

YMAC NEWS

News from
Yamatji
Marlpa
Aboriginal
Corporation

ISSUE 45 | October 2022



Save the dates!

Re-scheduled
Yamatji On-Country – Geraldton
12-13 October

Pilbara Annual Regional Meeting
18 November

Yamatji Annual Regional Meeting
26 November



Yamatji Marlpa
ABORIGINAL CORPORATION



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Cover photo: Nyangumarta Ranger Terrence Yanawana with a mosaic desert skink (*Eremiascincus musivus*) while doing a survey at Kulgara on the Karajarri IPA. More on page 20.
Picture: Hamsini Bijlani, Environs Kimberley

Please be advised this publication may contain images, voices and names of deceased people. We sincerely apologise for any distress this may cause.

Hello and welcome to issue 45 of YMAC News



Natalie Parker,
Co-Chairperson – Pilbara Region



Mr Peter Windie,
Co-Chairperson – Yamatji Region

In this edition, we:

- Provide updates on amendments to the *Aboriginal Affairs Planning Authority Act 1972*, a new expedited procedure policy for WA, and the State's proposed new diversification lease in relation to renewable energy projects.
- Share details of a two-day PBC forum and compensation workshop, along with outcomes from an online joint management forum.
- Highlight the success of Pilbara Solar and how it has created a new standard for the industry.

YMAC posts regular updates on current news and issues affecting native title and Traditional Owners on our website.

Visit ymac.org.au to stay up-to-date or subscribe to email updates by visiting the website, clicking on 'Community Resources' and then 'Subscribe' on the pulldown menu.

You can also follow us on LinkedIn via tinyurl.com/ymaclinkedin.

We are always on the lookout for 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 45 of YMAC News.

Since our last issue, we have had a busy time working on various native title claims and supporting PBC clients with their native title business, among numerous other events and activities.

In August, we held our first YMAC all-staff conference since March 2020. Coming together from our four YMAC offices across WA, we heard from invited guests and fellow staff on a range of topics including cultural awareness, social surrounds and Aboriginal trauma and healing. In marking the 30th anniversary of the Mabo decision, we also welcomed the virtual attendance of Kaleb Mabo, grandson of Eddie Koiki Mabo, as he talked us through his project to restore his traditional lands. The conference also featured an awards dinner where staff were recognised for their service and contribution to YMAC. Read more on pages 15 and 24.

As planning for this issue was finalised, staff from YMAC's Land and Sea Management and Communications units were settling details for our first online Joint Management Forum on 13 and 14 September. This free, online event featured presentations and panel discussions on joint management experiences, both from within WA and nationwide, as well as ideas on how to improve this vital sector. Read about the outcomes on pages 8-9.

We have also had a busy period operationally. Various teams collaborated in the lead-up to 30 June to ensure YMAC was compliant with the new Legal Profession Uniform Laws that came into effect on 1 July. The new laws make sure legal practise across Australia is governed the same way, cutting red tape, and ensuring processes and information for clients are clearer.



**Simon Hawkins,
YMAC Chief Executive Officer**

In late July, we worked with the National Native Title Council to present a forum and compensation workshop in Carnarvon for PBC Directors across YMAC's two representative regions. The National Indigenous Australians Agency provided funding for two representatives from each PBC to attend. More details on page 7.

Following increasing COVID-19 case numbers and concerns regarding low vaccinations and staff capacity to support delivery, the Board made the hard decision in May to postpone the Annual On-Country Bush Meeting at Yule River for 2022. In August, the second Yamatji On-Country event was also delayed due to extreme weather conditions and associated safety risks in Geraldton. We have been able to set new dates for Yamatji On-Country – 12 and 13 October – and it is shaping up to be an exciting event with great community support and Aboriginal Affairs Minister Hon Tony Buti MLA confirmed to attend.

We are once again entering the busy AGM season. PBC members across the country will be considering proposed changes to PBC rule books, brought about by the *Native Title Legislation Amendment Act 2021*. YMAC has written directly to members to remind them of these changes, in addition to a new – separate – government requirement for directors of corporations to have a Director's ID.

In closing, YMAC's own Annual Regional Meeting dates have been set. Details on pages 4 and 5.

Yamatji region news

YMAC's new Carnarvon office has opened its doors, by appointment, at 4 Francis Street – it will soon be open to the public once renovations are complete.

An official opening is planned for November.



Yamatji On-Country

Save the date!

Re-scheduled Yamatji On-Country – Geraldton • 12-13 October

The Yamatji On-Country event planned for August was postponed due to severe weather and has now been rescheduled for 12 and 13 October. The meeting will be held at the same location: Bundiyarra Aboriginal Community Aboriginal Corporation in Geraldton – and WA's Aboriginal Affairs Minister Tony Buti will be attending.

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, while also coming up with resolutions to share with government decision-makers. Day one includes an evening celebration of food and performance.

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

Yamatji Annual Regional Meeting

When: Saturday 26 November 2022

Time: 9am for a STRICT 9.30am start

Venue: Woolshed Hall, 21 Robinson Street, Carnarvon

Official notices about the meeting will be sent to members – please keep an eye out for them.

Pilbara region news

Jurruru claim

On 26 August 2022, Justice Mortimer handed down the consent determination for the following claims in the Federal Court:

- Jurruru #1 Part B (WAD537/2018)
- Jurruru #2 (WAD538/2018)
- Yinhawangka Gobawarra (WAD490/2016)

The Yinhawangka Gobawarra claim overlapped the Jurruru claims. Following a trial in 2019 and 2020, her Honour found that Jurruru native title exists south of Ashburton River and Yinhawangka native title exists north of the river.

Her Honour found both Jurruru and Yinhawangka native title exists along the Ashburton River and its banks, with this area to be shared by both groups. The consent determination gave effect to these findings.

The Jurruru Aboriginal Corporation was nominated and accepted as the PBC for the Jurruru native title south of Ashburton River and the Gobawarra Yinhawangka Aboriginal Corporation for the Yinhawangka native title north of the river.

Country along the Ashburton River will be shared by both PBCs.

The determination is the conclusion of more than 20 years of court proceedings for both groups to have their native title rights recognised.

Several YMAC staff attended the Federal Court to witness the judgment handed down.

Congratulations to both groups of native title-holders on achieving this significant recognition.



Pilbara Solar event

The Port Hedland Chamber of Commerce hosted Pilbara Solar's 'Business Off the Clock' networking event, pictured, in August, allowing fellow Port Hedland businesses to see YMAC and Pilbara Solar's new office space in Wedgefield.

Pilbara Solar Managing Director Kylie Chalmers spoke about the company's vision to establish a renewable energy industry in the Pilbara in partnership with Aboriginal people. For more on the Pilbara Solar story, go to pages 22-23.

New Hedland office

The official opening of YMAC's new Port Hedland office at 8 Manganese Street, Wedgefield, scheduled for 16 September was postponed due to Sorry Business. While official celebrations are postponed, people are welcome to visit us as the space is fully operational.

Pilbara Annual Regional Meeting

When: Friday 18 November 2022

Time: 9am for a STRICT 9.30am start

**Venue: Walkabout Hotel,
Great Northern Highway, Port Hedland**

Members will receive official notices about the meeting.

Ranger documentary finalist in international film festival

A short film about the Nyangumarta-Kiwirrkurra Ranger team exchange last year has been named as one of 21 international finalists at the UNESCO-supported Earth Futures Festival.

Marrngumili Warrarn Muwarr Pirraja – Sharing Desert Stories follows Nyangumarta Rangers – a ranger program operating with support from YMAC's Land and Sea Management unit – as they travel through the Great Sandy and Gibson Deserts on the road to Kiwirrkurra, about 1200km east of Port Hedland and 700km west of Alice Springs.

Over four days in August 2021, the Nyangumarta Rangers shared skills, stories and song with 11 Kiwirrkurra and three Li-Anthawirriyarra Sea Rangers from Borroloola.

Together they hunted for feral cats over spinifex-covered sand plains, discovered the burrows of the endangered Tjalapa (Great Desert Skink) and visited Wilkinkara, a breathtaking salt lake and sacred place for the Pintupi people.

The documentary, selected out of 972 entries from 89 countries as one of three finalists in the Indigenous and First Nations category, was produced by YMAC Nyangumarta Rangers IPA Coordinator Jacob Loughridge and directed by Indigenous Desert Alliance Strategic Communications Coordinator Luke Sweet.

The aim of the Earth Futures Festival is to connect geoscience and the arts, helping to raise international awareness of the role earth science plays in building a sustainable future.

Open to filmmakers, geoscientists, community groups, students and First Nations peoples, entrants could submit 90-second to 90-minute works in video format on the festival's themes of dynamic Earth, future Earth and human connection.

Marrngumili Warrarn Muwarr Pirraja – Sharing Desert Stories can be viewed at tinyurl.com/sharingdesert. Please be advised: certain scenes in the film may be confronting for some viewers.

The Earth Futures Festival will culminate in screenings and award events hosted at the UNESCO Headquarters in Paris and venues in Sydney and New York in October.

Updates available at earthfuturesfestival.com.



Images from *Marrngumili Warrarn Muwarr Pirraja – Sharing Desert Stories*.

Conversations, information, compensation and education

Policy and law reform, challenges faced by Prescribed Bodies Corporate (PBCs) and compensation for native title groups and PBCs were at the heart of discussions during a two-day regional forum and workshop at the end of July.

Held in Gwoonwardu / Carnarvon on Yinggarda Country, the event was presented by the National Native Title Council (NNTC) in conjunction with YMAC and the National Indigenous Australians Agency (NIAA).

The forum highlighted the NNTC's work in PBC policy and development, enabling PBC representatives to hear about current native title programs and policy from government and how they could collaborate on grants and developmental opportunities.

Several presenters from government agencies attended, including NIAA Land Branch Director Rachel Kerrigan, Luke Wenitong from the Office of the Registrar of Aboriginal Corporations newly formed Native Title unit, several representatives from WA's Department of Premier and Cabinet and the Shire of Carnarvon.

Day two concluded with a discussion among PBC representatives and YMAC staff, extending the conversation about education and information needs to PBCs in YMAC's representative regions.

Following the two-day forum, a compensation workshop provided information on the Timber Creek High Court decision, explaining how compensation could be valued and calculated where native title rights have been compromised by the government.

Details were also provided on:

- different options native title holders may have in getting native title compensation
- the assistance and resources required
- what people can do to prepare a compensation claim or start settlement negotiations.

After the forum and workshop, a report was prepared by the NNTC for participants featuring copies of the presentations given, available at tinyurl.com/PBCforum.

Guests gather for discussion at the PBC forum. Picture: Tash Gillespie



Joint management forum: insights, challenges and success stories

For the first time in 10 years – at a state or national level – Traditional Owners and other land and sea management experts came together to share their knowledge regarding joint management.

Joint management is a form of partnership between Traditional Owners and protected area authorities where both parties make shared decisions for the governance and management of national parks or other legislated conservation reserves.

YMAC presented a free, two-day online forum in mid-September, aimed at Western Australian Traditional Owners and their supporting organisations, in response to requests for increased information-sharing and coordination in relation to joint management.

The forum, chaired and facilitated by Ballardong-Whadjuk Nyungar Maarman man Bill Bennell, was a chance to discuss highlights and challenges in the sector while exploring possible future opportunities and directions.

In WA, there are currently 16 joint management agreements in place with WA's Department of Biodiversity, Conservation and Attractions (DBCA), which equates to 5.25 million hectares and 46 parks

and reserves jointly managed through the *Conservation and Land Management Act 1984* – an increase of 89 per cent on 2020 figures.

The event included presentations from career experts such as YMAC Land and Sea Management Program Manager Dr José Kalpers, Dr Bill Kruse from Pew Charitable Trusts and Charles Darwin University's Dr Dermot Smyth, as well as Luke Bentley from WA's Department of Biodiversity, Conservation and Attractions.

Individual joint management journeys and observations from the Pilbara's Nyangumarta Warrarn Aboriginal Corporation, Kimberley's Nyamba Buru Yawuru Aboriginal Corporation, Western Desert's Tarlka Matuwa Piarku Aboriginal Corporation – Mantjiljarra Yulparirra and the South Coast's Esperance Tjaltjraak Native Title Aboriginal Corporation provided an opportunity to share knowledge and insights about the WA experience.

< BACK TO TIMELINE

WELCOME & OVERVIEW PRESENTATIONS
9:30am - 11:00am
LIVE NOW

This session ends in
53m
Next function
53m

Presenter
Bill Bennell
Facilitator
Ballardong-Whadjuk Nyungar Maarman

Presenter
Luke Bentley
Manager Aboriginal Engagement, Planning And Lands
Department Of Biodiversity, Conservation And Attractions

Presenter
José Kalpers
Program Manager, Land & Sea Management
Yamatji Marpa Aboriginal Corporation

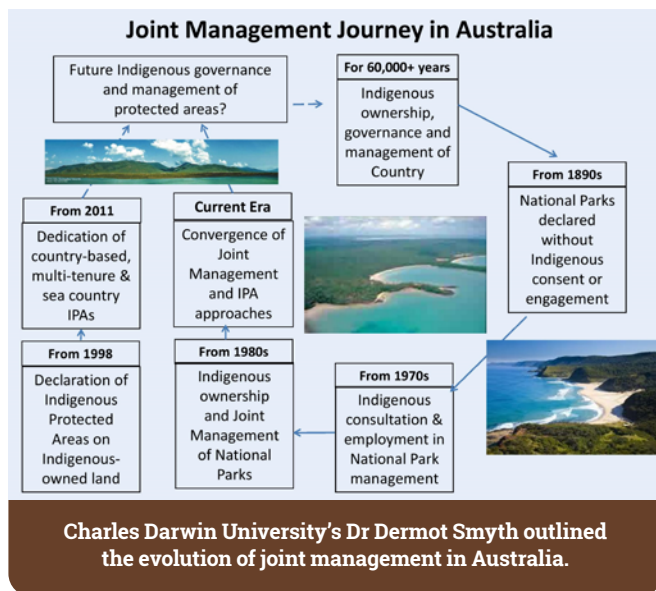
Presenter
Bill Kruse
Partnership for the Outback
PEW Charitable Trust

Presenter
Craig Olejnik
Kimberley Regional Manager
Department Of Biodiversity, Conservation And Attractions

Live Q&A

Wajarri Yamatji Country. Photographer: José Kalpers
YMAC acknowledges the Traditional Owners and custodians of Country throughout Australia and recognises their continuing connection to land, waters and communities. We pay our respects to the ancestors, Elders, and all people.

YMAC Land and Sea Management Program Manager Dr José Kalpers and Dr Bill Kruse from Pew Charitable Trusts deliver a presentation.



Queensland's Wuthathi Aboriginal Corporation and Victoria's Gunaikurnai Land and Waters Aboriginal Corporation shared details about joint management in other states, along with joint management expert Peter Donohoe who spoke about the Northern Territory. Alongside various success stories, priority issues raised included:

- The need for enhanced cooperation between various state government agencies, as well as state and federal governments.
- More diversified, flexible and responsive approaches.
- The importance of developing whole-of-Country cultural management plans, Healthy Country Plans or similar land and sea management strategies before any joint management negotiations, agreements or implementation (these core plans are a vital first step in ensuring Traditional Owner values, concerns and aspirations are suitably documented and addressed).
- Further development of an Indigenous "community of practice" for those working in land and sea management.

According to the DBCA, 22 per cent of WA's parks and reserves are now jointly managed and, since 2019, the State Government – through Plan for our Parks – is creating 5 million hectares of new national and marine parks and conservation reserves.

"It's a complex space," Dr Kalpers said. "But with adequate resourcing, flexibility and responsiveness to local needs and conditions, there seems to be great potential for joint management to complement and enhance other programs, such as Indigenous Protected Areas (IPAs) and vice versa."

In the next six to eight years, significant resources will be made available to the Indigenous land and sea management sector with the WA Aboriginal Ranger program committing \$50 million until 2025 and the Commonwealth ranger program dedicating \$750 million for existing projects, as well as a further \$700 million for new projects (both until 2028).

"There are also good prospects for continuation of the Commonwealth IPA program beyond 2023, other funding sources are likely to grow and there will be greater diversification of joint management models," Dr Kalpers said.

"There needs to be bi-partisan political will and support for jointly managed parks, including where and with which Traditional Owners.

"Sustained pressure from native title holders and Traditional Owners has slowly shifted the dial to make joint management a state-wide necessity.

"Significant change and expansion to joint management is underway, driven by the current Plan for our Parks initiative, so things will continue to evolve, hopefully with more resources and capacity."

Following the forum, presentations and discussions will inform an "outcomes report" developed by YMAC, to be shared more broadly (including with government) when finalised.

The aim of the document will be to help influence improvements in the sector, including best practice guidelines, policies and practical approaches.

Video recordings of the various presentations and other materials from the forum will also be made available at YMAC's website ymac.org.au.





YMAC's Edina Boross, left, and Kirsty Anderson presenting at the 2022 AIATSIS Summit. Picture: Fiona Cooke

AIATSIS summit delivers peak learning opportunities

More than 100 delegates at this year's Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Summit had the chance to learn from YMAC and our experiences with PBCs.

YMAC Director of Projects Kirsty Anderson and Project Manager – Governance Edina Boross gave a presentation on *Aspirations and challenges on the journey to sustainable development for Prescribed Bodies Corporate*, giving a simple and honest assessment on the struggles PBCs can sometimes face.

The presentation explored funding structures, operational difficulties and the heavy planning that goes into supporting each PBC to achieve their outcomes.

This year's event, held from 30 May to 3 June, was convened in partnership with Queensland South Native Title Services and hosted by the Kabi Kabi peoples on their traditional Country on Queensland's Sunshine Coast.

Delegates including academics, native title stakeholders, legal experts, community and cultural leaders and government representatives collaborated in addressing current and future challenges.

This year's theme, "Navigating the spaces in between", showcased the value of Indigenous ways of knowing and seeing the world – exploring how we belong, identify, connect, interact and become.

Each year, YMAC sends its own delegation of staff and director representatives as a professional development opportunity, strengthening their knowledge of Aboriginal and Torres Strait Islander cultures and governance while providing a unique opportunity to network with other academics and experts.

As successor to the AIATSIS Native Title Conference first held in 2001, the summit marked the 30th anniversary of the Mabo decision on its final day. Read about the Mabo public holiday campaign on page 24.

Next year's AIATSIS Summit will be held at Boorloo / Perth on Whadjuk Noongar Boodja.

ACH Act update

In December 2021, the State Government passed the *Aboriginal Cultural Heritage Act 2021* despite significant objections from Traditional Owners.

While an improvement on the *Aboriginal Heritage Act 1972*, the new act still falls far short of Traditional Owner expectations.

YMAC's members are concerned the new act does not meet the threshold of free, prior and informed consent and the final decision concerning contested Aboriginal Cultural Heritage Management Plans lies with the Aboriginal Affairs Minister.

Although the bill has been passed, the State is now engaged in consultation regarding the regulations and guidelines associated with the act.

These are important documents that will support the implementation of the new act and its ability to protect Aboriginal cultural heritage.

After phase one in May, the State released draft regulations and guidelines for comment in July and August.

Areas available for co-design included knowledge-holder guidelines, timeframes, consultation guidelines, fee-for-service guidelines, outstanding significant guidelines, the Aboriginal Cultural Heritage Management Code, State significance guidelines and activity categories.

YMAC participated in workshops and made a submission in phase two, available at tinyurl.com/ACHActssubmission.

YMAC will continue to advocate to improve heritage protection in Western Australia and encourages members to have their say by attending consultation workshops and making online submissions.

More details can be found on the Department of Planning, Lands and Heritage's website: tinyurl.com/ACHworkshops.

Watch this space: federal heritage legislation review

The former Coalition Federal Government entered into a partnership agreement with the First Nations Heritage Protection Alliance (FNHPA) to reform federal heritage legislation, in line with the recommendations of the Juukan – Never Again inquiry.

This presents an opportunity to advocate for stronger heritage protections at the federal level, which may help address deficiencies in the state legislation.

Updates regarding opportunities to have your say will be shared at FNHPA's website culturalheritage.org.au.

Aboriginal Affairs Planning Authority Act 1972 amendments

The State Government, through the Department of Planning, Lands and Heritage, recently called for submissions on proposed amendments to the *Aboriginal Affairs Planning Authority Act 1972* (AAPA Act). The amendments are designed to facilitate divestment of the Aboriginal Lands Trust (ALT) estate.

The proposed amendments, aimed at modernising certain parts of the AAPA Act to maximise opportunities for Aboriginal people, include:

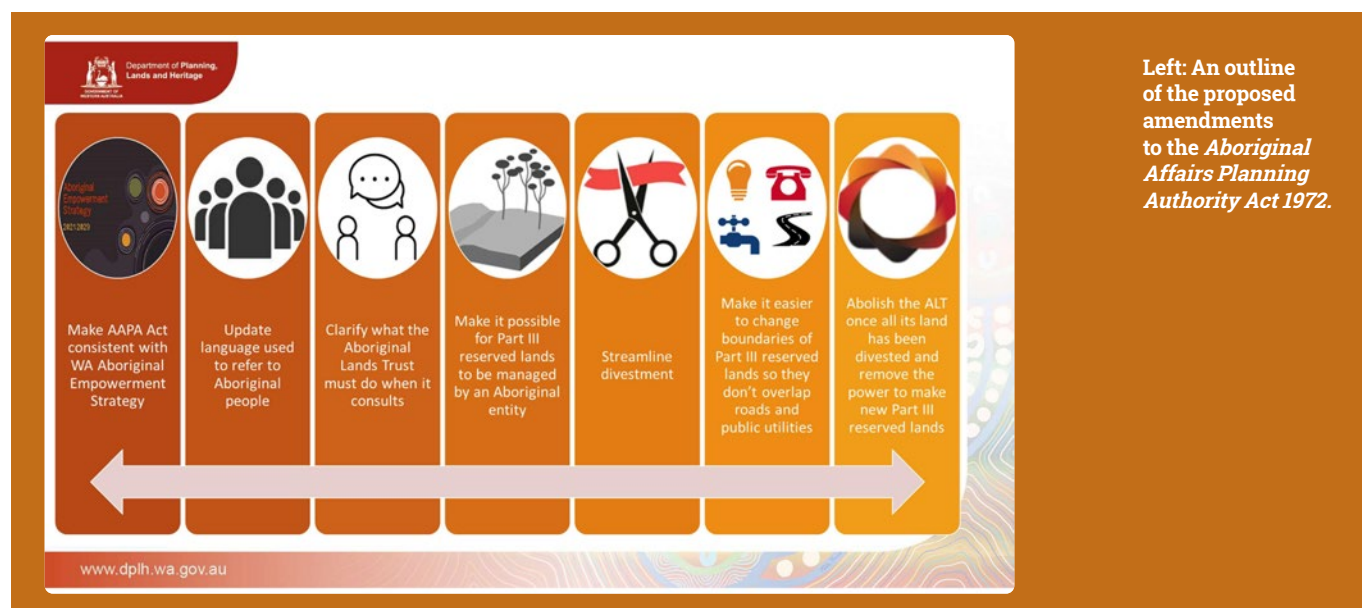
- Allowing for land currently held by the ALT to be divested to Aboriginal people.
- Aligning parts of the AAPA Act with the government's objectives in the *Aboriginal Empowerment Strategy – Western Australia 2021–2029*.
- Aligning the AAPA Act with the *Native Title Act 1993 (Cth)*.
- Allowing for Aboriginal people or corporations to obtain direct vesting of Part III reserved lands.
- Allowing for an easier legislative transition out of the Part III reserved lands.
- Updated definitions of Aboriginal stakeholders.

Under existing legislation, reserves created under Part III of the AAPA Act (land reserved for the use and benefit of Aboriginal peoples) are administered and managed directly by the ALT. These reserves carry certain protections and benefits for Aboriginal people.

Current features of a Part III reserve state:

- It is an offence for non-Aboriginal people to enter and remain on the land without the ALT's permission.
- The ALT must ensure the land is used in accordance with the wishes of Aboriginal people from the area.
- It cannot be mortgaged, leased or subleased without the consent of the Aboriginal Affairs Planning Authority.
- Generally, mining tenements are only granted after ministerial consultation. Mining companies must also obtain a permit from the ALT to access their mining tenement.
- Native title rights and interests are suppressed over the area to the extent of any inconsistency.

For the ALT to transfer management of these reserves to Aboriginal people, they must complete a lengthy de-proclamation process. Once de-proclaimed, the protections and benefits afforded to Aboriginal people are lost.



New expedited procedure policy for WA

YMAC understands the proposed amendments will make it easier for the administration and management of the reserves to be transferred directly to Aboriginal people (although the consent of the Lands Minister will be required for granting interests).

The above basic protections will also continue to apply to the reserves, even once divested. The amendments may even require the ALT to be completely wound up.

Feedback from the consultation will be used to help prepare a draft Bill. As the Native Title Representative Body for the Yamatji and Pilbara regions of Western Australia, YMAC prepared a submission on 3 June 2022.

There are currently 55 properties within YMAC's area of responsibility managed or owned by the ALT. YMAC has supported the context of direct involvement by Aboriginal people while re-affirming the need to maintain existing native title rights.

In its submission, YMAC noted the AAPA Act should be amended so that "when the tenure allows, all royalties, profits or revenue from the leases, sub-leases, licenses or profit à prendre [a right that allows one to use the soil or products of another's property] is paid to the Aboriginal entity. This is vital to ensure economic development of the Aboriginal entities through land tenure."

YMAC's full submission can be viewed at tinyurl.com/AAPASubmission .

The Department of Mines, Industry Regulation and Safety (DMIRS) has announced a new system to deal with the expedited procedure process.

Before July 2022, State policy on the inclusion of the expedited statement in notices issued under section 29 of the *Native Title Act 1993* (Cth) [NTA] applied a blanket approach to their application in relation to particular kinds of tenements – namely, prospecting and exploration licences.

The new reforms allow DMIRS greater discretion in the application of the expedited statement to such tenements, a position for which YMAC has long advocated.

Once an application for an exploration, prospecting or retention licence (exploratory title) is lodged, DMIRS will start a case management process.

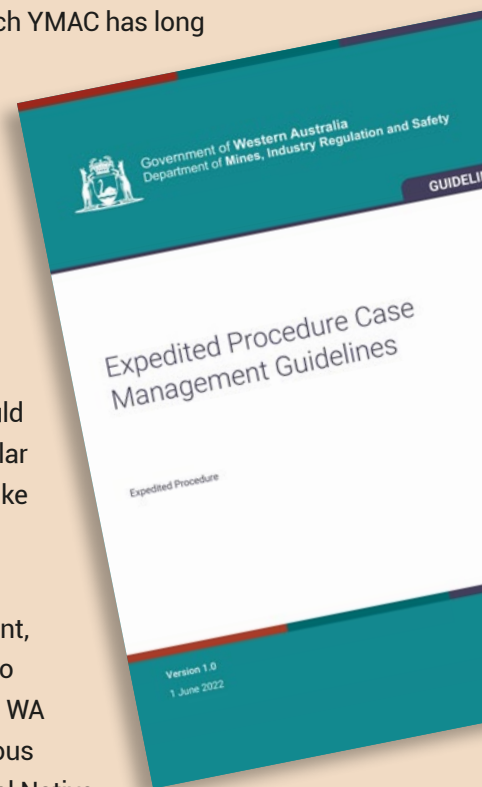
When considering whether the expedited procedure should apply to the grant of a particular tenement, DMIRS will undertake an early risk assessment and triage process.

In undertaking this assessment, DMIRS will use a "heat map" to identify specific areas around WA that were considered in previous determinations by the National Native Title Tribunal, to be known as "hotspots".

If any known risk factors to the expedited procedure application are identified, DMIRS will conduct a comprehensive assessment and correspond with the grantee party to gain further information.

If no risk factors are identified, the application will be referred for NTA notification with the expedited procedure statement included.

For more details, visit tinyurl.com/expeditedprocedure .



Call for clarity on hydrogen

Traditional Owners had an opportunity to voice their concerns about green hydrogen projects occurring on Country during July.

YMAC lawyers also attended the State Government's Renewable Hydrogen Forum for Traditional Owners in Perth, as Hydrogen Industry Minister Alannah MacTiernan spoke on the growing global interest in WA as a hub for green hydrogen production.

Several proponents have begun feasibility studies into green hydrogen projects across all areas of the State due to the growing demand for it as a clean fuel source, matched with the global movement to transition to net zero carbon emissions by 2050.

A significant portion of these projects are planned to occur on land where a native title determination has been made.

Department of Planning, Lands and Heritage Assistant Director General Matt Darcey discussed the State's proposed new diversification lease – a new form of land tenure to be used for renewable energy projects.

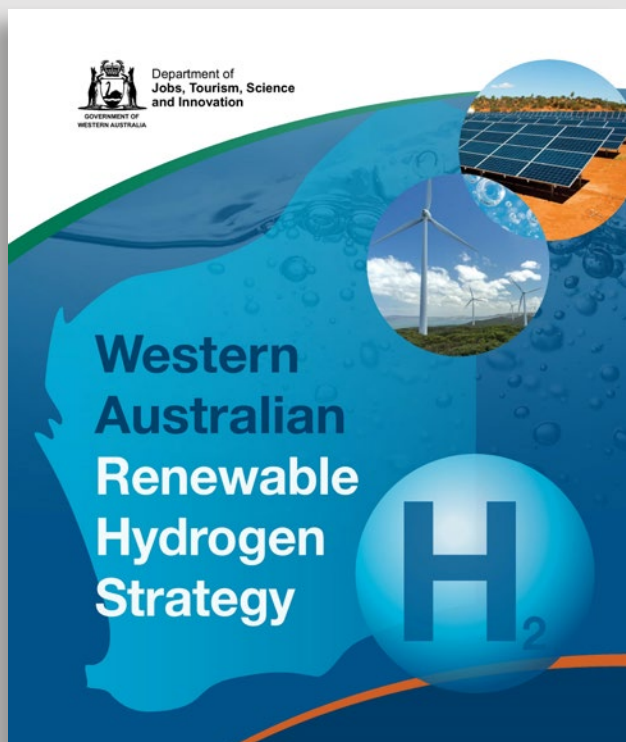
The diversification lease will not extinguish native title and is non-exclusive. In most cases, it can be used for multiple purposes concurrently.

Some of the most prevalent issues raised during the forum included:

- the imbalance of power and resources between proponents and Traditional Owners.
- the urgent need for specific Prescribed Body Corporate funding that will enable PBCs to engage in green hydrogen negotiations on an equal footing.
- concerns regarding tokenistic engagement with Traditional Owners by proponents.

Traditional Owners are now calling for the State Government to impose an engagement framework on proponents and develop best practice engagement guidelines.

Valuable insights into project negotiations were given by several Traditional Owners, including the Noongar Chamber of Commerce and Industry's Oral McGuire, Mirning Traditional Lands Aboriginal Corporation's Trevor Naley and Kate George from PricewaterhouseCoopers' Indigenous Consulting.



Returning to learning: listening and understanding

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YMAC's first all-staff conference in two years provided a valuable opportunity to widen employee knowledge, discover other ways of thinking and consider industry-specific challenges.

Delayed on previous occasions due to COVID-19, the two-day conference was held at Perth's Melbourne Hotel in August and featured a diverse range of presentations from staff and guest speakers, after a Welcome to Country from Dr Richard Walley.

A focus on Indigenous cultural awareness was provided by Rosemary Walley, a Wadjuk Noongar woman, and her son Jonathan Ford (who has family connections to Whadjuk, Ballardong, Binjareb and other South West groups) with their Yarning and Walking Today presentation.

"Wherever you go in Australia, you need to understand protocol – the laws and customs of the Country you're working in," Rosemary said. "If you get your protocol right, then you've put your first step right."

Noongar educator Trish Hill Wall delved deep into her past as a child of the Stolen Generation to give an insight into Aboriginal trauma and healing, while also discussing her professional work in this area.

"Trauma-informed care changes the question from 'What's wrong with you?' to 'What happened to you and your family?'" she said. "It opens doors and gives people permission to make statements to their journey."

Kaleb Mabo, the grandson of Dr Eddie Koiki Mabo, spoke via video link about the 30th anniversary of the Mabo decision and how people could work better in an Aboriginal-focused environment.

He also shared his personal journey with staff, along with his work on his ancestral lands and bid to make Mabo Day a national public holiday (more on page 24).



Above: Guest speaker Rosemary Walley.

Right: Noongar educator Trish Hill Wall.

Pictures: Tash Gillespie

The all-staff conference was also a chance for YMAC staff to provide updates to colleagues on topics including the organisation's strategic and operational focus, social surrounds (a landscape's aesthetic, economic and social aspects) and workplace culture.

They were also given an update on Pilbara Solar, of which YMAC is a 50 per cent shareholder. Details on pages 22-23.

Charitable Trusts Bill 2022 replacing old Act

The *Charitable Trusts Bill 2022* is set to replace the *Charitable Trusts Act 1962*, after being introduced into State Parliament earlier this year.

It follows a 2018 report into the Njamal People's Trust that recommended a raft of reforms to existing legislation. The Bill establishes the Western Australian Charitable Trusts Commission, which will be able to conduct investigations after receiving a complaint.

Constituted by the Ombudsman, the Commission will carry out investigations under significantly expanded powers similar to those of a Royal Commission, which include:

- Issuing a notice requiring a person to provide information relating to a charitable trust, or concerning any person involved in a charitable trust's administration, as well as any other assistance reasonably necessary.
- Compelling people to produce documents, answer questions before the investigator and be examined under oath or affirmation.
- Auditing the accounts of a charitable trust under investigation.

Non-compliance will attract a maximum penalty of \$50,000 – a ten-fold increase to the existing penalty.

The Bill introduces a new power enabling the Attorney General, or person authorised by the Attorney General, to apply to the Supreme Court to remove a trustee or person involved in a charitable trust's administration.

Under the new legislation, the Attorney General can also appoint a person as a trustee and, in certain circumstances, prevent someone from being involved in the administration of a charitable trust.

To view the *Charitable Trusts Bill 2022*, visit tinyurl.com/trustsbill . For details of the Bill's progress, go to tinyurl.com/billprogress .

Rangers deliver education sensation

Nyangumarta and Karajarri Rangers have played a key role in youth engagement activities this year.

Eight rangers from the Nyangumarta Warrarn Aboriginal Corporation took part in a “virtual excursion” – an Australian first – to more than 1000 school children via Zoom.

They highlighted their work monitoring flatback sea turtles at Eighty Mile Beach, including conservation strategies and data collection and analysis, and answered numerous questions from students.

The initiative from FamilyBookform allows students to then document what they have learnt into collaborative class books and use it for further classroom discussion.

In early July, Nyangumarta Rangers supported the Karajarri Rangers with a school camp near the lighthouse at Bidyadanga.

The camp was an opportunity for children to learn about different plant species, animal tracks and 20,000-year-old footprints.

Nyangumarta Rangers give students a “virtual excursion”, highlighting their work with flatback sea turtles. Picture: José Kalpers



Proud and deadly NAIDOC Week celebrations

Get Up! Stand Up! Show Up! – this year's NAIDOC Week theme gave YMAC the opportunity to acknowledge and celebrate the many Indigenous people who have embraced those words and continue to do so.



Held annually in the first week of July, NAIDOC Week is a time to come together to honour Aboriginal and Torres Strait Islander people's achievements and the history, richness and survival of the oldest continuing living culture on Earth.

Through unwavering determination, many leaders have taken on the important task of achieving native title rights and recognition, demonstrating significant resilience and resolve to ensure their rights are recognised – and will be – for generations to come.

They are recognised for their immense contribution to the protection, preservation and promotion of Aboriginal culture and heritage, along with those who represented YMAC's support for the Uluru Statement from the Heart and our advocacy relating to constitutional reforms and representation.

YMAC also paid tribute to the strong leaders in the Pilbara region who led the 1946 Pilbara Strike (see separate story), advocating for basic human rights, fair treatment and better outcomes for the communities we work with and their future generations.

During the week, the YMAC Hedland team attended the NAIDOC Week opening ceremony in South Hedland while the YMAC Geraldton team joined the Ngala Family Day in Carnarvon. The community was invited to have their photos taken with a special YMAC NAIDOC Week banner to go into a prize draw.

Geraldton office staff also marked the occasion with a bush tucker morning tea and lunch of kangaroo tail stew and damper.

Staff members later attended the Carnarvon closing ceremony, finishing off a week of community events recognising the many who have driven and led change over generations.

Left: YMAC staff Amanda Jackson, left, Rhodda Capewell and Ken Capewell celebrating NAIDOC Week. Picture: Santayha Hornell



YMAC Senior Anthropologist Stephen Morgan, left, and Maripa artist and author Rose Murray at the Pilbara Strike stall during NAIDOC Week. Picture: Ross McCallum

Pilbara Strike stall a success

A high level of interest was shown in the Pilbara Strike stall during NAIDOC Week activities in Perth's Wellington Square in early July.

The 1946 Pilbara Strike on 1 May saw hundreds of Aboriginal workers walk off the job from dozens of pastoral stations across the Pilbara to fight for better treatment and better wages and living conditions.

Lasting three years, the strike is recognised by the Australian Council of Trade Unions as the longest in Australia's history.

The NAIDOC Week stall raised greater awareness about the Pilbara Strike – many shared their personal stories while others were surprised they had no knowledge of it.

Numerous people were supportive of efforts to introduce the strike's history to WA schools, along with other projects, and signed up for a newsletter to be informed of progress, as well as future film nights, talks, seminars and concerts.

For more details, go to pilbarastrike.org.au or visit the Facebook page "Remembering the 1946 Pilbara Strike".

Fire and biodiversity trial expanded to three-year program

A trial fire and biodiversity monitoring project has proved so successful it will now be expanded to six ranger groups across the Great and Little Sandy Deserts.

Environs Kimberley and Dr Sarah Legge, from the National Environmental Science Program Threatened Species Recovery Hub, looked at how a ranger-led monitoring project could investigate how animals are affected by fire.

Karajarri Rangers have been involved for the past three years with Ngurrara Rangers taking part over the past year, monitoring the response of biodiversity to different fire patterns.

The project focused on trialling research based on two-way learning, cultural information and priorities (including bush tucker surveys), directly informing ranger fire management and prioritising ranger capacity-building and leadership.

Karajarri, Ngurrara, Ngururrpa, Kanyirninpa Jukurrpa – Jigalong, Paruku and Nyangumarta ranger groups are taking part in the expanded three-year project, which started in September, with the option to expand to other groups in the future.



Nyangumarta Rangers identifying animals caught in traps during a survey at Kulgara on the Karajarri IPA. Picture: Hamsini Bijlani, Environs Kimberley

More than \$1 million in Lotterywest grant funding has been given to Environs Kimberley for the *Towards the Fire and Sandy Deserts Project: Strengthening traditional fire management to protect and conserve biodiversity*. Other funding is provided by the State Natural Resource Management Program and Federal Government's Environment Restoration Fund.

Closely aligning with The 10 Deserts Project – the largest Indigenous-led connected conservation network on Earth – the aim is to support rangers with fire management that is better informed by scientific and cultural data, while also advancing understanding of traditional burning patterns in the desert.

Two-way science principles are being used throughout the project to ensure scientific and cultural priorities, knowledge systems and methods are respected.

Braving the way for reconciliation journey

YMAC's Perth, Geraldton and Hedland offices came together at start of Reconciliation Week on 27 May, as part of a live virtual breakfast throughout WA.

Presented by Reconciliation WA, YMAC staff jointly watched a presentation featuring four Welcome to Countries from Elders across the State, cultural entertainment from the Karla Hart dancers, a reconciliation-in-education case study and a thought-provoking panel discussion with guests from various regions.

Australian journalist and writer Stan Grant – a Wiradjuri and Kamilaroi man – gave a powerful and moving keynote speech, which can be viewed at tinyurl.com/NRWbreakfast.

National Reconciliation Week acknowledges two milestones: the 1967 referendum on 27 May and Mabo Federal Court ruling on 3 June 1992. This year's theme "Be Brave. Make Change" challenged all Australians to tackle the unfinished business of reconciliation so improvements can be made for the benefit of all Australians.

During the week, several YMAC Board Directors and staff members travelled to Kabi Kabi Country in Queensland to participate in the 2022 AIATSIS Summit (see page 10).

YMAC's Geraldton office taking part in National Reconciliation Week.





Pilbara Solar works with First Nations people wanting to develop their own projects.

Future shining bright for Pilbara Solar

In just a few short years, Pilbara Solar has created a new standard for First Nations involvement in the renewable energy industry, shifting the landscape nationally.

With a looming renewable energy boom, YMAC identified a once-in-a-generation opportunity to set a new standard for Aboriginal engagement, participation and partnerships in large-scale, long-life, renewable energy projects – and to put First Nations people on the front foot in this new industry.

YMAC joined forces with a team of leading Australian clean energy experts to form Pilbara Solar in 2017 and is now a 50 per cent shareholder. The investment is intended to create and increase opportunities for First Nations equity ownership as the industry continues to grow.

Pilbara Solar's role in project development is to undertake all feasibility work, then bring necessary partners together to get projects up and running. The company generally aims to exit projects before construction with the ultimate project owners taking over control and direction of operations.

Managing Director Kylie Chalmers explains: "Pilbara Solar does not own projects. We are renewable energy developers, and each project has its own life cycle and its own entity structure.

"For a renewable energy project to reach an 'investable stage' – where a First Nations group may achieve financing – it requires years of work, expertise and expense. We bridge the knowledge and resource gaps to support groups in developing their own projects, so they can participate and own a larger stake in the renewable energy boom."

Pilbara Solar has three key priorities:

- **empowering First Nations people to develop their own projects to an "investable" stage**
- **setting a higher standard for the industry for engagement and partnership**
- **increasing business confidence in a First Nations partnership model.**

"Pilbara Solar works with First Nations people wishing to develop their own projects to use renewable energy to generate a long term, sustainable income stream," Kylie said.



Pilbara Solar is a renewable energy developer.



Pilbara Solar Managing Director Kylie Chalmers.

"In all our projects, we seek to create opportunities for involvement and equity ownership by First Nations people.

"We recognise economic independence is a key to self-determination. We also support the development of local supply chains and engage local and First Nations businesses wherever possible."

Currently, two Pilbara Solar projects with Traditional Owners and communities in the Pilbara are underway.

In partnership with Jinparinya Aboriginal community, the Junja Solar Farm is in development on Ngarla land 18km east of Port Hedland. The project is the first of its kind in the Pilbara region to have First Nations ownership and be on Aboriginal community land. It is also expected to be the first renewable independent power plant connected to the North West Interconnected System (NWIS).

Construction of Junja Solar Farm is expected to start next year. Recently, a pre-clearance fauna survey was undertaken to check for any signs of bilbies, northern quolls and brush-tailed mulgara, followed by geotechnical studies on the site.

Currently in the early stages of development, the 100MW Cheeditha Solar Farm is on Aboriginal community land and Ngarluma Country near Karratha and will generate important income for the community to fix up their homes, support community infrastructure and build culturally appropriate housing.

The project includes a battery energy storage facility that will provide valuable reliability to the grid and fixed price energy for at least 25 years.

Pilbara Solar's priority is to develop large-scale projects with Traditional Owners to supply power to the NWIS grid, mining industry, remote communities, government, businesses and energy retailers in long-term, competitive and fixed price agreements.

For more information, go to pilbarasolar.com.au .

Bid to make Mabo Day national holiday

Following the 30th anniversary of the historic Mabo decision earlier this year, there is now a renewed call to make Mabo Day (3 June) a national public holiday.

YMAC supports the efforts of the Mabo family, National Native Title Council and Australians for Native Title and Reconciliation (ANTaR) in pushing for this change.

Mabo Day is a public holiday throughout the Torres Strait and in some Queensland communities.

Those driving the current campaign – including Dr Eddie Koiki Mabo's grandson Kaleb – believe 3 June should be a day for both Indigenous and non-Indigenous Australians to recognise and celebrate the landmark decision on its anniversary each year.

"It was kind of an offhand comment that I made to a radio presenter," Kaleb told YMAC. "The day needs to be made more significant and given the respect it deserves, given it changed the history of this nation."

"When you look at all the public holidays we have in Australia, there aren't any that recognise Indigenous work at all – or Indigenous people in general."

"I feel that's pretty bad when First Nations people don't have any day that's significant to them."

The petition on ANTaR's website (tinyurl.com/mabopublicholiday), calling on the Federal Government to make 3 June a national public holiday, says: "Mabo Day is a day that legally identifies Aboriginal and Torres Strait Islanders as the ones to occupy Australia first."

"On the 30th anniversary of Dr Eddie Koiki Mabo's High Court victory, we honour his achievement in restoring land rights for his people on the Island of Mer (Murray Island), that ultimately led to the national *Native Title Act*.



Kaleb Mabo speaking to YMAC staff via video link.
Picture: Tash Gillespie

"We pay tribute to Mabo for setting us on a singular path to equally and respectfully inhabit this continent side by side."

In an interview with *Let's Talk* on Triple A Murri Country 98.9FM, Kaleb said making Mabo Day a public holiday would help to build the relationship between Indigenous people and the rest of Australia, as part of closing the gap.

"This would be the first step, saying 'Okay, we acknowledge you as a people and we want this day to celebrate who you are and what your culture is and how long you've been here,'" Kaleb said.

"It would be a day where one person recognised the other, a day where people can talk about their history and, ideally, a day that would bring people together."

"I feel like this public holiday would help bring knowledge to who my grandfather was and what he did – and why he is so significant for this country."

Dr Mabo's late wife Bonita and Eddie Mabo Jr previously called for Mabo Day to be a national public holiday in 2002 on the 10th anniversary of the Mabo decision.

Have your say on Aboriginal Cultural Centre

Art, performance, education, research, community and commercial activities – but what else should the Aboriginal Cultural Centre near Derbarl Yerrigan / Swan River have?

To open in 2028, the current vision is for it to be a central place of significance, to empower Aboriginal people in telling their histories, stories and demonstrating their cultures.

The centre will be located on the 31,972m² car park between the river and Perth Concert Hall off Terrace Road, a site recommended by Whadjuk Cultural Authority representatives.

The Department of Local Government, Sport and Cultural Industries has responsibility for the centre and invites you to walk with them on the journey to help shape its design and functions.

Planned to be a major tourist and events attraction, encouraging visitors to WA's unique regions, the centre will connect to other spaces and places across the State that develop, promote and nurture art, culture, language and heritage.

The centre will recognise and celebrate the diversity of WA's Aboriginal people and communities while inspiring visitors to explore many regions across the State to experience the unique offerings first-hand.

Joint funding from the State and Federal Governments is progressing the planning, engagement and design for the project so all communities can contribute to the centre's development.

The department is committed to Aboriginal ways of working and an Aboriginal-led process to ensure culture is at the centre's heart – it will rely on active and continuous engagement with traditional Knowledge Holders as well as language, art and cultural centres that provide essential social community services.

During 2022 (and throughout the project's life), the department will be travelling through regional WA to meet Prescribed Bodies Corporate, Native Title Representative Bodies, service providers, Aboriginal art and language centres and local peak Aboriginal groups.

Aboriginal people throughout the State will be invited to participate in a survey relating to different creative and cultural aspects of the project and have an opportunity to make a submission.

For more details and to fill in the survey, go to tinyurl.com/aboriginalcentre or email ACC@dlgsc.wa.gov.au.

The Aboriginal Cultural Centre project team and steering committee members.



Power of truth-telling through Stolen Generation art

Recovered art work from Stolen Generation children is playing a key role in showing the healing power of truth-telling, resonating with the experiences of many First Nations people around the world.

A new gallery at Curtin University, to be known as the Carrolup Centre for Truth-telling, aims to act as a perpetual flame to draw all Australians together to share their stories and produce knowledge – knowledge that improves our culture and our society's capacity to organise itself around policies of inclusion.

Lost for more than 60 years but re-discovered overseas in 2013, the art works created by Stolen Generation children in Katanning in the late 1940s will have a permanent home in the gallery.

"We want it to be an entry point for the wider community," Carrolup Centre Manager Kathleen Toomath said. "Art work can help people come into this Stolen Generation space and they can see it through the perspectives of a child, have empathy and then look at the causal policies as to what happened."

Funds are currently being raised to create the \$15 million Carrolup Centre for Truth-Telling, a protective home for the art that will be matched with education programs and community engagement relating to the history and lived experience of the Stolen Generation.

More than 120 art works created by Aboriginal children at the Carrolup Native Settlement in Katanning have been returned but there are likely to be hundreds more around the world.

Kathleen said teacher Noel White encouraged the children to paint and was so proud he displayed their art works at the Katanning Agricultural Show.



The Carrolup children in 1948 with their art work at the back. Picture courtesy Noelene White Collection



Some of the Carrolup art works. Picture: Brad Coleman

"The public ridiculed him and said he either painted them himself or the children were helped," she said. "He took some of the senior boys to paint in front of people to refute them and after that they went on to have exhibitions in Boans in Perth and other places."

Some of the works were published in a women's magazine, which caught the attention of Soroptomist Florence Rutter, who had come out from the UK to start local chapters in Australia.

"She travelled to Katanning and after speaking to Mr White, gave him £5 for 300 works," Kathleen said. "Florence took them back to the UK and exhibited them across Britain, Scotland and Wales."

"While an initial 300 art works were taken to the UK, Florence kept getting the children to send more, so there could be hundreds or even thousands more out there."

Out of the currently recovered 122 works, only 17 of the artists have been identified – including Kathleen's mother, Alma Toomath (née Cuttabutt), who passed away last year.

"She was the last living known artist of the Carrolup children," Kathleen said. "We haven't given up hope there may be others out there but they would be in their 70s and 80s now."

To read more and join others in making a donation, visit tinyurl.com/carrolupart.

YMAC Project Officers: a day in the life



YMAC has two Project Officers based in its Geraldton office – Ken Capewell (Wajarri on his mother's side and Nanda on his father's side) and Carrum Mourambine, who is also connected to Wajarri and Nanda – and their role is a consistently diverse mix of being out in the field and office work, working with Traditional Owners as required.

Left: YMAC Project Officers Carrum Mourambine, left, and Ken Capewell.
Picture: Lennelle Papertalk

Ken is the first to confess an average day is not always the same: it could change at any moment, due to whatever is needed at a particular time.

"I could be in the office answering emails, talking to Traditional Owners when they need assistance at the front counter or making phone calls to inform them of the time and dates for their up-and-coming meetings," Ken said.

"On other occasions, I can be driving out on Country to assist Traditional Owners and anthropologists with their research meetings away from the office."

Ken's work also takes him to some "really awesome places", including Native Title conferences at the MCG and on the Sunshine Coast.

"I have been to many places in the Yamatji and Marlpa regions, including most of the small towns in and around Geraldton, my hometown Carnarvon, Shark Bay, Exmouth, Yalgoo, Mt Magnet, Cue, Meekatharra, Kalgoorlie, Port Hedland, Newman and Kalbarri," Ken said.

"I've even been on Country where my mum's parents grew up and worked as young people, including the different homesteads and stations they worked on."

Originally a truck driver, Ken found his way to YMAC when there were no vacancies in his field – and it was Carrum who suggested that he might be interested in the role.

"My favourite part of the job is seeing a native title process from beginning to end and also meeting new people and making the connections to other families I know in the Yamatji area," Ken said.

"The biggest challenge for me is watching divisions take place in communities because of personal issues within the native title process – people not coming together as one to regain pride and responsibility for Country."

But Ken says his most memorable experiences have been witnessing people receive their native title determinations and regaining the rights to their ancestral lands.

"Sometimes people have their own views on what a Project Officer actually does at YMAC," Ken said.

"We try our best to answer all questions and issues that arise in our Yamatji community when it comes to native title."

Country, Culture, People, Future

About us

YMAC News is produced by Yamatji Marlpa Aboriginal Corporation.

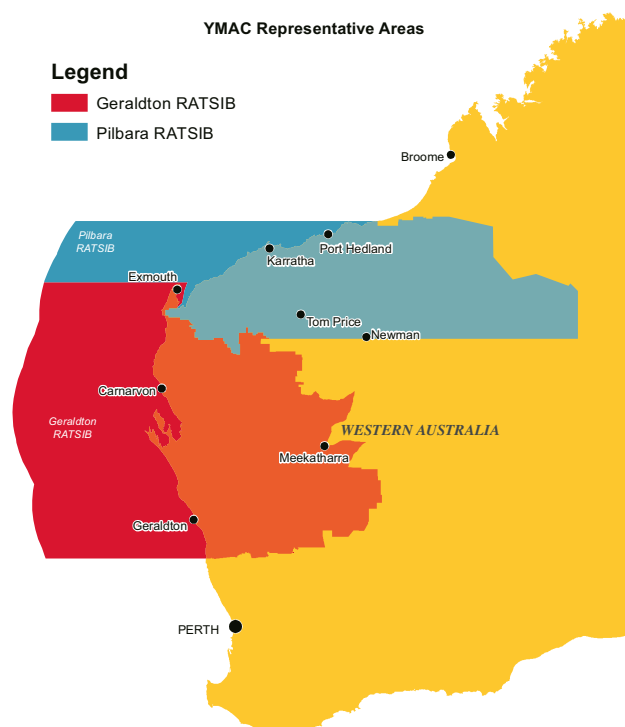
We are an Aboriginal Corporation and the Native Title Representative Body for the Mid West, Murchison, Gascoyne and Pilbara regions of Western Australia.

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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