aboriginal Cultural Heritage Act 2021 (ACH Act)*.

With a clear understanding that co-design is not simply about designing innovative services, products or policies, but prioritising the stories of those people that services, products or policies will serve – at every stage of the design process – the workshop highlighted that legitimate co-design processes require continual collaboration and improvement, alongside ensuring the right people are involved.

Edith Cowan University's co-design expert Dr Chris Kueh presented on how co-design offers the potential for transformative decision-making, to empower those who are most affected by those decisions.

"Co-design means designing *with* people, not *for* people – it's not just another word for consultation," Dr Kueh explained. "Participants don't just provide feedback that can be either used or ignored. They should have equal standing at every stage – from identifying the relevant problems, designing solutions, and continual improvements as needed."

Ngalia Traditional Owner and NNTC Chair Kado Muir also presented, highlighting the approach being undertaken through a partnership between the First Nations Heritage Protection Alliance and the Commonwealth Department of Agriculture, Water and the Environment, formed to modernise cultural heritage protection laws at the federal level.

"At the higher level – around the ethics and the ethical framework – we are effectively looking at articulating our rights within a corporate as well as a bureaucratic administrative process. In many respects the right frameworks have not been effectively mapped out by government to allow us as first nations people to effectively articulate," he said.

It was apparent Traditional Owners feel discouraged by their past experiences of consultation processes, where their views have been ignored, or responses delayed. It was widely voiced that government needs to commit to the principles of co-design in good faith and include meaningful engagement, transparency and responsiveness, and a share in equity resources.

For genuine co-design, Culture must be central to the whole process, with timelines and processes that respect cultural protocols.

The need for support for interpreters, clear explanations of technical and legal language, and a wide variety of feedback methods were also listed.

Furthermore, the lived experience of Culture must be treated with as much authority as expertise, based on professional or educational experience.



WELCOME, PURPOSE OF THE DAY & CO-DESIGN PRESENTATIONS

9:30am - 11:45am

LIVE NOW

23

SESSION LIVE

MAIN STAGE LIVE



RECORDING

PREVIEW

7/16

Teri Oneill

Mandy Gadsdon

Georgia Perillo

Image: A snapshot from 'behind the scenes' coordination of the virtual workshop

On Day Two representatives from government, industry and investor groups joined the discussion with Traditional Owners, to find areas of broad agreement.

WA Minister for Aboriginal Affairs, Hon. Dr Tony Buti MLA also joined Day Two, providing a status update on the State Government's work surrounding introduction of the ACH Act and its implementation. A full workshop report will be presented to the Minister and members of the government's Aboriginal Cultural Heritage Reference Group, who are overseeing the State Government's co-design process in 2022.

Event partners welcome the State Government's renewed commitment to co-design, and believe it is important to work together to determine an appropriate pathway forward. This should include an ongoing dialogue about how the ACH Act is working in practice, to inform regular five-year reviews of the new laws.

"The workshop provided a valuable opportunity for not only Traditional Owners, but also other representatives from different sectors to talk about how they see us all working together to protect Aboriginal cultural heritage in Western Australia. It was great to have such a diverse range of people and organisations involved in this important dialogue providing input.

The challenge remains, however, to see if these conversations will actually translate into meaningful outcomes. We want the State Government to listen to what we have had to say here, just as we were open to listening to others, when it comes to undertaking its co-design approach in relation to the new Aboriginal Cultural Heritage Act.

The bottom line is, it is our cultural heritage, and we need our voices to be heard. We can't keep being ignored on matters that directly and significantly impact us and our culture like we have in the past."

**Kariyarra Traditional Owner and YMAC Board
Director Raylene Button**

2022 PBC Regional Forum & Compensation Workshop

The National Native Title Council (NNTC), in conjunction with YMAC and with support from the National Indigenous Australians Agency (NIAA), will be hosting the second PBC Regional Forum for our regions on Tuesday, 26 and Wednesday, 27 July in Carnarvon. The forum is open to all PBCs across the Pilbara, Gascoyne, Murchison and Mid West regions, with funding provided to cover the costs of travel for two representatives per PBC to attend. The Regional Forum will be followed by a workshop on Thursday, 28 July to provide information on compensation to native title groups and PBCs.

The Regional Forum provides an opportunity for PBCs to hear about the work being carried out by the NNTC on national policy reform that will impact PBCs into the future. Several sessions at the forum will be facilitated discussions on the future focus for PBCs, examples of decision-making structures, and how collaboration and networking works across your region.

At the compensation workshop, attendees will receive information about the High Court native title compensation decision for the town of Timber Creek. In this decision, the High Court explained how compensation could be valued and calculated

where native title rights have been taken away by the government. Information about different options native title holders may have to get native title compensation, the assistance and resources that will be required, and what people can do to prepare for making a compensation claim or starting settlement negotiations with the government will also be presented.

Please note, invitations for the forum and workshop will be sent directly to PBCs in due course. In the meantime, should you like to know more about these events, please contact Carolyn Betts at the NNTC via email: carolyn.betts@nntc.com.au.



PBC Camp at Ross River Resort, Central Australia (June 2021). © Central Land Council

2021 CATSI Act amendment submissions

The Corporations (Aboriginal and Torres Strait Islander) Amendment Bill 2021 (the CATSI Amendment Bill) was introduced into Federal Parliament by the Minister for Indigenous Australians, the Hon. Ken Wyatt AM, MP, on Wednesday, 25 August 2021.

Following its introduction, the CATSI Amendment Bill was referred for inquiry to the Senate Finance and Public Administration Committee (the Committee).

The reason for the referral was to further consider the impact of the bill on standards for Aboriginal and Torres Strait Islander corporations around Australia.

In 2021, YMAC made three separate submissions to the National Indigenous Australians Agency (NIAA):

1. To NIAA in response to the *Exposure Draft of the Corporations (Aboriginal and Torres Strait Islander) Amendment Bill 2021*
2. To NIAA in response to the *Exposure Draft of the Corporations (Aboriginal and Torres Strait Islander) Amendment Regulations 2021*
3. To the Senate Finance and Public Administration Committees in response to the Corporations (Aboriginal and Torres Strait Islander) Amendment Bill 2021 Senate Inquiry

A report summarising this and other feedback received during the exposure draft consultation process has since been published on it's website www.niaa.gov.au.

Background

- The Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI Act) is the law that establishes the role of the Registrar of Aboriginal and Torres Strait Islander Corporations and provides for a special form of incorporation for Aboriginal and Torres Strait Islander organisations.
- The CATSI Amendment Bill has been the subject of an ongoing review and related consultations, resulting in the publication of an exposure draft, on the NIAA website in July 2021.
- The review into the CATSI Act which is expected to benefit over 3000 Aboriginal and Torres Strait Islander corporations in Australia.

For more information visit niaa.gov.au

ASCI release governance guidelines

In December 2021 the Australian Council of Superannuation Investors (ACSI) released its updated Governance Guidelines, which took in effect in January 2022. The guidelines provide companies and other market participants with clarity about investor expectations on key Environmental, Social and Governance (ESG) issues.

These guidelines are publicly available and cover a range of critical ESG issues.

In the 10th edition of the Governance Guidelines, one of the key changes includes First Nations peoples. ACSI's new policy on engagement with First Nations peoples highlights the material financial risks companies and investors face as a consequence of poor engagement and cultural heritage practices and provides guidance on good practice.

You can find these Governance Guidelines at acsi.org.au

Informing these new guidelines was ASCI's research into company engagement with First Nations peoples, conducted in 2021 following the destruction of Juukan Gorge. Through this research ACSI undertook research to better understand current company practice in engagement with First Nations peoples, identify the investment risks that exist as a result of mismanagement of relationships, and identify 'good practice' in engagement with First Nations peoples.

You can read more at: acsi.org.au/our-issues/company-engagement-with-first-nations-communities

Land Administration Act amendments

The Premier and Minister for Lands' office have recently jointly announced proposed changes to the *Land Administration Act 1997* (LAA) which is the primary legislation dealing with the administration of Crown land in Western Australia.

Whilst yet to see a draft Bill with the proposed changes, YMAC understands that one of the key amendments will be the introduction of a new 'diversification' lease which will allow more than just pastoral activity to be undertaken on the Crown land in question.

The government advises that a diversification lease will provide an avenue to establish renewable energy facilities on the land while still allowing other activities such as grazing, agriculture and even tourism. The State has advised it will not grant a diversification lease without the negotiation of an Indigenous Land Use Agreement (ILUA) and unlike many other land tenure models the diversification lease will not require the surrender of native title rights and interests.

The State submits that this new tenure will open opportunities for native title holders to partner with proponents which will lead to employment opportunities, while still allowing access to their traditional land, similar to the rights they currently have over areas of land that are unenclosed and unimproved within a pastoral lease.

While many of the amendments are purely administrative and do not impact Aboriginal people or their native title rights, some changes may lead to an effect on native title rights and interests. One proposed addition to Part 7

of the LAA, which deals with pastoral leases, will be the ability for pastoralists to extend pastoral lease terms to 50 years. According to the Government, any extension will be subject to the future act requirements under the *Native Title Act 1993*.

The Minister for Aboriginal Affairs will be able to nominate an Aboriginal person with pastoral experience onto the Pastoral Lands Board. This may pave the way for Traditional Owners to contribute towards the restoration and protection of Country.

The office of the Minister for Lands has stated that the government is committed to reducing red tape and streamlining Western Australia's approval system to accessing Crown land. It is unclear at this stage what this statement means and what, if any, impact it will have on native title holders or Aboriginal people in general.

YMAC will continue to monitor progress of the proposed amendments. In the meantime if anyone wishes to obtain further information on this subject you can access the Department of Planning Lands and Heritage (DPLH) website wa.gov.au/government/document-collections/land-and-public-works-legislation-amendment-bill-2022 or contact DPLH on the generic email LAA2022@dplh.wa.gov.au

Carbon Farming - What is it? Who has a say in it?

In WA there is an increased interest in carbon farming, from both proponents and Traditional Owners. Carbon farming involves changing the way some activities on the land are done, or carrying out new activities on the land, in a way that will either reduce greenhouse gas emissions or store carbon. Examples of carbon farming include planting trees, allowing trees to grow naturally, or burning Country at the right time and in the right way.

Carbon farming projects can earn carbon 'credits', (like a token) which can be sold to make money – the carbon credits are called Australian Carbon Credit Unions (ACCUs). You can sell these to the government or private companies. All carbon farming projects must use methods approved by the Australian Emissions Reduction Fund. The three most common methods used in WA are:

- Human induced regeneration (HIR):
- Savanna burning; and
- Environmental planting.

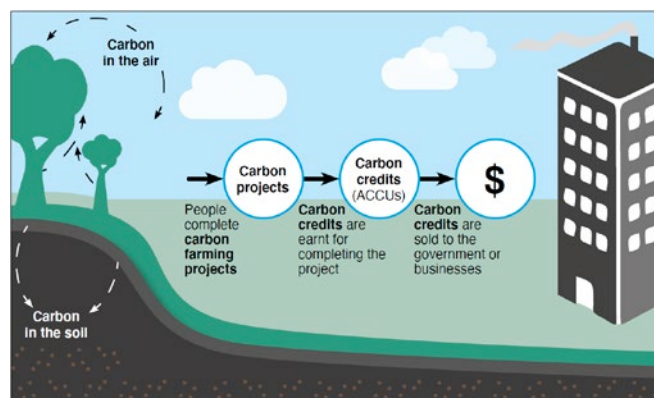
HIR is a common method used on pastoral leases in WA. It involves allowing trees to grow by keeping livestock away from them, managing feral animals and managing plants that aren't native to the area.

If there is a native title determination and a registered native title body (RNTBC) on the land proposed to be used for carbon farming, then the RNTBC is considered an 'eligible interest holder.' This means that the RNTBC must give its 'free, prior and informed' consent to a carbon farming project before the project can proceed. The RNTBC must be fully informed by the proponent about the costs, benefits and risks of the project. If the RNTBC is not satisfied with the proposed project, it does not have to provide consent to the project.

RNTBC's are able to negotiate with proponents to ensure it receives benefits (either financial or non-financial) from the carbon farming project. RNTBC's should keep in mind that proponents are often more willing to provide benefits or pay a premium for the ACCUs produced from the project, if the project benefits Traditional Owners. RNTBC's can run their own carbon farming project, provided they have the land right to do so.

Before undertaking or consenting to a carbon farming project, the RNTBC should consider specifically how they are going to receive financial benefits.

For example, is the RNTBC receiving ACCUs directly or receiving funds once the ACCUs are sold? If there is a proponent, the RNTBC should also consider the history of the proponent, and ensure they are clear as to how the carbon farming will impact the Traditional Owners over the life of the project



The Clean Energy Regulator has developed guidance that explores how the *Native Title Act 1993* interacts with Emissions Reduction Fund requirements, including obtaining legal right and consents from all eligible interest-holders to undertake a project. To read more about the guidance available go to cleanenergyregulator.gov.au/ERF/Want-to-participate-in-the-Emissions-Reduction-Fund/Planning-a-project/native-title#Guidance-available.

YMAC's in-house, multi-disciplinary team are providing support to our clients in this emerging space. Please contact us if you would like further information.

Return and use of native title materials

Last November, The YMAC Research Team hosted a 2-day seminar focusing on the return and use of native title materials. The event was made possible via the Federal Attorney General's Professional Development Grant funding.

The seminar was held in Perth and attracted many participants. In total 28 Anthropologists from YMAC, other WA Native Title Representative Bodies and Service Providers (NTRB/SPs), consultants and NTRB/SP staff from South Australia and the Northern Territory attended in person.

The event was facilitated by Tui Raven along with Indigenous and non-Indigenous presenters. The seminar explored themes relevant to anthropologists currently working in native title, including the use, access, permission and policy around native title documents and information.



Attendees at the YMAC hosted seminar focussed on Return and use of Native Title materials

There were discussions and presentations that focused on key matters like how to engage and work with and within Prescribed Bodies Corporate (PBCs) for returning materials, and further using those materials in the future (ie projects to preserve and protect Country).

Data management was another key matter which is key for PBCs and other corporations following native title re-recognition. Working with sensitive native title materials and people who have endured trauma. Traditional Owner views on managing native title information and future use; use of native title information for future claims and general discussions on policy and best practice processes from the NTRB/NTSP and PBC perspective were also explored.

The feedback for the seminar was very good, with participants enjoying the range of presentations, the robust discussion and ability to network with fellow colleagues. One participant summed it up well by saying:

"The opportunity to meet with and discuss the field with other practicing, and some extremely experienced anthropologists was hugely beneficial, in particular I found the discussion of the post-native title landscape for anthropologists especially beneficial and fascinating."

An outcomes document was produced by the facilitator for circulation to the participants, following the seminar.

It is hoped this will assist NTRB/SP staff particularly with managing materials and further discussions in this topical space.

Pilbara Strike

Last year saw several events commemorating the 75th anniversary of the Pilbara Strike. The Pilbara Strike Committee is working on its 2022 activities and events to ensure this important event remains prominent in the public eye.

The Committee recently held its second meeting of the year and discussed plans for upcoming events for 2022.

For 2022 the priority is to emphasise shared histories and line these events up with other important events such as National Reconciliation Week, Walking Together, NAIDOC, Yule River and activities by Pilbara Aboriginal Voice (PAV).

Other initiatives such as Statement from the Heart Truth-telling/human library-style regional gatherings will be held on Country at or near old mining centres such as Moolyella, Yandeyarra, 12 Mile, Skull Springs, Carlindie, Strelley and Warralong.

Themes being considered include, the social impacts of pastoralism and colonialism and the strength and resilience of Pilbara Aboriginal people maintaining law and culture connections.

The development of education resources for the WA curriculum is progressing well with lesson plans to be drafted for Year 6 and Year 10 students.

There are plans to take these to the Australian Curriculum Council next year for consideration.

Approaches to the Department of Local Government, Sport and Creative Industries for a WA History project with the curriculum resources and other material especially Anne Scrimgeour's book "On Red Earth Walking" have been discussed.

Other initiatives are also being discussed including the development of a tourist-style map of strike camps.

A DVD/CD of last year's events and concert are in production and should be ready in May/June.

Events update

- Unfortunately, the annual May Day event usually held on the Esplanade Reserve in Fremantle has been cancelled for the second year. Sadly, the Fairbridge Festival has also been cancelled and plans for the concert have been postponed with a suitable date not yet secured.
- In more positive news, this year, Pilbara Strike will have a stall at the Supreme Court gardens during NAIDOC Week. There will be a display of Pilbara Strike related materials on show at the West Australian Museum (WAM) and there are discussions about a possible screening of the Pilbara Strike documentary 'How the West was Lost' or audio from the reading of the play.
- At the Anthropological Society of Western Australia (ASWA) Seminar on 11 May, there will be a showing of the documentary followed by a panel including some Elders at the Left Bank in East Fremantle.

If you would like to learn more about the Pilbara Strike and its significance in Western Australian history, please visit our website at

ymac.org.au/remembering-the-1946-pilbara-strike/.

To get in touch with the Pilbara Strike Committee you can contact: **Steve Morgan on 9268 7000**

Sharing and caring for Country

The Nyangumarta Rangers have been sharing their knowledge while also learning a lot from others through an ongoing ranger exchange initiative. In August and November 2021, supported by funding from the Indigenous Desert Alliance, the Nyangumarta Rangers were able to participate in the valuable exchange; both travelling to meet with other groups and hosting visiting rangers on their Country.

During the August trip, a team of Nyangumarta Rangers drove from Bidyadanga to Kiwirrkurra, completing work activities on Nyangumarta Country along the way. Upon arriving at Kiwirrkurra, they met up with local rangers and some Li-Anthawirriyarra Sea Rangers from Borroloola who were also participating in the exchange. Together, the visiting rangers were shown around Kiwirrkurra, camping at Walawala and visiting Wilkinkara, and were also privileged to spend some time with members of the 'Pintupi Nine'.

Among many other things, the Kiwirrkurra Rangers shared about how they identify and monitor the tjalapa (Great Desert Skink) (pictured), and use fire to protect them by burning areas outside of where their burrows are found, as well as how they make taliwanti (bush sandal) (pictured). Another very useful insight for the Nyangumarta Rangers was to see how successful their colleagues are at managing feral cats, with all involved ranger groups sharing their experiences and practices of cat hunting/trapping on their respective Countries.

The Nyangumarta Rangers were then able to return the generosity shown by the Kiwirrkurra Rangers a few months later, when their men's team came to visit in November. This was the first time another ranger group had been formally invited to stay on Nyangumarta Country, which made it an even more special occasion. The Nyangumarta Rangers shared with them stories for Bimbiarra, Jingaling, and Waru Creek, and gave them a tour around Walyarta. During their visit, the Kiwirrkurra Rangers delivered a workshop on how they make spears and were later taken stingray spearing. It was the first time for the Kiwirrkurra Rangers spearing at the beach, and under the guidance of the Nyangumarta Rangers, everyone got to have a good feed.

Afterwards, as a parting gift, the ranger teams swapped respective spears.

Feedback from all the rangers involved in the knowledge exchange trips has been very positive, and they hope to continue building these important relationships and alternating visits between the different teams in years to come.



Kiwirrkurra Rangers, Nolia Ward (a member of the 'Pintupi Nine') and Jodie Ward, demonstrating how to make taliwanti (bush sandal) (August 2021). Photo: Jacob Loughridge

"The ladies from Kiwirrkurra were so helpful. They showed us their way of how they do their things."
– Roberta Hunter, Nyangumarta Ranger.



Kiwirrkurra Rangers exploring Bimbiarra (Nyangumarta Country) (November 2021). Photo: Jacob Loughridge

Boost for bushfood and Aboriginal businesses

Last November a new opportunity emerged for Western Australian Aboriginal businesses with the WA State Government launching two practical guides to help Aboriginal businesses increase their representation in Western Australia's burgeoning bushfoods industry.

The guides were written by leading Indigenous law firm, Terri Janke and Company, in collaboration with Aboriginal businesses and highlight the risks and opportunities for Aboriginal businesses, as well as promoting best practices for industry.

Setting up for success: Bushfoods offers a 'how-to' guide that identifies the product development, governance, funding and legal considerations for producing, harvesting, manufacturing, developing and selling bushfoods.

Protection of Indigenous Ecological Knowledge for Bushfood Businesses provides an overview of the challenges and opportunities for Aboriginal businesses. It discusses international and national obligations regarding bushfoods, access and benefit sharing, and best practice protocols for the protection of Indigenous Cultural and Intellectual Property.

These guides provide general information. If you require specific business or legal advice, it is highly recommended that you contact the WA Department of Primary Industries and Regional Development's Aboriginal Economic Development Unit by emailing aed@dpird.wa.gov.au or calling 0459 867 908.

The guides are available at <https://www.agric.wa.gov.au/aboriginal-business-development-0>

It's all about perspective! This incredible photo was taken by IPA Coordinator Jacob Loughridge while out working on-Country with the Nyangumarta Rangers (February 2022)





Nanda Country Credit: Jose Kalpers

Special on-Country trip to share cultural knowledge

The Barrel Well Community Nanda Aboriginal Corporation (BWCNAC) have undertaken an on-Country trip to share cultural knowledge.

Funding for the special trip was secured through the Department of Local Government, Sport and Cultural Industries' Culture and the Arts grant program, under the Connecting to Country category.

The on-Country trip commenced 21 April and was held over five days with four generations of community members attending to help record the Beramurra story. The story of the Beramurra is associated with the Murchison River, including several freshwater springs and Allendale Pool where the Beramurra currently rests.

The group undertook custodial and ceremonial activities, collected and prepared bush tucker, and shared stories with upcoming community leaders to build their cultural knowledge.

The story was also shared with appropriately aged children, to provide a positive diversionary activity following the impact of a recent cyclone on their community.

The children had opportunities to engage in an art activity facilitated by the Nanda cultural advisors and to record their experience of being on-Country and learning the story. An exhibition of these artworks will be held in the Barrel Well Nanda Community Kitchen so that the broader community can share in the activities, outcomes and legacy.

Eight Nanda Cultural Advisors helped facilitate this project. They represent three generations of the community, including current and emerging community and cultural leaders.

Yamatji Marlpa Aboriginal Corporation (YMAC) Project Officer and Nanda man, Carrum Mourambine said, "The trip was great. The reactions of the children listening to storytelling by Nanda man and Elder Bill Mallard, was a beautiful moment to watch. Everyone in the community knows who he is, and he captivated the attention of his children and great grandchildren."

BWCNAC hope that this will be a pilot program for ongoing return to Country trips to undertake future intergenerational knowledge transfer, build cultural resilience, and educate children and upcoming leaders and to care for Nanda Country.

Art Gallery WA – Tracks we share: Contemporary art of the Pilbara

Exhibition celebrates Pilbara Art

Bringing together more than 70 artists, the 'Tracks We Share: Contemporary Art of the Pilbara' exhibition is now open to the public at the Art Gallery of WA. The showcase celebrates Pilbara art and its importance in sharing stories and knowledge through art.

The region is well known for its stunning acrylic art but there is also a diverse range of artworks on display such as works on paper, installations, film, animation, photographs, sculptures, and carvings.

"It's a lot of people coming together, sharing. Different areas have different vibes about their artwork. So I'm from this area [Yindjibarndi Country], I paint different to someone from maybe the Western Desert," said Yindjibarndi artist Barngyi (Pansy) Cheedy, Juluwarlu Art Group.

"Coming together and putting all these artworks together is bringing us together and sharing the knowledge. You can yarn about the story in your artworks. So for a place like the Pilbara, art is very vital, where everyone is there to share their stories.

For that's what art is. Sharing your stories through your artwork," she said.

The title of the exhibition was created by a group of the exhibiting artists and references the many language groups and diverse Country of the Pilbara, while acknowledging the physical, cultural and artistic tracks that connect them all.

There are more than 200 artworks featured, and the art centres involved in the collaboration include: Cheeditha Art Group, Juluwarlu Art Group, Martumili Artists, Spinifex Hill Studio, Yinjaa-Barni Art, and independent artists Katie West, Curtis Taylor and Jill Churnside.

'Tracks We Share: Contemporary Art of the Pilbara' is on public display at The Art Gallery of WA until 29 August 2022.

For more information about the exhibition visit: artgallery.wa.gov.au/whats-on/exhibitions/tracks-we-share-contemporary-art-pilbara.

Allery Sandy, Marni, 2021
(Yinjaa-Barni Art)



Country, Culture, People, Future

About us

YMAC News is produced by Yamatji Marlpa Aboriginal Corporation

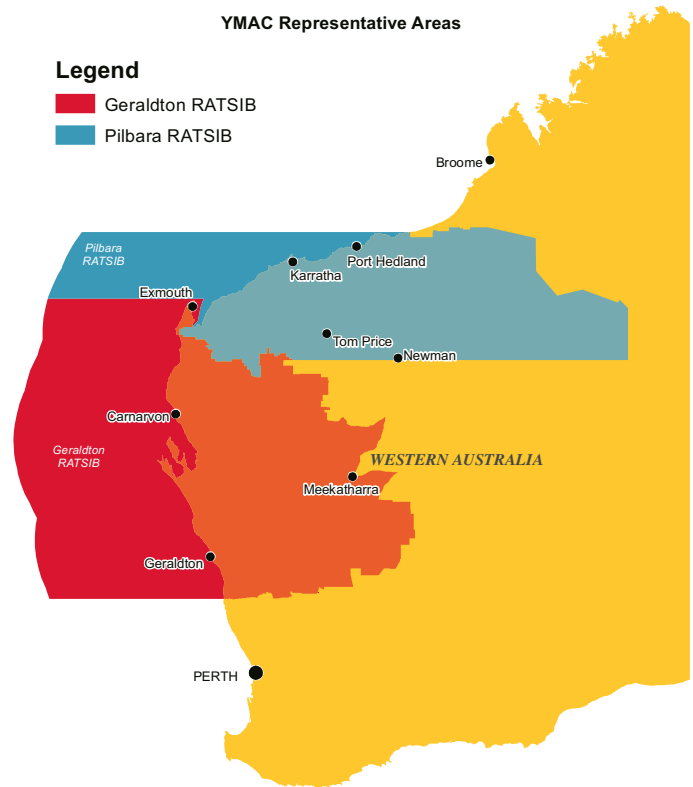
We are an Aboriginal Corporation and the Native Title Representative Body for the Mid West, Murchison, Gascoyne and Pilbara regions of Western Australia.

YMAC Vision 2021 – 2025:

Through connection to Country, Aboriginal people pursue and achieve economic, social and cultural goals and aspirations with strength and confidence.

Our Mission:

For current and future generations, we work with and for Australian Aboriginal people to protect rights and manage Country and opportunities.



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

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