

Opening Statement

MAC was formed in 2006 to administer the Burrup Maitland Industrial Estates Agreement – an agreement that secured development of the Burrup and Maitland Strategic Industrial Areas in exchange for freehold title over the rest of Murujuga. A condition of the agreement was the withdrawal of all Native Title claims on the Burrup and that the freehold title be leased back to the State Government and managed as national park land.

That makes Murujuga a unique case where land and culture is managed without any legal Native Title rights or interests, but where the traditional custodians nonetheless have legislative, administrative and traditional responsibility for its protection.

Much of Murujuga is a Nationally Heritage Listed Place and we are currently pursuing World Heritage Listing in partnership with the State Government and the Commonwealth.

The outstanding cultural and heritage significance of Murujuga is uncontested, but over the decades, we have experienced the same indifference and devastating consequences as PKKP have experienced recently at Juukan.

I am a PKKP member as well as being the CEO of MAC. The destruction of Juukan has been devastating for me and for people close to me. But this is not the first time that significant sites have been destroyed in Western Australia.

The weight of public scrutiny has forced the world to take the destruction of Juukan seriously. It is because of the immense public pressure and attention in the wake of Rio Tinto's actions that the Senate referred this Inquiry. It was the volume of public outcry from shareholders and supporters around the world that forced Rio Tinto to consider meaningful consequences for those involved.

But Aboriginal people cannot rely on repeated instances of public international outrage to force mining companies to act appropriately.

What we need is for mining companies to start taking seriously their social licence to operate on our traditional lands.

There is a draft Aboriginal Cultural Heritage Bill that is being introduced to parliament this year. I have serious reservations about a heritage protection act that is based entirely on Agreement Making when our current experience is that agreement making with mining companies is a fundamentally unequal and broken process.

What we have seen over and over again through the process of Agreement Making under the Native Title Act and through the operation of the existing State Heritage legislation is that major mining companies can meet all of their legal obligations to consult and negotiate in a way that only serves to further disempower us.

Because of MAC's unique circumstances, we do not receive royalties from mining. We are not party to the commercial agreements that have been signed between major industry on

Murujuga and the Commonwealth Government. Not one of the major industrial operators working on Murujuga country have a commercial agreement with Murujuga Aboriginal Corporation.

That means that we are in the position of having to always request funding from industry partners for anything we need in order to protect Murujuga land and sea country. We are subject to lengthy and resource consuming application and approval processes that are only considered if they comply with the interests of the mining companies that operate on our country.

I would like to stand up here today and speak openly and honestly about our experience in consulting and negotiating with major industrial proponents. But the reality is that we have a genuine fear that there will be financial repercussions for MAC if we do that.

The decision to appear here today was a difficult one for us because despite our responsibility to manage Murujuga, our ability to do so is intrinsically linked to the internal approvals process of our proponents and we have funding applications in progress that may become stalled indefinitely as a result of what I say here today.

It is a single, small example of the power that mining companies wield over Aboriginal Corporations. Without breaching any laws, Agreements or conditions of their licence to operate, mining companies have enormous, silent influence over what we do, say and commit to.

We have mining companies operating on our country that are continuing a model of disempowerment and tokenistic consultation with traditional owners and custodians. These mining companies will tell you they consult with us regularly, but their engagement with us is fundamentally insincere and founded in colonialism – they determine when and how to engage with Aboriginal people. They determine what progress, sustainability and success should look like for us.

We have relationships of some kind with all of our proponents. Some are better than others. However, they are always restricted by the terms of our existing agreements.

We believe that it is possible for proponents and Aboriginal Corporations to come together for country. But it requires proponents to take their social obligation to Aboriginal people and to land and sea country as seriously as their regulatory obligations.

What I would like the Committee to understand today is that our Corporation, like many Aboriginal Corporations, is only in the position to protect our culture and our country if we are genuinely equal negotiators with industrial proponents. We will never be adequately resourced to have equal negotiating power unless mining companies are held to a higher standard and held to account in regard to their social license to operate.

We need to see fair rent for proponents operating at significant profit on Murujuga land and sea country so that Aboriginal people are empowered and resourced to protect our culture and their country.

We want to see the development of relationships with mining companies that uphold the values of the United Nations Declaration on the Rights of Indigenous People, that support agency and self-determination of Aboriginal people and that allow us to make decisions about the issues that affect our lives, our culture and our country.

We are not bystanders anymore and we do not want to be seen as gatekeepers to progress.

We are the ngarda-ngarli for this country. The people who have lived here since ngurra nyujunggamu, when the world was soft. We have a responsibility to look after this country. It is a responsibility we take seriously and it is time that all our proponents take that seriously too.