

## Claimant Comment

### Nyaparu Margaret Rose, Nyangumarta woman

I am a Nyangumarta woman. Nyangumarta country is in the northwest of Western Australia between the Pilbara and the Kimberley regions. The Nyangumarta people had a positive determination of native title in July 2009.

In the late 1970s a road was built between Sandfire and Broome, which goes right through a Nyangumarta sacred site. This is the kind of story that we have all heard before, and was much too common in the sixties and seventies. Unfortunately in Western Australia we are still operating under the same law that allowed that to happen. This law needs to change.

The law doesn't require companies to come and talk face to face with the traditional owners before they show up on their land. Many companies even when they do the proper paperwork with the land council, the first time they meet a traditional owner is when they come on a heritage survey. The law lets the Minister for Indigenous Affairs make decisions about our heritage without talking to us at all.

Any law about Aboriginal heritage needs to make it clear that the most important part of Aboriginal heritage protection is consultation with the traditional owners whose land you are on. You have to come talk to people face to face, and show them respect. Some companies do this already. It isn't expensive, but it is about forming a relationship so you can work as a team.

There are some companies operating on Nyangumarta country that show respect to the Nyangumarta people and come talk to the elders and are clear about their plans and processes. We work with these kinds of companies, and we acknowledge that we can all learn from each other and benefit from working together.



Nyaparu Margaret Rose at Nyangumarta native title determination. Photo provided by YMAC

The Department of Environment and Conservation, for example, has come to talk to all of the traditional owners along the coastline at 80 Mile Beach where they are considering declaring marine parks and reserves. They have come to our country and talked to our people and listened to what we have to say about our sites and our cultural practices.

The problem is, not all companies or agencies believe that Aboriginal people have a right to have a say in what happens to their sacred sites. The law in Western Australia says that our sacred sites are the property of the State. An example of this is the road to Broome that goes through our site. That could happen again, and just like in the seventies, the Nyangumarta people would have no right to appeal the decision of the Minister, even though we are now recognised native title holders.

Why is the Western Australia Government stuck in a past that says traditional owners don't deserve any power over their heritage?

If the Department of Environment and Conservation, successful mining companies and the Federal Court recognise that the Nyangumarta people are the ones to talk to about activities that effect our heritage, why does the State of Western Australia insist that the Minister of Indigenous Affairs is

the only person with the power to decide when it is ok for our sites to be destroyed?

In conclusion, I would like to leave you with this: Traditional owners deserve acknowledgement and respect from our government. We have rights to speak for our country coming from our ancestors and from the *Native Title Act*. All levels of government need to respect and protect those rights. For us it's not about money, it's about our country, and our people are crying out for our country with our hearts and souls.