

Communities split over deal that promised help for all Aboriginal groups in the Roebourne and Karratha areas

# Burrup boom a bonanza for some



**PAUL MURRAY**

**I**n its desperation to secure the Burrup Peninsula for more petrochemical industries, the State Government has created a group of divided Aboriginal communities in the Pilbara and an unjust process for sharing the money due to them for selling their native title rights.

Huge sums of cash are flowing from the Burrup and Maitland Industrial Estates agreement between the Gallop Government and the Aboriginal groups in 2003.

But present indications are that the benefits are being controlled by a few families while hundreds stand to get very little. The reality conflicts with the Labor Government's promise that the wealth would be shared equally for Aboriginals in the Roebourne and Karratha areas.

The history of this dispute starts in 1994, shortly after native title became available under the Keating government's new laws, when the first land rights claim in the Pilbara was filed jointly by the Roebourne-based Ngarluma and Yindjibarndi people.

Two years later, an overlapping claim was filed in the name of the Mardudhunera and Yaburara people, a small group of families, some of who live in Wickham. In 1998, another overlapping claim was lodged by the so-called Wong-goo-tt-oo, a breakaway group of several families from the Ngarluma, some from South Hedland. One area in common for these claims was the Burrup Peninsula, home of WA's North-West Shelf gas plant and the huge iron ore port of Dampier. But



**Jill Churnside: Meetings misinformed.**

before the native title claims were determined, the Government threatened to compulsorily acquire the Aboriginal rights, offering big cash payments and land deals and some say in protecting rock art in the northern Burrup.

"The new Labor Government was naturally keen to demonstrate its ability to attract big investment to the region, and the pressure to conclude a native title agreement quickly was intense," native title solicitor Frances Flanagan said.

When the native title claims were settled in 2003, none of the claimants was successful over the Burrup Peninsula. Only the Ngarluma-Yindjibarndi claim succeeded on mainland areas and those two groups later split to form separate corporate entities to administer their granted legal rights. The claims by the Wong-goo-tt-oo, Mardudhunera and Yaburara were dismissed. The Wong-goo-tt-oo were told that any claim they might have was only as Ngarluma people.

The Federal Court found that if the Yaburara did inhabit the Burrup, they had disappeared as an identifiable group early in the 20th century. The Mardudhunera were



**Michael Woodley: Not right.**

not able to prove they had exercised their native title rights back to the time of sovereignty.

The situation is more complicated for the Wong-goo-tt-oo, a group that was only formed for the purposes of making a land claim by several disaffected Ngarluma families with links to the western side of the Ngarluma land. One of the group's leaders, Wilfred Hicks, told me recently that the name just meant "sea" in the Ngarluma language. "The Wong-goo-tt-oo people sought to establish that their group has had continuity back to sovereignty in one or all of four ways: through the Douglas family; through the Hicks family; through the Ramirez family; or through the alleged transfer of interest in the Burrup from Maitland and Island to Jack Hicks," Federal Court documents say.

Maitland and Island were said to be the last inhabitants of the Burrup Peninsula — then called Dampier Island — who eventually left to live on the mainland. But the Wong-goo-tt-oo case did not stand up in court. Despite this, the Wong-goo-tt-oo group has gained effective control — with the



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so-called Yaburara and Mardudhunera family groups — of the Murujuga Aboriginal Corporation which resulted from the BMIEA agreement.

So how did that happen? How did 700 Yindjibarndi and more than 200 Ngarluma get overpowered by three small family groups whose native title claims were thrown out by the courts?

Ms Flanagan says that at an early stage of the BMIEA negotiations it was evident that the objectives of the three claimant groups were highly disparate. A mutually satisfactory way of jointly negotiating with the State would not be possible.

The Wong-goo-tt-oo opposed the State's decision to take the native title rights, leading to arbitration in the Federal Court.

"However, days before Deputy President Sumner was due to hand down his decision, the Wong-goo-tt-oo withdrew their opposition to the taking and announced their intention to sign up as a party to the Burrup agreement," Ms Flanagan said.

"It transpired that, during the course of the arbitration, they had been secretly negotiating with two proponent companies and had managed to broker two agreements that provided for exclusive benefits to go to the Wong-goo-tt-oo group only."

Ngarluma Aboriginal Corporation head Jill Churnside and the Yindjibarndi's Michael Woodley say the community meetings that set up Murujuga were misinformed.

But in a letter to one of the claimant groups, the State

Government's Office of Native Title head, Gary Hamley, says the structure of the Murujuga Aboriginal Corporation was agreed by majority vote.

Mr Hamley says 76 people were at the meeting: 60

Ngarluma-Yindjibarndi, 8 Yaburara-Mardudhunera and 8 Wong-goo-tt-oo. After proxies, those numbers swelled to 81, 10 and 30 respectively.

There is no explanation why a clear majority of Ngarluma-Yindjibarndi, backed by about 900 members against about 50 in the other groups, handed control of Murujuga to their three rivals.

Critics say there was a clear lack of informed consent.

"I think Wilfred (Hicks) was causing trouble for the government at that time and he told them that he wanted the numbers on Murujuga and the government agreed to it," Yindjibarndi's Michael Woodley said.

The Wong-goo-tt-oo got four places on the governing council, Yaburara 2, Mardudunhera 2, Yindjibarndi 2 and Ngarluma 2. The chairman and treasurer are Wong-goo-tt-oo members of the Hicks family from South Hedland. The secretary is Yaburara.

The two Ngarluma members carry out site clearance work for Woodside against the wishes of the Ngarluma Aboriginal Corporation. A similar situation exists with the two Yindjibarndi members.

"Industry controls this organisation as well — one in particular — through the movement of the rock art," Mr Woodley said.

"They get their \$500 a day for heritage clearances moving the rock art. They get their sitting fees on Murujuga. It's the same people. It's not right."

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