## Western Desert Lands Aboriginal Corporation

### Annual Report 2008/09

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Report from the Chairperson – Mr. Gordon Mandijalu

On behalf of the Board of the Western Desert Lands Aboriginal Corporation (Jamukurnu-Yapalikunu) RNTBC (ICN4207) I would like to present the Directors Report for the year 2008-2009.

WDLAC is the prescribed body corporate which holds Martu native title over our traditional lands. Those on the Board of WDLAC work together to comply with our statutory functions under the Native Title Act 1993 and the Native Title (Prescribed Body Corporate) Regulations and to protect our native title.

This past year WDLAC has worked very hard to accomplish a number of outcomes for the Martu People. Firstly, in accordance with the Corporations (Aboriginal and Torres Strait Islander and) Act 2006, WDLAC was required to make some amendments to the existing constitution. During the past year these changes were finalised, endorsed by the members and accepted by the Office of the Registrar of Indigenous Corporations before the June 30 2009 deadline for transition. WDLAC will be operating under the new “rule book” in the coming year.

The establishment of the Martu Trust was another big accomplishment this year. The benefits received through negotiations will be managed through a dedicated trust company “Martu Trust Pty Ltd” to provide benefits for Martu People now and into the future.

Cameco and Mitsubishi are now the new owners of Kintyre and WDLAC is working with them in relation to their development plans for the uranium project. WDLAC has maintained that significant consultation needs to occur with Martu People about uranium mining in our country and we propose to conduct an extensive education program to ensure people are making informed decisions.

The future of WDLAC depends on being well resourced both economically and staff wise. WDLAC’s long term functionality and operational capacity continues to depend on our ability to negotiate funding arrangements with private industry and the Government in a way that preserves the authority of the Martu to manage and take care of their lands. Continual planning and development is an important role of the Directors and the CEO in making sure that WDLAC continues to provide Martu with strong and capable representation.

I would like to acknowledge the support of the businesses and government departments who have contributed to the work of WDLAC this year. I also wish to thank all the Directors for their efforts throughout the year, as well as our staff and consultants, particularly Acting CEO Tony Wright, for their energy, commitment and support for the aims and objectives of WDLAC.

Gordon Mandijalu
Chairperson
September 2009
Report of the Chief Executive Officer (Acting) - Mr. Tony Wright

As the Acting CEO it has been my responsibility to ensure that WDLAC continues to be functional and resourced so that Martu native title rights and interests are protected to the highest possible level.

WDLAC and the Martu People have gained a significant and positive profile over the last year with a historic win in the National Native Title Tribunal. Ground breaking victories and the staunch defense of Martu People's rights would not be possible without, not only the Martu People, but highly dedicated and experienced staff and consultants.

The well being of Martu communities is also a priority for WDLAC and we have continued to seek opportunities that will allow economic and social development for these communities and all Martu People.

WDLAC continues to promote its standard land access and mineral exploration agreement which has evolved over the last year in response to the views and concerns that Martu People have about exploration being conducted over their lands.

WDLAC has worked closely with Kanyirninpa Jukurrpa and Martu Media to ensure that Martu People are provided with culturally appropriate and translated information for making properly informed decisions about activities on Martu Lands. The relationship between the three organizations continues to strengthen and grow.

The business and administration office in West Perth is operating soundly and the location allows for expedient access to the resources that enable WDLAC staff to proficiently undertake their duties whilst being situated close to the National Native Title Tribunal, State Government as well as mining and exploration company offices with whom we have regular dealings. The office in Cotton Creek and the engagement of Liaison Officers in various communities allows for information to flow through to the Martu community and provides easy access for the Martu People to WDLAC staff.

In the coming year, WDLAC will continue to ensure that it is properly staffed and resourced in order to effectively and efficiently manage Martu People's native title rights and interests including protecting and maintaining law and culture.

Mention must be made of those mining companies who have supported WDLAC in various ways over the last year. We look forward to continuing to engage positively with you into the future.

I would like to thank the Board for their generous contribution to WDLAC and particularly the support they provided myself and the staff of WDLAC. Also a big thank you to a very capable office team, who not only work very hard but are a joy to work with.

Tony Wright
Acting Chief Executive Officer
September 2009
1. Introduction

The Western Desert Lands Aboriginal Corporation (Jamakurnu-Yapalinkunu) RNTBC (WDLAC) is the Prescribed Body Corporate for the Martu People of the Western Desert region in Western Australia with offices located in Cotton Creek and Perth.

The Martu People are the exclusive native title holders of 136,000 square kilometers of land within the Western Desert region. The population of Martu people living on or adjacent to the determined native title area is approximately 2,500 people. The main communities within the area are Kunawarritji, Punmu and Parngurr with many Martu People also residing at Jigalong, Bidyadanga, Port Hedland, Newman, Fitzroy Crossing and Wiluna.

In addition to managing and protecting their exclusive native title rights and interests of the Martu People, WDLAC is extensively involved in numerous projects for the cultural, social and economic benefit of the current and future generations of Martu People.
2. Governance

WDLAC is the Registered Native Title Body Corporate holding Martu Title on trust for the Martu People, by order of the Federal Court dated 17 July 2003. WDLAC is therefore responsible for managing all activities affecting Martu Title. It operates pursuant to the Corporations (Aboriginal and Torres Strait Islander) Act 2006.

WDLAC is authorised to enter Agreements for and on behalf of the Martu People, pursuant to the Native Title Act, the Native Title (Prescribed Body Corporate) Regulations 1999 (Cth) and its Rules.

In 2008-09 WDLAC was governed by a board of twenty-seven Directors made up of representatives of all Martu land areas. Regular Directors meetings were held throughout the year and all decision making is made by consensus in accordance with its Rules with input from senior members of the Martu Community.

The Chairperson of the 2008-09 Board was Gordon Mandijalu who is accountable for the Board’s operations. The Chairman is responsible for the operations of the Board and the smooth running of Directors meetings. The Chairman, together with the CEO is also responsible for putting into practice the policies of the Board. Accountability for administrative management, inclusive of staff and finances, belongs with the CEO.
3. Land Access Negotiations

Exploration

The negotiation of land access agreements has been carried out by WDLAC since 1 July 2007, prior to that time Central Desert Native Title Services was responsible for negotiations.

Martu’s native title rights and interests and heritage are protected by a comprehensive land access agreement whilst permitting exploration activities to occur within the area of Martu’s native title determination. The granting of tenements is subject to the execution of a standard agreement which ensures that all exploration is conducted safely and in accordance with world’s best practice, it also provides for cultural awareness training for company personnel as well as for Martu heritage monitors when recommended so that sites and objects of significance are not disturbed.

A number of land access agreements have been entered into with grantee parties for the grant of exploration and prospecting licences, however there has been a notable decline as a result of the Economic Crisis that occurred midway through the year, we anticipate this will improve in the coming year. The Land Access Agreement is acceptable to most companies although there are still some exploration and mining companies who feel they are entitled to freely access Martu lands without any prior discussion with Martu, through WDLAC.

Petroleum Exploration

Over the last year there have been a number of applications for petroleum exploration permits. The State Government continued to propose that large areas of Martu land be open for petroleum exploration.

In relation to a number of proposed exploration areas, WDLAC has successfully prevented these areas from being released for exploration due to the high significance of the areas. This has been possible because of the positive relationship that WDLAC has generated with key personnel in the Department of Minerals and Petroleum. WDLAC looks forward to continuing to work co-operatively with the DMP into the future.

WDLAC has developed a standard land access agreement for petroleum exploration similar to the agreement for mineral exploration. Like the mineral land access agreement, the petroleum agreement will continue to evolve in response to Martu People’s concerns and aspirations as well as industry standards.

Mining

Lake Disappointment

WDLAC has continued to promote the strength of Martu People’s exclusive native title rights and this strength was evidenced by the historic decision by the NNTT to deny
reward Minerals/Holocene Pty Ltd a lease over Lake Disappointment - the first time in native title history a mining lease has not been granted to a company.

The company then asked the Attorney-General (AG) to overturn the NNTT decision. The AG said he would not overturn the NNTT decision because it was not in the national interest.

This was a fabulous result for WDLAC and the Martu People and has given hope to traditional owners Australia wide that they can have a voice.

Kintyre- Cameco Australia

In 2008 the joint venture of Cameco Australia and Mitsubishi successfully acquired the Kintyre Uranium deposit from Rio Tinto. In the coming year it is anticipated that a uranium education program will be developed for presentation to the Martu People. The education program will provide information to help people better understand what exploring and mining for uranium is all about, what it means for Martu and what Martu needs to be aware of. The program is to be produced through the joint efforts of WDLAC, Cameco and Kanyirninpa Jukurrpa.

This year a Martu consultative committee (entitled the Kintyre Consultative Committee) was selected and will be working to ensure that Martu is involved in all stages of the proposed project development as well as making sure that cultural heritage is protected however Martu People still need to have their say about whether or not they want uranium mining on their country.

Ron Matthews of Cameco with some of the Kintyre Consultative Committee
4. Land Access Management and Agreement Compliance

This year WDLAC has been putting more focus into ensuring that companies are complying with their obligations under existing land access agreements. Despite the difficulties of limited funding and staff resources WDLAC is applying methods to assist in effectual monitoring.

In making sure that obligations are being met under the agreements some of the things WDLAC carry out includes:

- Invoicing companies for monies owing under their agreements;
- Requesting project updates from companies;
- Liaising with companies concerning employment and training opportunities for Martu People;
- Briefing anthropologists and archaeologists to make sure heritage surveys are conducted in accordance with Martu requirements; and
- Briefing Kanyirninpa Jukurrpa to provide cross cultural awareness training to companies, their employees and contractors.

Heritage protection

During the 2008-2009 financial year, WDLAC engaged a Heritage Officer to manage all heritage matters as well as conduct heritage surveys. Anthropos Australis Pty Ltd continue to be engaged to conduct some Aboriginal Heritage Surveys within the Martu Determination Area and provide high level technical advice.

Surveys completed include:

- Newcrest-Camp Dome Project Area
- Cameco

Heritage monitoring programs pursuant to land access agreements have also become an increasing focus for WDLAC as the level of companies and exploration in Martu country increases. Unfortunately, there are companies who deliberately or inadvertently impact on areas that are of concern to Martu People or think they have free licence to access all areas of Martu country when granted a tenement. This has led Martu People to call for greater scrutiny of companies and a higher degree of involvement in activities conducted on Martu Lands.
All of the heritage surveys were conducted pursuant to land access agreements WDLAC uses a Work Program Clearance survey methodology which provides the necessary Aboriginal heritage compliance for the exploration/mining companies consistent with the Aboriginal Heritage Act 1972, as well as Martu’s legally recognised native title rights to protect and preserve their sites and objects while observing traditional obligations within customary law.

Aboriginal heritage surveys are usually taken over large tracts of country and the use of helicopters is common. Where there are gender specific issues, both male and female anthropologists and archaeologists work with Martu men and women respectively. On some occasions, younger Martu people participated in the Surveys providing them with the invaluable opportunity to be on country and learn from their Elders.

Parts of the survey are filmed so that WDLAC and Martu people have a permanent record of the survey. This also means that Martu people who didn’t go on the survey can see what happened on the survey. Photographs of the survey and the survey participants are also an important record of the survey. It is standard practice for survey teams to be photographed at the end of every survey. A survey report is then prepared by the anthropologist or archaeologist, and after consideration by the appropriate Martu People, provided to the company.
Newcrest (Camp Dome) Survey

Fauna Track located whilst surveying in Telfer area
5. **Community Development**

*Martu Trust*

This past year WDLAC continued to consult with the Martu People about what sort of trust they would like, what their vision for the future was and how they would like money to be spent. WDLAC contracted the expertise of RPM Project Management to assist in establishing the necessary framework required for an operational beneficial trust that money could be paid into. An interactive “road show” visited all Martu communities to provide information about the trust and to allow Martu People to control discussions and start to formulate some rules for the Trust.

![Martu Trust Council as elected by the community at the Special General Meeting](image)

The Martu Trust Council and Trust Directors were elected by the community at the Special General Meeting and in the coming year the council and the Directors will be working hard to finalise the trust so that direct benefits can be released. The Martu Trust will enable compensatory monies payable under existing land access agreements to be managed, it will also provide opportunities for the Martu people to significantly improve their quality of life through community driven initiatives designed to address considerable gaps in areas such as health, education, employment and training, economic and business development, community development and law and culture.
6. Kanyirninpa Jukurrpa

2008-2009 was the final year that Kanyirninpa Jukurrpa would be incorporated as part of WDLAC, in the coming year WDLAC and Kanyirninpa Jukurrpa will perform their duties as separate entities. Both organisations will continue to co-operate and work together for the Martu People. WDLAC will continue to engage with Kanyirninpa Jukurrpa for the provision of cultural awareness education.

Martu Media filming on a Canning Stock Route Trip

Kanyirninpa Jukurrpa will continue to seek funding so that Martu can keep working on projects like the Ranger Program, return to country trips, camel plan, Martu Media, work with elders, employment opportunities for young people, communications and cultural awareness. Kanyirninpa Jukurrpa will have to report to Martu.