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CELEBRATING  
20 YEARS  
OF YMAC

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# LOOKING AFTER COUNTRY:

*Our Mother, Our Provider and Keeper*



Yamatji Marlpa  
ABORIGINAL CORPORATION



**Warning:** Please be warned that this publication may contain images and words of deceased persons. We sincerely apologise for any distress. YMAC would like to thank those families who have given permission to publish photos and words of elders who passed away prior to this publication.

**Dedicated to Yamatji and Marlpa Traditional Owners, past, present and future**





# Preface

What drives Yamatji Marlpa Aboriginal Corporation is the dream to have native title recognised for all Traditional Owners throughout the Yamatji and Pilbara regions and the right to visit Country and practice culture protected for present and future generations.

It is important to recognise the great progress we have made since the Mabo decision of 1992, and 2014 sees the 20th anniversary of the establishment of the representative body we now call the Yamatji Marlpa Aboriginal Corporation (YMAC).

To celebrate this milestone, YMAC's Board of Directors commissioned this publication so that we all have a tangible record of what has been achieved in the context of the living, dynamic cultures and country of Aboriginal people in the Murchison, Gascoyne and Pilbara regions of Western Australia that is at the heart of everything we do.

Mrs Doris Eaton, Co-Chair (Pilbara)

Mr Victor Mourambine, Co-Chair (Yamatji)



Mr Victor Mourambine,  
Co-Chair (Yamatji)

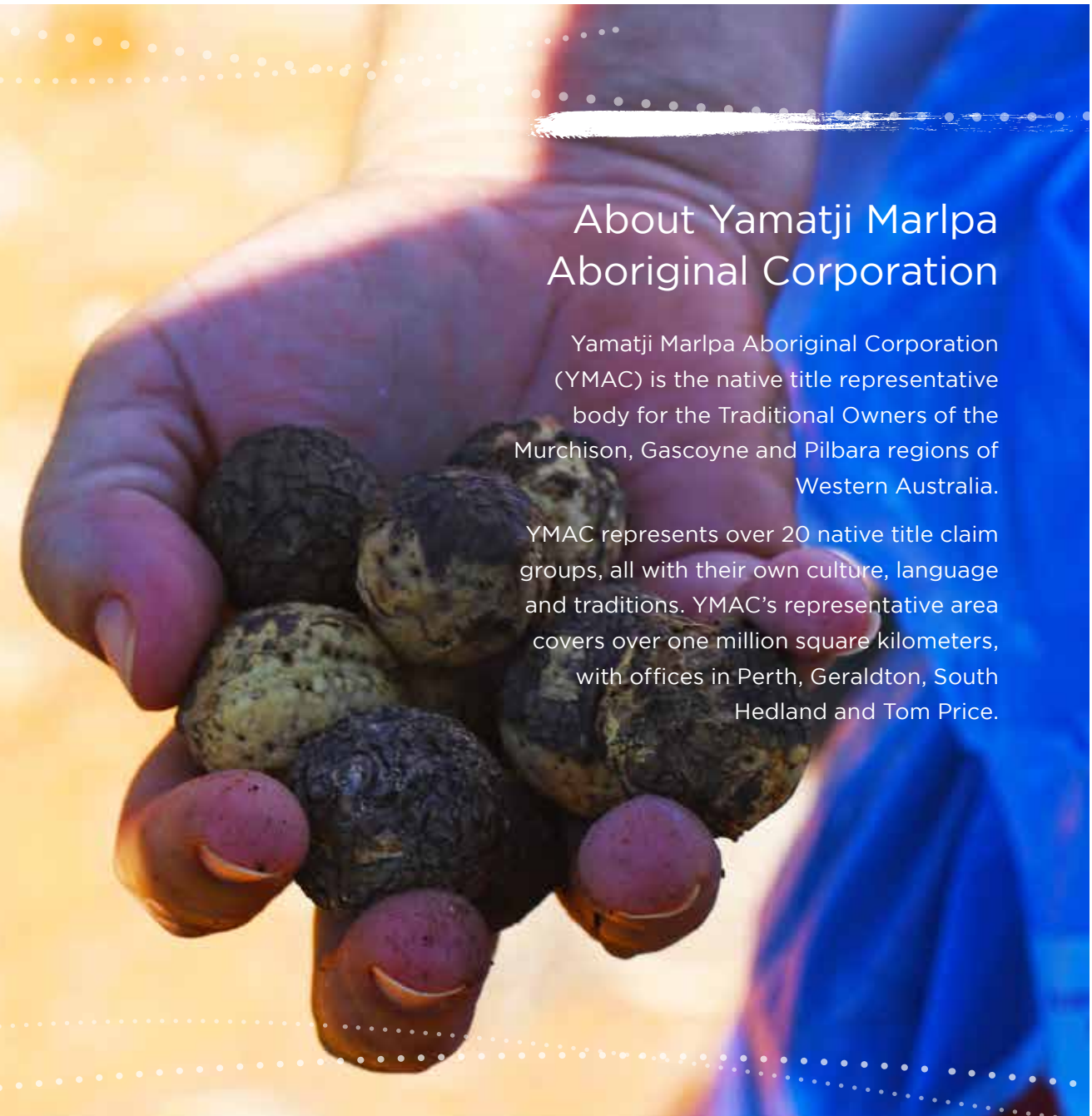


Mrs Doris Eaton,  
Co-Chair (Pilbara)

## About Yamatji Marlpa Aboriginal Corporation

Yamatji Marlpa Aboriginal Corporation (YMAC) is the native title representative body for the Traditional Owners of the Murchison, Gascoyne and Pilbara regions of Western Australia.

YMAC represents over 20 native title claim groups, all with their own culture, language and traditions. YMAC's representative area covers over one million square kilometers, with offices in Perth, Geraldton, South Hedland and Tom Price.





# Introduction

This book has been produced to celebrate the 20th anniversary of Yamatji Marlpa Aboriginal Corporation (YMAC) as the recognised native title representative body for the Traditional Owners of the Pilbara, Murchison and Gascoyne regions of Western Australia.

There have been thousands of people involved in YMAC to this point and we wish to honour their contributions and passion for building a strong community organisation focused on protecting country and culture.

In this book we include stories about our beginnings, our successes and approaches to solving problems and building new ways of working. An organisation such as YMAC necessarily involves many people to thrive and continue to operate and, because it comes out of a passionate bond between country and people we have used many photographs throughout

the book alongside individual and group stories and accounts of YMAC's passage to this milestone.

Our priority is to get the best native title outcomes for the groups we represent, but we also work hard to secure cultural, social and economic outcomes wherever possible. Over two decades, YMAC has built a wealth of cultural and corporate knowledge and we share examples in this book.

It is still necessary to educate government, the corporate sector, and Australian citizens about the rich history of the Pilbara and Murchison-Gascoyne regions whenever possible. The native title groups that YMAC represents want law and culture to be suitably protected in a changed world, and they have expectations for a future for their children and grandchildren's benefit that is abundant, sustainable and respectful.







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# CHAPTER 1: YMAC's 20 Year Journey

## Mabo and the native title system

Yamatji Marlpa Aboriginal Corporation (YMAC) wouldn't exist without the pioneering work of Eddie Mabo and his legal team.

Eddie Koiki Mabo was born in 1936 on the island of Mer (Murray Island) in the Torres Strait. He was an Indigenous rights campaigner who brought the case to the High Court of Australia that overturned the doctrine of terra nullius and led to the system of native title we have today.

Eddie Mabo learned about land rights when he was working at James Cook University in the 1970s. He gave a speech at a conference in 1981 about the Mer people's traditional system of land ownership that inspired a lawyer present to suggest that there should be a test case to claim land rights through the court system.

Eddie Mabo, along with a group of other Torres Strait Islanders, fought two High Court cases. *Mabo v Queensland (no 1)*, which was decided in 1988, laid the foundation for the recognition of native title by declaring that the Queensland Coast Islands Declaratory Act, which attempted to retrospectively abolish native title rights, was not valid.

The landmark decision was *Mabo v Queensland (No 2)*.



A delegation of YMAC's Directors and staff travelled to Townsville in 2012 for the National Native Title Conference, where they joined in the 20 year anniversary celebrations of the Mabo decision and met with Eddie Mabo's family

That High Court decision overturned the doctrine of terra nullius, which was the legal fiction that Australia was unoccupied land when the British arrived, and had allowed Australian governments to ignore Aboriginal land rights for so long. The High Court found that native title exists, and that traditional owners have rights to the land, in accordance with traditional systems of law, except where those rights have been expressly extinguished (for example, through private ownership). Sadly, Eddie Mabo died just five months before the

decision was handed down on 3 June 1992.

As a result of the Mabo High Court decision, the Federal Government, led by Prime Minister Paul Keating, introduced the *Native Title Act 1993* (Cth). This law set down the requirements and processes by which Traditional Owners can have their native title recognised by the Federal Court.

## From the ground up: the birth of a land council

The introduction of the native title system radically transformed the Australian cultural, political and economic landscape. It gave rise to a new legal avenue for the formal recognition of native title rights and interests, which was exciting. However it also created great uncertainty for State Governments, farmers and pastoralists, mining companies and other land developers. This led to unprecedented legal challenges.

Native title groups across Australia needed affordable access to quality legal representation

and research assistance to gather the evidence to support their claims. In some cases, existing land councils that had already been fighting for land rights took on this role. In other regions, new community organisations or service providers were needed.

## The early years

Several large meetings in 1993 led to the formation of an interim committee to establish a land council for the Yamatji region that would have the main aim of achieving recognition of native title rights for Yamatji Traditional Owners. A full Committee was elected at a meeting at Pia Wadjari, a remote Gascoyne community, in 1994. The organisation was incorporated under its Wajarri name Yamatji Barna Baba Maaja Aboriginal Corporation (YBBMAC).

At that time the Aboriginal Legal Service also supported Yamatji people in the region.





## CHAPTER 1: YMAC's 20 Year Journey

*In the Wajarri language, Yamatji means Aboriginal person; Barna means ground, dirt, sand, earth or Country; Baba means water and Maaja means boss. Together these words translate into Yamatji Land and Sea Council, which is one of the names the organisation has gone by. Country;*

At the Pia Wadjari meeting, Yamatji people expressed the strong hope that they would regain the use and benefit of land lost over generations. They believed that if native title rights in the land were recognised in the Australian law, this would also open a way for Yamatji people to participate from a position of strength in a modern, diverse and rapidly changing regional economy.

Incorporation as Yamatji Barna Baba Maaja Aboriginal Corporation took place on 15 April 1994, and full Representative Body status under the *Native Title Act* was achieved on 6 December of that year. Funding initially came through the Yamatji ATSIC Regional Council. From 1995 the organisation was funded under ATSIC's Representative Body program.

The first four years of operation were challenging. By the beginning of 1999, prospects for native title were difficult and full of conflict, with the region covered by a large number of overlapping claims that meant people were competing with each other to have their claims recognised. The 1998 changes to the *Native Title Act* made it essential for these overlaps to be addressed and resolved: all claims were required under the new laws to pass a registration test in order to secure the right to negotiate.

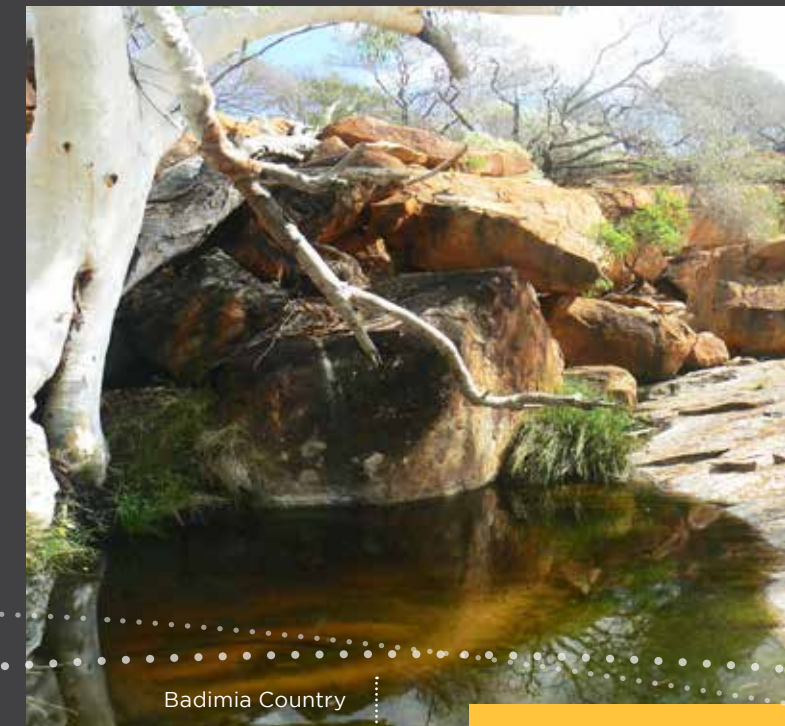
One of the main requirements of the registration test was that claims needed to demonstrate all potential native title holders supported the claim, so overlapping or competing claims would have very little chance of passing the test and maintaining the right to negotiate.

From a situation where the YBBMAC was involved in only a few claims, it was now managing all the major claims in the region, and working closely with representative working groups to ensure that these claims reflect the views and aspirations of the native title applicants.

"The achievements of YBBMAC\* in its first few years of operation may seem modest in hindsight, but the level of confusion and hostility that beset native title in those years was inimical to the stable operations of the native title representative bodies. When Wayne Warner made way for Clinton Wolf as Executive Director in late 1998, the YBBMAC had granted assistance to only three native title claims, reached a small number of future act agreements and employed fewer than 10 staff. Local Indigenous politics and the interference of powerful non-Indigenous interests created a volatile and threatening atmosphere. Yet the young land council had at least steered clear of the chronic problems that had afflicted and were to cause the downfall of some other WA NTRBs, while still quietly holding its own in national forums such as the National Indigenous Working Group. The comparative stability of the YBBMAC provided a foundation for later expansion and advancement and the opening of a technical office in Perth in July 1999 was a sign of growing ambition and confidence."

*David Ritter, former YMAC Principal Legal Officer. Excerpt from "Don't Call me Baby": Ten Years of the Yamatji Marlpa Land and Sea Council Native Title Representative Body"[2004] Indigenous Law Bulletin.*

*\*YBBMAC refers to Yamatji Barna Baba Maaja Aboriginal Corporation, YMAC's former name.*



Badimia Country



# CHAPTER 1: YMAC's 20 Year Journey

## Representing the Pilbara

The 1998 amendments to the *Native Title Act* also led to significant changes in the way representative bodies were regulated and funded. The Government broke Australia into regional 'invitation areas' and native title representative bodies were required to re-apply to the Federal Minister to keep their status. At the time, there were several organisations providing legal representation to Pilbara native title groups. Under the new system, the Federal Government would only fund one and, to enable a smooth transition to this new system, only existing representative bodies were invited to re-apply.

YBBMAC was among those invited by the Government to apply for recognition as the native title representative body for the Pilbara. It shared an adjacent border, with two claims crossing over into the Pilbara region. YBBMAC had a strong performance record and a number of senior staff had experience working in the Pilbara. The Federal Minister for Indigenous Affairs recognised YBBMAC as the representative body for the Pilbara on 30 June 2000. The organisation was split into two operational arms: Yamatji Land and Sea Council (YLSC) and Pilbara Native Title Service (PNTS).

*The Geraldton mob were the instigators that set up the land council – Wayne Warner, Lindsay McDonald, Taffy and Kennard Papertalk, Vince Jones and Barry Dodd. They had a lot of involvement.*

*There were strong leaders in the Carnarvon community too. Because the Government wanted to develop a lot, it was also the opening up of a different era, a new phase, the old colonial style Carnarvon, compared to the new Carnarvon.*

*We formed the Gnulli group. Anyone that wanted to develop the land around Carnarvon, like government agencies, would go through Gnulli. That was the original idea!*

Richard reflects on the merging of the Pilbara and Yamatji Land and Sea Council.

*We put it to the committee at the time and we had a lot of vision; a lot of people like Boyo (Allen) Mitchell, Lam (Anthony) Dann, myself and the two Papertalks (Taffy and Kennard). One was for it and the other against it – because of the diversity between the two regions. But I think common sense*

*prevailed in the end among a lot of the people, even though there was strong opposition. But that was a really significant move for the land council at that time. The way we set it up was so they have their roles, we have ours, and we don't interfere. They thought we were just taking it over, they had that fear. There was a lot of fear of the unknown.*

*But the potential was in the pulling power of us all joining up. Together we could stop some of the damage and keep mining away from significant sites. My favourite saying is strength in numbers- people working together for one common cause.*

*You see the fruits of it today, where mining companies are doing million dollar deals for one project. You see families taking on mining projects. We don't have a lot of mining here in the Gascoyne, but it's opened up FIFO jobs for us. Before, people might have worked on the plantations or just go fishing. Now there's hundreds of people working.*

*Every time I'm up there, I ask the bosses, what's the percentage of blackfellas we've got here and they tell me. In the past, they weren't accountable. Now we put employment targets in the agreements and we insist on Aboriginal people working.*

Richard Oakley





## CHAPTER 1: YMAC's 20 Year Journey

The decision to represent the Pilbara was not taken lightly by the YBBMAC Governing Committee and caused some controversy in both regions. Some Yamatji and Marlpa people were concerned that there might be inappropriate interference in cultural business across the two regions. To address these concerns, the organisation adopted a tailored governance framework that maintained strong regional control for Yamatji and Marlpa Traditional Owners.

Each region has maintained to this day its own Regional Committee made up of Traditional Owners, who appoint six members each to sit on the Board of Directors (or 'Governing Committee', as it was known at the time). Each region also has its own Regional Manager, who is a respected Aboriginal member of the community, supported by a team of Aboriginal Community Liaison Officers.

From the outset, Gordon Yuline, Charlie Coppin, Jeffrey Brown and Donny Wilson, all experienced and highly respected Pilbara Traditional Owners, were appointed as Community Liaison Officers for the newly expanded organisation. Along with the

*We might be from different tribes, but we've got to get together and back each other. Pilbara and Yamatji coming together creates a stronger voice. We can learn that the same challenges are happening for other people. We can deal with it better as a united body.*

Terry Jaffrey, Palkyu Traditional Owner, Pilbara Regional Committee Member, former YMAC Director

Governing Committee and senior staff, they laid the essential groundwork at the grassroots level. Fourteen years later, Donny Wilson, now YMAC's Pilbara Regional Manager, remembers it was hard work. "We went around and answered questions and reassured Traditional Owners that Pilbara people would still control their own affairs."

The Pilbara Native Title Service was established as a dedicated service arm to deal exclusively with the Pilbara claims, overseen by a Steering Committee with one elected member from each claimant group. In 2003, an official change of the

organisation's name to include 'Marlpa', used by many Traditional Owners to denote the Aboriginal people of the Pilbara, cemented this commitment to both regions.

The added responsibility for the Pilbara generated a great deal more work for the organisation. Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation (YMBBMAC) became the largest native title representative body in Australia. It went from a budget of \$1.4 million and a staff of 11 in 1999 to a combined budget from ATSIC of \$4.85 million and more than 40 staff.

By 2008, the Board of Directors and broader community membership agreed it was time to more fully amalgamate the operational side of our business and update of the organisation in line with its increasing professionalism. A special general meeting of members was held in November 2008 at Cardabia Station near Coral Bay, where a decision was taken on a final name change to

Yamatji Marlpa Aboriginal Corporation. Importantly, the new name reflected the equal standing of both regions and symbolised the way both cultural sides respect each other in their work together.

*As Co-Chair, I developed strong relationships with other Directors. I learnt a lot about the Pilbara claims and how complicated it becomes when mining moves on to your country. You could take the easy way out, but these Traditional Owners are fighting to protect their rights and heritage.*

Peter Windie, Thudgari Traditional Owner, YMAC Director and former Yamatji Co-Chair



# CHAPTER 1: YMAC's 20 Year Journey

## Where we are today

After 20 years as a native title representative body, YMAC is proud to represent several thousand native title claimants, and to have a strong, engaged membership of over 1,000 people. Membership is open to all adult Yamatji and Marlpa people, including people who live in other areas but who have a traditional connection to country.

The Yamatji and Pilbara regions both have their own Regional Committee to represent the concerns and interests of the different communities in their region. Members from each region elect their own committee members, and each Committee elects six members to sit on the Board of Directors.

The Board of Directors has overall responsibility for operations and sets policy direction, acting as an advocate for Traditional Owners particularly in relation to government activities affecting country as well as mining and development matters. The Board is co-chaired by one Director from each region.

## Native Title Claimant Groups

YMAC represents over 20 different native title claimant groups, each with their own culture,

language and traditions. Each group has a Working Group made up of approximately 12 people chosen by the wider claimant group. Working Groups meet regularly to make decisions about the running of the claim business.

Major decisions are made by the whole community at formally constituted Community Meetings. The Working Group often gives a recommendation to the community first.

## Day-to-Day

YMAC has grown substantially over the last 20 years into a dynamic and professional native title organisation. We have successfully navigated the legal, political and economic challenges that arose throughout the boom in mining resources.

In 2014, we are actively engaged and progressing native title claims in our region, looking to expand our support of Prescribed Bodies Corporate (PBCs) and continuing to advocate for the interests of native title groups through a range of government and industry forums.

## Claim work

YMAC has multi-disciplinary Claim Teams working

on each native title claim we represent. The teams include a community liaison or project officer, at least one in-house lawyer, an anthropologist, future act officer, heritage officer, legal administrator, and a member of our communications team.

The responsibilities of each Claim Team member

cross over with others, so regular meetings and strong working relationships are very important. It is also very important that the Claim Team works closely with the Traditional Owners on the Working Group to deal with the day-to-day business arising from the claim.

The thing that always intrigues me, what's happened since native title came into effect is that meeting of the two different systems: whitefella law and traditional law. It's such a complex area, how do you steer through, working in an Aboriginal corporation with a legal framework?

And that's why our liaison officers and our Aboriginal staff have that role.

I see it as our role to communicate and explain that in our terms to our people. It's been around for twenty years now, and most people who are involved in the land council, our traditional owners, have got a pretty good grasp on what's going on. They know they might not agree with it but they know what the state government expects and this is what we've got to live with. And people don't like it, but it's the way forward for our people.

Chris Dann, Yamatji Deputy Regional Manager



# CHAPTER 1: YMAC's 20 Year Journey

## Liaising with community

Strong community engagement is vital throughout the claim process. YMAC has dedicated Community Liaison Officers (CLOs) that shoulder many responsibilities. They help to make sure the community understands how native title works and how they can participate in their claim group's decision making. CLOs also make sure that YMAC staff and consultants understand about the community to avoid misunderstandings.

If community members have any cultural concerns they can talk to their CLO who will explain the issues to their Claim Team, to make sure culture is respected. CLOs also play a very important role when it comes to fieldwork, making sure everything runs smoothly and giving support to lawyers and anthropologists during meetings and when out on country.

## Research

The in-house anthropologist works closely with the claim group to gather important information about families, law, culture and connection to country, from the old days right through to today.

Community Liaison Officers are the main contacts between the people and YMAC. We're here to inform people in the community what's happening with their native title. We're here to help people and make sure they understand what's being said in meetings, what the decisions are they have to make, so everyone understands each other.

Nyaparu (Margaret) Rose – Acting Regional Manager (Pilbara)

YMAC's in-house anthropologists then works with a qualified expert consultant to assist them pull this information together in the form of a 'Connection Report'. This report is provided to the State Government as evidence in support of the native title claim.

## Managing the claim

The claim lawyers are the interface between the native title claim group and the Federal Court, gathering instructions from Traditional Owners on how they wish to proceed, communicating that to stakeholders (such as government and industry),

and reporting back to the Court on progress throughout the mediation of the claim.

## Future Acts Agreements

Agreement Officers deal with notices and applications from governments, mining companies and other people wanting to use the land within the claim area, according to the native title group's instructions. These notices, usually seeking approval to explore for minerals and other resources, will often result in a Heritage Agreement and other ongoing work such as coordinating heritage surveys and ensuring agreement monitoring and compliance.

## Heritage Services

Over the last decade, YMAC has become one of the largest heritage service providers in Australia. Our growth in this area was largely in response to one of the strongest mining booms in Australia's history. YMAC's Heritage Team works with Traditional Owners, anthropologists and archaeologists to coordinate professional ethnographic (talking) and archaeological (walking) heritage surveys for mining companies and government agencies wanting to work on country. During the peak years

of the mining boom, YMAC coordinated hundreds of surveys each year, amounting to thousands of survey days for Traditional Owners.

## Negotiating agreements

The claim lawyer and the Working Group usually take the lead in negotiating agreements with parties that want to disturb the land with more significant impact, such as mining production or building new infrastructure. For extensive negotiations, a native title group may elect a sub-committee to carry out the bulk of the negotiations, and bring recommendations back to the Working Group or the wider claim group. This can mean a significant investment in time for sub-committee members, who may attend dozens of meetings over a period of months or years.

When major decisions need to be made about finalising agreements, these will be taken to a full Community Meeting of the wider claim group.

## Looking after country

Looking after country, including waterways, birds and animals, is an important cultural responsibility for Traditional Owners. YMAC has a



## CHAPTER 1: YMAC's 20 Year Journey

dedicated Project Officer that advises claim groups when development activity risks environmental damage to country and helps native title groups drive opportunities to develop natural resource management and other on-country projects.

Development and funding for these projects can come from a number of sources. Some are the initiative of native title groups themselves and funded through income from agreements. Others receive funding through government programs, or are negotiated as part of a compensation package under broader native title agreements with mining companies.

### Policy, advocacy and stakeholder engagement

Because native title claims take so long to resolve, State and Federal Governments can come and go over this period. This leaves Traditional Owners vulnerable to constant changes in policy settings and priorities.

YMAC's Communication Team plays an important role in staying across the latest changes to diverse laws that impact on native title claims and the interests of Traditional Owners, from native

title reforms, heritage protection, tax changes, land tenure, housing, water and mining law and associated policies.

The Communication Team keeps the Claim Team up-to-date on any changes and developments and advocates for the interests of Traditional Owners to government officials, Members of Parliament and industry groups..

### Balancing the budget

The members of YMAC's Finance Team play an essential role in all of the work outlined above. They ensure that the cost of doing business can be met within YMAC's budget and in line with the program funding guidelines set by the Federal Government. We are very proud that 2014 marked our 11th consecutive clear audit.

The following chapters provide a more in-depth look of the various aspects of the work YMAC does and our key achievements over the last two decades. Of course, none of this would be possible without the leadership, resilience and determination of YMAC's Directors and cultural and community leaders.





# CHAPTER 2: Aboriginal Leadership

YMAC is a community organisation that has been built from the ground up thanks to the leadership, resilience and hard work of strong Traditional Owners across our regions. Importantly, the leaders who are driving and shaping YMAC today are carrying on the legacy of their elders, many of who have now passed.

It is impossible to include all those who have contributed to YMAC here, however we would like to recognise a number of Traditional Owners who have played significant roles in the governance and operation of the organisation over the last 20 years.

The Board of Directors and all staff are also respectful and deeply grateful for the guidance provided by cultural leaders who have ensured that YMAC’s activities are aligned with the cultural values and practices of our members and clients.



## Honouring our Elders

### The 1946 Pilbara Strike

Political activism and collective organisation has been a feature of life for Aboriginal people in the Pilbara for many generations. We continue to be inspired by the leadership shown by elders in the early days, well before the native title system was introduced. The 1946 Pilbara Strike is a good example of this.

The first strike by Aboriginal people in Australia (and the longest strike in Australian history) began in the Pilbara in 1946, when pastoral workers walked off the stations in protest at low pay. Many workers were not paid at all, but given rations of tea, flour, sugar and tobacco. Government policies enforced by station owners and police meant that the workers had no freedom to leave employment or travel elsewhere.

More than 800 workers left stations between 1946 and 1949 affecting about ten thousand square kilometres of sheep farming enterprise in the Pilbara. Some were forced to return to their work, but others sought new occupations and gained their independence. The strikers worked at collecting pearl shell from the Pilbara coast and collecting buffel grass seed for sale to the pastoral industry.

In 1948 they set up a mining company and staked claims around Port Hedland and Marble Bar. The strikers mined tin, beryl, tantalite and columbite and became self-sufficient.

The strike was first planned in 1942 by about 200 elders from 23 different groups but they agreed to wait until the War ended before taking action.

The start of the strike was then planned for 1 May 1946. Messages including calendars had been circulated in the preceding months to facilitate coordinated walk-offs. Many of them gathered at different strike camps where they hunted, gathered bush tucker, skins and pearl shell and engaged in mining activities to provide food and money for supplies for all those people in the camps.

For many of the strikers, this was their first experience of economic independence, and it proved life-changing. Many of them never went back to the stations, and instead pursued these money-making activities until some families saved enough to purchase their own stations in the 1950s. Strelley Station, in Njamal Country, was one of those, and is still Aboriginal-owned today.

Many Aboriginal people were put in chains or jailed for their participation in the strike. Despite the danger they were in and the pressure they

faced, the strike continued on until 1949.

Two of the key leaders of the movement, Ernie Mitchell and Peter Coppin, re-acquired the lease of the Yandeyarra Station in 1967 through negotiations with the government. A community and pastoral enterprise and an Aboriginal-run community was established there. Residents were explicit about the benefits of freedom and independence that had been opened up to them as a result of the strike.

The Pilbara strike paved the way for later protests and industrial action such as the 1966 Gurindji strike that led to equal wages for Aboriginal Australians. The courage and determination of the men and women of the Pilbara who stood up for their human rights in the period 1946 to 1949 is an inspiration today to the many people who continue to pursue justice on their traditional homelands.

YMAC’s Co-Chair Doris Eaton and Deputy Regional Manager Nyaparu (Margaret) Rose, the daughters of Ernie Mitchell and Peter Coppin, provide us with a tangible connection to the history of social justice and leadership with the strong activist role both women have played in their communities for many years.



## CHAPTER 2: Aboriginal Leadership



Charlie Coppin (Kurtiri) and Stephen Stewart (Wiparu 'Number Two') at Yule River Community Meeting on Heritage Reforms, 26 September 2014

### Cultural leaders

Stephen Stewart (Wiparu) and Charlie Coppin (Kurtiri) are two highly regarded Ngarla elders, acknowledged regionally as leaders in traditional law. The continued practice of law carries with it an authority and respect, in addition to a range of rights and responsibilities.

### Charlie Coppin

Charlie Coppin, known by his Aboriginal name of Kurtiri, was born around 1935 at Kurnkarn, the Shaw



Charlie Coppin

River outstation on the De Grey River in Ngarla Country.

Kurtiri grew up on De Grey Station and when he was old enough to ride he worked as a station-hand; fencing, mustering, and shifting cattle and sheep. He lived at De Grey until the Pilbara strike in the late 1940s, and then travelled throughout the eastern

Pilbara working at different jobs. Kurtiri married a Nyangumarta woman and has five children and lots of grandchildren, who all learn about Ngarla Country and traditions from him.

When describing his Country he says, "My Country, Makanykara, is around the De Grey River and Ord Ranges. It extends from Makanykarra Hill to Mikurr, the Three Sisters. I got the Country from my father, who got it from his father."

In December 2008 Kurtiri retired as the longest serving staff member of Pilbara Native Title Service (PNTS) after eight years of dedicated service. Kurtiri was known as 'the bible' for his extensive knowledge of Country and culture.

As a Ngarla elder he was instrumental in his people's determination of native title.



Stephen Stewart (Wiparu 'Number Two') at Yule River, 26 September 2014

### Stephen Stewart

Stephen Stewart, known traditionally as Wiparu, was born around 1923 in Ngarla Country at Kulankulanya, which is an outcamp on De Grey Station, on the Pardoo side. His nickname is 'Number Two,' which he got when he was the vice-chairman in charge at Yandeyarra Station.

Number Two was an excellent horse trainer, jockey and stockmen and worked at various stations throughout his lifetime. When Number Two talks about his five children and grandchildren he says, "I grew all of my children up in their culture. I took them out on Country. I taught them what to eat and how to catch them. We taught them about the plants and about hunting."

Both men are recognised across the Pilbara as having a leading role to play in law business at places like Punmu, Jigalong, Yandearra, Warralong, and Bidyadanga and Bidyadanga.



Senior Pilbara law men at Yule River Community Meeting, 26 September 2014. (L-R): Alec Tucker, David Stock, Charlie Coppin (Kurtiri), Stephen Stewart (Number Two) Back: Brian Tucker



Ceremony at Warralong



## CHAPTER 2: Aboriginal Leadership

### Mrs Mavis Curley

Mrs Mavis Curley was a Yugunga-Nya claimant and long serving Working Group member. She was elected to the Yamatji Regional Committee in November 2009 and served until she passed away in March 2010. Mrs Curley was a strong and inspirational leader to Aboriginal people throughout the Yamatji region, but particularly in her home town of Meekathara. Mrs Curley was in attendance at the Special on-Country meeting held at Cardabia Station in 2008 for the amalgamation of the Pilbara and Yamatji. As one of the first women to be appointed to the Yamatji Regional Committee, she inspired younger women to become involved in native title business.

Mrs Mavis Curley is lovingly remembered as a tireless worker for advancing opportunities for her community. Her daughter, Elaine King, reflects on her mother's legacy:

*"Mum always used to say, there's always someone worse off than you are, so don't always think you're the one that's down and out because someone out there needs help. And that's what she used to do, she used to get on out there and help.*

*She had three kids, and her and Dad fostered two*



Mrs and Mr Curley. Photo courtesy of Elaine King and family

*around. My house was never just us. There was always someone else's kids, all the time.*

*When Mum passed, there were that many people that were like, what do we do now? Auntie Mav's gone; Nana Mav's gone, or whatever, because everyone relied on her. Not financially or materially, it was just going there for a shoulder or a helping hand.*

*She pulled out of school when she was 13 and you wouldn't have known that because she was very clever.*

*She was involved in the Bundi Club. It was started by my grandmother, mum's mother-in-law years before.*

*Way back when it was a blackfella's club and they did all sorts of stuff. And then it closed and there was no more happening, the building got closed down. And then they started it up again because they needed to start the Women's Issues Group, so they started the Bundi Club up again. Mum was the coordinator of that group and they leased a shop in the main street and sold their crafts: ladies were doing painting and making stuff. It was really good. She was sixty-three when she passed away. I couldn't believe the amount of people that travelled for her funeral, and they all had something positive to say. People I hadn't met before. People that she'd met through this and through other committees and stuff that she was involved in."*

### Mr Allen (Boyo) Mitchell

In 2010, YMAC lost one of its most loved Directors, Allen 'Boyo' Mitchell. A well-known and respected man from Carnarvon who lived and worked throughout the state's north, Mr Mitchell was legendary for his ability to unite Aboriginal people towards the common goal of rightful recognition of traditional Country. He had served as a Board and

Committee member of YMAC for over eight years.

Doris Eaton paid an emotional tribute to the late Mr Mitchell. "Boyo was an inspiration to Aboriginal people throughout Western Australia. We are honoured to have known and worked with him; he is missed by everyone that knew him and is still in our hearts today."



Co-Chairs and Deputies in Cairns L-R: Roy Belotti (Yamatji Deputy Co-Chair; Natalie Parker (Pilbara Deputy Co-Chair); Doris Eaton (Pilbara Co-Chair; Boyo Mitchell (Yamatji Co-Chair)



## CHAPTER 2: Aboriginal Leadership

As a much loved Deputy Chair and Committee member Boyo was fair and just, and a great source of support during difficult times. He was deeply committed to his Country, his culture and his people and he wasn't afraid to stand up for what he believed in.

He brought wisdom and laughter to board meetings, he loved a passionate discussion, and, at staff events, his jokes and booming voice could be heard over everyone else. If new staff were unsure of cultural ways, he would gently take us aside and explain to us how to do things. His kindness generosity was combined with such a unique humour and warmth.

He was a great supporter of his community and his ability to unite people was a great strength for our organisation. All of us were deeply saddened by his passing, and the memories we have shared with him will forever be cherished and remembered.

Simon Hawkins, YMAC CEO

Boyo was a good listener. When he was there, he always supported the staff and supported Yamatji Marlpa. He'd been around and he was a bit of a goer, old Boyo. I enjoyed his time here, he was a good old fella.

Fred Taylor, Former Yamatji Regional Manager

Uncle Boyo was my mentor, he taught me a lot in regards to understanding native title issues and governance. Uncle Boyo was a respected elder who had a lot of passion to help all Aboriginal People.

Kathleen Musulin, Deputy Chair

### Ron Crowe

Mr Ron Crowe was a strong leader and role model for young people in the Carnarvon area. He played an important role in the early days of

the Gnulli claim as well as serving on the Yamatji Regional Committee. Mr Crowe continues to be an inspiration to his daughter Sharon, who is a member of the Gnulli Working Group.

"Dad was born in the Gascoyne, grown up by his Aunty, Uncles and cousins. The elders taught him everything how to work, look after cars. He was one of three chosen to go to high school in Perth. He was the first Aboriginal person to go to that school and he experienced a lot of prejudice. He liked sport, though, and ended up playing for West Perth Football Club. Then his Grandmother got sick and asked him to come home to Carnarvon.

He went home and that's where he met Mum, who lived on the mission. They got married and Dad got a job on the stations. He was a station hand most of his life and that's where we grew up.

In the beginning, when the Gnulli claim was being formed, all the meetings were held at the Gascoyne Development Commission in Carnarvon. Lindsay Councillor was the Chair of the Yamatji Committee back then and he encouraged Dad to stand for the Vice Chair position. Dad and Lindsay and Gavin Egan were involved and worked together

a lot. Dad used to talk about his dream of getting native title and helping his people, his culture.

People really looked up to Dad as a leader – he was involved in so many things. He was also really keen to help the younger generations.

He did a lot of travelling – he went to Parliament House to meet with MPs, along with representatives from other areas like the Kimberley. One time he had lunch with Geoff Gallop up here in Carnarvon. He also went to Queensland, to Cairns and Alice Springs to learn about other language groups and how they did business. Dad worked hard to learn as much as he could about his people and their history – he went to the local library to find information. He really worked hard for native title and wanted to get as many Ingarda people involved as he could. Looking back, I think my daddy did a really good job. He got invited to schools during NAIDOC Week and even went out on school camps. He'd sit around the camp fire and tell yarns.

When he was involved with the Yamatji committee, he was always really busy with meetings. I wasn't that keen to get involved, but Dad encouraged me to learn and listen and that's what I do now."

## CHAPTER 2: Aboriginal Leadership

### Clarrie Cameron

Clarrie Cameron is from the Nhanhagardi tribe of Champion Bay. His great grandfather was one of many who fought to keep European settlers from their land.

After the settlement of Geraldton, Clarrie's grandfather became the first Aboriginal mounted police officer and his father was one of the first Aboriginal people to be endorsed for Parliament. Clarrie's parents were active in the Aboriginal rights movement and had involvement in the creation of the Aboriginal Legal Service and Abstudy.

Clarrie remembers 17 members of his family going to jail when they stayed outdoors past the 6pm curfew (for Aboriginal people only) in an act of protest.

Born in Wiluna, Clarrie went to Meekatharra primary school and after graduating, in Clarrie's words, he became one of the first 'experimental Aboriginal College students'. Clarrie attended Carmel College as well as spending time working on stations to earn the money for his education. He graduated four years later at the age of 21 and went on to work as an Assistant to the Superintendent in Wiluna Mission.

Following that, he worked as a court officer in Port

Hedland and the Pilbara for the Aboriginal Legal Service. In 1972 Clarrie moved back to Geraldton, to his grandfather's original Country, to join the Department of Aboriginal Affairs. In 1986, Clarrie left the legal service and at the age of 50 completed a Bachelor of Arts degree, majoring in Aboriginal Affairs.

In recent years, Clarrie has continued his work for his community and culture through his positions as Chairman of the Yamatji Language Centre and a committee member for the Yamatji Land and Sea Council.

Clarrie is the father of five sons, a foster son and three daughters. He is also a well-respected artist specialising in painting, carving and jewellery making. He has taught emu egg carving at Geraldton TAFE and encourages his students to teach the art to other people.

Clarrie is also a renowned storyteller. In 2013, YMAC assisted Clarrie with the development and publication of a book of his favourite stories called *Elephants in the Bush and Other Yamatji Yarns*. Clarrie's book was launched at Geraldton's Big Sky Readers and Writers Festival and he has since been invited to speak at writers festivals.



Clarrie Cameron at the launch of his book at the Big Sky Readers and Writers Festival, Geraldton 2013





## CHAPTER 2: Aboriginal Leadership

### Generations of leaders

#### Mrs Doris Eaton

Mrs Doris Eaton was first appointed as a Director on the YMAC Board in 2003 and has served as Pilbara Co-Chair continuously from 2007.



Mrs Eaton is a Njamal woman from the eastern Pilbara region and an active leader in her community. In 2009 she was honoured as NAIDOC's Female Elder of the Year Award.

Mrs Eaton is also chair of the Pilbara Indigenous Women's Aboriginal Corporation, working to improve the lives of Indigenous women in the Pilbara through community health and development programs. Mrs Eaton helped establish the acclaimed Strong Families, Strong Culture program, which promotes improvement in the health of Aboriginal women and their babies.

Through Wangka Maya Pilbara Aboriginal Language Centre, she provides Cultural Awareness Training to organisations around Port Hedland. She is also involved with numerous other committees and forums.

In addition to her numerous other commitments, she takes personal responsibility for her community by caring for vulnerable senior citizens and organising travel and logistics for Njamal cultural ceremonies each year. She is now working as a mentor with young Njamal people as they establish their own mining business.

Mrs Eaton is ceremonially qualified and deeply respected for her significant role as a Law woman across the Pilbara. She is the matriarch her own family and looks after her and grandchildren and many young people in the broader community.

*I am my father's daughter.*

*I grew up with all the tribes across the Pilbara, especially the Shire of East Pilbara. Now I work tirelessly for my people to get native title. My vision is to carry on the fight of our old people in the 1940s: to be independent from the government and not welfare dependent.*

*When I was a little*



Mr Ernie Mitchell, leader of the 1946 Pilbara Strike. Photo courtesy of Mrs Doris Eaton

*girl, I remember that they used to go shelling at the beach, getting bubble grasses. That's when I learned to yandy; yanding for tin, that's how they used to divide it from the dirt. Everyone used to be there. I used to go with them all the time.*

*But my Dad was busy all the time with other business, fighting for everyone else. That's like me; forget about my own family, I'm busy fighting for everybody's rights! Dad was like that and I think that's where I get it from.*

*In the 1960s, my Dad wrote a pamphlet fighting for the right to be independent and be treated equal to other Australians. He was fighting for the right to mine and export iron ore.*

Back then he wrote: "We can make arrangements equivalent to those of any other sound business concern, and we have a pool of labour, resident in the district, and accustomed to working in the climactic and other arduous conditions of the Mount Goldsworthy area.

We are aware, as all Australians should be, that our country's policy in New Guinea towards the natives, and in Australia towards us, has been vigorously attacked in the councils of the United Nations Organisation... We feel to grant us, the Aboriginal people of the Pindan Group, an iron ore export



Mrs Eaton with son Troy, grandchildren and extended family.

licence, would go a long way towards convincing such critics of our Government's sincerity and goodwill towards us, and would be a major contribution to the realisation of our plans to raise our standards to the level of our white fellow Australians by enterprise and hard work. We do not seek charity."

*Today, we are still fighting to be self-governed Aboriginal people and maintain our land and areas. We don't want other people telling us what to do. We have a right to decide how we manage our land and to make our own decisions.*

*Looking to the future, I want the next generation to get more education, so that they can be independent. I want them to get training and a job. But most importantly, I want them to have native title rights, to learn their language and look after our land. Looking after our culture: that's the first thing on the agenda.*

## CHAPTER 2: Aboriginal Leadership

### Kathleen Musulin

*"I am the youngest of six children. My mother's mother Daisy Roe (nee O'Dene) came from the Shark Bay area and my mother's father Martin Roe is a Yawaru man from Broome. I was born and raised in Carnarvon with my siblings. Nanna and mum taught us many things including very good values and most importantly, respect for elders. We grew up enjoying many cultural activities including storytelling, fishing, camping. I decided to move back to Carnarvon when my children were still young so they could experience the cultural life I had as a young girl growing up in Carnarvon. I sold my house and moved back home where mum did indeed teach her grandchildren everything that I had been taught by her and nanna. My children particularly loved the storytelling times around the campfire with mum. We experienced cultural activities nearly every weekend. At this time mum was going to YMAC Shark Bay Malgana meetings. Mum asked me to become a*



*member of YMAC and to support her around native title issues. I didn't know anything about native title and didn't understand the issues, but I agreed to mum's request and became a member of YMAC. I went to the AGM in 2004 at Carnarvon and I was voted in as a Committee member. The motivating factor for me to learn about native title was my mother, but as time went on and I learnt more about what it means for Aboriginal people in their determination to become a recognised people to the wider society and to practice their law and culture. I became extremely passionate about helping and advocating for all Aboriginal people. I have been involved with YMAC as a committee member and director for the past 10 years advocating for Traditional Owners and their rights, including social justice issues.*

### Nyaparu (Margaret) Rose

*"I am a Nyangumarta woman from up between the areas of the Pilbara and the Kimberley. Nyangumarta Country: Eighty Mile, between Sandfire and into the Sandy Desert and next door to Anna Plains Station.*



Janet Stewart, Nyaparu Rose and Winnie Coppin Yule River Community Meeting, 26 September 2014

*I was born in Port Hedland, had my children and my grannys were born here. I've played many roles within YMAC. Firstly I was on the Pilbara Regional Committee and then I was on the Board of Directors for YMAC for between five and six years.*

*Later I became a staff member. I started as a casual doing project works and then the Senior Community Liaison position became available so I applied for that, and I was successful. And since earlier in 2013, I've been the Deputy Regional Manager.*

*What YMAC achieved is bringing two regions together.*

*It's a very ambitious thing to have pulled together, that amalgamation. People had the vision to see this organisation grow by having those two regions together. And in the beginning, yes it was a bit, 'how are we going to work together' because*

*this is going to be the first time we're going to be together, because we don't know each other, as people. But now, we've got six Yamatji and six Marlpa that sit on the Board of Directors. They have that close working relationship with the CEO, and I guess that works perfectly. Everyone works together because they're the main drivers.*

*I really enjoy being a part of YMAC. It has given me a lot of strength within myself, empowerment, in just how I go about doing my business and having that respect for people. I speak highly of Simon (Hawkins). He's a very good leader. I can name a lot of other people within the organisation that I've learnt from too. Because they support you, and there's always that training if you want – it's always available, you just have to apply. Training is also available for your Prescribed Body Corporate.*

*In regards to the Stolen Generation - people taken away from their mothers, their Country – it wasn't very good. They were taken from their land to somewhere else that wasn't their Country. I can give you a good example from my mother and my uncle at Mandorah station. My grandmother was a full-blood woman and she had two children from a part-Aboriginal man, he was part whitefella and part Aboriginal, and had daughter and a son.*



*He went away to the Second World War, to Syria, never made it home, but before he left he wrote down that he had two half-caste kids on Mandorah station and that got the people in Broome – the child protectors – to come looking for them, for these half-caste kids. But my grandmother was too smart ‘cause she used to take off with them. Where the Sandfire Roadhouse is, over there, where the sand dunes are, she used to keep them there, paint them black every day with charcoal. And then they were big kids. They hounded them for a long, long time, until they were huge kids and then she walked into the station with them and they couldn’t do anything, they were all grown up. So my mother and my uncle have been through that process, but luckily they weren’t taken away. But imagine they were taken away, what a heartache that would have been. I wouldn’t be here today, in Port Hedland. For me, myself, I understand how those people feel and it’s not their doing. I guess they just want to come home to the right Country and the right family.”*

### Fred Taylor

Fred Taylor, YMAC’s former Yamatji Regional Manager, now heads up Yamatji Mining and Civil, a majority Aboriginal-owned and managed company

based in Geraldton. Fred’s company has operations in the Mid West, the Gascoyne and the North West regions of the State.

Fred reflected on native title and the impact of the mining boom in the Yamatji region.

*“Because of the mining industry and the boom that’s been going on in the last 10 to 15 years in the mining industry, especially for Aboriginal people, it’s given them a lot of jobs. It’s supported a lot of families and a lot of us do want mining. People are socially and economically better off, because they’ve got jobs. People fly in and fly out of Carnarvon, Meekatharra, Geraldton, and around the Midwest when they go to Pilbara mines or work in the mines here.*

*“My experiences working at the land council let me see the opportunities that were out there for our community and the good things we could achieve. We have workforce here all ready to go, there are*



Fred Taylor

*great opportunities here for people, and things are really starting to pick up now after the global recession.*

*“The time will come that the mob will do their own thing. The Land Council’s (YMAC) been a good help. The Land Council’s always said, we’re not here to own you, we’re here to help you. That help is knowing when you can step away. It’s been good, it’s been a good ride.*



Mrs Natalie Parker, Nyiyaparli Traditional Owner and YMAC Pilbara Deputy Chairperson with family.

### Natalie Parker, Nyiyaparli Traditional Owner, YMAC Deputy Chairperson (Pilbara)

*“I’ve been on the Pilbara Committee for over 10 years, including as Deputy Chair, and I’ve seen a lot of difference, a lot of changes. The happy moments are when a claim group’s reached their determination to be recognised on their land. I went up for the Nyangumarta determination on Eighty Mile Beach and they really made you feel welcome on their Country. Seeing how YMAC worked it up to get what the Traditional Owners wanted.*

*I’d say YMAC is one of the best rep bodies in Australia. We’ve got excellent staff and a good CEO who’s been with us for a while. We’ve grown a lot with staff and developed the organisation. We have cultural awareness between the two regions and with our non-Aboriginal staff. We practice our law very strongly in the Pilbara and we’ve had our Yamatji people come up and see it first-hand. It is very important that non-Aboriginal people do recognise our culture and how strong we practice it.”*

## CHAPTER 2: Aboriginal Leadership

### Diane Stewart, YMAC Director and Nyangumarta Traditional Owner

*"I go back to Country. When I go back to Wallal, I feel that sense of belonging, that walking in the dirt and the grass. It just brings back so much of being with your old people. I love going out hunting and fishing with my mum and being there with my grandmother and stuff, going back to the station, because my poor Nanna, she had to come out from the station, when cyclone Dan destroyed Wallal, so she was there for quite some time."*



L-R: YMAC Board Members Natalie Parker (Niyiyaparli); Selina Stewart (PKKP); Diane Stewart (Nyangumarta) and Nora Cooke (Ngarla) at the Joint Regional Committee Meeting, Exmouth 2012

### Leading for the Future

#### Donny Wilson

*"I started at YMAC in 2002 as a community liaison officer and did that job for some years until I became Deputy Regional Manager and I am currently the Regional Manager for the Pilbara."*

*At the start I was working with Charlie Coppin and others establishing the Pilbara Native Title Service. I am a Kariyarra elder.*

*I've learnt a lot from the old fellas. A lot of credit goes to the people who have passed on. I like doing this job with my people. As with any organisation there are disputes and disagreements, sometimes things don't work the way you'd like to see. But you're happy when you achieve stuff.*

*YMAC came from nothing to where we are now - a successful corporation - and some people are now going and starting their own businesses.*

*No matter how old we are we are learning new things.*

*The Country is very important to us: it's our mother. We look after the land and it looks after us. We are very mindful of looking after land and water. We go out bush from Hedland, and we still teach our young fellas all of this.*



Donny Wilson and Steve Morgan, eating bush turkey at 'The Block', Nyangumarta Country, Cross-Cultural Awareness Training, 2010

*When we did our preservation evidence up there on Country, that was part of the best time of my life."*

#### Donna Murdock

*"I've been here such a long time and when I commenced here in 1999 there was a small office in Geraldton and about 10 staff, so to see it grow from 1999 to where we are today is a great achievement, for the organisation as whole*



Donna Murdock Regional Manager - Yamatji

*and for all Traditional Owners. Around that time I think the Pilbara were in a situation that could potentially see them close down and then Yamatji came along and fought for that.*

*I think that it needs to be acknowledged that the*

*support from Yamatji to the Pilbara, at that time, has seen us come to where we are today.*

*My grandmother was taken away when she was 10 years old so she's actually Pilbara, but they weren't allowed to speak their language, they weren't allowed to conduct their traditional law - they lost all that because they were taken away, that's the Stolen Generations.*

*I was born in Geraldton, spent my childhood in Mullewa and moved back to Geraldton for high school. My teenage years had lots of travelling around: Three Springs, Perth, Port Hedland, Darwin and then I came back home to Geraldton when I was twenty, met my husband Allan and got married.*

*I started here as a bookkeeper and then went to the Office Manager, and then to the Deputy Regional Manager and now I'm the Regional Manager. So I've achieved so much -and that's due to the support of my family, of my mum and dad. It's the background of your childhood, that if you want something you've got to work for it and you've got to put in the hard yards. What keeps me here is the Traditional Owners, the teamwork that we have within the organisation and the*



## CHAPTER 2: Aboriginal Leadership

*support that I get from the CEO, Simon Hawkins, and all team members, it's just been amazing. And now I've got my daughter working here, and that's because of what's she's achieved – she's earned those stripes.*

*We've come from native title and now we're branching off into other areas. Once you get past the fight for native title, what is there? Well, there's natural resource management, there's Prescribed Body Corporates (PBCs), there's so much out there, it's just tapping into and getting the financial support and getting the funding up and running.*

*I think the women in this organisation are very strong, and we fight for what we believe is right. I think I've been a quiet achiever, just going about my business, but I'm very vocal about what I think, I'm very strong in my opinions, whilst I respect everyone else's opinion.*

*In terms of highlights, being a part of the Thudgari determination, that's for the Traditional Owners, they got their connection to Country so now they've got their own PBC so that was an amazing experience. But I'm so privileged to be able to share the story and partake in on-Country excursions and*

*be part of the cultural side of it.*

*We also get the opportunity to go to the Pilbara. I went out on a women's trip with Doris Eaton out at the beginning of their law time, so to actually witness that was just amazing. You get people from the Western Desert, from the Goldfields, bringing everyone together. There's cohesiveness – there's no arguments about whose land they are standing on. They're actually standing on traditional law ground where it happens. So it was very spiritual."*



Donna Murdock (right) with Pilbara Reception Administration Officer Ashley Cameron, at Yule River Community Meeting

### Chris Dann

*"I started working at YMAC in February 2004, so it's been 10 years this year. I started in reception and slowly moved around and now I work closely with Donna Murdock, as Deputy Regional Manager. One of the highlights over those years for me was the Thudgari determination, which I was part of, and I got to go up on-Country when the Thudgari people were given their determination. Sometimes things wear you down a bit and then something positive like that happens.*

*Another highlight is the people that I've met over the time I've been here: working with Traditional Owners plus the staff that have come and gone. They've impacted me, like Aunty Mavis Curley, and Mr Allen Mitchell. They were people that I had a really close connection with and it was really hard losing them. They'd put so much into this organisation and it's people like Mr Mitchell and Aunty Mavis that keep you going, to be there and push along what they were really passionate about.*

*We have so many staff here that have put in so much. You see the staff here all hours of the night. And that's the sad part about that – sometimes it*

*burns people out too, you know they come in with so much passion.*

*My husband's a Traditional Owner, so we've got both sides of it; I'm a Noongar woman. When I first started here people were like, what's a Noongar doing here, but then that changed and they get to know you and they realise you're here for the right reason and, who my husband is, too, that makes a difference. We were in Perth and my husband wanted to come home. His Dad wasn't well so we moved back and that was 14 years ago.*

*Sometimes you get to that point where you're like, wow, this is getting too much, that frustration's there because people want the process to happen quicker. We all do. You get worn down. When the Wajarri passed their Connection Report to go to the State, that was a long process and we had community meeting after community meeting and then we had one in Meekatharra and we had over 500 people attend. When that was passed and I looked around the room at the staff that were in the background and everyone was just – just the emotions: the tears, everyone was happy for the people because there was progress. That was a very emotional day and a great meeting.*



## CHAPTER 2: Aboriginal Leadership

*We went to the cultural awareness training at Eighty Mile Beach with the Nyangumarta people and that was fantastic. Even to me that was culturally different, because I'm not from that area and I didn't know too much about it, and just going out with the Traditional Owners from that area and camping out and hunting and yarning.*

*YMAC has grown so much in the 10 years that I've been here. Conditions have changed for Aboriginal people since native title. But in our region, I think it's still progressing and a lot more could happen, but there have been a lot of positives, even with our heritage companies that have started up. Some of the groups that are running their own heritage consultancy businesses, you know, so that's an income. There's businesses starting up, several in mining, by Yamatji people. But it's frustrating, because there are those who are benefiting, and that's great, and there are people who are left behind. Definitely, in the Pilbara - I think Yamatji's getting there."*





## CHAPTER 3: The Long Path to Native Title Recognition

In a way it's useful so that we can pass our knowledge on to the next generation. It's a bad thing and a good thing in a way. Like for Mabo, he didn't see it happen, he passed on, and that's exactly happening with our old people, now, they are never going to see the outcome of our native title because it's taking so long, and we're losing our older generation.

They give their energy and they tell the story about the land and where they come from, we do our connection reports... we are the first nation of this Country, and yet we have to prove that we are Aboriginal people, that's the saddest part, it's just a waiting game with the State Government, waiting for which direction the State's going to go.

Mrs Doris Eaton, YMAC Co-chair

### The claims process

There was a mix of excitement, uncertainty and fear when the Keating Government introduced the *Native Title Act* in 1993. For Aboriginal and Torres Strait Islander people, there was finally a national legal framework to recognise the ongoing underlying title on traditional Country, despite the many compromises made along the way. Of course pastoralists, mining companies and even private home owners didn't quite see it that way; the media only fueled anxieties that their interests in land and property were under threat.

Whatever side of politics you were on, no-one – including the lawmakers themselves – could have anticipated just how long and complex the process would be for Aboriginal people to work their way through the claims process and achieve recognition of their native title rights by the Federal Court.

Native title rights are unique in Australian law in that they are recognised as a bundle of pre-existing rights and interests relating to land, rather than other more commonly known property rights that are granted, like freehold title or mining tenements. Native Title is recognition of the fact that Aboriginal and Torres Strait

Islander people had and continue to have strong laws of their own that existed prior to colonisation, and these laws set out how people care for country (because of their responsibilities to country), how they protect country and sacred sites by excluding others, the religious and ceremonial activities carried out on Country, where they hunt, collect food and camp, their exchange of resources taken from their country and how they make it safe for others to pass through their country, just to name a few.

However, while the *Native Title Act* provides for the recognition of these native title rights and interests to country, it also provides for extinguishment of native title for past acts on Country. This can lead to the erosion and in some cases complete extinguishment of the native title rights and interests.

Proving that native title rights and interests continue to exist after more than two centuries of colonisation, urbanisation, farming, mining and other development has proven to be a marathon-like process for native title claimants.

### Connection to Country

There are many complex reasons why it takes so long to resolve a native title claim and the situation is different for each group. However, there are some common issues that impact nearly all native title groups.

Perhaps the biggest challenge is meeting the WA Government's high standards of evidence proving that the claim group has native title. To have native title rights recognised, a claim group needs to demonstrate that their traditional laws and customs have continuously survived without interruption since sovereignty, or British occupation. This often referred to as 'proving connection to Country'.

To prove this to the State Government, YMAC has a team of dedicated in-house research staff that work with Traditional Owners and respected expert anthropologists to gather as much information as possible about the people, land and culture. This report is legally reviewed and is then provided by the Principal Legal Officer to the State Government in the form of a 'Connection Report' on a without prejudice basis for assessment.

## CHAPTER 3: The Long Path to Native Title Recognition

Kariyarra Preservation  
Evidence Hearing  
on - Country, May 2013

### Regional Connection Projects

#### Pilbara Connection Project

In 2007, YMAC received a \$5.5 million funding boost from the Commonwealth Government to fast-track native title research in the resource-rich Pilbara region of Western Australia.

The increased funding aimed to progress this research and recognition of native title claims for the Pilbara at a much faster rate, to resolve overlaps and settle native title, providing surety certainty for mining projects in the area.

Native title groups involved in the project included; Gobawarra Minduarra Yinhawanga, Innawonga, Innawonga Bunjima, Kuruma Marthudunera, Ngarlawangga, Nyiyaparli, Puutu Kunti Kurrama Pinikura and Martu Idja Banjima.

The resulting 'Pilbara Connection Project' research project involved hundreds of Traditional Owners across the Pilbara sharing their cultural knowledge, taking anthropologists on extensive and remote trips to their Country, showing sites of importance and sharing the cultural knowledge that has been handed down for generations. This work was combined with previous work from anthropologists, station records and any other evidence indicating

which groups and families were associated with the lands since sovereignty.

The Pilbara Connection Project resulted in extensive connection reports and DVDs for eight native title claims over the central and western Pilbara, as well as amended claim boundaries and the resolution of overlaps. It has led to the determination of the Banjima native title claim, with other claims in the Pilbara expected to be determined in the near future. Significantly it also captured a regional view of Pilbara traditional culture which included regional linguistic and historical reports. The work has also created a valuable cultural resource for future generations.

YMAC acknowledges the hundreds of Traditional Owners involved in this project, particularly the valuable cultural knowledge from elders that have since passed away.

#### Yamatji Connection Project

YMAC is applying the lessons learnt from the Pilbara Connection Project to significantly advance research on native title claims across the Yamatji region. The Yamatji Connection Project has resulted in the completion of several connection reports, clarification as to where the boundaries of claims should be and resolution of some overlapping claims.

YMAC looks forward to receiving feedback from the State in relation to a number of claims and to supporting more Yamatji Traditional Owners in their fight for the recognition of native title rights.

#### Mediation

If the State accepts that a claim group has native title based on their Connection Report, then all parties will work to settle native title by agreement (or 'consent'), rather than going to trial. This process is called mediation and, following changes to the *Native Title Act* in 2009, is usually managed by the Federal Court and claim lawyers acting on behalf of the native title groups. Mediation usually involves discussions about claim membership, overlaps, land use, land tenure,



Toby Smirke, Jurruru elder, giving preservation evidence at an on-Country Federal Court Hearing in July 2013



Ngarla dancers at their Consent Determination in May 2007

historical extinguishment and what sort of native title rights and interests will be recognised.

Everyone affected by the native title determination can choose to be a part of the mediation process. This always includes the State Government and the native title group. Farmers, pastoralists, commercial fishers, mining lease holders and local governments are examples of other parties that might choose to participate in the mediation process.



## CHAPTER 3: The Long Path to Native Title Recognition

### Preservation Evidence

Tragically, many elders who played an important role in lodging claims and providing evidence have passed away before their claim could be determined and their rights formally recognised by Australian law. Tragically, many elders who played an important role in lodging claims and providing evidence have passed away before their claim could be determined and their rights formally recognised by Australian law.

Preservation evidence is a way to formally record or 'preserve' the evidence given by elders for their native title claim. Since a native title claim can take many years, it is important to make sure the elders have a chance to tell their stories while they are still well enough. Preservation evidence is given in the same way as other court evidence: witnesses give their evidence in front of a judge and they are questioned by the respondents' lawyers. Often preservation evidence hearings are held on-Country, making it an expensive and logistically challenging exercise, but the outcomes for Traditional Owners are worth it.

In August 2008, Aboriginal elders from Puutu Kunti Kurrama and Pinikura country recounted ancestral knowledge of their laws and customs at a Federal Court preservation evidence hearing. The hearing, held at Mount Stuart in traditional Puutu Kunti Kurrama and Pinikura country, was presided over by Judge McKerracher. A senior elder said that although the hearing was quite stressful she was happy to have her children and grandchildren attend the hearing and learn more about their country.

The Banjima Preservation Evidence Hearing commenced on the 18 October 2010 across a range of locations, with many Banjima elders giving strong evidence.

In November 2010, after a year of hard work, the Badimia preservation evidence hearing was held on country over three different locations on Badimia country.

In May 2013, the Federal Court held a Preservation Evidence hearing on Kariyarra Country. Kariyarra elders Irene Roberts and Elsie Williams gave evidence about their traditional connection to Country that can be used in the future.

In July 2013, the Federal Court held a Preservation Evidence hearing on Jurruru Country. The Jurruru preservation evidence included site visits with elders, the Court and respondents in and around Ashburton Downs Station, and evidence from Toby, Peggy and David Smirke in Paraburdoo.

In 2014, elders from both the Yinhawangka and Nyiyaparli claim groups gave preservation evidence on their country for the benefit of their respective native title claims. David Stock and Bonny Tucker gave evidence on their connection to Nyiyaparli country at the Old Newman Stockyards with site visits to Radio Hill, Roy Hill, Poonda Outcamp and Weeli Wolli Creek. Barndu (David Cox), a Yinhawangka elder, gave his evidence at Kalkathara on Yinhawangka Country.



Eighty mile beach

# CHAPTER 3: The Long Path to Native Title Recognition

## Robert McClelland, former Attorney-General of Australia (2007-2011)

In my experience as Attorney-General, not all bodies involved in the administration of the land rights administration were up to the standard that I would have desired, but that was not the case with respect to YMAC. I found it to be an extremely well run and balanced organisation.

In some ways, I felt like a bit of a hypocrite flying into these areas because I'd come by VIP plane to go the areas. On the other hand, the mere fact that a government minister was authorised by the Prime Minister's office to use those resources to attend these native titles hearings or to just visit the area was itself significant and reflective of the native title system, but also the work of the organisation.

Let me just give you a sense of the moment when I attended a number of formal native title recognition hearings before the Federal Court, when I went out there to witness the court ceremony. You couldn't help but be struck by the sense of reverence that everyone felt, including the Federal Court Judge, for what was occurring: some of those hearings were the more significant moments that I recall in my time as Attorney-General.

There have been some great things happening.

We're particularly fortunate to have very sympathetic and sophisticated Federal Court judges and a Federal Court administration, which is cutting out a lot of the nonsense in native title negotiations, and they're doing a remarkable job in resolving matters.

There are still unnecessary complications in the system, which disadvantage the Traditional Owners. I think the Chief Justice of the High Court made a very well-reasoned argument that there needs to be a presumption of regularity, of continuity, of occupation to cut through some of nonsense that in turn leads to incredible expense and court delay. I think it's essential that this occur.

I also think to benefit from native title, the Native Title Act needs to be amended to let the Native Title Tribunal arbitrate, and arbitrate in respect to financial contribution, including royalties from any mining activities. I think when that occurs that will add additional incentive for all parties to reach a reasonable outcome.

Looking to the future – we haven't quite got it right, we haven't turned the symbolism of native title into long-term effective outcomes. I think that YMAC as an organisation is a leader in doing that, but I think it's all got a long way to go and I think that needs to be focus of any further amendments to native title legislation and certainly of any organisations involved.

## Significant successes.

### Ngarluma Yindjibarndi Native Title Determination

On 2 May 2005, after more than a decade of struggle, the native title rights and interests of the Ngarluma and Yindjibarndi people were recognised by the Federal Court at a ceremony presided over by Justice Robert Nicholson and attended by more than 500 people on the Old Reserve at Roebourne.

The Ngarluma people are the original inhabitants of the coastal areas around Roebourne in the West Pilbara. Archaeological surveys reveal that continuous occupation and ancestry stretches back more than 30,000 years and important cultural sites such as the rock art on the Burrup Peninsula near Karratha show a deep historical and spiritual connection to the land, waterways, rivers and sea. Ngarluma Country ranges from interior hills and tablelands, river systems and coastline, taking in the Burrup Peninsula and the Dampier Archipelago.

This was the first native title determination for the Pilbara region, providing access to land for traditional and cultural use as well as anticipation of longer term economic benefits.

The native title process began for the Ngarluma and Yindjibarndi people in 1994. The area of land is almost 25,000 square kilometres, shared between the Ngarluma and Yindjibarndi people.

As required by the *Native Title Act* 1993, Ngarluma Aboriginal Corporation was registered as the Prescribed Body Corporate (PBC) to hold and manage the Ngarluma people's native title rights and interests. Yindjibarndi Aboriginal Corporation serves as the PBC for Yindjibarndi people.

### Ngarla Native Title Determination

On 30 May 2007, Federal Court Justice Annabelle Bennett travelled to the De Grey River in the East Pilbara to make a consent determination of native title to recognise the Ngarla people as the rightful traditional owners of their land.

The consent determination was the result of more than 11 years of negotiations over approximately 11,000 square kilometres of East Pilbara land. The rights include the right to enter and remain on land, camp, hunt, fish, gather and use resources of the land and waters (excluding minerals), engage



## CHAPTER 3: The Long Path to Native Title Recognition

in rituals and ceremonies, protect areas of cultural significance and make decisions about using the land in accordance with traditional law. It also provides Ngarla people with a guarantee that they must be consulted regarding development on their land.

The recognition of Ngarla's native title occurred at the De Grey Station, one of the first stations established by European settlers in 1863. Ngarla leaders working on De Grey Station were at the centre of the 1946 Pilbara Strike, the first ever industrial action by Aboriginal Australians.

The decision was welcomed by members of the Ngarla community and Western Australia's then Deputy Premier Eric Ripper, who were at De Grey

**It has taken a long time, but I'm happy that us elders can pass this onto the next generation. It's important for our people and culture to get recognition of our land, and I'm glad it's come to a close.**

Charlie Coppin, Traditional Owner

River to celebrate with speeches and traditional songs.

### Nyangumarta Native Title Determination

On 11 June 2009, over 100 Nyangumarta community members celebrated the Federal Court's recognition of their culture and Country in the Pilbara region. The Nyangumarta native title determination application was filed in 1998 and covered approximately 33,843 square kilometres along the Eighty Mile Beach area and extending east into the Great Sandy Desert region.

The determination was made at an on-Country hearing of the Federal Court near the beach at Nyiyamarri Pukurl, on Wallal Downs Station. Nyangumarta community members celebrated the event with traditional ceremony, dance and storytelling. Justice Anthony North made two consent determinations for applications from the Nyangumarta people. Guests included The Hon Robert McClelland MP, Attorney-General of Australia and Australian film director Baz Luhrmann with his young acting star from the film Australia, Brandon Walters, a member of the Nyangumarta community. Pastoralists, fishing



Nyangumarta determination – with Justice North and elders

and mining companies, the WA and Commonwealth governments and Telstra were among parties to the two Nyangumarta native title applications.

Reflecting on the achievement, Nyangumarta elder Nyaparu (Margaret) Rose said, "We come from Nyangumarta Country and we speak for the land. Native title is very important to us because it has allowed us to get out Country back, to protect our spirits and sites, to go camping, hunting and fishing."

Janet Stewart, also a Nyangumarta elder and Nyaparu's sister, commented that, "Before native

title we knew that we owned our Country, but nobody else recognised that. As part of the native title process we've developed a good relationship with the pastoralists so that in the future we can both look after the Country together."

Since then, the Nyangumarta people have gone on to establish their Prescribed Body Corporate, Nyangumarta Warrarn Aboriginal Corporation, to manage their native title rights along with cultural, economic and environmental projects. Details of these breakthrough initiatives can be found below (see 'Caring for Country').

## CHAPTER 3: The Long Path to Native Title Recognition

### Nyaparu (Margaret) Rose, on her leadership role in Nyangumarta's native title determination:

"Since we lost our two leaders who took us on this journey – putting things down in a connection report for the determination – I started thinking, and I'm looking at these three old ladies and I said, it won't be too long and they're going to be old and just playing the waiting game. We don't know how long we're going to be waiting for this whole big claim without splitting it in half. So I spoke to the lawyer that was employed by YMAC, Rainer Mathews. And I had a chat with him to raise this proposal that I had because I could see my old people getting old.

So I said, I'll try and get this Part A, this Nyangumarta side of the claim, and leave the other half where there's a lot of conflict, two parties saying that's their Country. So I said leave that and concentrate on this. I put that to Rainer and he said, have a go. So I tried to put my point across. It took some time, nearly a year going back forth to the (National Native Title ) Tribunal, they got to know me and I got to know them – there was a relationship with the respondents – they knew who I was.

And when we had the determination on 9 June 2009, those people, the lawyers of the other respondents

actually spoke and - I was shocked, I don't know where I was that day – when they gave their speech and they started mentioning me, what a lady I am for taking my people. It shocked and surprised me to hear from the lawyers who were representing other parties that's against us. To hear it from their lawyers, that was something. We had Simon Hawkins, he was there, we had all our executive management team members from YMAC there, all staff from YMAC that played a huge role with our consent determination were all there.

We're happy, we got Country, people go hunting, but now we have to respect the pastoralists too, so we have to work together. It's working well. If they want to go to Eighty Mile or to our block or hunting, they'll tell me where they're going so I'll ring the pastoralist and say look, my people will be coming there so you can direct them wherever they can go, and I always ensure that the people pull in at the station and go see the manager and have a chat with them. And he'll tell them where they can go. Because they're a cattle station so sometimes they'll rotate the cattle from one paddock to another, so we have to work with them as well because it's a two-way thing. But we couldn't have done it on our own."

### Thudgari Native Title Determination

On 18 November 2009, 12 years to the day after their claim was first registered, the Thudgari people, along with government and pastoral representatives, met on Thudgari Country to determine native title over 11,280 square kilometres of land.

Thudgari Country lies between the Ashburton and Gascoyne rivers and is mainly covered by pastoral leases and the Barlee Range nature reserve. Settlement in the area occurred in the late nineteenth century by pastoralists, and Aboriginal people working on stations such as Glen Florrie, Maroonah, Mangaroon, Willambury and Ullawarra were a vital part of the survival of these remote outstations.

The on-Country Federal Court hearing was held at Ullawarra Station in the upper Gascoyne region, where Justice Michael Barker recognised the Thudgari people's native title rights to their Country, which stem from their traditional laws and customs. The determination formalised these rights and interests, including the right to access the land, to hunt, gather, camp and protect significant sites.



Thudgari elders with Justice Barker at their consent determination in November 2009

"I was born on Thudgari Country at an outstation on Maroonah Station, and my father was born on Ullawarra. As a child I was sent to Carnarvon mission and only had contact with my parents once a year. It was very hard for us Aboriginal children who weren't allowed to speak our traditional language or be on Country to learn from our elders.

Today means that I can go out on my Country and camp and hunt with my family. I can show our future generations this land and how it connects to who they are."

Doris Parker Traditional Owner



## CHAPTER 3: The Long Path to Native Title Recognition

Before the determination, the Thudgari people and pastoralists sat down together to make agreements for the future, called Indigenous Land Use Agreements (ILUAs). Fourteen ILUAs were registered after the determination.

The Thudgari people's PBC, Wyamba Aboriginal Corporation, was established to deal with Thudgari business.

### Nyangumarta Karajarri Joint Determination

In May 2012, the Federal Court handed down a native title determination to the Nyangumarta and Karajarri communities across shared Country near Eighty Mile Beach in Western Australia.

The joint determination resolved two overlapping claims of the Nyangumarta and Karajarri peoples, two different tribal groups who share traditional laws and cultural connection to the area.

The Kimberley Land Council and YMAC acted on behalf of the Karajarri and Nyangumarta claimants to negotiate native title across 2,000 square kilometres of land and sea Country across Anna Plains Station, a portion of Mandora Station and Eighty Mile Beach, in the East Pilbara and West Kimberley regions of WA.



Karajarri and Nyangumarta dancers at the on-Country determination. (Left) Johnny Hopiga and Nyaparu (Margaret) Rose at their joint native title determination at Anna Plains

### Litigation Successes

If agreement cannot be reached by mediation, the native title claim can then go to trial in the Federal Court. This process is extremely expensive, stressful and time consuming for the native title claim group and YMAC staff. Preparation for a trial is very involved because it requires proving the group's connection to Country to a judge. The elders and experts who give evidence need to be prepared to be cross-examined by the lawyers for the State Government, which can be very difficult for most people.

Once the trial begins, it will usually take place in several locations on-Country and in Perth. The judge then needs to consider all of the evidence and make a decision. This can take many months or years.

### Banjima Native Title Determination

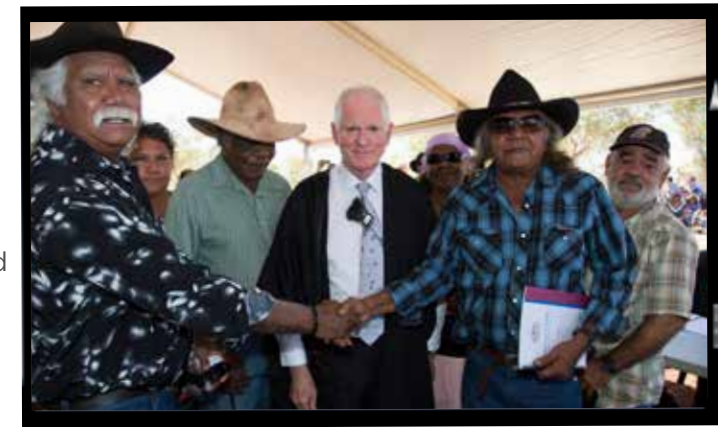
On 11 March 2014, the Banjima people of the Central Pilbara celebrated the end of a 15 year native title claim following a Federal Court decision to

recognise their cultural rights to around 10,200 square kilometres of traditional lands. Justice Barker made the determination at an emotional on-Country hearing of the Court in Karijini National Park.

The Banjima people first lodged their claim in 1998 and had been in litigation with the WA Government since 2011, after being unable to move forward with a negotiated outcome. Banjima Traditional Owners, together with YMAC staff across the organisation and expert legal counsel

worked tirelessly to achieve this result.

Banjima Country extends west towards Tom Price and east toward the town of Newman. It includes areas around Karijini National Park and the asbestos mining town of Wittenoom. The area is home to many sacred sites including ancient stone engravings and the gorges, including Wittenoom Gorge, have spiritual significance, forming part of the Banjima Peoples' cultural storylines.



Banjima Traditional Owners with Justice Barker



## CHAPTER 3: The Long Path to Native Title Recognition



Alec Tucker, Banjima Elder, outside the Federal Court after the handing down of the judgment on Banjima's native title claim, August 2013

This is a joyful day for us. We've been looking forward to this for a long time. We've been waiting for so long. We know it's Banjima Country, it's my grandfather's Country, my father's Country. I think the old people would be happy about today.

Alec Tucker, Banjima Elder

Our elders have taught us all of the things we needed to get our determination. They have taught us our law, language and culture, which we will pass on to our young people.

Maitland Parker, Banjima Elder

### Landmark win in the High Court

If the native title party or the State thinks the judge made the wrong decision, they can appeal to a higher Court to review the decision. This can mean another trial, adding several months or years on to the process of getting native title recognised.

On 12 March 2014, the Ngarla people were rewarded for their efforts when the High Court dismissed arguments by the WA State Government that 50 year-old mining leases, granted over areas 150 kilometers east of Port Hedland, permanently extinguished all native title rights in that land. YMAC advised and represented Ngarla throughout the appeal.

In response to the decision, Simon Hawkins, YMAC's CEO said, "The Full Federal Court had explained how these rights co-exist: native title continues by the mining rights prevail and the native title rights give way. After mining has finished, the Ngarla People can fully exercise all their native title rights through the whole area again. It was very disappointing that the WA Government challenged that position. The courts had been clear all along that the native title rights did not prevent mining companies from doing anything they were lawfully allowed to do under their mineral leases."



Banjima Country



# CHAPTER 4: Protecting Country and Culture

## Protecting heritage

One of the highest priorities of Traditional Owners is to protect important heritage sites from damage and destruction by development, particularly mining. Unfortunately, neither the Western Australian *Aboriginal Heritage Act (1972)* nor the *Native Title Act* provides adequate protection. In fact, in YMAC's experience, the *Aboriginal Heritage Act* is more a license to destroy important cultural and heritage sites, than a mechanism to protect them.

YMAC works hard to get the best possible protection and ongoing management of cultural heritage sites that it can for native title groups. Because legal protections are so weak, this is best achieved through native title agreement making. In negotiations, we can often secure stronger heritage protections than State or Federal Government laws can offer by building them into private contractual agreements with mining companies and other land developers.

These agreements, which will often last for decades, are not vulnerable to changes in government policy and establish a clear framework for how other land users will work with Traditional Owners over the long term to minimise damage to sites, while allowing industry to get on with their business.

## Fighting for change

YMAC's Board and members have led high profile campaigns over the last two decades to lobby for stronger protections under the State's Aboriginal heritage regime. We have kept the pressure up by writing submissions, raising the issue directly with Ministers, the Premier and government departments. YMAC has also worked constructively with the Chamber of Minerals and Energy WA to help shape their policy on native title and Aboriginal heritage protection.

On 26 September 2014, YMAC's Pilbara Regional Committee hosted a meeting at Yule River, on Kariyarra Country outside of Port Hedland. Over 200 Traditional Owners participated in the meeting.

The meeting at Yule River was a much needed opportunity for Traditional Owners to add their voice to the discussion surrounding the protection of Aboriginal Heritage in WA.

The discussion was led by Mrs Eaton and respected Banjima elder Maitland Parker. Aboriginal representative bodies from the Pilbara, members of Parliament including Robin Chapple MLC, Member for the Mining and Pastoral Region, and Hon Brendon Grylls MLA Member for Pilbara, were

given the opportunity to address those in attendance. The Minister for Aboriginal Affairs, Hon Peter Collier MLC, declined an invitation to attend.

Mrs Eaton urged those in attendance to unite with one voice. "These proposed amendments to the Aboriginal Heritage Act do not respect Aboriginal heritage and culture. Traditional Owners must be at the centre of decisions that affect their Country. We will stand united, and speak with one voice until our heritage is given the same respect as a built heritage," said Mrs Eaton. In light of the weak laws protecting heritage, YMAC has been proud to assist native title groups across both the Yamatji and Pilbara regions achieve recognition and exceptional protection measures of some extremely significant areas.



Yule River Community Meeting, 26 September 2014



Marnmu Smyth, speaking at Yule River Community Meeting



Kariyarra Traditional Owners at Yule River Community Meeting, 26 September 2014 Lena Alone (elder), Jessica Gordon, Chelsea Gordon, Laquiesha Gordon, Shaquade Gordon, Shoniqua Gordon, Nikeisha Gordon, Jahmarley Gordon, Andre Gordon (baby)

## CHAPTER 4: Protecting Country and Culture

### Wilgie Mia National Heritage Listing

At the request of the Wajarri Yamatji people, YMAC worked with several senior and knowledgeable Wajarri people over a period of years to research and record the importance of the Weld Range and its famous ochre mine, Wilgie Mia and in 2011 its National Heritage Listing was formally announced.

The 45 hectare area of the National Heritage Listing includes Wilgie Mia, Little Wilgie Mia and the Marlu Resting Place. These sites contain sacred law grounds, dreamtime places, thousands of examples of rock art, extensive archaeological material, and the Wilgie Mia red ochre mine.

Wilgie Mia is thought to be one of the world's oldest mines, with estimates placing it at about 27,000 years old. The heritage listed area includes the red ochre mine at Wilgie Mia (Thuwarri Thaa), the smaller yet significant ochre mines at Little Wilgie, as well as a yellow ochre mine further to the west.

Ochre from Wilgie Mia has long been prized by Aboriginal Australians as being of exceptionally high quality, and it formed an important part of the Indigenous economy through trade networks before European settlement. Today, as in the past, ochre is



important to Indigenous Australians for its use in ceremonies, art, healing practices and its religious significance.

Colin Hamlett, a Wajarri Yamatji man and Traditional Owner of the Weld Range, said, "Ochre from Wilgie Mia and Little Wilgie Mia is still used all the time... all the people around the region would get their ochre from there. People say it's the best ochre in Australia."

### Rock Art and Sacred Sites

The area around Wilgie Mia has the highest known density of pictographic rock art in southern Western Australia. Made from the red ochre, there are huge numbers of paintings and handprints throughout the network of caves and breakaways around the base of the Weld Range. The area contains numerous sacred sites, signifying ceremony, corroboree and law grounds, to living areas, pictographic art sites, artefact scatters and secret sacred areas.

The creation story of Wilgie Mia and surrounding hills in the Weld Range involves the Red Kangaroo, or Marlu, with the ochre representing the Marlu's blood. "A Kangaroo was wounded down near the coast. It hopped back through the Country and dropped spots of blood along the way. It dropped quite a bit at Little Wilgie Mia, then it died at Wilgie Mia which left a lot of ochre. Then the spirit of the Kangaroo moved from Wilgie Mia to the hill right next-door to it," explains Mr Hamlett.

In late December 2011, the National Native Title Tribunal (NNTT) made a very important and unusual decision, ruling that four mining tenements in the Weld Range could not be granted because of the cultural significance of the area to the Wajarri Yamatji people. This was only the second time that the NNTT had ever made such a decision.

The NNTT's decision was reached after an on-Country hearing earlier in the year which included visits to important places in the Weld Range. The Wajarri Yamatji people and YMAC staff gave evidence about caves with rock art, waterholes and old corroboree and ceremonial grounds, all of which remain very significant to the Wajarri Yamatji people.

### Looking after Country

Looking after Country is a responsibility that lies

at the heart of customary laws and cultural values and of native title groups that YMAC represents and the organisation has worked hard to support environmental and natural resource management projects wherever possible.

Nyangumarta has been actively working with other native title holders in the region, along with State and Federal Governments, to ensure the long term protection of their spectacular coastal lands and waters between Port Hedland and Broome.

### Nyangumarta Marine Park Planning

Nyangumarta started engaging with the Department of Parks and Wildlife (then the Department of Environment and Conservation) in 2009 to commence the planning process for marine parks and reserves across their coastal Country. In separate groups, Nyangumarta men and women mapped sites of resource use and special features, as well as a number of important cultural areas along Eighty Mile Beach. They also created seasonal harvest calendars, revealing the key marine resources for Nyangumarta people.

Site visits to important areas allowed Nyangumarta people to teach Departmental officers about their connection with coastal and sea Country.



## CHAPTER 4: Protecting Country and Culture

The best part about the process was that DEC came to the people. They sat down and learned from us. We taught them about the seasons, about hunting and fishing, about bush foods. It was also a chance for young Nyangumarta people to go out on-Country and learn from their elders, so it was like a workshop for our younger generations too.

Nyaparu (Margaret) Rose, Nyangumarta elder

In 2013, the hard work of all parties was rewarded with the formal declaration by the State Government of the Eighty Mile Marine Park. Commenting on the new Marine Park, Minister Bill Marmion, then Environment Minister, noted the historic nature of the reserve. “For the first time in any marine park or reserve in Western Australia, new special purpose zones have been included in the zoning scheme. This represents a new phase in joint management of conservation reserves with Traditional Owners and will provide specific recognition for sites of high Aboriginal cultural significance.”

### Uranium Workshops

Changes in laws around mining and developments in industry practice can have unexpected impacts on native title rights and the environment. From 2008, YMAC led the way on uranium education by hosting a uranium and native title conference, in response to the WA Government’s decision to lift the ban on uranium mining.

The event, facilitated by the Australian Radiation Protection and Nuclear Safety Agency attracted over 100 delegates from native title claim groups, the mining industry, government departments, environmental groups and other representative bodies.

YMAC’s Board made a decision that the organisation should not advocate one way or another, but rather provide as much information as possible to native title groups so that they can make their own decisions about uranium and agreement-making on their Country. As CEO Simon Hawkins noted, “Cultural practices such as hunting, collecting bush tucker, conducting traditional ceremonies and protecting sacred lands, waters and burial grounds mean that Aboriginal people needed to understand the full effects of uranium activity on their lands.

The conference was followed by an active education campaign in 2009, including a regional education roadshow and a trip to meet with Northern Territory Traditional Owners about their experiences of uranium mining on-Country. In 2010 YMAC presented a program of workshops on uranium

mining in Geraldton, Carnarvon and Karratha. YMAC’s work on uranium education was recognised when it was announced as a finalist in the 2012 WA Department of Communities, Community Services Excellence Awards.



Mrs Eaton in The Northern Territory on Uranium education tour, 2009

# CHAPTER 4: Protecting Country and Culture

## Sharing culture

Each year YMAC conducts cultural awareness training to allow new and current staff members to learn about Aboriginal cultures from Traditional Owners in an on-Country setting. Location and training formats vary from year-to-year but will typically include camping, language lessons, stories, history, bush-tucker experiences, learning about cultural protocols and traditional law and culture.



Charlie Wright, Nyangumarta elder and former YMAC CLO, teaching staff about bush tucker (Graham O'Dell and Donna Murdock). Cultural Awareness Training 2010



Martina Badal, Nyangumarta elder, teaching the late Roz Charter how to make damper, Cross Cultural Awareness Training on Nyangumarta Country - 'The Block', Wallal Downs Station

Over the years Traditional Owners have taken YMAC staff to visit sites of significance and to fish and hunt traditional foods. Nights around the camp fires are spent listening to dreaming stories, learning traditional dances and hearing about the Aboriginal kinship system. Damper making and hunting turkey have been particular favourites for and resulted in tasty camp cook-ups.



Mrs Doris Eaton, Janet Stewart, Nyangumarta elder, Martina Badal, Nyangumarta elder and Donna Murdock at 'The Block' Wallal Downs Station, 2010 Cross-Cultural Awareness Training

We provide cultural awareness training within the organisation. So every year we alternate between the Pilbara and Yamatji - we go out on cultural awareness training - we take new staff out. Last time we experienced the Shark Bay area. We learnt how to dig for water, identified various foods in the trees: what's good for medicine, what's good to eat.

Donna Murdock, Yamatji Regional Manager

Cultural Awareness trips have occurred in places such as Eighty Mile Beach, Kalbarri, Geraldton, Yule River, Millstream, Karijini, Denham and Shark Bay. Cultural Awareness training remains a highlight on the organisational calendar and their success relies on the Traditional Owners who take the time

to share their Country, culture and stories with YMAC staff.

## Law Business at Warralong

In 2011, a number of YMAC staff members were extremely

privileged to be invited by Pilbara Elders, to learn about and witness law business ceremonies at Warralong, on Njamal Country. Law business in the Pilbara takes place every year, from about November through February. Each Traditional Owner group has its own particular rituals and ceremonies to be followed.

The gathering at Warralong Aboriginal community attracted hundreds of people from Roebourne, Onslow, Tom Price, Jigalong, Nullagine, Punmu, Port Hedland, Yandeyarra and Youngalina. The ceremonies celebrated the passage of a group of boys into adulthood, a process that for generations has been turning Aboriginal boys into men in the eyes of their families and communities. The family gathering at Warralong was a brief interlude for the boys to see their families, between long



Cultural awareness training in Shark Bay, May 2009



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stretches in the bush learning sacred knowledge from their elders.

As well as a rite of passage, the ceremony represents a commitment to traditional culture and it comes with a responsibility to protect cultural knowledge and eventually pass it on to younger generations.

### Filming Indigenous Community Stories

In 2013, YMAC spent time on-Country with Traditional Owners from the Yamatji and Pilbara regions as part of an initiative to record Australia's unique Aboriginal cultural heritage.



Elders Joe Taylor and Stephen Stewart  
at Warralong, November 2011



Pilbara men performing a ceremony, November 2011

Indigenous Community Stories (ICS), run by WA's Film and Television Institute (FTI) in partnership with Rio Tinto, ScreenWest, Leighton and Ngarda Civil and Mining, aimed to digitally archive 100 WA Indigenous stories on film for future generations to view over the next century and beyond.

YMAC began working with FTI on this project in February 2013, teaming up with Geraldton-based artist and writer Charmaine Green to record her stories about growing up in WA's Midwest.

"Through this opportunity, I wanted to show that while many of our elders suffered harsh living conditions and severe disruption to their lives, they still found a way to uphold their culture. Younger generations need to remember this history and



Toby Smirke, Indigenous  
Community Stories Project,  
April 2013

Roberts, and Jurruru elder, Toby Smirke, who both spoke about their cultural ties to the Pilbara. In the first of these stories, Mrs Roberts talks about growing up around Abydos and Kangan stations, as well as her life in the Yandeyarra community. The second story, told by Mr Smirke, focuses on the working life of Aboriginal people on pastoral stations, his family, and Jurruru connection to Country.

### Return of Research Materials

Over YMAC's 20 year history, a significant amount of anthropological research has been conducted for the purposes of demonstrating connection to country and continuity of tradition. Our anthropologists have been in the fortunate position to interview people who have been identified by the community as possessing a wealth of traditional knowledge about language, culture and significant places on-Country. The resulting collection of oral history, cultural information and personal and traditional stories is an impressive, one-of-a-kind record of Aboriginal history.

The possibilities for the use of this material is exciting.



Irene Roberts, Margaret Stewart, Doris Eaton, Evelyn Mitchell and Cynthia Coppin at "China Wall" on Kariyarra Country, filming for the Indigenous Communities Stories Project, 2013

realise that although they may think life as an Aboriginal person is sometimes tough, anything is possible to achieve," she said.

Following on from the success of this project, in April 2013 YMAC also recorded the stories of Kariyarra elder, Irene



## CHAPTER 4:

# Protecting Country and Culture

This research is a valuable resource to Aboriginal families and communities as they transition to a PBC, empowering groups to determine their own future direction on the basis of culture. For example, the connection material is already informing corporate governance design, ensuring that governance structures are representative of the cultural and family structures and obligations of the group. The return of cultural material is also enabling native title groups to engage more strategically with stakeholders during agreement making and land management projects.

YMAC is working with groups to develop culturally appropriate guidelines and protocols around the return of native title research materials. Sensitivity is given to gender and age restricted information. This collaborative process can be an important teaching tool as elders share their knowledge with future leaders. With the use of digital technology, young people are engaging with the material and want to make it a living document, adding information to genealogies as new family members are born.

YMAC obtained additional funds to hold two pilot workshops with Ngarla and Nyangumarta in October 2013 and March 2014 and worked with the groups to identify priority research materials to be returned, such as Connection Reports, genealogies, photos, audio and videos. These materials were then digitised. The majority of the priority materials have been returned to Ngarla, as outlined in the guidelines and protocols developed collaboratively at the return workshop.

Senior Community Liaison Officer Nyaparu (Margaret) Rose, Pilbara Regional Committee member Nora Cooke and Director of Research and Heritage Olivia Norris, presented a paper at the recent National Native Title Conference on the return of native title research materials workshops that were held with Nyangumarta and Ngarla, resulting in strong interest from around the country.



Wajarri Country



# CHAPTER 5: Strong Relationships

As the native title system has evolved and matured over the last two decades, so too have relationships between YMAC, the native title groups we represent and other land users.

In the early days, these relationships were often adversarial with mining companies, governments, pastoralists and other land users reluctant to negotiate fair compensation for the impairment of

native title rights and often looking for shortcuts to an agreement. Sometimes mining companies would try and bypass YMAC altogether, leaving native title groups without adequate legal representation and advice. This would cause tension within native title groups and risked leaving Traditional Owners with compromised agreements.

My relationship with YMAC probably started in early 2000. I'd just come back from Africa. I was working in the mid-west and we set about negotiating some native title positions. I was a geologist for the company, getting heritage lists started and those sorts of things... We were possibly the first of the junior ironore companies to get into productions without infrastructure, but we also did native title agreements, which we thought at the time, was fairly innovative. There was quite a step change in the compensation to what we were paying in our agreements compared to what was the average agreement that had been negotiated for the Pilbara.

On the back of that agreement half the mine workforce was Aboriginal. That was pretty different. I think that

Simon (Hawkins, YMAC CEO) and the other groups would have to say the mining industry has climbed out the dark ages. They've not just organised things in good faith, they've demonstrated it and shown what good it does for the Aboriginal communities.

What works for one group doesn't work for the other, and Yamatji were good about being flexible. Still plenty of focus on the commercial elements; more and more we're going to see a focus on the governance elements. And multiple generational positive outcomes, even though the mines themselves might not last multi-generations, but set up to create sustainable benefits.

David Flanagan - Atlas Iron

## Securing a seat at the negotiating table

Native title agreements arise from one of the most important rights that claimants have under the Native Title Act: the 'Right to Negotiate'. This right does not amount to a veto over whether a mining company can mine, or a pastoralist can run stock; but it does provide Traditional Owners with a seat at the negotiating table. Any party that wants to do any activity that will have a significant impact on land where there is a native title claim must negotiate with the relevant native title group with a view to reaching agreement about how that activity will proceed. The agreement can also include compensation for the extinguishment or

impairment of native title rights. This compensation can be financial or non-financial and is most often a combination of both. An important legacy that YMAC has created over the last 20 years has been to raise the standard, both of the agreement negotiation process and the quality of agreements themselves.

"In the early days of the mining boom, the biggest challenges were about getting companies to acknowledge the established decision-making groups for dealing with native title business. In some cases, it took years for YMAC to create a legitimate point of engagement with companies over future development. There was a tendency for some companies to try and strike deals with individuals or attempt to create their own Indigenous negotiating bodies, resulting in millions of wasted dollars and years of delays. This has changed dramatically over time, with most of the major players now engaging well with YMAC's community-endorsed structures."

YMAC CEO Simon Hawkins



Maisey Hyland, Ngarlawangga Traditional Owner signs agreement

## CHAPTER 5: Strong Relationships

Achieving this legacy has required taking on some difficult battles, including litigation right through to the High Court. In 2008, the National Native Title Tribunal found that mining company Fortescue Metals Group (FMG) had failed to negotiate in good faith with members of the Puutu Kunti Kurrama and Pinikura (PKKP) claim group and the Wintawari Gurama Aboriginal Corporation over a proposed mining tenement application west of Tom Price. However, in 2009 FMG appealed and won their case in the Full Federal Court. The Court found that FMG had met the requirement under section 31 of the *Native Title Act* to negotiate for a minimum of six months with a view to reaching an agreement.

The PKKP people had argued that negotiations with FMG had not moved beyond the initial planning stages and on to more substantial matters about how the mining activity would proceed. The Full Federal Court found that there was nothing in the *Native Title Act* that required FMG to do anything more within the six month negotiation period. The PKKP people, represented by YMAC, sought leave to appeal this decision in the High Court of Australia, but this was dismissed in late 2009.

Despite this very disappointing setback, PKKP and YMAC were not deterred. The highest court in Australia had determined that FMG had satisfied the requirements of the *Native Title Act*, but in our view, this meant that the legislation was not up to the task of properly protecting and enforcing native title groups' right to negotiate. The law needed to change.

Following the outcome of this case, YMAC worked tirelessly over the five years from 2008 -2013 to convince the Federal Government that it needed to change the *Native Title Act* to clarify the meaning of 'good faith' when it came to agreement negotiations. YMAC's legal team drafted proposed changes to the law and as a result, reforms to the *Native Title Act* were introduced into the Federal Parliament and debated in a number of parliamentary committees. YMAC's Directors and Executive Management Team met with the Federal Attorney-General and Minister for Indigenous Affairs to explain the importance of these changes to Traditional Owners across Australia.

In the face of strong opposition from powerful industry lobby groups, a reform bill passed both

Houses of Parliament in 2013, only to be dropped at the very last stage in the midst of Labor leadership tension and an upcoming election.

Despite YMAC's disappointment that these legislative changes did not eventuate, the advocacy process has led to changes in the behaviour and attitude of companies to the negotiation of agreements. YMAC is grateful to Traditional Owners, particularly the Board of Directors, for its support and contribution to this important work.

### New standards in agreement-making

As relationships between the parties have matured over time, the range of benefits negotiated as part of native title agreements has become more diverse and sophisticated. Binding commitments to education, training and employment, business development and stronger heritage protections are vitally important to building strong futures for Traditional Owners. A number of significant agreements negotiated by YMAC on behalf of native title groups in the Pilbara have also created new standards of best practice in the design of benefit management structures; meeting the immediate needs of Traditional Owners and their families, while also preserving adequate funds for future generations.





## CHAPTER 5: Strong Relationships

### Andrew Harding Chief executive Rio Tinto Iron Ore and China, Korea and Japan

“As chief executive of Rio Tinto’s Iron Ore group I am proud to be part of the change in the relations between resource companies and Aboriginal people, which Yamatji Marlpa Aboriginal Corporation (YMAC) has been instrumental in facilitating.

YMAC’s 20 years of experience in negotiations and the Traditional Owners who they represent has been a valuable strength in the negotiations process.

Fifteen years ago Rio Tinto began its reconciliation journey when we signed the Yandicoogina Land Use Agreement. The Agreement was of historic significance, as it marked a new engagement pathway for relations between resource companies and Aboriginal people.

This year marked the signing of our ninth comprehensive agreement with Pilbara Traditional Owners. Our agreements now cover 100,547 square kilometres of land across the Pilbara

through which our operations and deposits for potential future development are located.

YMAC throughout this negotiation, as with all others we have collaboratively worked on, had the vision to recognise the sustainable and long-term benefits for Traditional Owners. YMAC has provided guidance and support to Traditional Owner groups through this process at the same time as empowering Aboriginal people to develop their own voice and capacity.

With YMAC’s assistance, I believe Rio Tinto have been able to achieve enduring relationships that will provide significant benefits for Traditional Owners. Strong relationships also provide a level of certainty for our business which is critical for long term business planning.

On behalf of Rio Tinto I would like to thank YMAC for being part of this social change, in the facilitation of mutually beneficial land use agreements. I look forward to the continued implementation of the agreements and self-determination of the Traditional Owner groups and corporations.”



### Historic Agreements for Pilbara Traditional Owners

In 2011, six landmark agreements were finalised between Pilbara native title groups and Rio Tinto. The comprehensive agreements cover the majority of the claim area for each native title party, providing surety for Rio Tinto’s across large areas of their operational footprint in the region. Under the agreements, the native title claim groups negotiated a range of economic and non-economic benefits. These include an income stream from mining on their lands, training and job opportunities, access to contracts for services for Rio Tinto and support for environmental and heritage activities.

The agreements also include special zones that recognise the importance of significant sites

such as burial and ceremonial sites, as well as important water holes and ecologically sensitive areas.

When the first of these agreements were finalised in 2011, YMAC’s CEO Simon Hawkins said, “The signing of these agreements is recognition of the professional way in which the parties have been able to work together to get the best outcomes. Through the negotiations, the native title groups now have an established relationship with Rio Tinto Iron Ore that they can build on for their future.”

Rigorous corporate governance and benefit management structures have been put in place to drive the implementation for the agreements. This includes the establishment of local Aboriginal corporations to manage the agreements and ensure compliance for each group.

## CHAPTER 5: Strong Relationships

### Driving infrastructure and technology

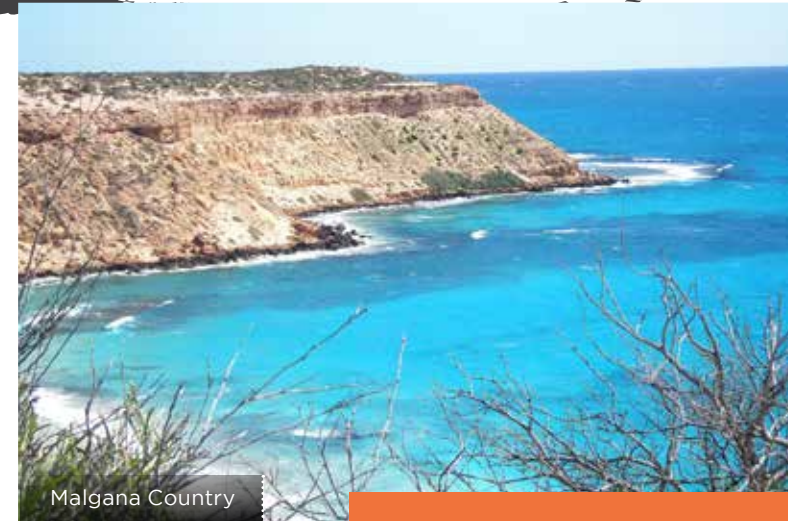
Alongside agreements with the mining industry, there have been innovative projects with research and industry, including the Murchison Radio-astronomy Observatory (MRO), part of the Australian Square Kilometre Array Project (ASKAP), a ground-breaking and long-term deal between Wajarri Yamatji, state and federal government, CSIRO and YMAC. The MRO is a 12,600 hectare purpose-established observatory that offers the CSIRO and other telescope operators a fully-equipped telescope site free from the impacts of growing human settlement. The site is protected from radio interference by Mid West Radio Quiet Zone.



The telescope will offer unprecedented sensitivity over long areas of the sky. ASKAP will also pioneer and trial cutting edge technologies in the areas of electrical engineering, digital systems, computing and signal transport.

### Partnerships to conserve the environment

An agreement in October 2009 between the Malgana people, state government and pastoralists over Dirk Hartog Island gave Traditional Owners greater involvement in the management of the World Heritage area. The agreement involved converting Dirk Hartog Island from pastoral station into a national park. The island, known as Wirruwana



in the local Malgana language, is an area of high conservation value and is also the site of the first European landing in Australia. The island is covered by the Malgana native title claim, and a number of Malgana people have lived and worked on the island.

Malgana Traditional Owner, Kelly Oakley, believes preserving the island's high conservation and heritage values are important to all West Australians. "Wirruwana has always been a place of special significance to our people. By conserving the island's Aboriginal heritage, biodiversity and historical values we are ensuring that all West Australians can enjoy its extraordinary beauty," she said.

The collaborative approach the Malgana native title group, state government and pastoralists took in reaching this agreement is the key to its success. Involving our people in the co-management of reserves in the area and allocating a site on the island where we can practice law and culture, is recognition of our standing as the Traditional Owners of the Shark Bay area. This recognition and the respect shown is very important to Malgana people.

Kelly Oakley, Malgana Traditional Owner

In exchange for consent to the national park project, the Malgana native title claim group negotiated cooperative management reserves in the Shark Bay World Heritage area. The group received a 5hectare reserve on the island for the purpose of teaching Malgana culture to future generations. The Malgana group also reached an agreement with the former pastoral lease holders, the Wardle family, providing employment opportunities and the recognition of Traditional Ownership in the expansion of tourism operations on the island. Ms Oakley has high praise for all parties involved in the agreement negotiations.



## CHAPTER 5: Strong Relationships

### Geraldton Partnerships

The Community Engagement, that's an incentive for me, to try and build relationships with the communities. We've actually got a group called MAOA, which is the Midwest Aboriginal Organisation Alliance. So Bundiyarra, Mirak, Kookra, Aboriginal Medical Service, Radio MAMA, we all come together as one to discuss and move forward, because each organisation has their own issues, but they are all the same issues. So there's housing, education, health, aged care; those are the main ones that we're working on at the moment.

Donna Murdock, Yamatji Regional Manager

### Facilitating regional development

An agreement was signed in 2010 between the Baiyungu Aboriginal Corporation (BAC) and the then Lands Minister Brendon Grylls, to allow for the development of much-needed housing for permanent workers and business owners in Coral Bay.

The agreement involved the transfer of 30 hectares of land near the town centre, enabling BAC to develop accommodation for people who live and work locally. BAC also agreed to lease a portion of



Gwen Peck, Gnulli Traditional Owner, with the Hon Brendon Grylls MLA, then Minister for Regional Development and Lands, at the signing of the agreement

the land back to the State government for the new seasonal staff accommodation facility planned for Coral Bay.

The project took several years of quality and focused work by the Corporation to reach a successful outcome. BAC Project Manager Noel Bridge, commented at the signing of the agreement: "Coral Bay is a stunning tourism destination, but the development of infrastructure has not kept up with demand. The lack of quality housing for workers and business owners has made it very difficult to attract and retain staff."

BAC received support from the Gnulli Native Title Working Group and YMAC and worked effectively with the WA Department for Regional Development and Land to reach this agreement.

Paul Baron, Gnulli Working Group chair, said the agreement would allow Traditional Owners to maintain their connection to their land, create jobs, economic development, and enhance the local community.

"These types of projects have the added advantage of giving visitors the chance to share Baiyungu land and culture," he said.

Most of these agreements are distinctive and unique: each group has its own needs and priorities. Many of these deals involve some of the country's most comprehensive land access agreements, and are seen as examples of best practice in native title agreements.

### Port Hedland Agreement

In 2011, the Kariyarra people entered into a significant agreement with the WA State Government, which has paved the way for much needed residential and commercial development of land in the Town of Port Hedland.

The agreement will provide the Kariyarra people with a significant stake in the future development of the town. Under the agreement, a total of around 5,000 hectares of land will be transferred to Kariyarra Traditional Owners, including 10 hectares of freehold land in South Hedland



suitable for residential development and land at 12 Mile for rural residential development. The Kariyarra people will also share in the profits from the sale of lots developed within the broader agreement area. They will also gain management of several extensive reserves, which include important cultural sites.

Kariyarra community members Kerry and Diana Robinson said, "This agreement will finally give us a say over what happens on our Country in line with our traditional customs."

Native title is often blamed for holding up development and business, but this agreement is evidence that Traditional Owners are keen to work actively with government to help develop new affordable housing options for all residents. In fact, this agreement has created a legacy for the Pilbara region, providing a template for how to develop an effective long term strategy for regional development, cultural heritage protection and natural resource management.

## CHAPTER 6: Leading on National and International Stages

YMAC has always understood the power of working together with other Traditional Owners across Australia. As a result, we have played an important role in the establishment and success of Aboriginal organisations over our 20 year history. The National Native Title Council (NNTC) and the WA Alliance of Aboriginal Land Councils are good examples.

### National Native Title Council

YMAC is a founding member of the NNTC, playing an active role since it was informally established in 2005.

The NNTC is an alliance of Native Title Representative Bodies and Service Providers from all over Australia. It provides a crucial platform for members to voice their concerns to governments and other stakeholders on matters of national, state, regional and local significance to Traditional Owners.

YMAC's Co-Chairs, Executive Management Team and senior staff have been represented on NNTC Boards and Committees for almost a decade, contributing to, and shaping the national policy agenda. For example, YMAC contributed to the development of the NNTC's joint submission with the Minerals Council of Australia on significant native title tax reforms and proposals to regulate and monitor native title agreements.

YMAC has been a great supporter of what we do at the national level with the National Native Title Council: they've been a major player in that, obviously committed not just to a regional or local presence but also in a state and national level they are very active in that sense.

Brian Wyatt, CEO National Native Title Council



WA Alliance Meeting, August 2013 L-R: Mrs Doris Eaton (Pilbara Co-Chair); Mr Peter Windie (then Yamatji Co-Chair); The Hon Michael Mischin MLC, WA Attorney General; Mrs Natalie Parker (Pilbara Deputy Co-Chair); Mr Donny Wilson, Pilbara Deputy Regional Manager

### WA Alliance of Aboriginal Land Councils

YMAC has also played a vital role in the establishment and development of the WA Alliance of Aboriginal Land Councils (WA Alliance).

Established in 2010 in response to the introduction of the Government's State Land Management Strategy the WA Alliance brings together Directors and Executive Managers of

YMAC, Kimberley Land Council, South West Aboriginal Land and Sea Council, Central Desert Native Title Services and Goldfields Land and Sea Council.

The WA Alliance provides a single interface for Members' of Parliament including the Premier, senior government officials and other stakeholders to engage with Aboriginal Land Councils and hear directly the concerns of senior Aboriginal leaders.

### Warren Mundine on YMAC

I started off on the other side of the fence in the sense that I was working with AGL, a large renewable energy company. I was head of their Land and Culture division dealing with land access, native title and land rights and occupational safety. My team and I did all of the negotiating for the Windimurra Vanadium gas pipeline. I was working in Queensland at the time and I came across (in 1998) to do the pipeline to Geraldton. The Yamatji Land and Sea Council had an office in Geraldton and I began meeting and negotiating with the CEO at the time, Clinton Wolf.

In 2003, I had the position of CEO of Native Title Services NSW. I started at the same time as Simon Hawkins started at YMAC and we met at the first national native title CEOs conference. I used to go regularly to WA as I saw YMAC as a bit of a leading light in way of managing native title discussion. I used to talk to the (YMAC) Board and work with a focus of corporate governance. At the time I was also President

of the Australian Labor Party. These were all useful connections, and we believed in this cross-fertilisation across the continent.

People don't think of NSW as a mining state, but it has one of the world's largest coalmines. Mining only makes up 3% of the state's economy, but it makes up a huge amount of the WA economy. NSW has such a diverse and mature economy; we saw things happening in NSW, and we were learning about negotiating, with the same companies that YMAC were operating with. So we wanted to know what the ins-and-outs of the negotiations and what the environment and the people were like.

One of the big issues that the Abbott government has to face is what is the benefit of how native title and how Aboriginal PBCs and native titles evolves. And YMAC is always at the cutting edge of this evolution.



## CHAPTER 6:

# Leading on National and International Stages

### Meeting with United Nations Special Rapporteur

In 2012, YMAC worked with Njamal Traditional Owners to host Professor James Anaya, UN Special Rapporteur on the Rights of Indigenous Peoples and Chairs of the National Congress of Australia's First People, during a visit to their Country in the Pilbara. The visit took place on the site of a joint venue mining project between the Njamal people and Fortescue Metals Group (FMG). The visit allowed Njamal and YMAC to show Professor Anaya firsthand the beauty of the Pilbara and significant heritage sites. Just as importantly, it was an opportunity bring to the United Nation's attention the challenges of



Njamal Traditional Owners with Co-Chairs of the National Congress of Australia's First Peoples, Lez Maezler (far left) and Jodi Broun (fourth from left) and Professor James Anaya, UN Special Rapporteur on the Rights of Indigenous Peoples (far right). Northstar Mine Site near Glacier Valley, Njamal Country, 2012

balancing the pressures of mining with the rights and interests of Traditional Owners throughout Australia.

### African Australia Women in Mining Study Tour

In November 2012, senior women from YMAC met with a visiting delegation of women involved in mining and development issues from various nations across Africa. The delegation included senior representatives including Members of Parliament and community leaders from the Democratic Republic of Congo, Burkina Faso, Gabon, Madagascar and Mozambique.

The group visited the Pilbara as part of a Mining Study Tour funded by the Australian Agency for International Development (AusAID). Organisers of the tour included the International Mining for Development Centre and the Australia-Africa Partnerships Facility.

The women came together in Karratha to share their experiences working with the mining industry at local, regional and national levels. They also discussed significant expansion of the mining, and oil and gas industries in Africa, the long history of mining on traditional Aboriginal Country in the Pilbara and the challenge of channelling the benefits of these industries into sustainable community development.

Mrs Eaton said the meeting was an excellent opportunity to learn more about women leading their communities in Africa, and share the experiences of mining and development in the Pilbara.

### Rewarding work

Many of the people associated with YMAC over the years have been recognised for their commitment and hard work by external bodies.

### Mrs Eaton: NAIDOC Female Elder of the Year

YMAC's long-term Pilbara Co-Chair Mrs Eaton was



The Australia-Africa Partnerships Facility meets with YMAC delegates in Karratha. Middle row L-R: Traditional Owners Sharon Ramirez (?), Doris Eaton, Susie Yuline and Denise Yuline



Niyaparli elder Susie Yuline and grand daughter Denise Yuline at the African Australian Women and Mining Tour meeting

awarded the prestigious honour of NAIDOC Female Elder of the Year in 2009.

Mrs Eaton was the first woman elected to YMAC as Pilbara Co-Chair and she has contributed to its strength and ongoing successes for many years.

Mrs Eaton has been involved in the Strong Families, Strong Culture health program that promotes traditional cultural approaches to parenting and lifestyle. She was also involved in the development of an antenatal hostel for young Aboriginal mothers in remote areas – the first of its kind in Western Australia.

When she was presented with this honour, Mrs Eaton said "Preserving culture is important to keep traditions strong. Elders need to teach the youth their language, dreaming stories and cultural practices. First learn your own culture and then you can be strong enough to move between the two worlds, to marry Aboriginal and mainstream cultures together."

## CHAPTER 6: Leading on National and International Stages

### Landcare Awards

In 2011, YMACs Nyaparu Rose won the ‘Leighton Holdings Indigenous Award’ at the Western Australian Landcare Awards. Nyaparu was nominated by YMAC for her work with Traditional Owners on the Pilbara Sea Country Plan. The plan details freshwater, fisheries and fauna management for the Pilbara Sea Country region.

The region extends from the Ashburton River mouth, south of Onslow to Eighty Mile beach, north of Port Hedland and between Mandora and Anna Plains. The Sea Country Plan stipulates education on ‘customary fishing’, supervision of tourism and its impact and lobbying for better scientific input regarding coastal and marine areas.

“It’s not only about native title on the land, it is also on the sea Country, we need to take care of that as well,” Nyaparu said. “Taking care of wildlife along the coastline and creating sea jobs for our people- getting them trained up as rangers so they can work along the coast.

### Uranium Project

In 2012 YMAC was announced as a finalist in the WA Government’s Department for Communities, Community Services Excellence Awards. The nomination was in recognition of our community awareness raising strategies for our Uranium and Native Title communications program. The Community Services Excellence Awards recognise the important role the community sector and individuals play in making a positive difference to people, families and communities through their innovative and creative services.

### Australian Institute of Management WA /The West Business Pinnacle Award

In a wonderful recognition of its strengths and qualities at the end of 2013, the Aboriginal Leadership Development Excellence was awarded to YMAC at the inaugural AIM WA/West Business Pinnacle Awards.

The awards, a collaboration between The West Australian’s business section and the Australian Institute of Management WA, recognised excellence in business across a diverse range of fields.



L-R: Mr Victor Mourambine, then WA Governor Malcolm McCusker AC CVO QC, and Mrs Doris Eaton at the AIM Pinnacle Awards Presentation

A total of 117 entries were received from companies vying for the Pinnacle Award for Aboriginal leadership development, philanthropy, customer service, green initiatives, human resource management, innovation, marketing and regional small business.

More than 600 guests, including Premier Colin Barnett and Governor Malcolm McCusker, attended the awards presentation with Co-Chairs Doris Eaton and Victor Mourambine accepting on behalf of YMAC.

Mrs Eaton said, “I want to recognise the hard work and the journey of Traditional Owners, particularly the leadership of the Yamatji and Pilbara Regional Committees and Board of Directors. I also acknowledge the Noongar

people, on whose Country we have received this award.

Yamatji Co-Chair Mr Mourambine said, “This means a lot for our people and shows we’re heading in the right direction. I look forward to continuing this way and the benefits it can bring for the future.”

Each winner was awarded \$10,000 to donate to a charity of their choice, with YMAC selecting Clontarf Foundation for their dedicated work in Aboriginal education, training and leadership development.





# CONCLUSION: Our Vision for the Future

The land council has become more than just an organisation that the Government says needs to be there. It's more like family. A lot of staff have been there a long time and hung in during hard times. They show a lot of respect for our old people and help us fight for our cause.

As Co-Chair, I developed strong relationships with other Directors. I learnt a lot about the Pilbara claims and how complicated it becomes when mining moves on to your Country. You could take the easy way out, but these Traditional Owners are fighting to protect their rights and heritage.

Sitting on the Board, you get a sense of the bigger picture – what the challenges are facing people across all of regions, rather than just your own claim group.

At the end of the day, I'd like to see everyone get some sort of recognition of their connection to Country.

Peter Windie, Thudgari Traditional Owner and YMAC Director

## From little things, big things grow...

Over the last 20 years, YMAC has grown from a small fledgling organisation into one of the largest and most successful native title representative bodies in Australia. This is no small feat. The High Court's Mabo decision, followed by the introduction of the *Native Title Act*, saw a whole new legal concept and framework emerge and disrupt familiar understandings of property ownership and entitlement in Australia. In many ways these landmarks transformed the identity of Australia and reset the place of Aboriginal and Torres Strait Islanders in our society.

As we have acknowledged, these changes gave rise to great uncertainty. In the early days, points of law needed to be constantly tested in Court and legislation improved to make it workable for all involved. This was and remains an expensive, drawn out process.

YMAC's members, claim groups, the Board of Directors and staff had to consistently fight for a seat at the negotiation table, whether that was with governments or industry. YMAC's approach has

changed significantly over the last decade along with broader attitudes and commercial drivers. We have moved from adversarial relationships with land developers to mostly cooperative and respectful relationships delivering new opportunities for native title groups and industry.

While the relationship with industry has matured and become highly professional, YMAC is disappointed to see painfully slow progress

in the claim resolution process. The burden on Traditional Owners to prove their ongoing connection to Country remains high and, tragically, elders continue to pass away before their claim can be resolved. For this reason, it is important that YMAC continues to work hard alongside Traditional Owners and take advantage of all opportunities to practice culture and protect Country throughout the claim process.



# CONCLUSION: Our Vision for the Future

## Working toward a Geraldton Settlement Agreement

In some areas, the challenge of resolving native title can be more difficult than others. This is particularly the case for a number of claims in the greater Geraldton region. The cultural connection to Country is still strong for Traditional Owners in the area and families have lived for many generations and contributed in a multitude of ways to the region. Unfortunately, though, with the widespread use of land for farming and residential townships, native title rights will have been extinguished across large tracts of the claim areas.

The Geraldton Settlement Agreement (GSA) is a project that seeks to offer some real, practical benefits to Traditional Owners and resolve the overlapping native title claims in the Geraldton area. These include three claims represented by YMAC: Amanju, Naaguja and Hutt River, along with two claims with private representation, Mullewa Wajarri and Widi Mob.

An alternative settlement provides an opportunity to negotiate over issues such as land use and access, community and economic development and the protection of important cultural heritage sites.

YMAC has been working with Traditional Owners towards a GSA since 2004 and important progress has been made in recent years. There is now a Working Group made up of all five native title groups and they have endorsed a Memorandum of Understanding that sets out the relationship of the groups in future negotiations with the State government.

The GSA is a complex and long-term project. It does demonstrate, though, the need to seek positive alternative solutions to a native title system that does not easily recognise the ongoing cultural responsibilities and connection to Country of Traditional Owners in areas that have experienced high rates of settlement and development. YMAC encourages all parties to persevere with this process and looks forward to supporting the participating native title groups in their fight for respect, recognition and greater self-determination.

## Future proofing: growing wealth and opportunities for future generations

Effective agreement-making is a key way for Traditional Owners to secure a say in the ongoing protection and management of their Country, as well

as providing a foundation for economic growth. The agreements YMAC has helped to negotiate will not change at the whim of governments, but remain binding contractual agreements for decades to come. Looking to the future, YMAC will work hard to ensure that the agreements negotiated to date are more than legal documents and deliver concrete, practical outcomes for Yamatji and Pilbara native title communities.

Many native title groups in the regions we represent have established their own corporate structures to oversee the implementation of these agreements, the management of financial benefits and economic and community development activities. YMAC was pleased to be involved in the initial groundwork to establish some of these organisations and is delighted to see them moving into a new phase of growth, taking on commercial business opportunities and driving innovation in their region. YMAC wishes them well as they embark on their own pathways to economic growth and self-sustainability.

## Enjoying native title rights

Increasingly YMAC is assisting native title

My grandmother, Alice Nannup, said to me, ‘that’s my past, this is your future.’ And I’ve always remembered those words from her. She had all us grannies sitting around her telling us her stories and she just said, ‘that’s my past, this is your future.’ It’s up to us. And that’s the values that we’ve had.

I’m very blessed to be here, it’s just such a sense of achievement to be a part of Yamatji, to see where we’ve come from, to see where we are today. And there’re so many opportunities out there, we’ve just got to get together.

Donna Murdock, Yamatji Regional Manager

groups in the advanced stages of their claim prepare for the transition to a Prescribed Body Corporate (PBC). After the long wait to reach a determination, it is crucial that PBCs establish appropriate governance structures whereby cultural and corporate decision-making protocols align and work in harmony. YMAC hopes to expand its support to PBCs, drawing on its long-term relationships and extensive experience to assist Traditional Owners reduce their costs, while making the most of their opportunities to exercise and enjoy their hard fought for native title rights.



# CONCLUSION: Our Vision for the Future

## Conclusion

YMAC's Board of Directors and staff would like to acknowledge and congratulate all those involved in building the success of the organisation over the last 20 years. Against all odds, YMAC has shown how strong leadership can support collaboration across different regions in Western Australia to achieve a shared goal: the recognition of native title rights and interests.

Our ultimate vision for the future is for all Traditional Owners to have the recognition of their unique culture and ongoing connection to Country recognised by Australia's law and its people. Our objective for the future is to transform this recognition into tangible benefits for Traditional Owners, in terms of cultural strength, intergenerational wealth, health and prosperity. We look forward to walking alongside Yamatji and Pilbara Traditional Owners as they strive to achieve these objectives and determine their own futures for generations to come.



Badimia Country



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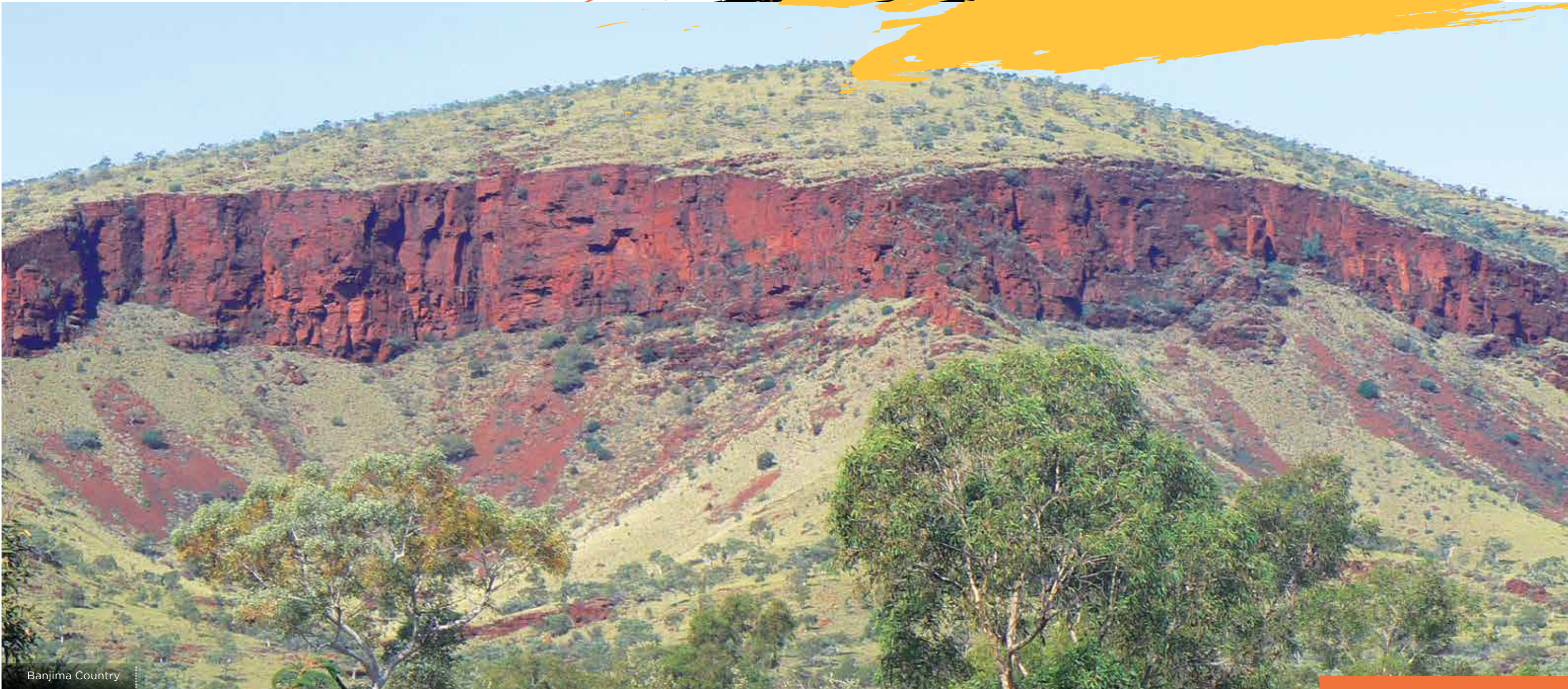
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