

**YAMATJI MARLPA BARNA BABA MAAJA ABORIGINAL CORPORATION
YAMATJI LAND AND SEA COUNCIL
PILBARA NATIVE TITLE SERVICE**

NATIVE TITLE REPRESENTATIVE BODY

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Committee Secretary
House of Representatives Standing Committee on
Aboriginal and Torres Strait Islander Affairs
Parliament House
CANBERRA ACT 2600
AUSTRALIA

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BY: ATSIJA

Dear Secretary,

**SUBMISSION TO THE HOUSE OF REPRESENTATIVES STANDING COMMITTEE ON
ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS INQUIRY INTO INDIGENOUS
EMPLOYMENT**

Thank you for the opportunity to contribute to the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs Inquiry into Indigenous Employment.

ABOUT YMBBMAC

The Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation operates under the *Native Title Act 1993* and is incorporated under the *Aboriginal Councils and Associations Act 1976*. There are two operational divisions in YMBBMAC: the Yamatji Land and Sea Council (YLSC) and the Pilbara Native Title Service (PNTS). These divisions operate in discrete geographic areas of Western Australia – the Murchison/Gascoyne (Yamatji) and Pilbara regions - each comprising multiple claim groups. YMBBMAC has four regional offices and one based in Perth.

Both the PNTS and YLSC regional operations have achieved an Indigenous employment rate of around fifty percent of the total staff. This far exceeds the three percent national public sector quota for Indigenous employment levels. Additionally, a number of the senior management positions in the organisation are held by Aboriginal people. Indigenous employment levels in the Perth office remain at a lower level than in the regions. Despite ongoing attempts by the organisation to increase these numbers, the limited Indigenous human resource pool in the urban centre of Perth continues to present recruitment challenges for YMBBMAC. However, one quarter of YMBBMAC's total staff is Indigenous, a number well above the government sector requirement.

WORKING GROUPS

The principle mechanism by which YMBBMAC carries out business with its clients – the traditional owners of the Yamatji and Pilbara regions - is via working groups. Working groups are nominated by claim groups and have authority to make decisions on behalf of a community about native title matters. A working group is composed of Indigenous people with the appropriate cultural capital and recognised status to have authority in relevant matters. They are not groups of elders, but commonly consist of a dynamic mix of young people and elders as well as both men and women.

The success of the working group model stems from its basis in the embedded systems of traditional decision-making inherent to Indigenous communities. The groups ensure effective engagement with claimants, bringing about sustainable and respected agreements.

INDIGENOUS EMPLOYMENT OPPORTUNITIES ARISING FROM NATIVE TITLE NEGOTIATIONS

As a native title representative body, YMBBMAC believes that real opportunities exist for Indigenous employment through the native title future act process. As such, it considers that employment and training are outcomes that should be at the heart of future act negotiations with mining companies and other proponents. This position has long been a priority outcome for the traditional owners it represents and central to the negotiating position taken by working groups on behalf of their claim groups. Additionally, agreements with mining companies often have the result of wealth flowing, through the traditional owners, to the rural and regional community at large. Rural and regional businesses benefit from native title agreements because Indigenous people with jobs in the resources sector, or as recipients of compensation payments, become consumers in their own right. Subsequently, native title agreements are good for the bush economy.

YMBBMAC has already achieved results for its clients through native title agreements which have led to employment and training outcomes for traditional owners. An example of this arose from an agreement between the gold mining company Newcrest Mining and the Kariyarra, Ngarla, Njamal, Warrarn and Birrimaya claim groups. The agreement resulted in the company funding a business development officer to provide claim group members with training programs aimed at affording claim members with skills that would increase their potential for implementing new business ideas and attracting employment.

YMBBMAC is engaged in numerous future act negotiations, including those with the major Pilbara mining proponents:

- Rio Tinto
- BHP Billiton
- Hope Downs
- Fortescue Metals Group

As part of this process, it has engaged, on behalf of traditional owners, in wide-ranging discussions with these proponents about adopting more collaborative and mutually beneficial outcomes including those to do with employment and training. To date, these discussions have suggested real opportunities for Indigenous people.

The importance of building solid relationships with stakeholders has been a key priority in YMBBMAC's operations. In working with industry, the organisation has pursued a number of mutually beneficial agreements. Illustrating this is the process agreements YMBBMAC has reached with Rio Tinto, BHP Billiton, and Fortescue Metal Groups (FMG). These agreements entrench mutual obligations between claimants, YMBBMAC and mining companies which will provide the best shared outcomes for all parties.

THE ROLE OF GOVERNMENT IN SUPPORTING NATIVE TITLE OUTCOMES

Employment, training and business opportunities achieved through future act negotiations are very welcome. However, it is neither appropriate nor desirable for employment and other basic service deficiencies to be addressed exclusively through future act agreements. Although companies may, at times, make contributions to these areas, the needs of traditional owners must be addressed in an ordered and comprehensive way. It is clearly in no one's interests – neither government, industry, nor traditional owners – for random negotiations under the *Native Title Act* to become the *de facto* mechanism for government policy and service.

Strategically joined-up operations between government and organisations like YMBBMAC are crucial. Many of the major concerns that traditional owners have about the impact of industrial development in the region – such as its effect on existing education, transport, housing, and health services – are the responsibility of government. Moreover, many of these factors provide the backdrop for employment conditions and impact on employment outcomes and opportunities for Aboriginal people. Supportive infrastructure provisions from government can significantly increase the beneficial outcomes that employment initiatives bring to Indigenous people and communities. It is essential to make sure that investment translates into genuine, sustainable development. The fair distribution of benefits across communities will clearly illustrate the cultural changes that have evolved over the past decades and bring fairer outcomes for the Aboriginal people of the region.

YMBBMAC has been in discussion with the Commonwealth Government about ways in which new initiatives on shared responsibility and regional partnership agreements can provide a framework for community development. The working group structure has untapped potential to be a key element in the overall process of improving governance and outcomes for Indigenous people, in conjunction with government and stakeholders. Working groups have the potential to take a leadership role in strategic planning for their communities and the success of this model means that governments do not have to re-invent the wheel when it comes to engaging with Aboriginal communities.

There is no doubt that there have been two significant developments in Western Australia in the past ten years for Aboriginal people – the *Native Title Act* and the resources boom. These two unlikely partners offer a real opportunity for economic sustainability for Aboriginal people in the state, the like of which may never be seen again. YMBBMAC believes that the opportunity to make a real difference exists, but government must act now to ensure that the positive outcomes being achieved between YMBBMAC and its clients with mining companies will be fully developed.

Two briefings have been attached to provide more detail about some of the issues discussed in this letter. "The Working Group: Bridging the gap between traditional owners, government and stakeholders" provides more information on YMBBMAC's working group model and "Working Group Service Delivery Model" examines the way in which working groups offer an appropriate

forum for government to engage with Aboriginal communities to develop community visions through shared responsibility agreements.

Please feel free to contact our organisation with any questions. We would also be very happy to appear before your committee to discuss this matter further.

Yours faithfully



SIMON HAWKINS
EXECUTIVE DIRECTOR