

28 July 2020

Ngaji gurrijin Yawuru Community Members,

We would like to address recent community concerns about the removal of infrastructure and the demolition of a house on Lot 555 that was part of the old Wattle Downs Station (“Wattle Downs”). Wattle Downs is part of the Yawuru ILUA and has been identified as an area of land where Yawuru people may have opportunities to pursue livelihoods on country that are consistent with Yawuru cultural values and enhance our mabu liyan. Nyamba Buru Yawuru’s (NBY) long term planning and mabu liyan objectives respond to this community desire.

Background

Yawuru Aboriginal Corporation (YAC) is a corporation which was established prior to the Yawuru native title determination. Its membership is a subset of Yawuru families who identify as Walman Yawuru. In Yawuru’s native title determination, the Federal Court did not recognise Walman Yawuru as separate and distinct from other Yawuru families but rather as part of the broader Yawuru community. YAC has no function in relation to native title and is not associated with NBY and the Yawuru PBC which holds native title over Yawuru country on behalf of all Yawuru people.

A Crown lease to YAC existed before native title was determined over a portion of Wattle Downs, but that lease ended on 7 September 2011 with a condition from the State for YAC to remove “encumbrances” (houses and infrastructure etc). This was communicated to the Chair of YAC by the State on 18 July 2013. The land tenure then reverted to Unallocated Crown Land.

Under the Yawuru Indigenous Land Use Agreement (ILUA), the State agreed to transfer the land as freehold to NBY with encumbrances to be removed by the State prior to the transfer. We understand the State unsuccessfully attempted to contact and engage with YAC as the former lease holders about the removal of infrastructure once the lease ended but this was not complied with. The land was transferred to NBY on 10 February 2015.

The house and infrastructure have since fallen into disrepair. They are illegal and unauthorised structures which have significant asbestos contamination, and presents a risk to the health and safety of anyone who accesses Lot 555 of Wattle Downs. NBY is liable for any incidents that are associated with the unsafe house and infrastructure and has direct responsibility for any injury or liability associated with Lot 555.

NBY Vision for the Yawuru Community

NBY wants to help heal divisions in the community and to support community desire for on country living. The whole Yawuru community will have an opportunity to be involved in planning for this. But it is important to ensure that proposed initiatives for on-country living areas for Yawuru people are supported by Government and adhere to the State’s land tenure requirements and Shire and State planning regulations. This means NBY must resolve any and all legacy issues on Wattle Downs, which includes the State removing any unsafe and illegal infrastructure.

Current situation

To rectify the issues under the ILUA and to ensure that Yawuru is not exposed to potential liability, the State has undertaken to demolish the house and remove the infrastructure. We understand that this has caused a degree of concern for some Yawuru community members and we regret that.

The Yawuru Corporate Group (the PBC and NBY) has a charter to work for the benefit of all Yawuru people, including the challenging task to build an income stream to fund the social and cultural programs for the Yawuru community. This year we plan to hold community meetings inviting all Yawuru people to collaborate with us on the continual development of the Yawuru nation and build successful and sustainable livelihoods for our people on Yawuru country, consistent with Yawuru culture.

We are always happy to answer questions and provide information about the vision, achievements, challenges and constraints of the Yawuru Corporate Group in achieving positive outcomes for the Yawuru community. It is in this spirit that a direct invitation has been extended to Elsta Foy to discuss the issues she has raised. If the community has questions about the activities of the PBC or NBY we encourage you to raise them directly with us.

Galiya



Thomas Edgar
Chairperson
Yawuru PBC



David Puertollano
Chairperson
Nyamba Buru Yawuru