

Media Information

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Gumatj AC Obstructs Gove Mining Agreement's Indigenous Housing Offer

Political figure Galarrwuy Yunupingu has opposed a build plan by Indigenous suicide prevention champion Gayili Marika (nee Yunupingu) for \$3 million worth of desperately needed housing for Galupa Residents living on the Gove Peninsula, NT.



Gayili Marika Yunupingu is a senior female leader of the Gumatj clan, part of the Yolngu Nations of Northeast Arnhem Land, and is sister in Indigenous kinship terms to fellow Gumatj member Galarrwuy Yunupingu. Gayili and her family live in an open shed with no proper water or toilet facilities adjacent to the Rio Tinto Alcan alumina refinery, on the outskirts of the mining town Nhulunbuy. The place where she lives is called Galupa, a culturally significant site for numerous clans in the area.

Galupa is where Yolngu and Maccassan people landed their boats, camped and traded in Melville bay during the historical Maccassan trepanning season. It also remains significant as a traditional law safe haven and as a memorial site for the fight for land rights during the original establishment of mining operations in the Gove region. The site is also home to several heritage sites.

Gayili is the custodian of Galupa and the surrounding area.

Gayili is a nationally awarded champion of Indigenous suicide prevention, and her tireless work on the streets, often late at night, "has reduced the suicide rate in her community from the world's worst to zero".



<http://www.abc.net.au/news/2015-08-20/culturally-sensitive-program-launched-tackle-indigenous-suicide/6712482>

(more media coverage links available below)

She has been a member of the Prime Minister's Aboriginal and Torres Strait Islander Mental Health and Suicide Prevention Advisory Group since 2015.

The 2011 Gove Traditional Owners Mining Agreement allocated \$3 million of housing to Gayili and the Galupa Residents if they relocated from their homestead of Galupa. The details of the housing proposal would require the agreement of 4 parties: Rio Tinto Alcan, the Gumatj clan, NLC and the Galupa Residents.

Whilst reluctant to leave the Galupa site, where Gayili has been living for more than 40 years, the Galupa Residents' desperate need for housing made them consider the offer and subsequently develop their own housing proposal. See <http://www.sunrisealliance.org/galupa-residents-build-plan.html>

After 4 years of consultation and design work, Gayili submitted her 68 page housing proposal to RTA on the 29th of October 2015. The ground-breaking plans house all Galupa residents (many of them currently homeless or living in tents) in a culturally appropriate manner, and are architecturally designed for the tropical climate of Gove.

However, despite Gayili negotiating in good faith with all parties, the deal has stalled due to opposition of Galarrwuy Yunupingu, supported by the NLC.

Gayili's housing proposal received broad support from Gumatj clan leaders. Yet according to the NLC, consent from the Gumatj clan requires Galarrwuy Yunupingu's say above all other clan members, essentially giving Galarrwuy veto rights over all decisions concerning Gumatj clan lands. The NLC position is apparently derived from the fact that Galarrwuy Yunupingu is the single signatory on behalf of the Gumatj clan for the 2011 Gove Traditional Owners Agreement with RTA. This means that errors in the consultation process used to create the 2011 Gove Traditional Owners Agreement have now become the precedent for consent for the Gumatj clan generally.

The NLC position contravenes the proper consent process of Aboriginal traditional law, which it is required to follow under the Northern Territory Land Rights Act. Such an approach also represents a significant failure within the NLC whereby a past organisational decision becomes the means for determining future consent processes, rather than existing Aboriginal traditional law.

Furthermore the Gumatj Aboriginal Corporation, of which Galarrwuy Yunupingu is chairman, has continued to press to be the organisation to receive the money from the housing offer to build the promised houses. This is despite failing to table a build proposal of their own, even with extended deadlines - the last being 29 February 2016.

Gayili and her family continue to hold hope for their housing proposal. They are now seeking the intervention of the Indigenous Affairs Minister and redress from the Northern Land Council for its consultation errors. Galupa Residents also remain open to dialogue with RTA.

Previous media coverage of Gayili and her suicide work:

<http://www.smh.com.au/national/saving-the-yolngu-people-20091106-i28q.html>

<http://www.abc.net.au/news/2015-05-14/indigenous-youth-suicide-prevention-program-in-nhulunbuy/6463118>

<http://www.abc.net.au/news/2015-08-20/culturally-sensitive-program-launched-tackle-indigenous-suicide/6712482>

Facts:

- The 2011 Gove Traditional Aboriginal Owners Agreement signatories are Swiss Aluminium Australia Ltd and Gove Aluminium (Rio Tinto Australia (RTA)), Northern Land Council, Galarrwuy Yunupingu for and on behalf of the Gumatj Clan (Gumatj), Bakamumu Marika for and on behalf of the Rirratjingu Clan (Rirratjingu), Djalal Gurruwiwi for and on behalf of the Galpu Clan (Galpu).
- The Gove Agreement is reported to be worth \$700 million over 42 years.
see <http://media.news.com.au/nnd/captivate/north-east-arnhem-land/#>
- The Gove Agreement Clause 10 offered the Galupa Residents \$3 million (indexed) for housing if the Galupa residents relocate, and for 'beautification' of the Galupa site. The offer requires agreement from RTA, the Gumatj Clan, NLC and the Galupa Residents to go forward.
- Galupa Residents, represented by Gayili Marika (nee Yunupingu), were not part of the Gove Traditional Owners Agreement negotiation nor did they solicit the offer made in Clause 10. They do however need housing.
- Consent for land use agreements under the Northern Territory Land Rights Act (1976) must follow Aboriginal tradition (Mabayin law).
- No process under traditional law delegated Galarrwuy Yunupingu as a representative or spokesperson for the Gumatj clan in the negotiation of the Gove Traditional Owners Agreement. See paragraph 21: <http://www.theaustralian.com.au/life/weekend-australian-magazine/new-horizons/story-e6fgr8h6-1226535073685>
- Neither Rio Tinto Alcan, the Northern Land Council nor Galarrwuy Yunupingu have declared their interest in relocating Galupa Residents, despite being requested. The question remains as to why the requirement for relocation was added to the Agreement.
- The Gumatj Aboriginal Corporation is the conduit for royalties for mining on the Gove Peninsula Lamamirr clan lands. They are meant to distribute this money equitably with relevant land owning groups and individuals.
- Galupa (with Wartjaba and Gorrkpuy) is a traditional clan alliance (ringgitj) site. Gumatj, Warramirri, Dhalwaŋu, Munyuku, Wangguri and Lamamirr clans all have ownership rights to the location. Gayili Marika Yunupingu is the principle custodian of the sites.
- If the Galupa Residents were to accept the NLC's current position pertaining to consent, it would set a precedent whereby Galupa Residents would be subject to Galarrwuy Yunupingu's decisions on their land interests for the rest of his life. They could not negotiate a land use agreement without his 'royal' signature. This is not acceptable to Galupa Residents nor the Gumatj clan in general. Galarrwuy Yunupingu has no such power under Aboriginal tradition (Mabayin Law).

Gayili Marika (Yunupingu) Quotes:

“At the first meeting [about this offer] [RTA] just told us there was money, saying like “there is money set aside for the family at Galupa we want to give away... how do you feel about that.” [Gumatj Aboriginal Corporation] People were already trying to speak for us... I told them like this, “this money is not a royalty payment so don’t speak for me.”

“At that [first] meeting I was already nobody, I was forgotten. The negotiations were already taking place without me behind closed doors.”

“Every three months I was expecting someone to come and talk to me [to consult], but it was all kept quiet like [non-Indigenous] politics.”

“Rio Tinto [instigated] a second meeting. People were talking all sorts of ideas, non of it had to do with us, Galupa Residents. Later I got sick of it and told them their ideas were not mine... and then it came out that the money was connected to leaving Galupa.”

“When I was a young mother I went though [18 months] of building training. I have the personal experience to know what I want for a house. I also know my culture and how our housing should be set for my people. Like brothers and sisters [as adults] cannot live together- this is mirrirri.”

“I have boys who are mentally ill and I need to house them appropriately under my care and [my build plan] had a safe house to help my suicide prevention work.”

Contact Details:

Gayili Marika (Yunupingu)

Please contact Process Advocate to arrange an interview

Kendall Trudgen

Galupa Residents Process Advocate

PHOTOS (High- Res version available upon demand)



Gayili at Parliament House, Canberra (March 2015)



Gayili with Tony Abbott (Gove, 2015)



Gayili's house at Galupa (2016)



Inside Gayili's home at Galupa (2016)