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**Attention: Mr. Tony Windsor,**

**RE: ENQUIRY INTO FTO IN THE PILBARA OF WESTERN AUSTRALIA.**

Further to my statement at Port Hedland I would like to clarify the issues raised in respect to the above. I have lived in Port Hedland all my life and was here prior to the commencement of the Iron Ore Industry from Goldsworthy following the withdrawal of the embargo on exporting iron ore at the end of the war in 1945.

**HOUSING.**

The major impact on the Aboriginal Community resulting from the policy of FIFO is the reduction of available housing for the Aboriginal Community. Before the adoption of this new policy most Aboriginal people in Port Hedland, Karratha and Roebourne were adequately housed. Following the development of FMG, BHP, RIO, Hamersley Iron the demand for housing has increased as a result of the increased population requiring housing and other services. I do not believe that the mining companies were required to complete a Social Impact Studies which would have identified the need for housing and other facilities in the town area. Royalties for Regions has provided the financial support to provide required services and facilities to meet the needs of the increased workforce in the Port Hedland town site.

In 2002 the Port Hedland area had approximately 800 housing units which was funded by the Federal Government for Aboriginal People; most of these houses have now been sold. The State Government mainstreamed these Aboriginal Houses which they are now selling but not replacing these Aboriginal assets so Aboriginal people are now moving to bush camps around the South Hedland shopping centre.

It was reported that a young woman died in one these town camps and over the past 4 years there has been a number of deaths, as a result of the housing shortage and the increased number of people moving to town camps around the Shopping Centre it is anticipated that the numbers of people dying in this environment will only increase.

As an Aboriginal woman, mother and grandmother It grieves me to see the disparity of services and priority given to different cultures and issues. The fact that the Federal Government spends millions and millions of dollars on the boat people because it is a high, political issues and does not provide basic human rights including shelter, clean water, toilet facilities certainly raises issues in respect to the Government human rights compliance to its own indigenous population.

In order to provide services to the disenfranchised Aboriginal population the Government must make a commitment now to quell the frustration and anger which is now mounting in the Aboriginal Community which is demonstrated by the increased crime rates, suicide rates and increased usage in drug and alcohol all affecting the health status of the Aboriginal Community at large.

Having worked in the Public Service for many years I had seen how the State Government has siphoned of Federal Funds and assets which has reduced our opportunity to establish a strong economic base which create our economic independence for our community.

The Housing issue for Aboriginal People has also been compounded by people moving into the area looking for work and the big dollars. Services in remote communities are no longer provided to the extent they were resulting in people moving to town to obtain services and support.

The 3 strike policy of the Western Australian Government has helped to remove Aboriginal people from housing in the Pilbara and thus utilize the Aboriginal Housing for mainstream tenants and/or sell these Aboriginal assets to the Mining Companies and other mainstream tenants, people removed under this policy can no longer be housed; reducing the housing list and putting indigenous people into town camps.

Demand for housing is pushing up the rental housing price to the extent that Aboriginal people who are not working for the mining company is better off not working at all a living on the dole where they can access Ministry of Housing accommodation with all the Government subsidies and allowances.

The reserve at 12 mile was demolished without proper consultation; elders were moved to mainstream housing. This facility provided options for people from communities visiting the area a place to camp; it provided water, toilet and ablutions.

The Government must review its policy in respect to town camps, especially in areas like the Pilbara and the Kimberley where we still have a lot of people moving to town for medical, personal , cultural or business and who cannot afford to stay at hotels and/or motels.

I previously worked with the Ministry of Housing and found that tenants who were evicted from their houses moved in with their families, causing overcrowding and health issues resulting in those families also being evicted. The situation arose when you had up to 20 people living in a three bedroom house, during the night people would go into that property and the numbers would double.

## **RECOMMENDATION:**

- 1.** The Federal Government should look at their powers under Section 51 (xxvi) in the 1967 referendum which extended the power of the Commonwealth Government to legislate for people of any race to Aboriginals.
- 2.** The Federal Government should challenge the WA Government's 3 strike policy which is targeting Aboriginal Tenants and removing them from the house and on to the streets, bush and/or overloading other family homes.
- 3.** The Federal Government should monitor the policies of the State Government who have a responsibility to their Aboriginal constituents to provide Health, shelter, power, communication in compliance with the Article 25, Of the declaration of Human rights.
- 4.** All assets purchased with Federal funds should be quarantined to avoid the transfer to the State or other agencies.

## **HEALTH**

I have been involved in the Pt. Hedland Medical Service since it was established about 20 years ago despite the expansion of the well-being centre, the service has not expanded and/or improved its service to the increased number of clients in the Port Hedland area. It still has one doctor and relies heavily on locums. I don't oppose the opportunity for young doctors to have exposure to this environment but I strongly hold the view that the Aboriginal People are entitled to have the opportunity to develop a relationship with a family doctor and to have the continuity of service and the choice of doctors that other Australians experience in their community.

The Wirraka Maya Health service has over 6,000 active clients on its books, 800 have chronic disease, and there is no follow-up or programs for these clients, and only one permanent doctor and a number of locums visiting on an alternate basis. Emphasis should be on improving the services to the elderly, mothers and babies, youth, and the chronically ill clients in our community.

In order that Aboriginal people to participate in the Mining Industry opportunities they must be fit and healthy and/or able to control their health status. This will not happen if services by the Health Services are not proactive and effective.

The Health Department have implemented a policy as a requirement of funding that all premises funded by the Federal Government must be smoke free. During the past 12 months while involved as a Director of the Wirraka Maya Health Service there was a number of complaints made to me personally about the service providing prescription drugs for people who were not living in the area. There were also complaints about drugs being sold to the public and 3 times drugs were purchased on the web by a member of the staff. Police could not identify who ordered them and what happened to them. It's been reported that other medical services have having the same problems and there needs to be more accountability for the dispensing of drugs to our clients in our Health Service.

The Board and the CEO were looking at carrying out an Audit of the Pharmacy including the Medicare documentation when the new Board with support from ACWA sacked the CEO without justification and forced three Directors to resign. Despite complaints to the funding Body and Oric no one wanted to know, it raises issues about due process and accountability, it appears that the Government is reluctant to take action unless there is money missing and/or being misused by Directors.

### **RECOMMENDATION:**

1. Federal Government should also make it a requirement that all Aboriginal Health Services providing pharmacy service should have their pharmacy audited on an annual basis
2. All Aboriginal Health Services providing pharmacy services must ensure their staff must have random drug tests.
3. Investigations should be carried out if there are complaints about the Administration Even though there is no problem with the financial status of an Aboriginal corporation. More emphasis must on processes and outcomes, rather than financial expenditure.
4. The Federal Government has the power under the 1967 amendment to Section 51(Xxvi), which would be in compliance to Article 25 of the Universal Declaration of Human Rights.

### **MEDICARE LOCAL**

Medicare Local is of real concern to me, the concept of local management is good, however the Kimberley/Port Hedland area is far too large an area and the primary focus of this proposal, the Aboriginal people are culturally different. Access to both areas would be impossible to provide a service to.

The proposed expansion of the iron ore industry in the Pilbara and the impact of people moving into the area justify a review of this proposal to ensure that the proposal will work. The current proposal is certainly not local, and would cause more problems in trying to implement and manage the process due to the area, trouble accessing both areas and managing and co-ordinating the process in an equitable way which would benefit the clients in the longer term.

Communication and co-ordination is difficult to achieve in the Pilbara by itself, the additional remote areas of the Kimberley would make it impossible to achieve. This statement is made on the basis of experience with ATSIC and the problems they had in servicing the Regional areas was not achieved despite the money available to carry out the co-ordination and consultation process..

### **RECOMMENDATION:**

1. The Government should review the proposal of joining the Pilbara and Kimberley area.
2. The Pilbara with its explosion of additional working men and family should be Approved for the Pilbara as one area, especially with the recent proposed workforce of Rio . in Karratha.
3. Changing the area to a Pilbara Local will enhance the opportunity for the Medical Service Co-ordinate and service the expansion of clients and health issues which they will generate Including drugs and alcohol, STD, mental health, stress, family issues etc.,
4. The Federal Government has the power under the 1967 amendment to Section 51(Xxvi), which would be in compliance to Article 25 of the Universal Declaration of Human Rights.

### **EMPLOYMENT AND TRAINING**

The focus of employment and training is now on economic development to the extent the social development of the Aboriginal people has been neglected resulting the expansion of young people being charged with anti-social behaviour and getting involved in crime to provide money for drugs and alcohol.

Those who are fortunate enough to get jobs in mining companies are telling us they are not being trained and consider themselves a number to justify the requirement under the approval process for the mining venture and/or the Mining Company Agreement with the Traditional Owners.

### **EMPLOYMENT AND TRAINING.**

The Companies are not completing a training needs analysis on the employees and despite their experience and qualification are required to go through DETEC and in some cases are put into jobs which are below their experience and qualification. Trainees are saying that they do not receive assessment and/or qualifications and are overlooked when positions become available.

This process is having a negative impact on Aboriginal employment because due to the dissatisfaction and frustration of not being treated fairly these employees resign and the retention rates of our people continue to fall and they lose the opportunity to gain meaningful employment. If Government is really committed to improving the economic status and health of the Aboriginal people in Australia there must be more accountability and outcomes for Aboriginal people in training and employment in the Mining Industry in the Pilbara.

The training of Aboriginal people is very difficult and time consuming and the trainees require ongoing support and advocacy with their supervisors and employees. The trainees also require person development in social support programs including financial management. Aboriginal people must also be provided with housing on an equitable basis with other employees. The provision of housing is vital to stabilize the employee and also lift the living conditions of the family and will ultimately bridge the gap by improving health status of the family and will also impact on the extended family.

### **RECOMMENDATIONS:**

1. The Federal Government needs to take back the responsibility for ensuring that training Of Aboriginal people is completed to standard requirements by:
  - i) Ensuring that each trainee completes a training needs analysis
  - ii) That a training program is established with timeline and course details and completion date.
  - iii) Monitoring and ongoing assessment be completed on a regular basis
  - iv) Completion date of training
  - v) Date of referral to job vacancies/outcomes.
2. The Federal Government has the power under the 1967 amendment to Section 51(Xxvi), which would be in compliance to Article 4 and 26 of the Universal Declaration of Human Rights.

### **NATIVE TITLE**

There are grave concerns about the current implementation and due process being exercised in the application of the Native Title Act in the Pilbara. The Representative Body is not ensuring that its officers comply to the rule of law in respect to the Act. The rights, interest and heritage of the Aboriginal people is being extinguished without due process, informed consent and community authorisation of applications and agreements and in the long term this could result in compensation claims from the Government and Mining Companies

Native Title is being exploited by many people including some Aboriginal people and the services provided by the Representative body are not protecting the rights and interests of the Aboriginal

people and is biased towards the Mining and Government. Native Title has not been progressed by the Representative body and there is a view in the community that the Representative Body should be reviewed.

I also worked with Native Title and I am of the view that the Representative Body is more interested in making money than focusing on protecting our native title rights and interest. It's ironic that while the Representative Body is funded to represent the Aboriginal people rights and interest that they have an agreement with the WA Government to fast track mining application without consideration for sites and environmental issues.

At a recent meeting called to authorize a feasibility study for a new development in the Pt.Hedland area I was harassed by members of the Robinson family because I was exercising my rights to ask questions about the proposal. Another family member was verbally threatened and abused at the same meeting. This family group does not have any biological connection to Kariyarra but continue to impose their views and make unauthorised agreements with both the State Government and the Mining Companies despite complaints from members of the Kariyarra Claimant Group and others in the Community..

The Federal Government should also look at the State Government Section 18 which is racist in that it does not provide an appeal process which is inconsistent with other mainstream processes and Acts.

#### **RECOMMENDATION :**

1. The Representative Body should be reviewed immediately.
2. More effort should be made to protect Aboriginal Sites and the Environment.
3. The Federal Government has the power under the 1967 amendment to Section 51(Xxvi), which would be in compliance to Article 12, 19 and 22 of the Universal Declaration of Human Rights.
4. The House of Representatives should consider reviewing the application of Native Title In the Pilbara which should including:
  - 1) Reviewing the services of the Representative Body
  - 2) Looking at due process in and approval of Mining Applications including Shire By Laws and processes.
  - 3) Looking at the impact on the Community including
    - 1) Social
    - 2) Employment and Training
    - 3) Compliance to Contracts etc.
    - 4) Land Issues and Environmental Impact.

#### **ABORIGINAL COMPANY DEVELOPMENT..**

Aboriginal people trying to establish contracts with the mining companies are finding it difficult because of the requirements established by the different mining companies to access sites, and complete safety requirements. All mining companies have different conditions and rules putting extra barriers to accessing work for the small Aboriginal Company. The conditions in most cases duplicate the requirement and waste time and money, however in order to access these site Aboriginal Companies must comply. Governments should look establishing standard requirements under the mining act to reduce these barriers and improve the participation rate of small Aboriginal Companies participating in the Mining Industry.

The available support to Aboriginal Companies trying to establish business is limited, especially in the area of Accounting/Administration. Many small fledging companies are getting into trouble because of the lack of support in this vital area.

Some Mining Companies in the Pilbara are exploiting the opportunities for the Traditional Owners to take advantage of opportunities under the Native Title Agreements by not complying with legal agreements to provide employment and training to the Traditional Owners. The Representative Body is not monitoring these agreements to protect the Traditional Owners and the Company is ignoring their obligations under the Act. It will be only a matter of time before a Traditional Owner takes Mining Company to Court for non-compliance to these agreements.

**RECOMMENDATION:**

1. The Representative Body should be investigated about obligations under the Act in respect to due process and compliance in to their obligations under the Act to Represent the Aboriginal People in the Pilbara.
2. The Government should review mining and safety requirements to ensure that It is not developing further barriers to restrict Aboriginal Employment and Training on the Mining Sites.
3. The Federal Government has the power under the 1967 amendment to Section 51(Xxvi), which would be in compliance to Article 23 of the Universal Declaration of Human Rights

**ACCESS TO LAND**

Land is also another vital issue in respect to the development of Aboriginal Business, many operating from back yards, there needs to be more support from both the State and Federal Government to assist Aboriginal Companies with a land base for the development of Aboriginal Business especially in the Pilbara Region of Western Australia.

When you review the land situation in Pt.Hedland and other mining towns the land has been taken up by the mining companies, Government and Shires are not looking after the interest of their constituents in terms of housing and infrastructure and Mining Companies are hold under mining leases millions of acres of unproductive land.

Since European settlement the Government allocated land throughout Australia for the use and benefit of the Aboriginal Community, the majority established for housing, living areas, hospitals and hostels. DIA in WA completed a report on the "Lost Lands" . It is my view that Government should re-instate these reserves or equivalent land to establish an economic base for the Aboriginal Community.

**RECOMMENDATION:**

1. The Federal Government should allocate funds from the new mining tax to purchase land for Aboriginal Business Development in Regional Areas and also provide Accounting support for establishing business in remote area.
2. Both State and Federal Governments should review the use of mining applications in respect to the current land grab by mining companies especially in the Pilbara Region.
3. The Federal Government has the power under the 1967 amendment to Section 51(Xxvi), which would be in compliance to Article 7 and 22 of the Universal Declaration of Human Rights.

## **HERITAGE & NATURAL ENIRONMENT**

Both the State and Federal Governments have demonstrated no real commitment to protect Aboriginal heritage and the natural environment of the Pilbara. To Aboriginal people the Government and the mining companies are quite happy to continue to develop the Pilbara into a mining pit, destroying Aboriginal heritage and cultural and the natural environment of this unique area.

Recently the Barnett Liberal-National State Government of WA and BHP Bilton, the Port Hedland Port Authority and the Shire agreed to develop the portion of Reserve land which was known as Hunt Point located at the eastern side off Finucane Island directly north of West End Point and surrounding water as an industrial Tug Pen facility and termed "Hunt Point Marine Precinct". This portion of land is currently an established recreation area for local residents and tourists; and has significant environment and cultural values for the Port Hedland Community.

The Port Hedland community are lodging a petition to the state Government which totalled approximate 500 names which demonstrate the lack of consultation process around development the Pilbara and certainly the lack of commitment by the Representative Body because the land in question was a section of vacant crown land which is covered by the Kariyarra Native Title Claim and the Representative Body has the responsibility to protect it.

With major development in the Pilbara, the Government has a responsibility under the 1967 amendment to Section 51 (xxvi) to protect Aboriginal Heritage and Culture and should ensure that due process is followed in respect to any development in WA.

## **RECOMMENDATIONS:**

1. All major proposals for development should be advertised in the local paper to allow everyone in the community to make comment and/or take other action, whether it is BHP or the Government; it's called due process.
2. All applications for mining in the Pilbara should be advertised in the local newspaper And make this information available at the local members office in the respective urban towns..
3. The Federal Government should review legislation in respect to the processes and procedure in Regional Centres to ensure that Social Impact Studies should be completed to ensure the Native Title Rights and Interests are being protected and that the State Governments and the Mining Companies are not extinguishing the universal rights of the Indigenous People of this Country for expediency sake to complete their development.

This information is provided with a view to provide constructive and vital information to this review in the hope that Governments consider the issue that the FIFO policy is impacting on the health, social and economic status of the Aboriginal Population in the Pilbara Region of Western Australia.

It must also be acknowledged that not all Aboriginal people in the Pilbara are Traditional Owners of areas which have iron ore mines, there are many who are not benefitting financially for this Development including some traditional owners who have been '

Respectfully submitted,

*Mary M Attwood.*



