

11th August 2011

Senate Standing Committee on Legal and Constitutional Affairs

Email: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au)

RE: Submission to The Native Title Amendment (Reform) Bill 2011

I write this submission in support of the Yindjibarndi People in Western Australia. My name is Marianne Mackay and I am a Whadjuk/Yueta Yoorga (woman) from the South West of Western Australia. I am totally disgusted at the treatment the Yindjibarndi people have had to suffer in their negotiations with Andrew 'Twiggy' Forrest, and for this reason I submit my support for the amendments in the above mentioned Bill.

Section 1 includes an amendment to the Bill regarding an implementation of certain sections from the Declaration on the Rights of Indigenous Peoples which we would love to see fully implemented into domestic law. For this reason I fully support the amendment to insert these sections which includes 'free, prior and informed consent of Indigenous Peoples to matters affecting them', which will limit the ability for future negotiations to be conducted in the disturbing way FMG conducted theirs with the Yindjibarndi people.

Much debate has occurred with the negotiations with Andrew Forrest including Traditional Owners being restricted in any involvement with FMG and their proposed mining operations on Yindjibarndi land.

Section 6 of the Bill requires the negotiators to 'negotiate in good faith using all reasonable efforts'. This section will afford the people the protection they deserve in their right to fully negotiate as the Traditional Owners from the area, something they have not been able to do with FMG. This section will also provide Traditional Owners protection from 'outsiders' claiming to be part of the community in order to gain financial benefit in exchange for land use.

For further evidence of this please view the link below;

<http://australianpoliticstv.org/2011/04/13/fmg-great-native-title-swindle>

Andrew Forrest has also stated that he will not offer any profits whatsoever in the negotiations but rather offer training, education etc and other services, basically he is dictating what will go on rather than discussing and negotiating fairly, he is bullying and dictating. Section 10 in the amendment Bill states 'profit sharing conditions may be determined'. With this amendment being included it gives the Traditional Owners the right to request whatever financial benefit they wish to under the Act in order to negotiate the best outcome for the people, not FMG or other companies.

The mining 'giants' such as Andrew Forrest will use the legislation against the people for their own benefit time and time again so the amendments being put forward are welcome in my view in providing Aboriginal people with the protection we deserve in regards to negotiations on our lands. The Yindjibarndi people have been treated with such contempt and ignorance by FMG and the Western Australian government and this shows the continuing disrespect this government and their business friends have for our First Nations

Peoples...however, I would like to suggest an amendment for our people to say 'NO' to mining if we don't want it. We cannot say no to mining, we simply have no choice but to negotiate and there is no protection for our people as if negotiations aren't completed the company can just

take over and our people miss out.

This is why we, and the Yindjibarndi people need these amendments to go through in order for fair and true dealings to take place and with the right community leaders and TO's involved in the negotiations. I fully support the amendments and would like to express my disgust at the WA governments submission regarding the amendments also. The submission is its own evidence to you that we live in a capitalist state only concerned about its own economy and not whats in the best interests of our First Nations Peoples and I strongly urge you to ignore what they have suggested and complained about. The Yindjibarndi people and others need the protection we truly deserve and I believe these amendments will walk us down a path together to achieving that together, not on our own.

Regards

Marianne Mackay  
Headland/Wilkes/Anderson/Williams family  
Whadjuk country (Perth-Boorlo)

Form Letter received from:

Marianne Mackay - a Whadjuk/Yuet Yoorga (woman) from the South West of Western Australia

Alec Wilson - a Wongatha-Man from Kalgoorlie Region Western Australia.