



Elder prepares to face court for protecting his Country

By
National Indigenous Times reporter

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Wongatha Wonganarra Elder, Pastor Geoffrey Stokes, known for his relentless work for the homeless and most vulnerable, late last year was arrested at a mine site near the Mount Margaret Aboriginal community, 400 kilometres north of Kalgoorlie, for firing a rifle shot into the air.

Pastor Stokes was calling for a halt to unannounced mining activity at one of the more sacred regions of his Country. He is now being described as a person of "poor character" by authorities and will face Kalgoorlie Court on February 26 for standing for the spirit of the land.

The 53-year-old Pastor was incensed at the mining activity and alongside other community members turned up to call for a halt to the mining activity. But the workers continued with their work until Pastor Stokes fired a shot into the air to gain their attention.

He finished up at the Laverton police lockup where four charges were laid against him which included the discharging of a firearm "to cause fear".

Pastor Stokes is supported by Yeeliree Elder and anthropologist, Kado Muir and by State MLC, Robin Chapple. Both have criticised the State Government for failing to consult properly with the custodians of their lands over heritage issues.

Anthropologist, Dr Stephen Bennetts said it was known the Department of Aboriginal Affairs had begun routinely issuing "no impediment" notices to developers purely on the basis of desktop consultation of the existing DAA site register, without any consultation taking place with local Aboriginal custodians.

He describes the DAA register as "flawed and incomplete".

"In a highly controversial interpretation of section 5 of the Aboriginal Heritage Act (AHA), the DAA has also sent letters to a number of Aboriginal custodians of registered 'mythological' sites asserting such sites are no longer protected under the AHA unless proof

of ongoing religious practice at the site can be provided," Dr Bennetts said.

"This tendentious interpretation of the AHA is the subject of the Robinson versus Aboriginal Cultural Materials Committee (ACMC) test case currently before the WA Supreme Court."

A decision by the court is expected later this year. The definition of a sacred site is being challenged to stop part of Port Hedland being removed from the Heritage Register and therefore stripped of protection.

In December 2013, the ACMC ruled land and waters around parts of Port Hedland should no longer be considered Aboriginal sacred sites because they were not being used for Aboriginal spiritual purposes.

Marapikurrinya siblings, Kerry and Diana Robinson are seeking to have the ruling overturned. They are being represented by former Mabo lawyer, Greg McIntyre.

Mr McIntyre said heritage sites should not be limited to "religious connection" but rather to significance to people of Aboriginal descent. Mr McIntyre told ABC journalist Nick Perpitch there had been evidence of religious use of the site by the Marapikurrinya People.

Mr McIntyre warned if religious use was the only criteria for a heritage site then "the vast majority of sites on the register will be removed and we'll be left with a small number of ceremonial sites around the State".

The State Government's controversial proposed amendments to the Aboriginal Heritage Act are due to be debated once State Parliament resumes on February 17.

Pastor Stokes has long argued sacred, ceremonial and historical sites are desecrated, damaged and overrun by development and mining interests. Pastor Stokes has many supporters who have rallied behind him after his stance at Mount Margaret.

Tjarurru Ngalia man, Kado Muir, like Pastor Stokes from desert Country in the Goldfields region, said the firing of a shot into the air was unlike Pastor Stokes but would have been born out of exasperation.

"Geoffrey is a Traditional Owner of the area. Our people are marginalised and



disempowered. He was obviously acting out of frustration for the voices of the people to be heard in order to protect sacred spaces on our land," Mr Muir said.

Mr Muir said "peacefulness" and "non-violence" are imperative in "standing up to protect our lands."

"We do not want the message lost," he said. "Mount Margaret is like the homeland for a lot of Wongatha Wonganarra people.

"Significantly, Mount Margaret is one of the highest points with Dreamtime places and ceremonial places."

"We do not want to stop mining. We want the miners to consult with us, work with us."

Tensions among First People communities are escalating with many fearing the West Australian Government will ram through controversial amendments to the Aboriginal Heritage Act. The proposals will make it easier for miners and developers to hurry along mining access.

The decision-making around whether sites are cultural and historical will be vested in one person instead of a panel and without any right of appeal to the communities and the representative bodies of First Peoples.

Pastor Stokes said he went to the mining site to talk but "they walked past me like I was not there."

"This is our Country and this land in particular is special," Pastor Stokes said.

Pastor Stokes said the problem was the Traditional Owners were not consulted even though it has been a long held "social responsibility of prospective tenement holders

to consult Traditional Owners".

The Department of Mines and Petroleum stated it will investigate whether the mining company, Darlex consulted with Traditional Owners.

Mr Chapple said the "Government is diminishing the value of heritage sites in this State and setting up potential conflicts."

Pastor Stokes' wife, Dr Christine Jeffries-Stokes, a respected paediatrician, told the *Kalgoorlie Miner* newspaper, all Pastor Stokes was trying to do "was to stop any disturbance" to "historical and culturally significant sites".

"Apparently some permission had been given by others there who are actually probably not aware of the significance of the area," Dr Jeffries-Stokes said.

Mr Muir said the events were distressing for First People who feel distrustful of the current political climate.

"Our Land Councils now undermine us." Mr Muir said that Native Title undermines

Country and its peoples.

"The Wongutha Native Title fiasco was both ill-conceived and disastrous.

"If the Wongutha claim had been prepared and presented properly then Native Title would be recognised at Mt Margaret.

"Then Traditional Owners will be consulted properly, there would have been more certainty for Wongutha People in their dealings with mining companies.

"Like many other Aboriginal peoples in the Goldfields, Wongutha People do not have formal processes to engage with miners, Government or other interests on their Country.

"The first many Aboriginal People ever hear of developments and activities on their land are when they are going about their lawful business - visiting, hunting, gathering, travelling, camping and looking after their Country.

"This is when they find miners drilling, digging and otherwise disturbing their land. Sometimes these miners are disturbing sacred ground. How does an Aboriginal Elder react in such circumstances?

"One does not have time for cultural awareness training when a miner is drilling into a sacred site.

"Pastor Stokes acted on instinct to do what he can to save lives and to stand up for the spirit of the land."

Mr Muir hoped this incident would open the eyes of Government and mining companies.



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