

# GASA | 01

## What are the GASA negotiations?

On 31 August 2017, the State of Western Australia invited Southern Yamatji, Hutt River, Mullewa Wadjari and Widi Mob claim groups to enter into negotiations about an alternative settlement of native title claims. Negotiations formally started on 6 November 2017 with the signing of the Grant Agreement that commits the State to funding parts of the negotiation process.

It is expected that these negotiations will lead to an agreement called the Geraldton Alternative Settlement Agreement (GASA). On 8 November 2017, the Federal Court set a deadline for the State and the four claim groups to negotiate the GASA and register the Indigenous Land Use Agreement (ILUA) by 27 September 2019.

## What is the GASA?

The GASA will be an agreement between the State and the Geraldton claim groups. The GASA is likely to cover a range of things, including:

1. **Recognition of Traditional Ownership.**
2. **Support for the creation and operation of a suitable Traditional Owner Governance Structure.**
3. **A Land Base (the return of agreed parcels of land to the ownership or control of Traditional Owners).**
4. **An Economic Base (sustainable, long-term funding for certain agreed activities).**
5. **Aboriginal Ranger Program and Traditional Owner involvement in the management of national parks and the conservation estate.**
6. **An agreed Aboriginal heritage regime.**

## How did the GASA negotiations come about?

The impact of colonisation in Western Australia means that native title cannot be recognised over large areas of country in and around Geraldton. Traditional Owners of the land and waters of this region have sought alternative ways of achieving recognition and land justice.

The State's longstanding position was that it would not negotiate a settlement while there were overlaps between the native title claims.

In 2015, there were five native title claims in and around Geraldton. These were Mullewa Wadjari, Widi Mob, Naaguja, Hutt River and Amangu. There were multiple overlaps between these claims. On 27 November 2015, the Federal Court defined a Separate Proceeding Area (SPA), which covered the Hutt River, Naaguja and Amangu claim areas, and parts of the Mullewa Wadjari and Widi Mob claim areas.

The five claims were ordered to resolve overlaps in the SPA and make proposals to the State about alternative settlement of native title. The Court ordered that any unresolved native title claims left in the SPA would go to trial.

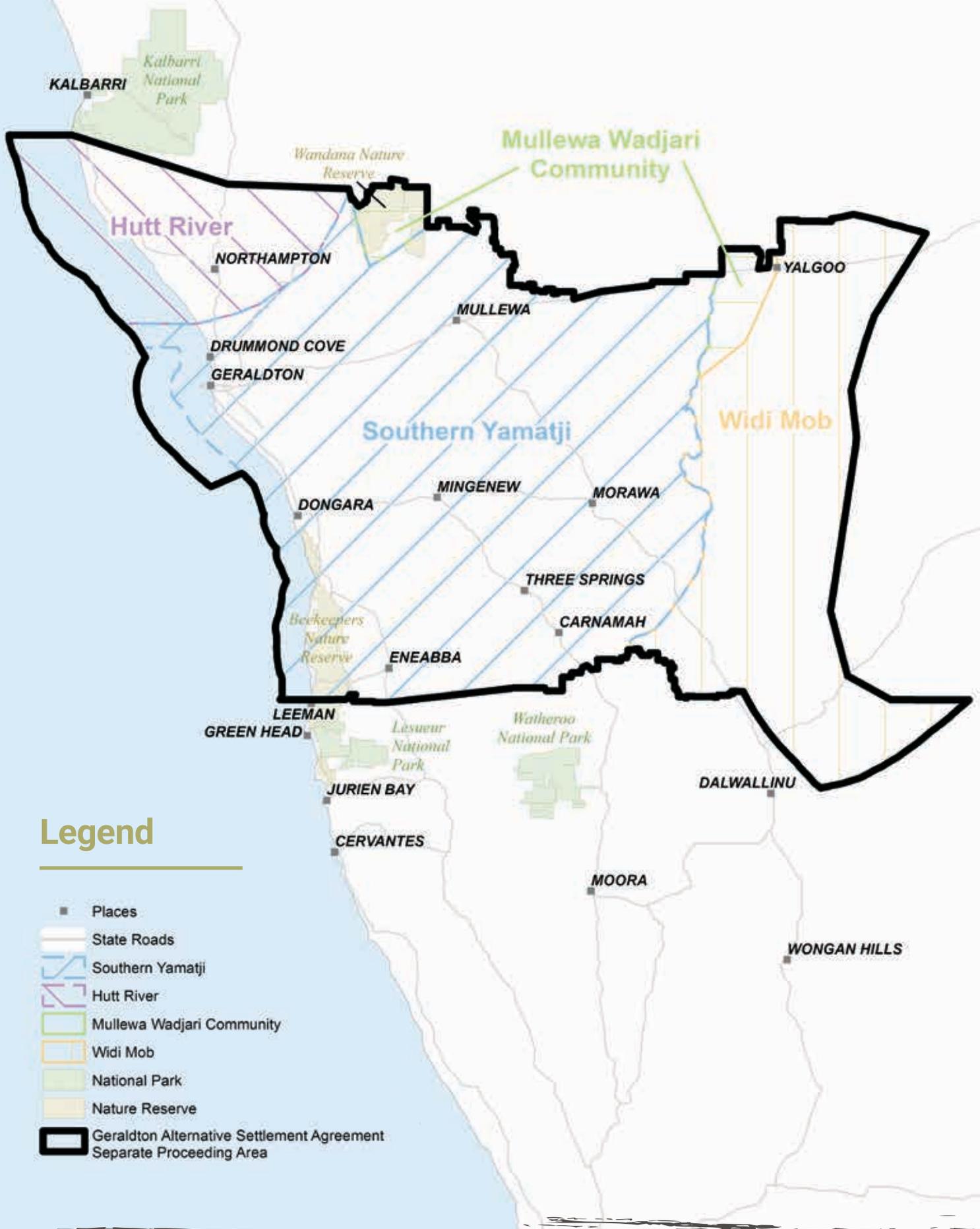
By early 2017, claimants had successfully resolved all overlaps. The following page shows a map of the current SPA.



**Yamatji Marlpa**  
ABORIGINAL CORPORATION



# Map of the current SPA.



## Legend

- Places
- State Roads
- Southern Yamatji
- Hutt River
- Mullewa Wadjari Community
- Widi Mob
- National Park
- Nature Reserve
- ▭ Geraldton Alternative Settlement Agreement Separate Proceeding Area

## Which claim groups are involved in the GASA negotiations?

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The following four native title claim groups are currently involved in the GASA negotiations:

- 1. Mullewa Wadjari**
- 2. Widi Mob**
- 3. Hutt River**
- 4. Southern Yamatji**

These are collectively known as the SPA claims.

Mullewa Wadjari is legally represented by Corser & Corser Lawyers. There are currently two parts of the Mullewa Wadjari claim that are in the SPA: a small area around Wandana Nature Reserve and an area around Yalgoo.

Widi Mob is legally represented by MPS Law. The part of the Widi Mob claim that is included is a corridor of land in the east of the SPA. This part of the SPA is mostly covered by pastoral leases.

The Hutt River claim is represented by Yamatji Marlpa Aboriginal Corporation (YMAC), which is recognised as a native title representative body for the Geraldton region. The Hutt River claim is in the north of the SPA.

The Southern Yamatji claim is also represented by YMAC. The Southern Yamatji claim was formed in March 2017 and includes the areas that were previously part of the Amangu, Naaguja, Mullewa and Widi Mob claims.

The Southern Yamatji claim group is made up of the former Amangu and Naaguja claim groups, everyone in the Widi Mob claim group, and most people in the Mullewa Wadjari claim group.

## Who negotiates on behalf of the claim groups?

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The four SPA claims have set up a 12-person Traditional Owner Negotiation Team (TONT). Through their Working Groups or Applicant Groups, each of the four claims has nominated and authorised representatives to be on the TONT. The TONT will be negotiating face to face with representatives of the State under instruction from their Working Groups.

The aim is to achieve an agreement that reflects the aspirations and needs of the Geraldton Traditional Owner community as a whole. Any agreement that is reached will need to be endorsed by the community. The current TONT members are:

### **Mullewa Wadjari Representatives**

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Leedham Papertalk Snr  
Glenda Jackamarra

### **Hutt River Representatives**

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Paul Eley  
Helen Nutter

### **Widi Mob Representatives**

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Shirley McPherson  
Kathleen Pinkerton

### **Southern Yamatji Representatives**

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Wayne Warner  
Fred Taylor  
Rod Little  
Carol Martin  
Delveen Whitby  
Ross Councillor

## What is the role of the Federal Court in the GASA negotiations?

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At the request of the State and the TONT, the negotiations will be run as Federal Court mediations.

A Federal Court Registrar has been appointed as the mediator, and will facilitate each negotiation meeting.

The Registrar will report to the Federal Court Judge on progress made against the deadline of 27 September 2019 to reach an agreement and register the ILUA.

## What is YMAC's role in the GASA negotiations?

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YMAC will provide ongoing advice and representation to the native title claim groups that it represents in the SPA, which are currently Hutt River and Southern Yamatji.

As the native title representative body, YMAC also has facilitation, dispute resolution, agreement-making, and certification functions, which it will continue to perform to help the broader Geraldton Traditional Owner community get the best possible outcomes from the negotiations. YMAC will be coordinating the work between all the negotiation participants, and helping with communication and consultation to keep the Traditional Owner community informed and involved.

## What process will the GASA negotiations follow?

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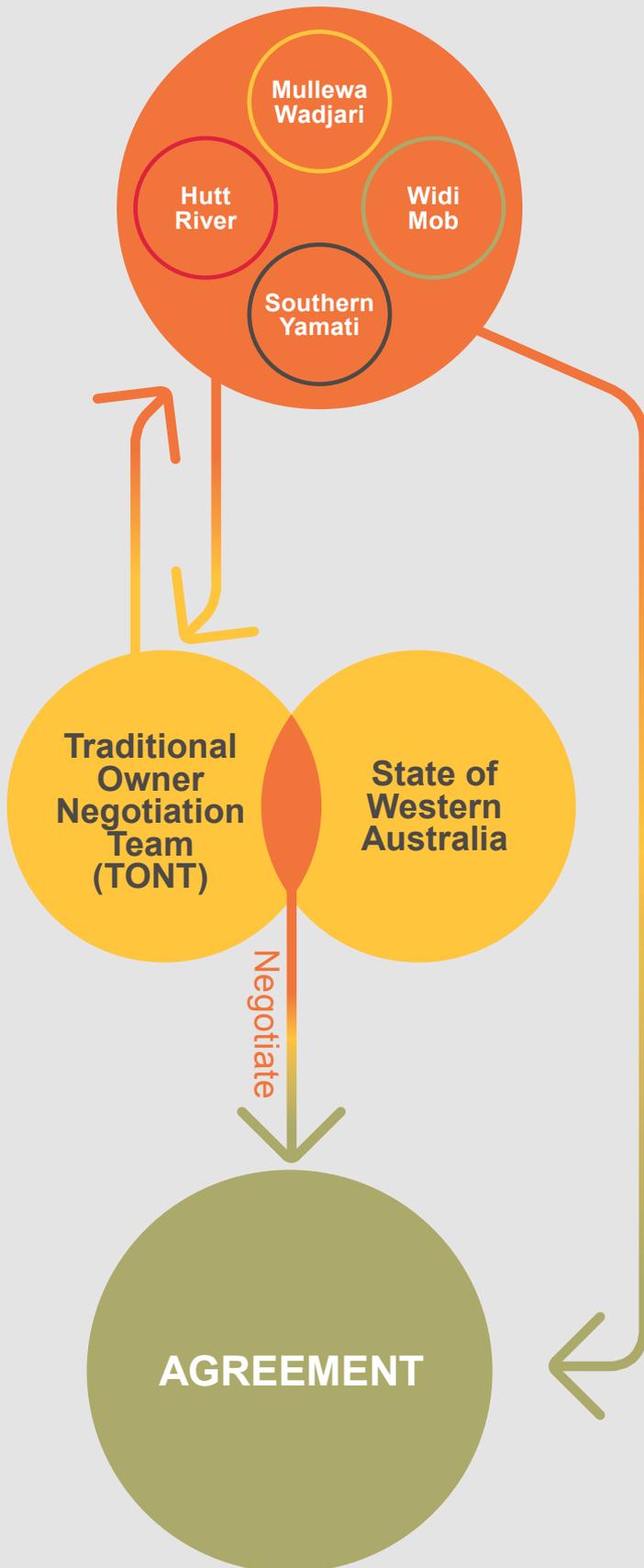
1. Each SPA claim group uses its own internal decision-making processes to nominate and authorise claimants to be on the TONT.
  - **The Hutt River and Southern Yamatji elected Working Groups nominate and authorise their representatives on the TONT.**
  - **The Widi Mob Applicant Group nominates and authorises their representatives on the TONT.**
  - **The majority of the Mullewa Wadjari Applicant Group nominated and authorised their representative on the TONT.**

Through ongoing community consultation, the community will give TONT members the information and guidance they need to reach the best possible agreement with the State.

2. The TONT will negotiate face to face with representatives of the State of Western Australia over 10 two-day Federal Court mediations in Geraldton. The first mediation occurred on 14-15 November 2017. It was an opportunity for everyone to introduce themselves, gather information and talk about how the negotiations will take place.
3. Once Traditional Owners have been empowered to provide their free, prior and informed consent, the draft agreement will go to claim group meetings for consideration. Legally, the GASA will take the form of an Indigenous Land Use Agreement (ILUA), which will need to be authorised through a proper native title decision-making process by the respective claim groups.

# GASA

# GASA negotiation process.



## 01 | CONSULTATION

Each group will use its internal decision-making processes – Working Group, Applicant Group, Claim Group meetings – to provide instruction to the TONT.

The TONT will rely on the guidance and information from the Traditional Owner community to negotiate with the State.

## 02 | NEGOTIATION

Information and decisions from the community consultation will feed into the TONT negotiation process.

The outcomes of TONT meetings will be reported back to the community.

## 03 | AGREEMENT

The outcome of the negotiation process is a formal agreement between Traditional Owners and the State, that must be authorised by the Traditional Owner community.

# Community consultation – how can I get involved?

A key part of the GASA negotiations will be consultation with the community. TONT members will require regular opportunities to report back to the Geraldton Traditional Owner community about the progress of negotiations, and to receive information and instruction about next steps. Community consultation events may include the following:

**(a) GASA Information Forums**

- for any member of the Geraldton Traditional Owner Community to attend, ask questions and speak with their representatives about the GASA negotiations. These Information Forums can be held in Geraldton, as well as other locations in the region, including Mullewa, Northampton (Moonie Mia) and Yalgoo.

**(b) Family Meetings**

- for members of the different extended family groups that make up the Traditional Owner Community. These meetings can provide claimants with an opportunity to meet in smaller groups and consult with representatives in a family environment.

On behalf of the TONT, YMAC will also be using different forms of communication to get information out to the community throughout the negotiations. This will include regular newsletters like this one.

## Please get in touch!

It is important that you remain informed about the progress of the negotiations and that you can attend consultation events if you're interested. Please make sure your contact details are up-to-date so that you get meeting notices and other information about the negotiations.

**Please complete the form below and return it to YMAC.**

First Name \_\_\_\_\_

Last Name \_\_\_\_\_

Claim Group/s (tick)     Southern Yamatji     Hutt River     Mullewa Wadjari     Widi

Mobile No \_\_\_\_\_ Landline No \_\_\_\_\_

Email Address \_\_\_\_\_

Postal Address \_\_\_\_\_

I prefer contact about the GASA by (tick)     Email     SMS     Post

For more information about the negotiations, please contact YMAC's Geraldton office:

171 Marine Terrace, Geraldton  
PO Box 2119 Geraldton WA 6531  
Phone: (08) 9965 6222 | Fax: (08) 9964 5646

