



Yamatji Marlpa
ABORIGINAL CORPORATION



The Hon. Warren Entsch, MP
Chairperson
Joint Standing Committee on Northern Australia
PO Box 6021
Parliament House
CANBERRA ACT 2600

12 March 2019

Dear Mr Entsch,

Yamatji Marlpa Aboriginal Corporation
Submission to the Joint Standing Committee on Northern Australia

Inquiry into the Opportunities and Challenges of the Engagement of Traditional Owners in the Economic Development of Northern Australia

Introduction

Yamatji Marlpa Aboriginal Corporation (YMAC) welcomes the opportunity to provide a submission to the Joint Standing Committee's Inquiry into the opportunities and challenges of the engagement of Traditional Owners in the economic development of Northern Australia. YMAC is the Native Title Representative Body (NRTB) for the Gascoyne, Mid West, Murchison (Yamatji) and Pilbara (Marlpa) regions of Western Australia. YMAC represents over 20 native title claim groups and supports a further 18 Prescribed Bodies Corporates and related entities; all with their own language, culture and traditions.

YMAC's representative area covers about one-third of Western Australia, with offices located in Perth, Geraldton, Port Hedland, Broome and Denham.

Because of the diversity of Yamatji and Marlpa culture, each region elects a Regional Committee to provide policy direction on matters that are either specific to either Yamatji or Marlpa country. YMAC is run by an Aboriginal Board of

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Directors that comprises 12 members; 6 from each of the Pilbara and Yamatji Regional Committees.

YMAC's work includes:

- Legal representation and research to assist with native title claims:
- Negotiating land use, future acts and native title agreements
- Prescribed Bodies Corporate support services
- Cultural heritage protection services; and
- Community, economic and environmental projects.

YMAC operates under the *Native Title Act 1993* (NTA). And the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act).

Responses to the six opportunities and challenges identified for the Inquiry into the Engagement of Traditional owners in the Economic Development of Northern Australia

We have reviewed and made comment on the National Native Council's (NNTC) submissions, and for the most part YMAC endorses the National Native Title Council (NNTC) recommendations in response to this inquiry.

The following submissions and recommendations are provided in addition to, or as an amendment to the recommendation by the NNTC in response to the specific Terms of Reference for the Inquiry.

1. The current engagement, structure and funding of representative bodies, including land councils and native title bodies such as prescribed body corporates.

NNTC Recommendation 1.1 regarding Funding arrangements for NTRB/SPs

YMAC endorses the NNTC's Recommendations submitted under Section 1.1 of its submission.

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NNTC Recommendation 1.2, regarding Management of compensation claims

Whilst YMAC agrees with this recommendation in part, YMAC would have concerns about adopting a one size fits all approach in adopting this recommendation. While it would be beneficial to have this an option, not all claim/determinations are equal in terms of economic opportunity, size of the claim area and members.

The concern here with a 'regional settlement approach' is that if the management of compensation claims is moved over to a body like the NNTT that it loses momentum. This was the case prior to 2012, following which the Federal Court took over the successful management of Native Title Claims.

The States need to adopt a more flexible approach and for the Commonwealth to re-engage with the promises it made around compensation claims.

YMAC endorses the second NNTC recommendation in 1.2 that funding be increased to allow NTRB/SPs to adequately manage future Native Title compensation applications.

NNTC Recommendation 1.3 regarding Support for PBCs.

PBCs currently receive funding of \$50,000 per annum by the Department of Prime Minister and Cabinet which funds compliance obligations. This is necessary for good governance, and there is much need for a further increase in funding. Such funding could assist with performing a viability study of each PBC with regard to economic opportunities and a skills audits of the common law holders. It could also assist in covering the costs of how Traditional Owners do business. Every Traditional Owner group has its' own consultation and decision-making process. Consultation to develop business plans that are culturally sensitive requires many meetings, workshops and knowledge-building which in turn take time and resources.

YMAC therefore endorses the NNTC's recommendation that PBC receive a significant increase in funding and that this be awarded at three year recurrent funding, six months prior to anticipated Native Title determination date by Federal Court, subject to positive advancement of the determination.

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YMAC also agrees with the NNTC submission that PBCs would benefit from regionally-based support service and believes that NNTRB/SPs such as YMAC are best positioned to act as a regional hub in a post-native title space.

YMAC endorses the second recommendation in 1.3 that “Native Title Representative Bodies are appropriately funded annually to support PBCs in community planning and development process to derive from their compensation revenue long term benefits from economic development, cultural maintenance and social outcomes.

2. The role, structure, performance and resourcing of Government entities (such as Supply Nation and Indigenous Business Australia).

NNTC Recommendation 2

YMAC endorses the recommendation that existing levels of funding and resources for the ILSC, IBA and Supply Nation be expanded.

This increase in funding would assist these organisations to better deliver on their objectives, for example an increase in funding to ORIC to deliver governance training could mean an increase in the frequency and accessibility (i.e. regional and remote) of good governance training.

3. Legislative, administrative and funding constraints, and capacity for improving economic development engagement.

NNTC Recommendation 3

YMAC endorses the NNTC recommendation that the *Corporations (Aboriginal and Torres Strait Islander) Act* be subject to a comprehensive review including representatives of affected Indigenous communities and that any resulting proposals are supported by those representatives”.

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YMAC observes a major issue here is that ORIC lacks the resources and capacity to enforce the act.

4. Strategies for the enhancement of economic development opportunities and capacity building for Traditional Owners of land and sea owner entities.

NNTC Recommendation 4

YMAC endorses the NNTC recommendation that the *Corporations (Aboriginal and Torres Strait Islander) Act* be amended to include the proposed PBC-EVS provisions.

YMAC supports such an initiative as it provides for more economic independence for PBCs to diversify their investments, to the benefit of their broader memberships.

YMAC proposes that funding be increased to NTRB/SPs to assist PBCs with economic development and independence.

NTRBs are in a strong position to provide post-determination expertise and support to PBCs and require the resources to be able to evolve to be able to continue to support PBCs as they develop. With further funding NTRBs can facilitate opportunities to laterally build capacity and relationships between groups by (for example) bringing successful Aboriginal businesses together to share stories of success and deliver training in how to set up a successful business. NTRBs can also assist with corporate support; collaborate with Traditional Owners with setting up mission, values and strategic plans that integrate traditional laws and customs; as well as business support such as internal processes, policy and procedures.

5. The principle of free, prior, and informed consent.

NNTC Recommendation 5

YMAC endorses the NNTC's recommendations outlined in Recommendation 5.

YMAC proposes that funding be allocated to support Traditional Owners in gaining free prior and informed consent for all economic opportunities. Working in regional and remote areas is logistically complex and expensive; the process

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to achieve this is lengthy and requires a high level of engagement to adequately address this. In addition to economic advances, Traditional Owners must consider what happens on-Country, the environmental impact and any potential for impact on heritage.

6. Opportunities that are being accessed and that can be derived from Native Title and statutory titles such as the Aboriginal Land Rights (Northern Territory) Act 1976.

NNTC Recommendation 6

YMAC endorses the NNTC recommendations that, “Funding for Indigenous Ranger Programs should be increased by at least \$100m annually for the next three years to allow the expansion of existing IRPs and the development of new programs in collaboration with PBCs and relevant NTRBs/SPs. Ideally funding to these programs should be doubled”.

YMAC would however like to see a longer-term funding commitment to the Indigenous Ranger Program, i.e. much longer than 3 years.

YMAC is one of the 40 supporting organisations of the ‘Country Needs People’ campaign

(https://www.countryneedspeople.org.au/about#supporting_organisations), and

aligns itself with the three key asks of the campaign:

“We are a growing group of Indigenous and non-Indigenous Australians, including individuals and organisations, calling on the Government to:

- Double funding for Indigenous rangers and Indigenous Protected Areas;
- Commit to longer term funding for Indigenous rangers and Indigenous Protected Areas; and
- Support a long-term national target of 5000 Indigenous land and sea management jobs.”

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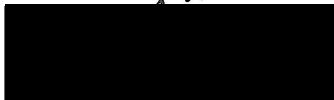


Conclusion

YMAC endorses the submissions and recommendations made by the NNTC and believes they are feasible. We encourage the Committee to adopt them in its report and believe they form the basis for a robust approach to engaging Traditional Owners in the economic development of northern Australia.

YMAC welcomes the opportunity to further assist the Committee in its inquiry.

Yours faithfully,



Simon Hawkins

CEO

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