

Yamatji Marlpa Barna Baba Maaja
Aboriginal Corporation

08 ANNUAL REPORT



Yamatji Marlpa Barna Baba Maaja
ABORIGINAL CORPORATION

The Hon Jenny Macklin MP
Minister for Families, Housing, Community Services and Indigenous Affairs
Parliament House
Canberra ACT 2600

15th October 2008

Dear Minister,

Letter of Transmittal

In accordance with section 203DC of the Native Title Act 1993, we have pleasure in presenting the annual report of the Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation, together with the organisation's audited financial statements for the financial year ended June 30, 2008

Yours sincerely,



Roy Bellotti
Co-Chairperson
Yamatji



Mrs Doris Eaton
Co-Chairperson
Pilbara

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This year, the Board of Directors has guided the organisation through changes resulting from the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*. In May 2008, the Regional Committees of Yamatji Land and Sea Council and Pilbara Native Title Service met to draft a new corporate constitution which will include the government's required changes. In the coming months, all members will be invited to attend consultation workshops followed by a special general meeting to vote on the changes.

The Board of Directors and Executive Management Team have also worked closely to undertake and complete YMBBMAC's strategic planning. As a result of this process we are proud to present our new vision, mission and logo, which focus on the importance of 'Country' for Yamatji and Marlpa Aboriginal people.

We are pleased to report that the past year has seen strong progress on claim work and the protection of Country, with highlights including:

Yamatji

Claim and Connection Progress

The Thudgari people have made significant progress toward finalising a consent determination for their claim, with negotiations still underway. Further connection material was also submitted for Badimia native title claim and connection research has commenced for the Nanda and Wajarri Yamatji claims.

Gooch Ranges Protected

In June, the National Native Title Tribunal (NNTT) handed down a decision that will help protect the Gooch Ranges, a place of cultural significance to Gnulli and Thudgari Traditional Owners. NNTT Member Sosso, who presided over the case, said that the most important factor in the inquiry was the compelling evidence provided by the people who spoke on behalf of Country.

Culture on Country

The annual Yamatji Cultural Awareness Workshop was attended by over 20 staff members who travelled through the Gascoyne region visiting places of cultural and spiritual significance. The trip allowed Traditional Owners to share stories of their culture, giving staff members a deeper understanding of the diversity and strength of Yamatji culture and Country.



*Mrs Doris Eaton Pilbara Chairperson
Roy Bellotti, Yamatji Chairperson*

Pilbara

Pilbara Connection Project

In December 2007, the Federal Government pledged \$5.5 million dollars to fast track native title work in the Pilbara. The funding has allowed YMBBMAC to progress the Pilbara Connection Project.

The Pilbara Connection Project aims to resolve eight native title claims over the central and western Pilbara. The groups involved include Gobawarrah Minduarra Vinhawanga, Innawonga, Innawonga Bunjima, Kurama Mathudunera, Ngarlawangga, Niyiyaparli and Puutu Kunti Kurrama and Pinikura. Substantial connection research is currently underway for these claims.

Karriyarra Land Agreement

In November 2007, the Karriyarra people signed a landmark agreement with the WA State Government. The Karriyarra Mugarinya Joint Venture signed the agreement with Planning and Infrastructure Minister Alannah MacTiernan, giving almost 12ha of prime residential land in Port Hedland to Traditional Owners. The agreement is designed to address the town's critical need for housing. It will deliver approximately 140 dwellings and provide Indigenous people with a strong stake in the town's future.

Njamal and Moly Mines Negotiation Agreement

In September 2007, Njamal Traditional Owners commenced a mining agreement with Moly Mines Limited. The agreement is for Spinifex Ridge, a mine site located 50 km's northeast of Marble Bar. The agreement included a 'no-go' zone over Coppin Gap, an area of cultural importance to Traditional Owners. Part of the funding in the compensation package will be used to maintain strong traditional law and culture.

On behalf of the Board of Directors and Regional Committees we would like to thank management and staff for their dedication and hard work as we look forward to the year ahead.

A strong Board of Directors, supportive management team and dedicated staff have ensured that the 2007/08 financial year has been one of our most progressive to date.



YMBBMAC Chief Executive Officer, Simon Hawkins

Significant headway has been made on native title claims in both regions, with connection research commencing for Nanda, Wajarri Yamatji, Gobawarra Minduarra Yinhawanga, Innawonga, Innawonga Bunjima, Kurama Mathudunera, Ngarlawangga, Nyiyaparli and Puutu Kunti Kurrama Pinikura. This year, the State Government accepted connection material for Badimia and negotiations towards consent determinations are underway for the Thudgari and Nyangumarta claim groups.

The WA resource boom is now well into its fifth year and YMBBMAC is involved in several hundred land access and future act agreements, including major commercial negotiations with Rio Tinto, BHP Billiton and Fortescue Metals Group.

With industry's rush to maximise the opportunities resulting from the boom, it is vital to ensure that there is an equitable distribution of the generated wealth, and that native title groups are fully involved in decisions affecting the future of their people and Country.

Of the \$16 billion profit made in 2007 from Western Australian iron ore, payments to native title parties are still estimated at less than one quarter of a percent (>0.25%). In the coming year we will work with industry and Government to progress the concept of minimum percentages in native title commercial agreements to address this imbalance. As an organisation we strongly believe this will benefit all parties by reducing the amount of time spent in lengthy negotiations, allowing for accelerated development and improved land-access protocols.

The strategic planning undertaken by YMBBMAC this year has provided strong guidance for the future of YMBBMAC and our services to Traditional Owners. Our focus on Country will ensure that our client's priorities drive our work in the midst of the mining boom.

Other highlights for the past year have included:

- Opening our new office in Karratha and refurbishing our heritage-listed Geraldton office.
- Launching two quarterly corporate publications, YLSC News and PNTS News, aimed at keeping members and stakeholders up to date with the latest developments in native title.
- YMBBMAC hosting its Future Acts Workshop; uniting WA native title representative bodies on common issues relating to the mining boom.
- The creation of organisational Claim Teams aimed at improving service delivery to our clients, Yamatji and Pilbara Traditional Owners

YMBBMAC also gave presentations at this year's National Native Title Conference, participated in the Attorney General's Native Title Consultative Forum and continued our ongoing contributions to the National Native Title Council.

In 2009, we look forward to the resolution of claims in both the Yamatji and Pilbara region and will focus on structures for commercial agreement implementation and other important issues for Country, such as uranium mining and marine management.

I thank the Board of Directors, Regional Committees, members, management and staff as we anticipate an equally successful 08/09 for our clients, Yamatji and Pilbara Traditional Owners.

ORGANISATIONAL OVERVIEW

Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation (YMBBMAC) is the native title representative body for the Traditional Owners of the Pilbara, Murchison and Gascoyne regions of Western Australia.

In the Murchison and Gascoyne we are called Yamatji Land and Sea Council (YLSC) and in the Pilbara we are Pilbara Native Title Service (PNTS).

We represent over 25 native title claim groups, all with their own culture, language and traditions. YMBBMAC's representative area covers over 1 million square kilometres. We have been in operation since 1994 with offices in Geraldton, South Hedland, Karratha, Tom Price and Perth.

YMBBMAC membership is open to all adult Yamatji and Pilbara Aboriginal people. The organisation has a multi-layered representative structure, made up of a Board of Directors and two Regional Committees, but YMBBMAC also consults regularly with its native title claim groups and its overall membership.

Residency is not a requirement of native title, and YMBBMAC's membership also includes people who live outside of the representative areas, but who have a traditional connection to the land.

Access to YMBBMAC services is not dependent on membership and the organisation has numerous clients and stakeholders who do not choose to be members. All members are entitled to vote at their respective YLSC and PNTS annual general meetings and special general meetings.

YMBBMAC operates under the *Native Title Act 1993* (NTA) and the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

OUR MISSION, VISION AND VALUES

Our Vision

“Country”

Country is our mother, our provider and keeper of our cultural belongings. Culture and Country go together. You can't have one without the other.

Our Mission

To work with Yamatji and Pilbara Aboriginal people to pursue:

- Recognition and acceptance of Yamatji and Pilbara culture in Country
- A strong future for Yamatji and Pilbara people and Country

Our Aims

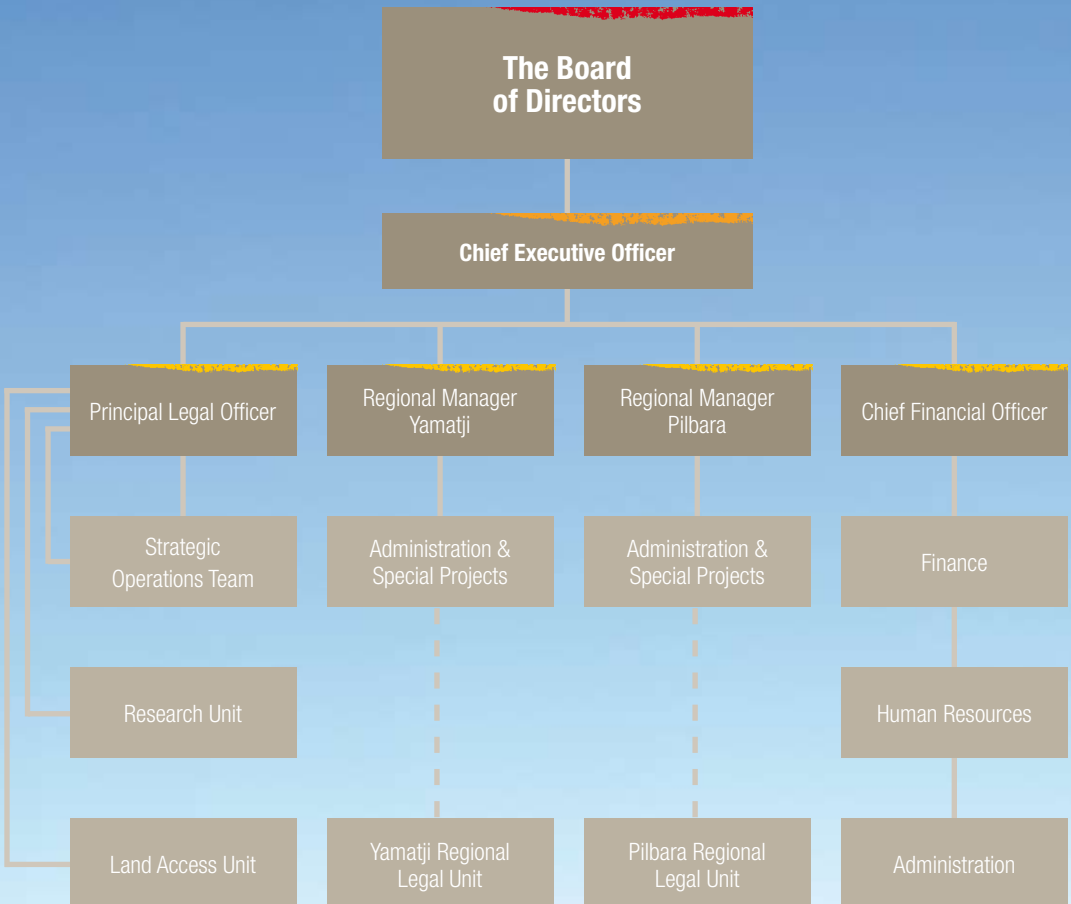
- Ensure an enduring Heritage and Culture
- Resolve Native Title Claims
- Seek outcomes that provide a strong legacy for Yamatji and Pilbara people

Our Values

- Respect
- Professionalism
- Integrity
- Honesty
- Loyalty
- Innovation

ORGANISATIONAL STRUCTURE

Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation





YMBBMAC Board of Directors.

*Back, L-R: Terry Jaffrey, Nora Cooke, Toby Smirke, Nyaparu Windie.
Front, L-R: Natalie Parker, Mrs Doris Eaton, Roy Bellotti, Allen 'Boyo' Mitchell.
Absent: Anthony Dann, Darren Injie, Kathleen Musulin, Richard Oakley.*

Board of Directors

YMBBMAC's over-all policy direction is provided by its Board of Directors. The Board acts as an advocate for Traditional Owners in the wider Pilbara and Yamatji regions, particularly in relation to government activities affecting land as well as mining and development issues. Ultimately responsible for the performance of the organisation's statutory functions, the Board of Directors is also accountable to the members of the organisation.

The Board of Directors is made up of members of the organisation's two Regional Committees. Six members from each committee join to form the twelve-member Board of Directors, providing equal representation of the Yamatji and Pilbara regions.

During the reporting period the Board of Directors' members were:

YLSC member

Number of meetings attended (out of nine)

Vince Jones (Co-chairperson from Nov 06 until Feb 08)	4*
Roy Bellotti (Co-chairperson from Feb 08)	9
Anthony Dann	6
Allen 'Boyo' Mitchell	9
Kathleen Musulin	8
Richard Oakley	9
'Nyaparu' Windie	4*

PNTS member

Number of meetings attended (out of nine)

Alec Tucker (Co-chairperson from May 07 until Apr 08)	5*
Mrs Eaton (Co-chairperson from Apr 08)	8
Nora Cooke	1*
Natalie Parker	6
Nyaparu Rose	3*
Toby Smirke	7
Terry Jaffrey	3
Darren Injie	1*

The Board of Directors held nine meetings during the reporting period; four regular meetings, one special meeting for the 2007 financial statements, and four for internal governance or operational matters. *This Board member has not been part of the Board of Directors for all of the reporting period and therefore was not required to attend all meetings.

Board and Committee Training

Providing training opportunities for Board Directors continues to be a priority for YMBBMAC.

In the reporting period, selected Board of Directors members attended the 2008 Native Title Conference in June. Both Regional Committees attended governance training provided by FaHCSIA in February 2008, and in May 2008 where ORIC assisted the Committees with advice in framing YMBBMAC's new constitution.

YLSC Regional Committee

The Yamatji Regional Committee provides the policy direction for YMBBMAC on native title matters within the Yamatji region.

Representatives on the Yamatji Regional Committee are elected from the eligible YLSC membership, most of whom are from claims represented by the organisation.

Members of the committee are elected by ballot at Yamatji annual general meetings. The Chief Executive Officer holds the position of an ex-officio, non-voting member.

During the reporting period the elected members of the Yamatji Regional Committee were:

Committee Member	Number of meetings attended (out of eight)
Roy Bellotti, (Chairperson from Feb 08)	8
Vince Jones (Chairperson from Nov 06 - Feb 08)	5
Allen 'Boyo' Mitchell (Deputy Chairperson from Feb 07)	8
Wayne Warner	1*
Robin Boddington	1*
Doug Comeagain	5
Mavis Curley	5
Anthony Dann	6
Colin Hamlett	5
Laurence Hodder	6
David George Jones	1*
Brian Jones	5
Kathleen Musulin	7
Richard Oakley	8
Ron Simpson	5*
'Nyaparu' Windie	5
Fred Taylor	2*
Vaughan Lane	2*

The Yamatji Regional Committee held meetings during the reporting period; 4 regular meetings, 2 meetings relating to annual general meeting business, 1 special meeting and 1 joint meeting with the PNTS Regional Committee to discuss the proposed changes to the constitution under the new CATSI Act. * This person was not a member of the YLSC Regional Committee for all of the reporting period and therefore was not required to attend all meetings.

PNTS Regional Committee

The policy direction for YMBBMAC on native title matters within the Pilbara region is provided by the Pilbara Regional Committee. Each native title claim represented by YMBBMAC in the Pilbara nominates a representative to the Pilbara Regional Committee. Its membership also includes the Chief Executive Officer, who acts as an ex-officio, non-voting member.

During the reporting period the members of the Pilbara Regional Committee were:

Committee Member	Number of meetings attended (out of five)
Mrs Eaton (Chairperson from April 08)	4
Natalie Parker (Deputy Chairperson from April 08)	5
Alec Tucker (Chairperson from May 07 until April 08)	4*
Neil Finlay	1
Robyne Churnside	2
Nora Cooke	3
Darren Injie	2
Terry Jaffrey	3
'Nyaparu' Rose	4*
Toby Smirke	5
Les Stevens	2
Roy Tommy	1
Jill Tucker	3
David Wright	1*
Andrew Daulbin	1*
Peter Limerick	1*

The Pilbara Regional Committee held meetings during the reporting period; 4 regular meetings and 1 joint meeting with the YLSC Regional Committee to discuss the proposed changes to the constitution under the new CATSI Act.

* This person was not a member of the PNTS Regional Committee for all of the reporting period and therefore was not required to attend all meetings.

NEW LEADERSHIP TEAM FOR PNTS



CEO Simon Hawkins congratulates new Pilbara Chairperson, Doris Eaton

In June 2008, Pilbara Native Title Service announced Mrs Doris Eaton, Njamal Traditional Owner as chairperson of its Regional Committee.

Mrs Eaton is joined by Mrs Natalie Parker, a Nyiyaparli Traditional Owner, as deputy chairperson. Mrs Eaton she looked forward to her new role.

"The main aim is to get native title rights so that people are free to walk on their land, for hunting and gathering and to practice their custom.

I've been in native title since it started and have seen the work of the old people who are now gone. It gave me the driving force to continue their work and encourage more young people to step up to these kind of roles.

We all need to work together to achieve the best outcomes for Aboriginal people," said Mrs Eaton.

Executive Management Team

YMBBMAC's management structure promotes regional service delivery. Except where some regional services are most efficiently – or necessarily – provided from Perth, the management of the organisation revolves around the operations of the Geraldton office (for the Yamatji region) and the South Hedland Office (for the Pilbara region). PNTS subregional offices are located in Karratha and Tom Price.

Organisational performance management is the function of the Executive Management Team, which consists of five senior officers from the organisation:

Chief Executive Officer

As Chief Executive Officer (CEO), Simon Hawkins is responsible for the implementation of the YMBBMAC Strategic Plan and the administration and the overall management of the organisation, on behalf of the Board of Directors. As YMBBMAC's public officer, the CEO is accountable to the various forms of legislation that determine the responsibilities and conduct of the organisation. In this role, the CEO ensures that the policies and decisions of the Board and the Regional Committees are implemented; that the organisation observes its legal responsibilities - including its responsibilities as a native title representative body - and that it meets its obligations under agreements entered into with other parties. In promoting the interests of YMBBMAC and its clients, the CEO is required to lobby government and industry for policy change as well as negotiate funding for existing and new projects. This includes making presentations to government and related organisations on a range of topics affecting the NTRB and its clients. The CEO also promotes the organisation through conferences and other events.

Regional Managers

YMBBMAC has two discrete regional divisions, the YLSC and PNTS, under the direction of their respective Regional Managers, Russell Simpson and Nyaparu Jeffries. As Executive Management Team members, they are required to promote YMBBMAC's activities within the region and its new vision, mission and key business focus areas. Other key functions include developing and maintaining strategic alliances across all sectors; managing special projects; advocating and representing the native title rights and interests of Traditional Owners; overseeing regional operations, including managing the regional office and staff; and developing and monitoring regional budgets.

Principal Legal Officer

As Principal Legal Officer (PLO), Michael Meegan manages the legal operations of YMBBMAC – in accordance with the rules of incorporation, relevant incorporation legislation and the provisions of the *Native Title Act*. In this role, Michael advises on matters related to the NTA; associated legislation and other Commonwealth and State laws; and statutes affecting the interests of native title-holders in the Murchison, Gascoyne and Pilbara regions. The position involves coordinating relationships between the organisation and claimant groups; intra-Indigenous mediation in relation to the claims process; preparation and lodgment of native title claims; the progress of native title claims; the resolution of native title claims; and future act and heritage processes. The role also includes assisting in developing budgets and managing all legal and research staff.

Chief Financial Officer

Chief Financial Officer (CFO), Stan Stylianou is responsible for overseeing the financial and organisational requirements of YMBBMAC for the reporting period. The CFO provides financial and administrative advice to the Committees as well as ensuring that organisational policies and procedures are developed and implemented so that financial and administrative obligations are met. The role also requires the supervision of staff within the Corporate Services unit.

Business Units

Aboriginal Liaison

At the heart of YMBBMAC are the Aboriginal Liaison Officers (ALOs) and Project Officers (POs). These officers act as the bridge between Traditional Owners and the organisation, ensuring that cultural gaps are identified and addressed. Regional staff work closely with ALOs and POs in all aspects of their work. This includes receiving guidance in relation to cultural matters, as well as practical assistance when convening meetings and executing documents.

Anthropology

Anthropologists work closely with the ALOs/POs, conducting research to progress claims towards determination. This includes genealogical research, cultural mapping and analysis of 'laws and customs' as outlined in the *Native Title Act*.

Communications and Policy

YMBBMAC is committed to having the interests of Traditional Owners represented in public arenas and therefore provides appropriate information to members, stakeholders, government and the media.

NJAMAL & MOLY MINES NEGOTIATION AGREEMENT



Njamal country, between Marble Bar Road and Great Northern Highway, 100 km's south of Port Hedland.

In September 2007, Njamal Traditional Owners commenced a mining agreement with Moly Mines Limited. The agreement combines cultural and environmental protections, plus education and training opportunities.

The agreement is for Spinifex Ridge, a mine site 50 km's northeast of Marble Bar.

The agreement included a 'no-go' zone over Coppin Gap, an area of cultural importance to Traditional Owners.

Morris Coppin of the Njamal people said that the community was happy the deal managed to balance important cultural matters with commercial realities. "This agreement recognises the importance of Coppin Gap, but still shows that Njamal are serious commercial negotiators. An agreement that helps us keep our law and culture strong means that we can look after Njamal traditions for today, and for our children," said Mr Coppin.

Part of the funding in the compensation package will be used to maintain strong traditional law and culture. The company will also work with Njamal people to make sure Moly Mines staff receives cross cultural training.

Corporate Services

The Corporate Services Unit provides administrative services and support to YMBBMAC and its operations. The unit consists of finance, administration, human resources and information management.

Development Projects

Caring for Country: Our Caring for Country program helps Traditional Owners with the protection of sites, and assists in the planning of Natural Resource Management (NRM) projects on their Country.

Economic and Business Development:

Economic and Business Development creates community-based enterprises and assists Traditional Owners with economic development initiatives. YMBBMAC help groups to identify their aspirations assist with the development of business ideas, plans and job placement.

Community Development: Community Development projects assist groups to identify needs, goals and aspirations. This includes working to develop project plans and corporate structures for the management of their communities. YMBBMAC also works with Local, State and Commonwealth agencies, resources companies and other organisations on future community development.

YMBBMAC would like to acknowledge our Development Projects partners: Newcrest Mining Ltd, Indigenous Land Corporation, Mount Gibson Iron, Arc Energy Limited, Harmony Gold, the Water Corporation, Giralda Resources, the Shires of Greenough and Shark Bay.

Land Access Unit

The Land Access Unit deals with the future acts and heritage services that YMBBMAC provides. As some of these services are not funded, the unit operates largely on a cost recovery basis, while also receiving specific funding assistance from the State Government for future act officers. Overseen by the Land Access Manager, the unit comprises a range of qualified staff including Anthropologists, Archaeologists and other highly skilled professionals.

Regional Legal Units

The Regional Legal Units (RLU) service over thirty claims that YMBBMAC currently represents. Lawyers in the RLUs take their instructions from native title claim working groups. The Regional Legal Units are the legal contact point between the native title claimants and YMBBMAC. They prepare legal opinions, documents, appear in court, prepare briefs and provide general legal assistance.

Strategic Operations

In addition, the Strategic Operations Team provides special legal support to the Regional Legal Units, the Land Access Unit and YMBBMAC management on request, particularly in relation to unusual or difficult matters where no precedents currently exist in the organisation.

Corporate Governance

YMBBMAC is organised and governed by complementary frameworks which ensure that the organisation is effective; delivers quality outcomes; and is efficient in its use of limited resources to deliver services required by stakeholders and funders. Staff are employed to deliver outputs that align with the Strategic Plan and Operational Plans and comply with all relevant statutory and regulatory requirements. Regular reporting to the Board, committees, stakeholders, management and funders ensures that the strategic direction is maintained. The YMBBMAC constitution is strengthened by sound and clear policies and procedures which are consistently applied to ensure good governance and accountability.

YMBBMAC's governance will be further strengthened in 2008/09 with the introduction of the organisation's new constitution, framed to comply with the changes to the *Corporations (Aboriginal and Torres Strait Islander) Act*. This new legislation enhances governance and accountability for Aboriginal Corporations.

The principal mechanism by which the organisation takes instructions and provides advice and information is through working groups, which are authorised by the entire native title claim group. Services provided to each native title claim group are regulated by a formal retainer agreement containing shared responsibilities and the prioritisation framework adopted by YMBBMAC in accordance with statutory requirements.

YMBBMAC has an effective and efficient financial management system and framework which is robust and transparent. Regular reporting within the organisation adheres to all applicable statutory requirements including the *Native Title Act*, all tax Acts and relevant State Acts.

We also adhere to Australian Accounting Standards, with the two senior finance personnel suitably qualified with continuing professional development obligations. YMBBMAC acknowledges that its funding levels have increased in recent years to counter the significant increase in input costs and to be able to meet the demands of progressing native title outcomes. However, in view of the continuing high level of activity, the organisation continues to wrestle to maintain or reduce cost levels in regions where the CPI is well above the Australian average. Facilities and services such as accommodation, housing and travel have become more difficult to procure at a reasonable cost.



Near Shark Bay, Malgana country

Planning

Both divisions of YMBBMAC conduct planning sessions which begin in February and culminate in May when an annual operational planning document forms the main part of our submission to the Commonwealth for funding and approval of native title activities in the following financial year.

Reviews are performed in December, April and August and are submitted to the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). Internal planning and operational reviews take place at the same time to ensure that our activities continue to be aligned to the Operational Plan. The operational plans are linked to the YMBBMAC Strategic Plan, which is reviewed and updated every three years.

Reporting

Regular reporting on multiple levels both externally and internally ensures that the management of the organisation is protected, and that risks are identified and managed appropriately. A Policy and Procedure Manual, endorsed by the Board of Directors, provides a framework for effective governance including appropriate and conservative delegations. External auditors are appointed to give assurance to the Committee that financial matters are performed to the requisite standard.

Risk Assessment

YMBBMAC has monthly financial and operational meetings with relevant staff and managers to assess current performance and operations. From these meetings, possible risks are identified and action plans are made to mitigate against, or to eliminate, risk. These meetings are held at different levels, ranging from operational staff to senior management, with strategic risks taken to a Board level.

Complaints

The principal mechanism for dealing with complaints about the services provided by YMBBMAC are the native title claim working groups, which act as a clearing house for most issues. On the few occasions when a complaint cannot be dealt with at a working group, or the complainant is not a current client of YMBBMAC, then a formal complaint can be made to the organisation pursuant to current policies and procedures. Specific procedures exist in relation to clients or constituents seeking review of decisions made by YMBBMAC, which are designed to ensure that the complainant is dealt with fairly and impartially. A two page document entitled "If you have a complaint / Application for Internal Review" is available at all offices for client's use.

YMBBMAC received eight complaints in 2007/08. The matters were addressed through our internal complaints handling procedure and all except two complaints have been resolved. One outstanding complaint is awaiting legal advice and the other relates to internal conflicts within a claim group which is ongoing.





ROLE AND FUNCTIONS

The primary role of the organisation is to conduct facilitation, assistance, certification, notification, dispute resolution, and agreement making functions under the *Native Title Act*.

Facilitation and Assistance

YMBBMAC strives to provide its clients with best practice standards in relation to representation of their native title claims and beyond. In doing this, it meets and exceeds its requirements as a native title representative body, which requires it to:

- Research and prepare native title applications.
- Assist native title claimants in consultations, mediations, negotiations, and proceedings relating to native title.

During the reporting period, YMBBMAC has paid particular attention to the research relating to native title claims. In addition, it has undertaken work in relation to two claims, one in the Pilbara and one in the Yamatji, to pursue those claims to a consent determination.

YMBBMAC seeks to resolve native title matters through agreement, in accordance with the wishes of its clients, the Yamatji and Pilbara Traditional Owners.

In comparison with adversarial dispute resolution, mediation is private, quicker and cheaper, more accessible, more flexible, produces solutions which are more durable and preserves continuing relationships.

Despite the limitations and tensions associated with resolving native title through agreement, mediation and negotiation have a greater capacity than litigation to affect the recognition of native title and the resolution of native title issues. Nevertheless, YMBBMAC will take action to resolve overlaps where parties refuse to make genuine progress to resolve matters. For example, in the Ngarla claim, action has been taken during the reporting period to resolve an outstanding overlap.

Effective negotiation enables the identification and comprehensive protection of a broad spectrum of claimant interests and non-native title outcomes. Yet, in the native title context, agreement making is a complex process. The native title alternative dispute resolution process is not merely a matter

of resolving competing interests in narrow geographical or economic terms, but takes place in a broader social, political, historical and legal context. Native title mediations are also complex as a consequence of their magnitude. They are invariably a time-consuming processes involving large numbers of parties.

Additionally, while collaborative approaches to resolving native title issues are cost efficient comparative to litigation, the complexity and significance of native title within Indigenous communities, compounded by a protracted but demanding negotiating timeframe and the requirements of the legislative regime, render agreement making a resource-intensive process for native title representative bodies.

In the course of the 2007/08 reporting period, the organisation has continued to operate at a high level of achievement on behalf of its clients – despite the increasing demands that have been placed on the organisation by the resources boom in both regions.

Providing Assistance

When determining whether, and to what extent, assistance will be provided to claimants, the YMBBMAC Board of Directors and the Regional Committees consider whether a proposed claim:

- Falls wholly or partly within YMBBMAC's geographic jurisdiction.
- Is inclusive. (In considering this, the organisation will need to determine whether a proposed claim is brought on behalf of all persons with native title interests in the land or waters in question.)
- Is representative and whether the listed applicants are authorised by the broad native title group to seek the determination.
- Is the appropriate native title holding community.
- Is supported by the available anthropological and historical evidence.

- Is capable of meeting the requirements of the registration test administered by the registrar of the National Native Title Tribunal, in accordance with the conditions set out in the *Native Title Act*.

YMBBMAC will not provide assistance to a new claim that overlaps with an existing assisted claim without the consent of the existing claim. Once assistance is approved, YMBBMAC will assess its priorities which will, in turn, determine the direction of its activities. The type and level of assistance provided will be reviewed on an ongoing basis and will depend on a number of factors including:

- The need to comply with relevant Federal Court orders.
- The overall level of resources available to the organisation.
- The ranking assigned to each claim through the claim appraisal and review process.

Assistance provided by YMBBMAC may include financial support to meet, fully or partly, the following:

- Costs associated with claimant consultation and seeking instructions. This may include, where necessary, the cost involved in organising meetings; associated venue costs; claimant accommodation; and travel costs.
- Costs of legal representation and assistance, usually in-house but occasionally external – including assistance in the negotiation of future act matters.
- Cost of the ethnographic or historical research required to prepare a body of evidence for use in Federal Court proceedings, or for the purpose of preparing a connection report.
- Any other assistance deemed reasonable or necessary.

It should be noted, however, that direct cash grants are not given to native title applicants.

Representation

Yamatji Representation

During the reporting period YMBBMAC provided representation to the following registered claims in the Yamatji region:

Name	WC Number	WAD Number
Amangu	04/02	6002/04
Badimia	96/98	6123/98
Budina	04/5	131/04
Gnulli	97/28	6161/98
Malgana	98/17	6236/98
Naaguja	97/73	6194/98
Hutt River	00/01	6001/00
Thudgari	97/095	6212/98
Nanda	00/03	6136/98
Wajarri Elders	01/03	6042/99
Wajarri Yamatji	04/10	6033/98
Yugunga Nya	99/46	6132/98

Pilbara Representation

During the reporting period YMBBMAC provided the following registered claims in the Pilbara region with representation:

Name	WC Number	WAD Number
Birrimaya	95/060	6051/98
Gobawarra		
Minduarra		
Yinhawanga	97/43	6173/98
Innawonga	98/69	6285/98
Innawonga		
Bunjima	96/61	6096/98
Jurruru	00/008	007/00
Kariyarra	99/3	6169/98
Kurama and		
Mathudunera	96/73	6090/98
Ngarla	99/26	6185/98
Ngarla # 2	05/2	77/05
Ngarlawangga	05/3	78/05
Njamal	99/8	6028/98
Njamal #10	00/005	6003/00
Nyangumarta	98/65	6281/98
Niyiyaparli	98/64	6280/98
Palyku	99/16	6287/98
Puutu Kunti		
Kurrama &		
Pinikura	01/005	6007/01
Puutu Kunti		
Kurrama &		
Pinikura #2	05/004	0126/05
Yinjibarndi # 1	99/14	6017/96

* Represented for part of the reporting period only.

In this period, YMBBMAC provided assistance to the following determined native title holders in the Pilbara:

- Ngarluma Yindjibarndi
- Ngarla

Certification

As part of its role as a native title representative body, YMBBMAC is required to provide assistance with certification of native title claim determinations, as well as regarding the certification of Indigenous Land Use Agreement (ILUA) registrations. Specifically, its functions include to:

- Certify, in writing, applications for determination of native title relating to areas of land or waters, which are wholly or partly within the representative area.
- Apply for the registration of an ILUA which certifies that all the persons identified as having native title interests in the area have authorised the ILUA's making. YMBBMAC has adopted a certification procedure in compliance with the *Native Title Act* – in particular, with section 202BE (2) of the Act.

The conditions which must be met in order to achieve certification are that:

- All reasonable efforts have been made to ensure the application describes or otherwise identifies all the persons in the native title claim group.
- All persons in the native title claim group have authorised the application and the named applicant(s) to deal with matters arising from the application.
- All reasonable efforts to reach agreement with any overlapping claims have been made and the number of applications over an area of land or waters has been minimised.
- In the case of an ILUA, the application identifies every person who has native title interests in the relevant area.

TRADITIONAL OWNERS PROTECT GOOCH RANGES



Yamatji wildflowers

In June 2008, the National Native Title Tribunal (NNTT) handed down a decision that will help to protect the Gooch Ranges, a place of cultural significance to Gnulli and Thudgari Traditional Owners.

Yamatji Land and Sea (YLSC), on behalf of the Gnulli and Thudgari people, recently objected to an application for an exploration tenement in the Gooch Ranges.

The objection was made because of concerns that without consultation with Traditional Owners, significant sites in the area could be destroyed for future generations.

NNTT Member Sosso, who presided over the case, said the most important factor in the inquiry was the 'compelling' evidence provided by people who can speak on behalf of country in accordance with traditional laws and customs.

- If the land or waters covered by the application are wholly or partly covered by one or more applications (including proposed applications), all reasonable efforts have been made to achieve agreement relating to native title over the land or waters between the persons for whom the applications are, or will be, made. Native title applicants may appeal to the YMBBMAC Board of Directors to seek a review of a decision by the CEO, if he or she has refused to certify an application for the determination of native title or the registration of an ILUA. The *Native Title Act* provides that an NTRB may exercise its certification function in relation to claims or Indigenous land use agreements that it does not normally represent.

YMBBMAC is required to consult with, and consider the interests of, all people who hold or may hold native title in relation to land and waters in an area subject to an ILUA.

Dispute Resolution

YMBBMAC recognises that many disputes about native title and traditional ownership are long-standing. These disputes have often arisen as a direct consequence of past government policies.

Dispute resolution is an important feature of the operation of native title claim working groups. As mentioned, working groups bring together individuals and sub-groups of the native title claim community to work towards outcomes that will benefit all Traditional Owners for the area subject to a claim. As such, the working groups also provide a forum in which areas of disagreement and conflict can be identified and mediated in a supportive environment.

The working groups also provide a means by which neighbouring native title claimant groups may address

issues of uncertainty and disagreement (or identify opportunities for co-operation) with authority.

In fulfilling its responsibilities as an NTRB, YMBBMAC complies with the required dispute resolution functions.

In doing so, it:

- Assists in promoting agreement between its constituents in making native title applications or conducting consultations, mediations, negotiations, or proceedings about native title.
- Mediates between its constituents in making such applications or conducting such consultations, mediations, negotiations or proceedings.

Mediation Programs

During the course of the reporting period, YMBBMAC and the State of Western Australia, with the assistance of the National Native Title Tribunal, finalised mediation programs for claims in the Yamatji or Pilbara regions

Each of the mediation protocols, where appropriate, specify a range of issues to be considered in the mediations, which may include:

- A program for dealing with overlaps (where applicable), and where a claim is prioritised for settlement:
- Establishing the involvement of other parties and a communication strategy.
- The estimated timeframe for the production of connection material.
- Agreement on timeframes for assessment of connection material by the State.
- Timeframes for the provision of information on areas where sections 47 and 47A of the *Native Title Act* may apply.
- Timeframes for the provision of land tenure information.



- A program for agreeing, by consent as far as is possible, where extinguishment of native title has occurred.
- A process for third party minimisation.
- A program for agreeing, by consent as far as possible, the specific native title rights and interests extant in relation to particular tenures within the claim area.

In broad terms, the mediation programs set out a timetable for the progression of each claim towards determination or other final settlement.

Prescribed Bodies Corporate

YMBBMAC now provides assistance to the Wanparta Aboriginal Corporation and to the Yindjibarndi Aboriginal Corporation on future act matters.

2007/08 OVERVIEW AND DEVELOPMENTS

Economic & Political

Resources Boom

Western Australia's resource boom has continued, spurred on by strong overseas demand for minerals and petroleum, increased output, and strong commodity prices. Statistics from the Department of Industry and Resources indicates that the estimated value of the minerals and petroleum industry reached \$53.1 billion in 2007.

This represents a seven percent increase (\$3.6 billion) compared to the previous year[1].

These figures highlight the importance of these sectors on both the Western Australian and national economies. With mine and port expansions, proposed new developments and anticipated continued strong demand, it is expected that this sector will continue its strong growth well beyond 2008.

Increased activity means increased profits, but also population growth and additional strain on the Pilbara and Yamatji regions' over-stretched accommodation, infrastructure and community services. The wealth

generated from mining in Western Australia has not translated into improvements in essential services to the major regional mining towns. Neither has industry demand for labour translated into substantial increases in Aboriginal employment.

The high volume of mining activity in the Yamatji and Pilbara regions has put pressure on Traditional Owners to negotiate land access agreements. Realistic time frames for the negotiation, implementation and longer-term visions of Traditional Owner groups must be factored into the process.

Agreement Making through Native Title

Native title provides the basis for Traditional Owners to enter into negotiations and consultation over future act agreements. In the context of mining, agreement-making provides avenues for financial compensation which is likely to deliver economic wealth to a number of, but not all, Traditional Owner groups.

Like other recipients of compensation, native title claimants have a right to choose how they allocate money awarded through native title agreements. They

[1] Department of Industry and Resources (2008) 'Western Australian Resources Industry Continues to Grow', Latest Statistics Release. 26th March 2008. <http://www.doir.wa.gov.au/1525.aspx>. Accessed 10th September 2008

should not be required to use that money to subsidise government services which would ordinarily be provided to people living in the capital cities or larger metropolitan regions of Australia.

Flexibility needs to be one of the underlying principles in the distribution of benefits, and in the agreement-making process. A variety of distribution methods are required to make benefits accessible in the present, while ensuring financial capital for future generations.

Also critical to the success of agreement-making in native title is the production of community plans which clearly articulate Traditional Owners' visions for the present and the future.

Northern Territory Emergency Response

In September 2007, the Federal Liberal Government responded to recommendations handed down in the 'Little Children are Sacred' report[2]. This response, formally known as the 'Northern Territory Emergency Response,' was made possible through an allocation of \$500 million to implement a number of legislative and social changes including:

- suspension of the Native Title Act relating to future acts (requiring notification and consultation)
- compulsory acquisition of land
- the use of the 'special measures' doctrine to suspend the Racial Discrimination Act
- changes to the permit system
- welfare reform through scrapping of the Community Economic Development Program and welfare income quarantining

Prior to its release, concerns were raised about the use of Commonwealth powers over the Northern Territory, and the possibility that this underwrites access to 'just terms' compensation for Aboriginal people under the Constitution. Calls have been made

to reinstatement the workings of the *Racial Discrimination Act*, and for the removal of a blanket ban on welfare quarantining. Opponents have also questioned the relationship of child welfare and the removal of the permit system and compulsory acquisition of land.

In June 2008, the Federal Labor Government established a Review Board for the 'Northern Territory Emergency Response'. The Review Board is due to hand down its findings in late September 2008.

Water Sustainability

Climate change, increased demands from industry, agriculture and a growing population have all added stress on the availability of water in Australia.

These factors prompted the Federal Government to establish the National Water Initiative (NWI) as the blueprint for water reform and management to:

- prepare water plans;
- deal with over allocated and stressed systems;
- introduce a register of water rights and standards for water accounting;
- expand trade in water;
- improve water storage and delivery; and meet and manage urban water demands[3].

Western Australia's State Water Plan 2007[4] provides the framework for planning and managing water resources in WA, and is supported by regional water plans. During the reporting year YMBMAC participated in the planning process through the Pilbara Community Consultative Committee. This provided space for input into the Draft Pilbara Regional Water Plan prior to its release for public comment.

[2] Minister for Families, Community Services and Indigenous Affairs, 'Howard Government getting on with the job of protecting children in the Northern Territory' (Media Release 6 August 2007).

[3] National Water Commission (2005) 'National Water Initiative,' Commonwealth of Australia. <http://www.nwc.gov.au/www/html/117-national-water-initiative.asp>. Accessed on 10th September 2008.

[4] <http://portal.water.wa.gov.au/portal/page/portal/PlanningWaterFuture/StateWaterPlan/Content/State%20Water%20Plan.pdf>

Uranium Exploration & Mining

With uranium exploration and mining becoming increasingly important issues in WA, YMBBMAC's position is to ensure that Traditional Owners are consulted on any changes to uranium policy.

This includes addressing concerns related to the impact on places of cultural significance, increased exposure to radiation, environmental impact, the location of any waste disposal and any consequent generational loss of Country.

Over the course of the year, YMBBMAC was proactive on uranium education for Traditional Owner groups, but urgent support and resources are needed to continue this work. Unbiased and transparent education programs are essential to ensure that decisions from Traditional Owners are based on free and prior informed consent. Groups with uranium interests on their country require access to adequate, impartial information on uranium exploration and mining.

In the absence of adequate State guidelines, YMBBMAC's heritage agreements incorporate a uranium clause to ensure radiation monitoring is undertaken, including a follow-up inspection following exploration. YMBBMAC has also been in negotiations with State departments and the Association of Mining and Exploration Companies to have this uranium clause incorporated into the State's standard heritage agreements.

Geothermal Exploration

Geothermal energy is likely to form part of Western Australia's energy production and supply in the future. Exploration for geothermal is similar to petroleum exploration with sources identified through geological, hydrogeological, electrical, magnetic, geochemical and seismic surveys, and confirmed through exploration drilling[5]. Geothermal exploration is administered through petroleum legislation and regulations.

In the reporting period, the Western Australian government announced the first release of acreage for geothermal exploration covering an area stretching from south of Kalbarri to Dunsborough and 250km inland[6]. After this first release of blocks, YMBBMAC met with representatives from the Department of Industry and Resources (DoIR) to gather further information on geothermal exploration. Due to geothermal's location within petroleum policy and legislation, Traditional Owners will require further specialist information on the likely impacts of mining for geothermal energy, and how this will interface with the *Native Title Act*.

Claim Progress

During the reporting period, YMBBMAC has directed resources to preparing a number of connection reports in the Pilbara and Yamatji areas.

Pilbara Connection Project

In 2006, Binding Initial Agreements (BIAs) were made between Rio Tinto Iron Ore (RTIO) and eight native title claim groups in the Pilbara. These agreements were made with seven native title claim groups represented by YMBBMAC. As a result of those agreements, RTIO supported connection research being undertaken to assist in the ultimate registration of ILUAs with the groups.

Ultimately the Federal Government provided separate funding to YMBBMAC to enable six language based connection reports to be prepared over a significant portion of the representative area. Regional reports are also being prepared to support this process and a significant amount of research is already underway.

This project, known as the Pilbara Connection Project, represents a major initiative by YMBBMAC to achieve recognition of native title rights and interests over their country covered by the funding.

[5] Department of Industry and Resources (2007) Petroleum in Western Australia, September 2007. Subiaco, RIU- Resources Unit Information, pg.36. http://www.doir.wa.gov.au/documents/PWA_Sept_2007.pdf, Accessed 10th September 2008.

[6] Department of Industry and Resources (2008) 'WA geothermal powers ahead.' Department of Industry and Resources, 4 September 2008, http://www.doir.wa.gov.au/4868_5772.aspx. Accessed 10th September 2008.

Yamatji Connection Progress

Similarly, YMBBMAC is directing an unprecedented level of resources to enable connection reports to be prepared for three claims in Yamatji region. These three claims represent approximately 30% of the total representative area.

During the reporting period, contracts were finalised and work was initiated in relation to connection reports for two of the three claims. It is noted that the reduction in FaHCSIA funding has prevented YMBBMAC from undertaking a fourth connection report during the reporting period.

YMBBMAC continues to recommend seeking determination of native title applications by consent. This approach remains the most efficient and satisfactory way of obtaining recognition for Traditional Owners as it avoids expensive and stressful adversarial hearings.

To achieve this, YMBBMAC has been submitting connection reports to comply with the State of Western Australia's Guidelines for the Provision of Information in Support of Applications for a Determination of Native Title, published in October 2004. In addition, where it is in the best interests of the Traditional Owners, YMBBMAC may also recommend that they enter into negotiations for alternative settlement agreements with respondent parties. This is an alternative to obtaining a determination of native title. The State is currently working on a policy for such alternative settlements.

Furthermore, YMBBMAC made a commitment during the reporting period to attend scoping conferences with various respondents (principally pastoralists) to discuss issues relating to access to pastoral properties in the context of a native title determination. It is hoped that these conferences will assist all parties in achieving a more timely resolution of their native title claims.

FUNDING TO FAST TRACK PILBARA NATIVE TITLE CLAIMS



Niyiyaparli community meeting, Newman L-R: Standing, Janice Crowe, Elizabeth Coffin, Charles Tucker, Betty Peterson, Stephen Peterson, Bruce Bung, Mark Jeffries, David Stock, Mark Crowe, Pam McGrath, Brian Tucker, Seated, Irene Coffin, Bonny Tucker, Johnny Parker.

In December 2007, The Federal government pledged \$5.5 million dollars to fast track native title work in the resource rich Pilbara region of Western Australia.

The funding will allow Pilbara Native Title Service (PNTS) to work at a much faster rate than current funding allows for, by progressing the Pilbara Connection Project.

The Pilbara Connection Project, coordinated by PNTS, aims to resolve eight native title claims over the central and western Pilbara. The groups involved include Gobawarra Minduarra Yinhawanga, Innawonga, Innawonga Bunjima, Kurama Mathudunera, Ngarlawangga, Niyiyaparli, Puutu Kunti Kurrama Pinikura.

The work will include expert anthropological research about systems of traditional law and custom by recording traditional owners' connection to country on a regional scale, as well as individual claim reports. The Pilbara Connection Project will create certainty for native title claim groups and will be important for negotiations about mining activity in the Pilbara.

2007/08 highlights included:

Ngarla Post-Consent Determination

Following the recognition of the Ngarla people's native title rights and interests in May 2007, YMBBMAC is proceeding to obtain recognition of the balance of the Ngarla claim which is currently overlapped by the Warrarn claim. Pleadings have been exchanged and negotiations have been taking place with a view to gaining recognition for the Ngarla people for the balance of their claim area.

Nyangumarta Consent Determination Progress

In the reporting period, the Nyangumarta People made significant progress toward finalising a consent determination for their native title claim. Meetings have been held with the State, pastoralists and other adjoining claims to resolve outstanding issues.

Thudgari Consent Determination Progress

During the reporting period the Thudgari People have also made significant progress toward finalising a consent determination for their claims. As with Nyangumarta, meetings have been held with the State, pastoralists and other respondents to resolve outstanding issues.

Kariyarra Connection Report

Following the presentation of supplementary connection material to the State, meetings have been held between the State and YMBBMAC to resolve outstanding issues in relation to the Kariyarra native title claim. YMBBMAC is cautiously optimistic that following these meetings we will ultimately receive an acceptance by the State of the Kariyarra connection material to enable negotiations to proceed to a consent determination.

Badimia Connection Report

Further supplementary connection material has been provided to the State during the reporting period. Initially the State was not persuaded by this material. Further meetings have been held with the State and an opportunity exists for a presentation to be made by YMBBMAC to the State in early 2009, with a view to having the State accept the Badimia connection material.

Yamatji Alternative Settlement

During the reporting period, a series of reports prepared by historian Dr Michael O'Connor have been submitted to the State. Currently the Hutt River claimants have yet to consent to material in relation to their claim being submitted to the State. Hutt River claimants are required to make a decision by the end of the 2008, failing which it may be that the Hutt River claim could be excluded from the Yamatji Alternative Settlement Area. Meetings will be held during the second half of 2008, to hopefully resolve these issues.

Thalanyji Consent Determination Progress

YMBBMAC has also been involved in negotiations resulting in a consent determination for the Thalanyji claim. Although YMBBMAC did not act for the claim, it was successful in resolving overlaps that will facilitate the claim reaching a consent determination during the second half of 2008.

General Claim Work

There are currently no matters in the YMBBMAC regions that are subject to Federal Court time-tabling orders for trial. The Ngarla Part II claim may proceed to trial if agreement cannot be reached with Warrarn in relation to its overlapping claims.





Millstream - Chichester National Park, Ngalmura Injibandi country

Goldfields Land Council Overlaps

There are a number of claims represented by the Goldfields Land Council (GLC) which fall partly within the Yamatji representative area.

During the reporting period, meetings were held with the GLC in relation to a number of the claims which may be subject to orders in late 2008 resulting in the application of section 190(f) of the *Native Title Act*. In the event that orders are made to dismiss the claims currently represented by the GLC, it is anticipated that YLSC will need to take on responsibility for an area of country that has previously been the responsibility of the GLC. The Yugunga-Nya and Badimia claims will be involved in further negotiation regarding the overlaps with claims in the GLC representative area.

Other Legal Achievements

During the reporting period YMBBMAC was able to successfully argue in the National Native Title Tribunal that a matter should not attract the expedited procedure. The result is that the proponent must now enter into good faith negotiation with the claim group about its proposed exploration activities of the area of the tenement.

YMBBMAC Claim Teams

The work of a Native Title Lawyer at YMBBMAC revolves around both claim progression and future act negotiations. However the complex nature, this work requires a multi disciplinary team to get the job done. Therefore, a central focus for the organisation this year has been the development of Claim Teams to service the native title claim groups we represent.

During the reporting period the Claim Team model has been developed and strengthened to consist of Claim Lawyers, Assisting Lawyers, Future Act Officers, Liaison Officers, Research, Heritage and Administration support, who together fulfill the role and function of YMBBMAC on behalf of the various native title groups.

The claim teams meet on a regular basis to plan the work of the claim groups we represent. This work is progressed in relation to YMBBMAC's operational plan and any other matters that arise.

Pro Bono Contributions

YMBBMAC's work is greatly assisted by pro bono contributions from legal firms and consultants. We gratefully acknowledge the work done by Arnold Bloch Lieber and Jackson McDonald in the 07/08 reporting period.

Land Access Agreements

Heritage Surveys

Heritage is at the heart of Indigenous culture and Traditional Owners' relationship to land. YMBBMAC has standing instructions from most of the Traditional Owner groups it represents to assist in undertaking heritage work on their Country.

As a result, YMBBMAC undertakes one of the largest heritage survey programs in Australia. The organisation seeks to coordinate a significant number of heritage surveys and other heritage-related work on a cost recovery basis. This includes organising archaeological and ethnographic surveys, salvage of sites and monitors for earth disturbing works in sensitive areas.

In the reporting period, YMBBMAC facilitated 172 heritage surveys; 25 surveys in the Yamatji region and 147 in the Pilbara region. The Land Access Unit was also active in conducting heritage seminars and inductions internally and for the wider community.

Heritage Agreements

The introduction in November 2004 of Regional Standard Heritage Agreements (RSHA) or Alternative Heritage Agreements (ALTHA) have resulted in less objections being lodged to the grant of tenements, due to inadequate protection of heritage sites and claim group interests. RSHAs came into being as a response to a large backlog of tenement applications. One of the outcomes of this Government initiative resulted in making heritage agreements compulsory for new exploration tenement applications. RSHA's provide a minimum level of heritage protection in the exploration stage of mining.

The Alternative Heritage Agreement (ALTHA) offered by our client groups provide greater heritage protection, and a fee structure more appropriate to the current economic situation as a result of the mining boom.

KARIYARRA AGREEMENT SIGNED TO SECURE FUTURE



Traditional owners Diana Robinson, Raylene Gordon and Jamie Coppin with PNTS claim lawyer, Rainer Mathews.

In November 2007, the Kariyarra people signed a landmark agreement with the WA State Government, giving almost 12ha of prime residential land in Port Hedland to traditional owners.

The agreement will deliver approximately 140 dwellings and provide Indigenous people with a strong stake in the town's future. Under the agreement, the Kariyarra Mugarinya Joint Venture will acquire the Port Hedland land and Traditional Owners will provide native title clearances for other land development in Port and South Hedland to proceed.

Kariyarra Traditional Owner Diana Robinson said the agreement is great news for her people and she was pleased with how quickly the agreement had happened. "This is just the beginning. Now we can start working to make a stronger future for Kariyarra people and our community," Ms Robinson said.

ALTHAs are consistent with the State Government's policy of 'agreement not argument', and are generally a lot simpler than RSHAs. The ALTHA is the preferred heritage agreement for the client Traditional Owner groups serviced by YMBBMAC.

Future Act Agreements

As a result of the resource boom, many agreements have come about to specifically assist exploration activities without compromising Indigenous people's rights to protect and manage their own heritage sites and places of cultural significance. Much of this heritage work is undertaken by agreement with developers. Future Acts, an expedited procedure under the *Native Title Act*, has significantly increased the number of heritage agreements signed and implemented.

During the reporting period, YMBBMAC has dealt with a total of 587 Future Act matters in the Yamatji region, 363 of which are active, and 387 Future Act matters in the Pilbara region, 136 of which are active. These figures include mining agreements negotiated on behalf of our clients, however the terms and conditions of many of these agreements contain confidential information. Suffice to say, these agreements give proponents access to Country to carry out exploration, prospecting, mining and other developments, subject to sufficient safeguards being put in place to protect the heritage of the Country, in addition to compensation and other benefits that YMBBMAC negotiates on behalf of its clients.

Best Practice Report

During the reporting period, YMBBMAC received a report from Professors O'Faircheallaigh and Langdon in relation to best practice standards and agreement making. The report was based on negotiations with native title groups affected by Rio Tinto Iron Ore's (RTIO) mining operations.

As a result of YMBBMAC's existing corporate knowledge, the hard work done by the Traditional Owners and the information gained from the best practice report,

YMBBMAC is developing world class agreements on behalf of native title claim groups it represents.

Other Initiatives

In the reporting period, the Land Access and Legal Units have been responsible for initiating and driving initiatives including Water Management, Uranium Exploration Management and several claim-wide agreements. They have identified and assisted with many minor and several major negotiations culminating in substantive mining and exploration agreements for YMBBMAC represented groups.

Development Projects

Caring for Country Site Audit Project

During the reporting period, 45 site audit reports were completed for heritage site within the Northern Agricultural Region and within the Naaguja, Amangu and Hutt River claim areas. Work commenced on the final 15 site audit reports which are all located in the Nanda claim area.

Four management plans were completed for important heritage sites - Flat Rocks, Ellendale Pool and Bootenal Springs (on the Greenough River) within the Naaguja and Amangu Claim areas, Willi Gulli within the Hutt River claim area. YMBBMAC has also submitted a Caring for our Country open grant application which proposes to carry out on-ground management works at each of these four sites. The grant application will allow for the employment of Traditional Owners in overseeing and carrying out on-ground works at these sites.

The Caring for Country unit also collaborated with Traditional Owners, Department of Indigenous Affairs, Local Shires and pastoralists on preparing management plans for two sites in the rangelands - Walga Rock and The Granites. These management plans require further consultation with Traditional Owners. The previously mentioned grant application also allows for employment of Traditional Owners to carry out preliminary on-ground management works at these two sites.



Yamatji Natural Resource Management Engagement Project

During the reporting period the Project's Steering Committee was formed, consisting of Yamatji Traditional Owners who have an interest or involvement in Natural Resource Management (NRM). The role of the Steering Committee is to meet regularly to provide advice and guidance to the project on milestones to be achieved.

A list of Yamatji NRM stakeholder groups has also been compiled, including NNTT Claimant Groups, Remote Communities, Aboriginal Corporations and Aboriginal Pastoral leaseholders. An education package has been developed to help build the capacity of Yamatji people to understand the terminology and concepts of NRM, and the opportunities for Aboriginal people to get involved in NRM planning and on-ground work on their country.

The project is now producing a strategy for the engagement of Yamatji Traditional Owners in natural resource management activities.

Aboriginal Communities Charitable Organisation

During the reporting year work commenced towards the creation of the Aboriginal Communities Charitable Organisation for the Pilbara. Its aims are to operate as a non-profit charitable organisation to help alleviate poverty among local Indigenous communities, by making available a wide range of food and household products, providing training, support services and raising funds to support the organisations' charitable activities.

Northwest Car Hire

Other initiatives have included the development of Northwest Car Hire, part of a larger Newcrest mining initiative for smaller service contracts to assist Indigenous communities to start small businesses.

Mango Plantation

Pilbara Chairperson, Mrs Doris Eaton, has also initiated the development of a mango plantation to provide livelihood training to younger generation in the Njama community, practice traditional culture and live a healthy and sustainable lifestyle in the bush.



Human Resources

Staffing Levels

The organisation has core long-serving staff with service of five to nine years, but generally staff turnover averages around 12 to 14 months. There continues to be a shortage of qualified and experienced lawyers, anthropologists and this shortage has extended to heritage and corporate staff. Lack of infrastructure and increased cost of living means it continues to be difficult to source staff for the regions, especially in the Pilbara.

Workforce planning takes account of YMBBMAC's strategic and operational plans and its organisational structure. During this reporting period, the resource boom resulted in the employment of additional staff in order to meet the increasing workload in claims, future acts and heritage.

At the end of the reporting period, YMBBMAC had a total of 105 staff, with the following breakdown:

Staff category	Number
Full-time	88
Part-time	6
Casual	11
Professionals	30
Male	45
Female	60
Indigenous	29
Non-Indigenous	76

Education and Training

YMBBMAC works to provide committee members and staff with appropriate training and educational opportunities, adding to the skills-base from which the organisation can draw.

Staff training included attendance of the 2008 Native Title Conference by selected staff; the YMBBMAC

CULTURAL AWARENESS KEY TO DOING BETTER BUSINESS



Yamatji Land and Sea Council staff with Chairperson Roy Bellotti and Deputy Chairperson Allen 'Boyo' Mitchell at the foothills of Burringurrah

In May, Yamatji Land and Sea Council (YLSC) staff gathered at the foot of the world's largest rock, Burringurrah, to gain a deeper understanding of Aboriginal culture in the Mid-West.

Over twenty YLSC staff members travelled through the Gascoyne region, visiting places of cultural and spiritual significance, including Wooremal River, Bilung Pool and Mount Augustus (Burringurrah).

One of the significant sites YLSC staff visited during the workshop is Mount Augustus, or Burringurrah as it is known by Wajarri Yamatji people. Burringurrah is around twice the size of Uluru and plays an important part in Aboriginal dreamtime culture.

YLSC Future Acts Officer, Samantha Rosenfeld said, "I feel honoured to hear the stories of Traditional Owners. It's important to me as a staff member to see the big picture and keep in mind why we work so hard to represent the rights and interests of Yamatji people."

All-Staff conference in February 2008; and individual staff training development, where necessary, to assist staff in the performance of their duties. A significant number of staff also participated in cross-cultural training held in the Yamatji region. All legal staff are now required to obtain Continuous Professional Development points to renew their practice certificates each year and therefore there is a need for ongoing education and professional development in this area.

Salary awards

The YMBBMAC certified agreement was ratified in November 2005 and the three year term finalises in November 2008. The organisation has commenced negotiations with the staff and union for a new certified agreement to succeed the 2005 Agreement.

Salary levels

The salary structure of YMBBMAC staff is based on the YMBBMAC Certified Agreement 2005, with the exception of some senior staff who are on negotiated salaries.

Occupational Health and Safety

There were no reported issues during the reporting period. 4WD and first aid training for new staff continues to be provided, with refreshers for existing staff. Individual training in Occupational Health and Safety was provided in this financial year. Policies and procedures continue to be reviewed to ensure compliance.

Codes of Conduct

The organisation has a code of conduct, signed by each member of staff as well as a policy and procedures manual, which contains YMBBMAC's code of ethics.

Consultancy Services

YMBBMAC actively pursues value for money for the provision of all its services and always seeks to obtain at least three quotes. Many corporate services are outsourced, enabling YMBBMAC to reduce risk and to access specialist services. In the 2007/08 reporting period YMBBMAC engaged 21 consultants to undertake consultancy work at a cost of \$3,962,340.00. Consultants are used when there is a requirement for specialised services which cannot be met by YMBBMAC staff due to insufficient in-house resources, or where independent advice is required.



Yamatji wildflowers in bloom



CLAIM UPDATES

YAMATJI REGION

Amangu

Activity	Progress
Progress towards consent determination or other final resolution of claim.	Amangu is part of Geraldton Alternative Settlement claim.
Amangu native title claim and minor future act matters Exercise of notification functions, taking instructions on minor future act matters and general work associated with the good care and conduct of the claim. This claim has experienced an unprecedented degree of future act activity which will continue during 2007-8 due to high degree of petroleum exploration in the Perth basin and expanded port and rail development in the Geraldton city area. (Jul 07 - Jun 08)	High level of Future Act activity. Negotiations on several Future Act matters completed.
Notification and General Assistance. Working Group meetings x 4. (Jul 07 - Jun 08)	5 working group meetings.
Corporate structure and trust set up. Take instructions and set up charitable trust and corporate structure to manage compensation funds. (Jul 07 - Jun 08)	Pending.

Amangu, Hutt River and Naaguja

Activity	Progress
Progress towards consent determination or other final resolution of claim. Assessment of historical and linguistic research for Amangu, Hutt River and Naaguja (and other unrepresented) claims by the State. (Jul 07 - Oct 07)	Historical reports submitted. Hutt River report is outstanding and meetings are planned to receive further instructions.
Negotiation with State and other respondent parties. Working group meeting x 9 (including 3 individual claim meetings and 6 joint working group meetings). Agreement on terms of alternative settlement. (Oct 07 - Jun 08)	Pending Hutt River submitting report.
Negotiations with members of unrepresented claims (4 claims). 4 x mediation meetings. Agreement on terms of alternative settlement. (Jul 07 - Jun 08)	Mediation with other alternative settlement claims can be ongoing whilst State assesses historical reports.
Community meeting x 7 (1 per claim). Authorisation of final resolution of claim. (Jul 07 - Jun 08)	Ongoing.
Court satisfied it is able to give effect to terms of alternative settlement.	Pending.
Taking instruction on post claim-resolution corporate structure. Establishment of corporate structures. (Oct 07 - Jun 08)	Pending.
Support and development of corporate structures including capacity building, governance training and long term planning. (Jul 07 - Jun 08)	Ongoing.

Badimia

Activity	Progress
Progress towards consent determination or other final resolution of claim.	Ongoing.
Assessment of connection material by the State.	State has assessed connection material and was not prepared to negotiate consent determination. Following meeting with State, they are now prepared to consider matter further.
Mediation with State (and other respondent parties as required). Consent determination or alternative settlement of native title.	Meetings planned.
Amendment of claim to finalise boundaries and address technical anomalies.	Ongoing.
Mediation meetings x 4. Community Meeting x 1 to authorise terms of consent determination or alternative settlement Authorisation of final resolution of native title determination application.	Pending further meetings with the State in February 2009. Commonwealth considering withdrawing.
Court is satisfied it is able to give effect to consent determination or other resolution.	As above.
Taking instructions on post claim resolution corporate structure. Establishment of PBC or other corporate structure including Public Officer, office establishment etc.	Ongoing.
Support and development of PBC including capacity building, governance training and long term planning.	Pending.

Badimia native title claim and minor future act matters. Exercise of notification functions, taking instructions on minor future act matters and general work associated with the good care and conduct of the claim. Due to the burgeoning Midwest mineral boom affecting the Badimia claim area there will continue to be an increasing number of future act matters.	Several significant future act matters in negotiation including a number of new matters.
Working Group meetings x 4. Notification and General Assistance.	6 x working group meetings held.
Mediation Meeting x 1 with overlapping claim Resolution of Overlap.	Pending.
Identification and proofing of 'at risk' witnesses Preservation of Evidence – if required.	Ongoing.

Budina

Activity	Progress
Progress towards consent determination or other final resolution of claim.	Ongoing.
Identification and proofing of 'at risk' witnesses Preservation of Evidence.	Currently being assessed.
Briefing of consultant anthropologist and preparation of draft connection report. (Dec 07 - Jun 08)	Consultant briefed for 2009 subject to funding.
Budina native title claim and minor future act matters. Exercise of notification functions, taking instructions on minor future act matters and general work associated with the good care and conduct of the claim. (Jul 07 - Jun 08)	Ongoing.
Notification and General Assistance Working Group meetings x 2. Community Meeting x 1. (Jul 07 -Jun 08)	1 working group meeting, 1 community meeting.

Gnulli

Activity	Progress
Progress towards consent determination or other final resolution of claim.	Ongoing.
Preservation of Evidence. Identification and proofing of 'at risk' witnesses. (Jun 08)	Currently being assessed.
Briefing of consultant anthropologist and preparation of draft connection report. (Dec 07 - Jun 08)	Consultant anthropologist to commence work on connection report in late 2008.
Gnulli native title claim and minor future act matters. Exercise of notification functions, taking instructions on minor future act matters and general work associated with the good care and conduct of the claim. Gnulli continues to be subject to a high concentration of future acts due to petroleum exploration and development of Ningaloo Coast area. (Jul 07 - Jun 08)	High level of future act activity; high level of heritage agreement negotiations; extensive negotiations regarding development of Ningaloo Coast.
Notification and General Assistance Working Group meetings x 4. (Jul 07 - Jun 08)	3 working group meetings.
Corporate structure and trust set up. Finalise charitable trust and corporate structure. (Jul 07 - Dec 07)	Anticipated work will be done to finalise the corporate structure of a trust in 2008.

Hutt River

Activity	Progress
Progress towards consent determination or other final resolution of claim.	Hutt River is part of Geraldton Alternative Settlement claim. Working with Hutt River to submit Hutt River Historical Report to the State.
Hutt River native title claim and minor future act matters. Exercise of notification functions, taking instructions on minor future act matters and general work associated with the good care and conduct of the claim. (Jul 07 - Jun 08)	Ongoing.
Notification and General Assistance. Working Group meetings x 2. (Jul 07 - Jun 08)	2 working group meetings held.
Corporate structure and trust set up. Take instructions and set up charitable trust and corporate structure to manage compensation funds. (Jul 07 - Jun 08)	In December 2007, YLSC received instructions from the working group to complete the set up of an Aboriginal Corporation to act as trustee of compensation moneys currently held, and for any future payments of compensation.

Malgana Shark Bay

Activity	Progress
Progress towards consent determination or other final resolution of claim.	Anthropological materials collected and consultant contracted. To commence research late 2009 early 2010.
Preservation of Evidence. Identification and proofing of 'at risk' witnesses. (Jul 07 - Jun 08)	Ongoing.
Completion of anthropological and ethno-historical research report to confirm boundaries. (Jul 07 - Dec 07)	Consultant engaged to commence connection report in late 2008.
Malgana Shark Bay native title claim and minor future act matters. Exercise of notification functions, taking instructions on minor future act matters and general work associated with the good care and conduct of the claim. (Jul 07 - Jun 08)	Ongoing.
Notification and General Assistance Working Group meetings x 2. Community Meeting x 1 (Jul 07 - Jun 08)	3 working group meetings.
File small 'Malgana#2' claim over area of unclaimed land between Malgana and Wajarri Yamatji claim. (Jul 07 - Aug 07)	Subject to connection report.
Resolution of overlap. File amendments to resolve overlap with Wajarri Yamatji; to combine with Malgana#2; and to make technical corrections to claim. (Jul 07 - Aug 07)	Subject to connection report.
Claim passes registration test. Conduct anthropological research and prepare registration test affidavits; prepare material for registration test. (Jul 07 - Dec 07)	Subject to connection report.
Corporate structure and trust set up. Take instructions and set up charitable trust and corporate structure to manage compensation funds. (Jul 07 - Jun 08)	Instructions have been taken to set up charitable trust, trust deed has been drafted and waiting for advice from independent solicitor.

Naaguja

Activity	Progress
Progress towards consent determination or other final resolution of claim.	Naaguja is part of Geraldton Alternative Settlement claim.
Naaguja native title claim and minor future act matters. Exercise of notification functions, taking instructions on minor future act matters and general work associated with the good care and conduct of the claim. Due to the burgeoning Midwest mineral boom in the Midwest region (including expanded port and rail facilities in the Geraldton city area) there will be an escalation in the number of future act matters. (Jul 07 - Jun 08)	Agreement negotiations ongoing, ie, Pipeline corridor agreement; Heritage Petroleum Agreement negotiations completed and to be settled by consent determination. High volume of future act activity. Naaguja has a well developed vision statement.
Notification and General Assistance. Working Group meetings x 2. (Jul 07 - Jun 08)	2 working group meetings.

Nanda

Activity	Progress
Progress towards consent determination or other final resolution of claim.	Consultant contracted. Consultant anthropologist contracted. Review of literature commenced.
Preservation of Evidence. Identification and proofing of 'at risk' witnesses.	Ongoing.
Mediation of overlap with Mullewa Wadjari. Mediation meeting x 1. (Jul 07 - Jun 08)	Ongoing.
Completion of anthropological and ethno-historical research to confirm boundaries. (Jul 07 - Jul 08)	Ongoing.
Nanda native title claim and minor future act matters. Exercise of notification functions, taking instructions on minor future act matters and general work associated with the good care and conduct of the claim. (Jul 07 - Jun 08)	Ongoing.
Notification and General Assistance. Working Group meetings x 3. Community Meeting x 1. (Jul 07 - Jun 08)	1 working group meeting.
Corporate structure and trust set up. Take instructions and set up charitable trust and corporate structure to manage compensation funds. (Jul 07 - Jun 08)	Ongoing.

Thudgari

Activity	Progress
Progress towards consent determination. If required, following instructions from claim group, mediation meetings x 2 adjoining claim groups in relation to finalisation of claim boundaries. Confirmation of amended claim boundaries. (Jul 07 - Dec 07)	Negotiations are progressing with State and pastoralists toward consent determination.
Amendment of claim to resolve boundaries and other technical anomalies. (Dec 07 - Mar 08)	The overlap with the Thalanyji claim has been resolved.
Consent determination Mediation with State (and other respondent parties as required). Working group meeting x 4 to conduct mediation. (Jul 07-Jun 08)	Discussions with respondent pastoralists' legal representatives ongoing. Prepared and further meetings planned in 08/09 to finalise ILUA in readiness for consent determination.
Community Meeting x 1 to authorise amendments to finalise claimant application and terms of consent determination. (Jun 08)	Pending.
Court is satisfied it is able to give effect to consent determination. (Jun 08)	Ongoing.
Establishment of PBC including Public Officer, office establishment, auditing costs etc. (Jul 07)	Ongoing.
Support and development of PBC including capacity building, governance training and long term planning. (Jul 07)	Anticipate that another meeting will be required 2008 to discuss these matters with the community.
Thudgari native title claim and PBC future act matters. Exercise of notification functions, taking instructions on future act matters and general work associated with the good care and conduct of the claim and PBC once established. (Jul 07-Jun 08)	Ongoing.
Notification and General Assistance. Working Group meetings x 2. (Jul 07-Jun 08)	Ongoing. 3 working group meetings.

Wajarri Yamatji

Activity	Progress
Progress towards consent determination or other final resolution of claim. (July 07)	Ongoing.
Completion of research and preparation of draft. Connection report (July 07 - Jan 08)	Consultant has completed first round of field work with second round commencing in August 08.
Community meeting x 1 to deliver draft connection report Connection report endorsed by Community. (Jan 08)	2 working group meetings.
Peer review and re-drafting of connection report. Submission of Connection Report to State. (Jan 08 - Apr 08)	Peer review to take place upon completion of draft report.
Assessment of connection report by State. (Apr 08 - Jun 08)	Time taken will depend on the State (est. 6 months).
Mediation with State (and other respondent parties as required). Consent determination. (Jun 08)	Pending.
Community Meeting x 1 to authorise terms of consent determination.	2 working group meetings.
Court is satisfied it is able to give effect to consent determination or other resolution.	Subject to connection report.
Taking instructions on post claim resolution corporate structure. Establishment of PBC including Public Officer, office establishment, audits etc.	Anticipated to commence May 2008.
Support and development of PBC including capacity building, governance training and long term planning.	Very high levels of Future Act activity in claim area.

Yugunga-Nya

Activity	Progress
Progress towards consent determination or other final resolution of claim. (Jul 07 - Jun 08)	Ongoing.
Participate in formal mediation with state and other parties in accordance with Federal Court ordered protocols (mediation program to be agreed with NNTT) as part of North West Goldfields trial and mediation. (Oct 07 - Jun 08)	Plan for mediation in first half of 2008 with Wutha to resolve overlap.
Resolution of overlap. Participate in formal Intra-Indigenous mediation meetings with Wutha overlapping claim as agreed. Mediation meetings x 3. (Dec 07 - Jun 08)	Plan for mediation in first half of 2008 with Wutha to resolve overlap.
Amendment of claim if required. (Jun 08)	Dependent on outcome of mediation.
Community meeting x 1 to authorise amendment to claims. (Jun 08)	Dependent on outcome of mediation.
Re-registration of claim as required. Research and preparation of registration test affidavits and submissions.	Pending.
Yugunga-Nya native title claim and minor future act matters. Exercise of notification functions, taking instructions on minor future act matters and general work associated with the good care and conduct of the claim. Due to the burgeoning mineral boom in the Midwest region there will continue to be an escalation in the number of future act matters in this claim area. (July 2007 - Jun 08)	Ongoing.
Notification and general assistance. Working group meetings x 4. Community meeting x 1. (July 07 - Jun 08)	2 x working group meeting held.

Yamatji Mining Framework

Activity	Progress
Wajarri Yamatji - Midwest Corporation — Weld Ranges Project. Protection of native title. Negotiation of mining agreements. Reach final binding agreement. (July 07 - Jun 08)	Midwest wants to finalise agreement by mid 2009.
Wajarri Yamatji - Crosslands Protection of native title. Negotiation of railway agreement. Reach final binding agreement. (Jun 08)	Negotiations to proceed re Port project.
Amangu - Mid West — Crosslands Protection of native title. Negotiation of rail/port agreement. Reach final binding agreement.	Negotiations to proceed re Port project.
Naaguja - Mid West — Crosslands Protection of native title. Negotiation of rail/port agreement. Reach final binding agreement.	Negotiations to proceed re Port project.
Wajarri Yamatji - Midwest Corporation Jack Hills Project Protection of native title. Negotiation of mining agreement. Reach final binding agreement.	Current and ongoing.
Gnulli - Rough Range Protection of native title. Negotiation of Petroleum Production License. Reach final binding agreement (Jun 08 - Present).	Current and ongoing. Rough Range agreements executed.
Wajarri Yamatji - Mt Gibson Mining Protection of native title. Negotiation of variation of mining project agreement. Reach final binding agreement. (Dec 07 - Present)	Current and ongoing.

Yamatji Mining Framework (cont...)

Activity	Progress
Gnulli - Beta-nutrition Protection of native title Negotiation of Petroleum Production License Reach final binding agreement. (Dec 07 - Present)	Current and ongoing.
Badimia - Precious Metals Australia (PMS) Protection of native title. Negotiation of whole project agreement. Reach final binding agreement. Dependent on PMA's timeframes (Jun 08).	Current and ongoing.
Amangu - Origin Energy Protection of native title. Negotiation of whole project - exploration and production – agreement. Reach final binding agreement. (Jun 08 – Present)	Current and ongoing.
Amangu - Mt Gibson Protection of native title. Negotiation of pipeline agreement. Reach final binding agreement. (Dec 07- Present)	Current and ongoing.
Naaguja - Westralian Gas and Power Protection of native title. Negotiation og pipeline agreement. Reach final binding agreement.	Final agreement being settled.
Amangu - Westralian Protection of native title Negotiation of petroleum negotiation license. Reach final binding agreement. (Dec 07)	Westralian Gas and Power agreement executed.

Yamatji Mining Framework (cont...)

Activity	Progress
Gnulli - Agility Protection of native title. Negotiation of pipeline. Reach final binding agreement. Dependent on Agility's timeframes. (Jul 07)	Current and ongoing.
Naaguja - Westralian Gas and Power Protection of native title. Negotiation og pipeline agreement. Reach final binding agreement.	Negotiations proceeding.
Malgana - Hancock Prospecting. Protection of native title. Negotiation of pipeline agreement. Reach final binding agreement.	Current and ongoing.
Gnulli - DPI land release Protection of native title. Negotiation of project agreement. Reach final binding agreement.	Current and ongoing.
Malgana - State Government ILUA over Prince Henry Island Protection of native title. Negotiation of project agreement. Reach final binding agreement.	Negotiations proceeding re ILUA over Prince Henry Island.
Malgana - Verve Energy Windfarm Protection of native title. Negotiation of project agreement. Reach final binding agreement.	Current and ongoing.
Wajarri Yamatji - State Government's Multi function Police Unit. Protection of native title. Negotiation of project agreement. Reach final binding agreement.	Negotiations proceeding for ILUA.

Yamatji Mining Framework (cont...)

Activity	Progress
Wajarri Yamatji - State Government SKA Telescope Project Protection of native title. Negotiation of project agreement. Reach final binding agreement.	Negotiations proceeding for ILUA.
Amangu - State Government Southern Transport Corporation Stage 2. Protection of native title. Negotiation of project agreement. Reach final binding agreement.	Current and ongoing.
Amangu - DPI, Various Land Developments. Protection of native title. Negotiation of project agreement. Reach final binding agreement.	Current and ongoing.
Badimia - Asia Iron Protection of native title. Negotiation of project agreement. Reach final binding agreement.	Negotiations ongoing for Agreement re Iron Ore Mine.
Badimia - Harmony Gold Protection of native title. Negotiation of project agreement. Reach final binding agreement.	Negotiation ongoing for mine expansion.
Badimia - Royal Resources Protection of native title. Negotiation of project agreement. Reach final binding agreement.	Current and ongoing.
Badimia/Wajarri Yamatji - Increasing number of Companies seeking agreements re Uranium exploration Protection of native title. Negotiation of project agreement. Reach final binding agreement.	Current and ongoing.

CLAIM UPDATES



PILBARA REGION

Pilbara Connection Project - Banyjima

Activity	Progress
Locate and engage suitably experienced and acceptable/available consultants. (Jul 07- Aug 07)	Consultants have been engaged to prepare connection report, a regional law report, historical report, linguistic report and videos. Ongoing research in relation to State's connection guidelines. Consultant conducting fieldwork.
Engage other professionals including linguist, regional law and historical consultants - as above.	
Undertake archival work to retrieve historical data. (Aug 07 - Sep 07)	
Undertake research with the groups, including conducting meetings. (Sep 07 to Mar 08)	
Undertake research with a view to establishing connection - as above	
Connection report produced. (Jun 08)	
Resolve overlap and establish claim groups to the satisfaction of the State. (Jun 08)	
Mediation with the State. (Jun 08)	
Budget:	
Consultants	\$494,631
Meeting Costs	\$536,576
Staff Salaries	\$58,898
Other Admin	\$63,842
Total	\$1,153,947

Birrimaya

Activity	Progress
Anthropological advice concerning rights and interests held and relationship with Njamal native title claimants. (Sep 07 – Jun 08)	Ongoing.
1 community meeting, 1 working group meeting	Ongoing.

Gobawarra Minduarra Yinhawanga

Activity	Progress
Ongoing research in relation to boundaries and group membership 2003. (Jul 07 – Jun 08)	Consultant anthropologist engaged. Preliminary discussions with group commenced.
Meetings with Jurruru and Ngarlawangga in relation to resolving overlaps/potential overlaps. (Jul 07 – Jun 08)	Not complete but there has been further research work done - as above.
Investigation of additional native title associated outcomes as required. (Jul 07 – Jun 08)	Ongoing.
Ongoing discussions with the claim group including development of PBC rules 2006. (Mar 08 – Jun 08)	Ongoing.
Exercising of notification functions, taking instructions on minor future matters and general work associated with the good care and conduct of the claim. (Jul 07 – Jun 08)	Ongoing.
Implementation and monitoring of future act agreements. (Jul 07 – Jun 08)	Ongoing.
2 community meetings, 3 working group meetings. (Jul 07 – Jun 08)	1 working group meeting, 1 community meeting.

Innawonga (Yinhawanga)

Activity	Progress
Investigation of additional native title associated outcomes as required. (Jul 07 – Jun 08)	Ongoing.
Ongoing discussions with the claim group including development of PBC rules 2006. (Mar 08 – Jun 08)	Consultants engaged to examine and make recommendations regarding corporate governance.
Exercising of notification functions, taking instructions on minor future matters and general work associated with the good care and conduct of the claim. (Jul 07 – Jun 08)	Ongoing.
Implementation and monitoring of future act agreements. (Jul 07 – Jun 08)	Ongoing.
Identification and proofing of 'at risk' witnesses. (Jul 07 – Jun 08)	Witnesses identified. Planning commencing for preservation evidence subject to PCP process.
2 community meetings, 4 working groups. (Jul 06 – Jun 07)	1 working group meeting, 2 community meetings

**Pilbara Connection Project
- Innawonga/Gobawarra Minduarra Yinhawanga**

Activity	Progress
Locate and engage suitably experienced and acceptable/available consultants. (Jul 07- Aug 07)	Consultants engaged to prepare connection report, a regional law report, historical report, linguistic report and videos. Ongoing research in relation to State's connection guidelines. Consultant anthropologist in field.
Engage other professionals including linguist, regional law and historical consultants - as above.	
Undertake archival work to retrieve historical data. (Aug 07 -Sep 2007)	
Undertake research with the groups including conducting meetings. (Sep 07 to Mar 08)	
Undertake research with a view to establishing connection - as above.	
Connection report produced. (Jun – 08)	
Resolve overlap and establish claim groups to the satisfaction of the State. (Jun – 08)	
Mediation with the State. (Jun – 08)	
Budget:	
Consultants	\$499,262
Meeting Costs	\$502,967
Staff Salaries	\$58,898
Other Admin	\$62,984
Total	\$1,124,111

Innawonga Bunjima (incorporating Martu Idja Bunjima)

Activity	Progress
Ongoing research as required in relation to boundaries and membership 2003. (Jul 07 – Jun 08)	Ongoing. Claim group description and extensive genealogies completed and consultant has completed literature review and first period in the field.
Progress of combined inclusive Bunjima native title claim, including filing and registration, in accordance with instructions. (Jul 07 – Jun 08)	Ongoing.
Investigation of additional native title associated outcomes as required. (Jul 07 – Jun 08)	Relates to connection project and is ongoing.
Ongoing discussions with the claim group including development of PBC rules 2006. (Jul 07 – Jun 08)	Research has been completed in relation to existing corporate structures.
Exercising of notification functions, taking instructions on minor future matters and general work associated with the good care and conduct of the claim. (Jul 07 – Jun 08)	High level of Future Act activity.
Implementation and monitoring of future act agreements. (Jul 07 – Jun 08)	Meeting with the group to deal with compliance issues from existing agreements.
Identification and proofing of 'at risk' witnesses. (Jul 07 – Jun 08)	Seeking instructions to participate in preservation evidence for overlapping Native Title group.
2 community meetings, 4 working groups. (Jul 07 – Jun 08)	2 community meetings, 1 working group meeting.

Jurruru

Activity	Progress
Ongoing research in accordance with State's connection report guidelines 2004. (Jul 07 – Jun 08)	Connection report presented to state. Supplementary report provided re overlap areas. YMBBMAC to provide a map to support the report.
Investigation of additional native title associated outcomes as required. (Jul 07 – Jun 08)	Ongoing.
Ongoing discussions with the claim group including development of PBC rules 2006. (Jul 07 – Jun 08)	Review of current corporate structure in line with amendments to relevant legislation.
Exercising of notification functions, taking instructions on minor future matters and general work associated with the good care and conduct of the claim. (Jul 07 – Jun 08)	Ongoing.
Discussions with Department of Planning and Infrastructure in relation to application by pastoralist for extension of pastoral lease over Crown land. (Jul 07 – Jun 08)	Ongoing discussions re extension of pastoral leases and reserves as they affect any consent determination.
Identification and proofing of 'at risk' witnesses. (Jul 07 – Jun 08)	Assessed. Not required in the short term.
4 community meetings, 4 working groups. (Jul 07 – Jun 08)	1 Community meeting held to 28/02/08 No meetings held post 28/02/08

Kariyarra

Activity	Progress
Ongoing research in accordance with State's connection report guidelines (if required). (Jul 07 – Dec 07)	State will assess further connection material and report back in September.
Preparation and lodgment of new Kariyarra claim over area vacated by Kariyarra Yindjibarndi. (Jul 07 – Dec 07)	To be completed once connection issues are resolved.
Negotiation of consent determination of native title following State's assessment of connection. (Jul 07 – Jun 08)	Pending.
Attainment of additional native title associated outcomes (Jul 07 – Jun 08)	There are a large number of future acts in the Kariyarra claim area and negotiations with a number of small and large proponents are progressing including major negotiations with a large mining company.
Mediation regarding resolution of intragroup issues to create an environment conducive to developing PBC rules. (Jul 07 – Jun 08)	Ongoing.
Ongoing discussions with the claim group including development of PBC rules 2005. (Jul 07 – Jun 08)	Ongoing.
Public officer, audit, operational costs, etc associated with support of PBC. (Jun 08)	3 working group meetings, 3 community meetings.

Kurama & Marthudunera

Activity	Progress
Ongoing research in accordance with State's connection report guidelines 2004. (Jul 07 – Jun 08)	Consultant anthropologist engaged. Two periods of field work completed.
Investigation of additional native title associated outcomes as required. (Jul 07 – Jun 08)	Ongoing.
Ongoing discussions with the claim group including development of PBC rules 2006. (Jul 07 – Jun 08)	Ongoing.
Investigation of Aboriginal Trust / Reserve land tenure issue 2005. (Jul 07 – Jun 08)	Further correspondence progressed in relation to matter.
Exercising of notification functions, taking instructions on minor future matters and general work associated with the good care and conduct of the claim. (Jul 07 – Jun 08)	Ongoing - there has been a very high level of future act work with this claim.
Implementation and monitoring of future act agreements. (Jul 07 – Jun 08)	See above.
Identification and proofing of 'at risk' witnesses, subject to research process (Jul 07 – Jun 08)	Ongoing as part of the research process.
1 community meeting, 4 working group meetings. (Jul 07 – Jun 08)	1 Community Meeting, 5 working group meetings.

Pilbara Connection Project - Kurama & Marthudenera

Activity	Progress
Locate and engage suitably experienced and acceptable/available consultants. (Jul 07 - Aug 07)	Consultants engaged to prepare connection report, a regional law report, historical report, linguistic report and videos. Ongoing research in relation to State's connection guidelines. Consultant anthropologist completed fieldwork and is drafting the report.
Engage other professionals including linguist, regional law and historical consultants - as above.	
Undertake archival work to retrieve historical data. (Aug 07 - Sep 08)	
Undertake research with the groups including conducting meetings. (Sep 07 - Mar 08)	
Undertake research with a view to establishing connection - as above.	
Connection report produced. (Jun 08)	
Resolve overlap and establish claim groups to the satisfaction of the State. (Jun 08)	
Mediation with the State. (Jun 08)	
Budget:	
Consultants	\$456,264
Meeting Costs	\$117,743
Staff Salaries	\$58,898
Other Admin	\$50,307
Total	\$683,212

Ngarla

Activity	Progress
Consent determination of native title of that part of Ngarla claim that does not overlap with Warrarn claim and does not include certain other areas ("Determination area A"). (1998 - Aug 07)	Pleadings exchanged. State is supporting the Ngarla claim. Directions hearing held in June 08. Mediation meetings planned.
Consent determination of native title over balance of Ngarla native title claim ("Determination area B"). (1998 - Jun 08)	Programming orders were made by Justice Bennett to progress the claim to trial including preparation of contentions and attendance at future direction hearings. Ongoing preparation of court docs. Application is also being made re: extinguishment of NT over particular mining leases.
Attainment of additional native title associated outcomes in Determination area A (eg exclusive possession of freehold, signage etc.) (Nov 07)	Exploring options for excising land from pastoral stations for the purposes of a reserve.
Assistance to PBC and associated mediation. (Jul 07 – Jun 08)	Progress has been made in relation to internal mediation.
Exercising of notification functions, taking instructions on minor future matters and general work associated with the good care and conduct of the claim. (Jul 07 – Jun 08)	A number of future act matters are being progressed including finalising long term negotiations on Future Act matter.
Public officer, audit, operational costs, etc associated with support of PBC. (Jul 07 – Jun 08)	Ongoing administrative assistance has been provided.
Implementation and monitoring of a future act agreement. (Jul 07 – Jun 08)	Implementation of the agreement between Atlas Iron and Ngarla is being progressed
Identification and proofing of 'at risk' witnesses (if required) in relation to Determination Area B. (Jul 07 – Jun 08)	There may be a need for preservation evidence to be obtained in relation to the Warrarn overlap area.
2 community meeting, 4 working group meetings. (Jul 07 – Dec 07)	1 working group meeting.

Ngarlawangga

Activity	Progress
Ongoing research in accordance with State's connection report guidelines 2003. (Jul 07 – Jun 08)	Genealogies to claim description completed. Field work to begin in August 08.
Investigation of additional native title associated outcomes as required. (Jul 07 – Jun 08)	Ongoing.
Ongoing discussions with the claim group including development of PBC rules 2006. (Jul 07 – Jun 08)	Consultants engaged to examine and make recommendations regarding corporate governance.
Exercising of notification functions, taking instructions on minor future matters and general work associated with the good care and conduct of the claim. (Jul 07 – Jun 08)	Ongoing.
Implementation and monitoring of future act agreements if required. (Jul 07 – Jun 08)	Ongoing.
Identification and proofing of 'at risk' witnesses. (Jul 07 – Jun 08)	Subject to connection report.
1 community meeting, 4 working group meetings. (Jul 07 – Jun 08)	5 working group meetings. 1 Community meeting.

Pilbara Connection Project - Ngarlawangga

Activity	Progress
Locate and engage suitably experienced and acceptable/available consultants. (Jul 07 - Aug 07)	Consultants engaged to prepare connection report, a regional law report, historical report, linguistic report and videos. Ongoing research in relation to State's connection guidelines. Consultant conducting fieldwork.
Engage other professionals including linguist, regional law and historical consultants - as above.	
Undertake archival work to retrieve historical data. (Aug 07 - Sept 07)	
Undertake research with the groups including conducting meetings. (Sep 07 - Mar 08)	
Undertake research with a view to establishing connection - as above	
Connection report produced. (Jun 08)	
Resolve overlap and establish claim groups to the satisfaction of the State. (Jun 08)	
Mediation with the State. (Jun 08)	
Budget:	
Consultants	\$420,391
Meeting Costs	\$84,999
Staff Salaries	\$58,898
Other Admin	\$48,276
Total	\$612,564

Ngarluma Determined Area

Activity	Progress
Exercising of notification functions, taking instructions on minor future matters and general work associated with the good care and conduct of the claim. (Jul 07 – Jun 08)	Investigation of Native Title rights over previously unclaimed areas.
Implementation and monitoring of future act agreements. (Jul 07 – Jun 08)	Not applicable.
Public officer, audit, operational costs, etc associated with support of PBC, if requested. (Jul 07 – Jun 08)	Not applicable.

Ngarluma - Kariyarra (Mallina station)

Activity	Progress
Ongoing research into appropriate title holding group, including discussions/mediation with the Bindurna claim group 2003. (Jul 07 – Jun 08)	ongoing
1 community meeting, 1 working group meetings. (Jul 07 – Jun 08)	1 community meeting held 20 July 2007

Njamal

Activity	Progress
Ongoing research in accordance with State's connection report guidelines including video production. (Jul 07 – Jun 08)	The first draft of the Connection report will be finalised by December 2008. Video is in post-production phase.
Preparation and lodgment of new Njamal claim over area vacated by Kariyarra and Yindjibarndi. (Jul 07 – Jun 08)	The new claim is expected to be authorised in 2008.
Ongoing discussions with the claim group including development of PBC rules. (Jul 07 – Jun 08)	Further discussions have been taking place.
Exercising of notification functions, taking instructions on minor future matters and general work associated with the good care and conduct of the claim. (Jul 07 – Jun 08)	There are a large number of future acts in the Njamal claim area and negotiations with a number of small and large proponents are progressing.
Implementation and monitoring of future act agreements. (Jul 07 – Jun 08)	Njamal have a number of significant future act agreements and discussions re implementation are taking place with a number of the parties. Finalised Future Act Agreement after ten years negotiation. Monitoring and liaison committees have been set up and successful negotiation with mining company for the payment of outstanding arrears.
Identification and proofing of 'at risk' witnesses. (Jul 07 – Jun 08)	There may be a need for preservation evidence to be obtained in 2008 in relation to the Warram-Njamal#10 overlap area.
2 community meetings, 4 working groups.	Ongoing.
Community development – 2 community meetings, 4 working group/trust meetings.	1 working group, 1 community meeting.

Nyangumarta

Activity	Progress
Negotiation of consent determination of native title following State's assessment of connection. (Jul 07 – Dec 07)	Negotiations are proceeding with a view to obtaining a consent determination in 2008.
Attainment of additional native title associated outcomes. (Jul 07 – Jun 08)	Ongoing.
Research in relation to unclaimed area between Ngarla, Njamal and Nyangumarta. (Jul 07 – Aug 07)	Not progressed.
Public officer, audit, operational costs, etc associated with support of PBC. (Jan 08 – Jul 08)	Pending consent determination.
Investigation of Aboriginal Trust / Reserve land tenure issue 2005. (Jul 07 – Jun 08)	A meeting of Nyangumarta's land holding Corporation was conducted on 1 November 2007.
Ongoing discussions with the claim group including development of PBC rules 2005. (Jul 07 – Dec 07)	PBC rules were discussed at a Nyangumarta Community meeting on 1 November 2007. Instructions on PBC rules have now been taken.
Exercising of notification functions, taking instructions on minor future matters and general work associated with the good care and conduct of the claim 2004. (Jul 07 – Jun 08)	A number of minor future act matters progressed.
Implementation and monitoring of future act agreements. (Jul 07 – Jun 08)	an audit of existing agreements has been undertaken.
Identification and proofing of 'at risk' witnesses (if required). (Jul 07 – Dec 07)	Subject to consent determination.
3 community meetings, 4 working groups. (Jul 07 – Jun 08)	9 working group meetings, 1 community meeting.

Nyiyaparli

Activity	Progress
Ongoing research in accordance with State's connection report guidelines 2003. (Jul 07 – Jun 08)	Consultant anthropologist engaged. Preliminary discussions with group commenced.
Investigation of additional native title associated outcomes as required. (Jul 07 – Jun 08)	Ongoing.
Ongoing discussions with the claim group including development of PBC rules 2006. (Jul 07 – Jun 08)	Consultants engaged to examine and make recommendations regarding corporate governance. Internal mediation with groups re existing corporate structures and suitability for PBC status.
Exercising of notification functions, taking instructions on minor future matters and general work associated with the good care and conduct of the claim. (Jul 07 – Jun 08)	Ongoing.
Implementation and monitoring of future act agreements. (Jul 07 – Jun 08)	Ongoing.
Identification and proofing of 'at risk' witnesses. (Jul 07 – Jun 08)	Seeking instructions to participate in preservation evidence for overlapping NT group.
1 community meeting, 4 working groups. (Jul 07 – Jun 08)	4 working group meetings, 1 community meeting.

Pilbara Connection Project - Nyiyaparli

Activity	Progress
Locate and engage suitably experienced and acceptable/available consultants. (Jul 07 - Aug 07)	Consultants engaged to prepare connection report, a regional law report, historical report, linguistic report and videos. Ongoing research in relation to State's connection guidelines. Consultant conducting fieldwork.
Engage other professionals including linguist, regional law and historical consultants - as above	
Undertake archival work to retrieve historical data. (Aug 07 – Sep 07)	
Undertake research with the groups including conducting meetings. (Sep 07 - Mar 08)	
Undertake research with a view to establishing connection - as above.	
Connection report produced. (Jun 08)	
Resolve overlap and establish claim groups to the satisfaction of the State. (Jun 08)	
Mediation with the State. (Jun 08)	
Budget:	
Consultants	\$484,350
Meeting Costs	\$475,735
Staff Salaries	\$58,898
Other Admin	\$61,737
Total	\$1,080,720

Palyku

Activity	Progress
Presentation to claim group of research previously conducted and consequent legal advice. (Dec 07)	Completed late 2007.
Scoping study in relation to claim group composition and connection to country. (Jul 07 – Jun 08)	Pending.
Lodging of new claim over area vacated by Njamal claim group. (Jul 07 – Jun 08)	Negotiations with a major mining company underway on major Future Act matter.
Exercising of notification functions, taking instructions on minor future matters and general work associated with the good care and conduct of the claim. (Jul 07 – Jun 08)	Ongoing.
Implementation and monitoring of future act agreements. (Jul 07 – Jun 08)	Ongoing.
Identification and proofing of 'at risk' witnesses. (Jul 07 – Jun 08)	Subject to connection report.
2 community meeting, 3 working group meetings. (Jul 07 – Jun 08)	1 community meeting held.

Puutu Kunti Kurrama and Pinikura

Activity	Progress
Ongoing research in accordance with State's connection report guidelines 2004. (Jul 07 – Jun 08)	First draft of connection report completed.
Investigation of additional native title associated outcomes as required. (Jul 07 – Jun 08)	Ongoing.
Ongoing discussions with the claim group including development of PBC rules 2006. (Jul 07 – Jun 08)	Ongoing.
Exercising of notification functions, taking instructions on minor future matters and general work associated with the good care and conduct of the claim. (Jul 07 – Jun 08)	Ongoing.
Implementation and monitoring of future act agreements. (Jul 07 – Jun 08)	Ongoing.
Identification and proofing of 'at risk' witnesses. (Jul 07 – Jun 08)	Proofing and preparation for preservative evidence hearing in mid August 2008.
2 community meetings, 4 working groups. (Jul 07 – Jun 08)	2 community meetings 2 Working group meetings.

Pilbara Connection Project - Puutu Kurnti Kurrama Pinikura

Activity	Progress
Locate and engage suitably experienced and acceptable/available consultants. (Jul 07 -Aug 07)	Consultants engaged to prepare connection report, a regional law report, historical report, linguistic report and videos. Ongoing research in relation to State's connection guidelines. Fieldwork complete. Report being drafted.
Engage other professionals including linguist, regional law and historical consultants - as above.	
Undertake archival work to retrieve historical data. (Aug 07 - Sep 07)	
Undertake research with the groups including conducting meetings. (Sep 07 - Mar 08)	
Undertake research with a view to establishing connection - as above.	
Connection report produced. (Jun 08)	
Resolve overlap and establish claim groups to the satisfaction of the State. (Jun 08)	
Mediation with the State. (Jun 08)	
Budget:	
Consultants	\$466,882
Meeting Costs	\$264,694
Staff Salaries	\$58,898
Other Admin	\$54,972
Total	\$845,446

Peedamulla/Cane River

Activity	Progress
Research concerning restricted men's business in the proposed claim area. (Jul 07 – Jun 08)	Investigating setting up separate research process.
Exercising of notification functions, taking instructions on minor future matters and general work associated with the good care and conduct of the claim. (Jul 07 – Jun 08)	Not Applicable.
Implementation and monitoring of future act agreements. if any (Jul 07 – Jun 08)	Not Applicable.
1 community meeting, 3 working group meetings. (Jul 07 – Jun 08)	None.

Wajan Maya

Activity	Progress
Initial research to determine prospects. Adjoining groups have consented to the claim.	No further progress.
Draft form one, develop claim description. 1 community meeting. (Jul 07 – Jun 08)	Pending.

Yindjibarndi Determined Area

Activity	Progress
Investigation of additional native title associated outcomes as required. (Jul 07 – Jun 08)	Not Applicable.
Exercising of notification functions, taking instructions on minor future matters and general work associated with the good care and conduct of the claim. (Jul 07 – Jun 08)	Not Applicable.
Implementation and monitoring of future act agreements. (Jul 07 – Jun 08)	Not Applicable.
Identification and proofing of 'at risk' witnesses if required. (Jul 07 – Jun 08)	Not Applicable.
1 community meeting, 4 working group meetings. (Jul 07 – Jun 08)	

Yindjibarndi #1

Activity	Progress
Exercising of notification functions, taking instructions on minor future matters and general work associated with the good care and conduct of the claim. (Jul 07 – Jun 08)	Ongoing.
Implementation and monitoring of future act agreements. (Jul 07 – Jun 08)	Ongoing.
Public officer, audit, operational costs, etc associated with support of PBC. (Jul 07 – Jun 08)	Held community meeting on 30 Jan 2008.

Pilbara Mining Framework

Activity	Progress
Kariyarra - BHP: Protection of native title. Assess BHP's requirements to negotiate regional, claim-wide agreement. Negotiate if required. Reach final binding agreement.	Negotiations are proceeding with a view to reaching region wide agreements in the Pilbara. Meetings have been held with WG.
Niyiyaparli - BHP: Protection of native title. Assess BHP's requirements to negotiate regional, claim-wide agreement. Negotiate if required. Reach final binding agreement.	Negotiations are proceeding with a view to reaching region wide agreements in the Pilbara. Meetings have been held with WG.
Palyku - BHP: Protection of native title. Assess BHP's requirements to negotiate regional, claim-wide agreement. Negotiate if required. Reach final binding agreement.	Negotiations are proceeding with a view to reaching region wide agreements in th Pilbara. Meetings have been held with WG.
Ngarla, Innawonga, Innawonga Bunjima, Puutu Kunti Kurrama and Pinikura, Ngarlawanga, Gobawarra Minduarra Yinhawanga, Njamal – BHP: Protection of native title. Assess BHP's requirements to negotiate regional, claim-wide agreement. Negotiate if required. Reach final binding agreement	Negotiations are proceeding with a view to reaching region wide agreements in th Pilbara.
Njamal - CBH: Protection of native title. Monitoring and implementation of mining agreement.	Issues are being considered in relation to lmits of some agreements.
Kariyarra - DeGrey: Protection of native title. Negotiation of mining agreement. Reach final binding agreement.	Current and ongoing.
Niyiyaparli - DeGrey: Protection of native title. Negotiation of mining agreement. Reach final binding agreement.	Current and ongoing.

Pilbara Mining Framework (cont...)

Activity	Progress
Njamal – CML: Protection of native title. Monitoring and implementation of mining agreement. Ensure enforceability of agreement – progress section 66B application	Agreement finalised.
Niyiyaparli - Australian Manganese (FerrAus): Protection of native title. Negotiation of mining agreement. Reach final binding agreement.	Current and ongoing.
Njamal - Moly Mines: Protection of native title. Monitoring and implementation of mining agreement.	Current and ongoing.
Niyiyaparli - Hancock Prospecting: Protection of native title. Negotiation of mining agreement. Reach final binding agreement	Dependent on company timeframes.
Njamal - Atlas: Protection of native title. Negotiation of mining agreement. Reach final binding agreement.	Current and ongoing. Atlas wants to mine by late 2009.
Njamal - Northwest Resources: Protection of native title. Negotiation of mining agreement. Reach final binding agreement.	Negotiations underway.
Njamal - Avon Energy: Protection of native title. Negotiation of mining agreement. Reach final binding agreement.	Negotiations underway re Natural Gas Pipeline.
Njamal - Hazelwood: Protection of native title. Negotiation of mining agreement. Reach final binding agreement.	Negotiations underway re prospective nickel and tungsten deposit.

Pilbara Mining Framework (cont...)

Activity	Progress
Kurama & Marthudenera/Puutu Kunti Kurrama and Pinikura/ Innawonga/Njamal – FMG: Protection of native title. Negotiation of exploration and mining agreements. Reach agreement	Current and ongoing.
BHP - mining act objections: Protection of native title. Progress 30 objections under Mining Act before the Warden. Tenements not granted on the basis that applicants have either not complied with the Mining Act; or Reach agreement about the grant of the tenements.	Current and dependant on Agreement negotiations
Kurama & Marthudenera - Rough Range Oil: Protection of native title Heritage Agreement.	Current and ongoing negotiations re Petroleum License.
New Standard Oil - s35 application: Protection of native title. Defending 1 application for arbitration that tenement be granted. That tenement not be granted or granted with conditions.	Concluded.
Kurama & Marthudenera - CP Mining: Protection of native title Compensation Agreement	Agreement in principle reached. Proceeding to ILUA.
Kurama & Marthudenera - API: Protection of native title Compensation. Heritage Agreement.	Agreement being drafted.
Kurama & Marthudenera - Zanthus: Protection of native title Compensation for heritage management. Heritage Agreement. S35.	Current and ongoing.
Kurama & Marthudenera - Mineralogy: Protection of native title Agreement.	Current and ongoing. Negotiations are time consuming and costly.

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Chartered Accountants
& Business Advisers

INDEPENDENT AUDIT REPORT

TO THE MEMBERS OF YAMATJI MARLPA BARNABABA MAAJA ABORIGINAL CORPORATION

Report on the Financial Report

We have audited the accompanying financial statements of Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation ('YMBBMAC'), which comprise the balance sheet as at 30 June 2008, the income statement, statement of changes in equity, cash flow statement, schedules of commitments, contingencies and administered items and the statement by the Chief Executive and Chief Financial Officer for the year then ended, and a summary of significant accounting policies and other explanatory notes to the financial statements.

The Responsibility of the Chief Executive Officer for the Financial Statements

YMBBMAC's Chief Executive is responsible for the preparation and fair presentation of the financial statements in accordance with Finance Minister's Orders made under the *Financial Management and Accountability Act 1997* and the Australian Accounting Standards, including the Australian Accounting Interpretations. This responsibility includes: designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; or making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial statements based on our audit. Our audit has been conducted in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards, in order to provide reasonable assurance as to whether the financial statements are free of material misstatement. These auditing standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal controls relevant to the Entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal controls. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Chief Executive, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

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Independence

In conducting the audit, I have followed the independence requirements of the Australian National Audit Office, which incorporate the ethical requirements of the Australian accounting profession.

Auditor's Opinion

In our opinion the financial statements of YMBBMAC:

- (a) have been prepared in accordance with Finance Minister's Orders made under the *Commonwealth Authorities and Companies Act 1997*; and
- (b) give a true and fair view of:
 - (i) the matters required by the Finance Minister's Orders; and
 - (ii) YMBBMAC's financial position as at 30 June 2008, and its financial performance and cash flows for the year then ended in accordance with Australian Accounting Standards, including the Australian Accounting Interpretations.

A large, stylized handwritten signature of the firm PKF.

PKF
Chartered Accountants

A handwritten signature in cursive script that reads 'Chris Nicoloff'.

Chris Nicoloff
Partner

Dated in Perth, Western Australia, this 17th day of September 2008

**STATEMENT BY BOARD, CHIEF EXECUTIVE OFFICER
AND CHIEF FINANCIAL OFFICER**

as at 30 June 2008

In our opinion, the attached financial statements for the year ended 30 June 2008 are based on properly maintained financial records and give a true and fair view of the matters required by the Finance Minister's Orders made under the *Commonwealth Authorities and Companies Act 1997*.

In our opinion, at the date of this statement, there are reasonable grounds to believe that Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation will be able to pay its debts as and when they become due and payable.

This Statement is made in accordance with a resolution of the Board of Directors.



Mrs Doris Eaton
Co-Chairperson
Pilbara Regional
Committee
17 Sept 2008



Roy Bellotti
Co-Chairperson
Yamatji Regional
Committee
17 Sept 2008



Simon Hawkins
Chief Executive Officer
17 Sept 2008



Stan Stylianou
Chief Financial
Officer
17 Sept 2008

INCOME STATEMENT

for the year ended 30 June 2008

	Notes	Consolidated 2008 \$	Consolidated 2007 \$	Native Title 2008 \$	Native Title 2007 \$
REVENUE					
Revenues from ordinary activities					
Revenue from Commonwealth Government - Operational		8,263,884	6,983,221	8,263,884	6,983,221
Revenue from Services	5A	6,396,938	7,472,544	2,045,828	2,999,840
Interest	5B	340,311	158,299	163,798	89,261
Other	5C	5,455,033	1,046,932	4,987,687	251,547
Revenues from ordinary activities		20,456,166	15,660,996	15,461,197	10,323,869
EXPENSE					
Expenses from ordinary activities					
Employees	6A	6,896,283	5,280,100	6,134,524	4,456,489
Insurance expense		64,249	70,663	63,549	61,356
Office Supplies expense		253,054	192,693	250,206	183,526
Travel & Meeting costs		2,940,360	1,450,177	2,879,845	1,368,355
Motor vehicle expenses		483,696	343,571	449,335	298,807
Contractors and consultant fees		6,823,353	5,649,958	3,729,962	1,794,194
Impairment & Write Off Expenses	6C	22,049	48,237	22,049	48,237
Lease expenses		531,584	390,827	532,350	386,031
Long Service Leave expense	6A	140,603	(66,494)	135,735	(56,229)
Depreciation and amortisation	6B	428,629	371,155	384,712	331,163
Cost Recovery expenses		553,849	1,118,081	459,246	885,449
Payroll and support Costs		426,308	231,829	415,775	210,178
Telephone		231,289	156,369	222,220	145,336
Ancillary costs, fees & provisions		274,276	140,756	264,484	159,206
Revaluation decrements to Buildings		133,955	-	133,955	-
Expenses from ordinary activities		20,203,536	15,377,922	16,077,947	10,272,098
Operating surplus/(deficit) from ordinary activities	14	252,630	283,073	(616,750)	51,771
Net credit to asset revaluation reserve	8	625,000	-	-	-
Total revenues, expenses and valuation adjustments recognised directly in equity		625,000	-	-	-
Total changes in equity other than those resulting from transactions with owners as owners attributable to the members of YMBBMAC	13	877,630	283,073	(616,750)	51,771

The above statement should be read in conjunction with the accompanying notes.

BALANCE SHEET

as at 30 June 2008

	Notes	Consolidated 2008 \$	Consolidated 2007 \$	Native Title 2008 \$	Native Title 2007 \$
ASSETS					
Financial Assets					
Cash & Cash Equivalents	7A	6,447,451	1,796,548	5,394,533	531,760
Trade & Other Receivables	7B	2,591,613	1,813,967	915,849	961,616
Investment	7C	107,000	107,000	107,000	107,000
Total financial assets		9,146,065	3,717,515	6,417,382	1,600,376
Non-financial assets					
Land and buildings	8A	1,216,592	642,093	1,208,550	638,165
Plant and equipment	8B	1,027,911	1,267,425	845,783	1,100,856
Other non-financial assets	8D	65,418	42,873	65,418	42,873
Total non-financial assets	8C	2,309,921	1,952,391	2,119,751	1,781,894
Total Assets		11,455,985	5,669,906	8,537,133	3,382,270
LIABILITIES					
Provisions					
Employees	9A	818,806	543,854	740,501	471,206
Other provisions	9B	26,400	22,000	19,954	22,000
Total provisions		845,206	565,854	760,454	493,206
Payables					
Suppliers	10	1,344,192	997,064	1,015,969	722,430
Unexpended grants	11	5,006,429	265,343	4,874,416	54,971
Accruals	12	148,592	479,467	112,309	252,949
Income received in advance		444,226	572,467	75,856	168,837
Total payables		6,943,439	2,314,342	6,078,550	1,199,186
Total liabilities		7,788,646	2,880,195	6,839,004	1,692,392
NET ASSETS		3,667,340	2,789,710	1,698,129	1,689,878
EQUITY					
Revaluation reserve		651,481	26,481	651,481	26,481
Accumulated surplus	13	3,015,859	2,763,230	1,046,648	1,663,398
Total Equity	13	3,667,340	2,789,710	1,698,129	1,689,878
Current assets		9,211,482	3,760,388	6,482,800	1,643,249
Non-current assets		2,244,503	1,909,518	2,054,333	1,739,021
Current liabilities		7,592,690	2,742,126	6,647,736	1,584,565
Non-current liabilities		195,956	138,070	191,268	107,827

The above statement should be read in conjunction with the accompanying notes.

STATEMENT OF CASH FLOWS

for the year ended 30 June 2008

	Notes	Consolidated		NTRB Activities	
		2008	2007	2008	2007
		\$	\$	\$	\$
OPERATING ACTIVITIES					
<i>Cash Received</i>					
Receipts from Government		13,586,522	7,681,543	13,586,522	7,681,543
Receipts from customers		12,606,839	9,143,476	8,240,431	3,081,418
Finance income		340,311	158,299	163,798	89,261
Total Cash Received		26,533,672	16,983,317	21,990,752	10,852,222
<i>Cash Used</i>					
Payments to suppliers		13,280,898	10,031,315	9,479,597	5,657,074
Payments to employees		6,712,931	5,283,328	5,967,080	4,451,375
GST paid to ATO		1,564,860	1,008,706	1,458,485	672,365
Total Cash Used		21,558,689	16,323,349	16,905,162	10,780,814
Net Cash From Operating Activities	14	4,974,983	659,968	5,085,590	71,408
INVESTING ACTIVITIES					
<i>Cash Received</i>					
Proceeds from sales of property, plant and equipment		-	-	-	-
Total Cash Received		-	-	-	-
<i>Cash Used</i>					
Purchase of property, plant and equipment		324,079	746,421	222,817	556,919
Total Cash Used		324,079	746,421	222,817	556,919
Net Cash Used By Investing Activities		(324,079)	(746,421)	(222,817)	(556,919)
Net Increase/ (Decrease) in Cash Held		4,650,904	(86,453)	4,862,773	(485,511)
Cash at the beginning of the reporting period		1,903,548	1,990,001	638,760	1,124,272
Cash at the End of the Reporting Period		6,554,451	1,903,548	5,501,533	638,760

The above statement should be read in conjunction with the accompanying notes.

STATEMENT OF CHANGES IN EQUITY

for the year ended 30 June 2008

2008	Notes	Accumulated Surplus		Asset Revaluation Reserves	
		2008 Consolidated \$	2008 Native Title \$	2008 Consolidated \$	2008 Native Title \$
Opening Balance		2,763,229	1,663,398	26,481	26,481
Income and expenses recognised directly in equity					
Net Revaluation Increment				625,000	625,000
Surplus/(deficit) for the period		252,630	(616,750)		
Total Income and Expenses		252,630	(616,750)	625,000	625,000
Closing balance as at 30 June		3,015,859	1,046,648	651,481	651,481

2007	Notes	Accumulated Surplus		Asset Revaluation Reserves	
		2007 Consolidated \$	2007 Native Title \$	2007 Consolidated \$	2007 Native Title \$
Opening Balance		2,480,156	1,611,627	26,481	26,481
Income and expenses recognised directly in equity					
Net Revaluation Increment				-	-
Surplus/(deficit) for the period		283,073	51,771		
Total Income and Expenses		283,073	51,771	26,481	26,481
Closing balance as at 30 June		2,763,229	1,663,398	26,481	26,481

SCHEDULE OF COMMITMENTS

as at 30 June 2008

SCHEDULE OF COMMITMENTS

as at 30 June 2008

By Type	Notes	Consolidated		NTRB Activities	
		2008	2007	2008	2007
		\$	\$	\$	\$
<i>Other Commitments</i>					
Operating leases	2	1,672,274	1,072,433	1,649,076	1,039,369
Total Other Commitments		1,672,274	1,072,433	1,649,076	1,039,369
Net Commitments by Type		1,672,274	1,072,433	1,649,076	1,039,369
By Maturity					
<i>Operating Lease Commitments</i>					
One year or less		719,420	512,180	707,821	490,716
From one to five years		952,854	560,253	941,255	548,653
Over five years		-	-	-	-
Total Operating Lease Commitments		1,672,274	1,072,433	1,649,076	1,039,369
Net Commitments by Maturity		1,672,274	1,072,433	1,649,076	1,039,369

NB: Commitments are GST inclusive where relevant

The above statement should be read in conjunction with the accompanying notes

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

The financial statements cover Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation (YMBBMAC) as an individual entity. YMBBMAC is an association incorporated under the *Aboriginal Councils and Associations Act 1976*. To comply with *Native Title Act 1993* all activities relating to the Native Title Representative Body are reported separately in the financial statements.

On 1 July 2007 the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI) began. It replaces the outdated *Aboriginal Councils and Associations Act 1976* (ACA). Corporations registered under the ACA Act will be automatically transferred to the CATSI Act. YMBBMAC has elected to report under the ACA Act for the 2007-2008 financial year.

Note 1 Summary of Significant Accounting Policies

1.1 Basis of Accounting

The financial statements are required by clause 1(b) of Schedule 1 to the Commonwealth Authorities and Companies Act 1997 and are a general purpose financial report.

The statements have been prepared in accordance with:

- Finance Minister's Orders (being the Financial Management and Accountability Orders (Financial Statements for reporting periods ending on or after 01 July 2007);
- Australian Accounting Standards which include Australian Equivalents to International Financial Reporting Standards (IFRS) and interpretations issued by the Australian Accounting Standards Board (AASB) that apply for the accounting period;

The financial report has been prepared on an accrual basis and is in accordance with historical cost convention, except for certain assets at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position.

Assets and liabilities are recognised in the Balance Sheet when and only when it is probable that future economic benefits will flow and the amounts of the assets or liabilities can be reliably measured. Assets and liabilities arising under agreements equally proportionately unperformed are however not recognised unless required by an accounting standard. Liabilities and assets that are unrecognised are reported in the Schedule of Commitments.

Revenues and expenses are recognised in the Income Statement when and only when the flow or consumption or loss of economic benefits has occurred and can be reliably measured.

1.2 Statement of Compliance

Adoption of new Australian Accounting Standard requirements

No accounting standard has been adopted earlier than the effective date in the current period.

YMBBMAC is required to disclose Australian Accounting Standards and Interpretations which have been issued but are not yet effective that have not been early adopted by the Company. The following adopted requirements have resulted in a change to YMBBMAC's accounting policies or have affected the amounts reported in the current or prior periods or are estimated to have a financial affect in future periods.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Future Australian Accounting Standard requirements

The following new standards, amendments to standards or interpretations have been issued by the Australian Accounting Standards board but are effective for future reporting periods. It is estimated that the impact of adopting these pronouncements when effective will have no material financial impact on future reporting periods.

- 2007-2 Amendments to Australian Accounting Standards [AASB Interpretation 12] and AASB Interpretation 12 Service Concession Arrangements
- 2007-3 Amendments to Australian Accounting Standards [AASB 8] and AASB 8 Operating Segments
- 2007-6 Amendments to Australian Accounting Standards [AASB 123]
- AASB Interpretation 13 Customer Loyalty Programmes
- AASB Interpretation 14 AASB 119 –The Limit on a Defined Benefit Asset, Minimum Funding Requirements and their Interaction.

Financial instruments disclosure

AASB7 Financial Instruments: Disclosure is effective for reporting periods beginning on or after 1 January 2008 (the 2007-08 financial year) and amends the disclosure requirements for financial instruments. In general AASB 7 requires greater disclosure than that presently. Associated with the introduction of AASB 7 a number of accounting standards were amended to reference the new standard or remove the present disclosure requirements through 2005-10 Amendments to Australian Accounting Standards [AASB 132, AASB 101, AASB 114, AASB 117, AASB 133, AASB 139, AASB 1, AASB 4, AASB 1023 & AASB 1038]. These changes have no financial impact but will affect the disclosure presented in future financial reports.

The following new standards, amendments to standards or interpretations for the current financial year have no material financial impact:

- 2007-4 Amendments to Australian Accounting Standards arising from ED 151 and Other Amendments and Erratum: Proportionate Consolidation
- 2007-7 Amendments to Australian Accounting Standards
- UIG Interpretation 11 AASB 2 – Group and Treasury Share Transactions and 2007-1 Amendments to Australian Accounting Standards [AASB Interpretation 11]

Other

The following standard and interpretation have been issued but are not applicable to the operations of YMBBMAC

- AASB 1049 Financial Reporting of General Government Sectors by Governments

1.3 Revenue

Revenue from the rendering of a service is recognised by reference to the stage of completion of the contract to provide the service at the reporting date. The revenue is recognized when:

- The amount of revenue, stage of completion and transaction costs incurred can be reliably measured: and
- The probable economic benefits with the transaction will flow to the entity.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

The stage of completion is by reference to the proportion that costs incurred to date bear to the estimated total costs of the transaction.

Receivables for services are recognised at the nominal amounts due less any provision for bad and doubtful debts. Collectability of debts is reviewed at balance date. Provisions are made when collectability of the debt is no longer probable.

Revenue from disposal of non-current assets is recognised when control of the asset has passed to the buyer.

Interest revenue is recognised on a time proportionate basis that takes into account the effective yield on the relevant asset.

Revenue from grants received from government funding organisations is recognised when received, and is deferred as a liability to the extent that unspent grants are required to be repaid to the funding organisation.

1.4 Employee Benefits

Benefits

Liabilities for services rendered by employees are recognised at the reporting date to the extent that they have not been settled.

Liabilities for short term employee benefits (as defined in AASB 119) and termination benefits due within 12 months of the balance date are measured at their nominal amounts. The nominal amount is calculated with regard to the rates expected to be paid on settlement of the liability.

All other employee benefit liabilities are measured as the present value of the estimated future cash outflows to be made in respect of services provided by employees up to the reporting date.

Leave

The liability for employee benefits includes provision for annual leave and long service leave. No provision has been made for sick leave as all sick leave is non-vesting and the average sick leave taken in future years by employees of YMBBMAC is estimated to be less than the annual entitlement for sick leave.

The leave liabilities are calculated on the basis of employees' remuneration, including YMBBMAC's employer superannuation contribution rates to the extent that the leave is likely to be taken during service rather than paid out on termination.

The liability for long service leave has been determined by reference to the work of an actuary as at 30 June 2008. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

Superannuation

Contributions are made to employee superannuation fund of their choice and charged as expenses when incurred.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

1.5 Grants

Most grant agreements require YMBBMAC to perform services, provide facilities or meet eligibility criteria. In these cases, YMBBMAC recognises grant liabilities only to the extent that the services required have not been performed or the eligibility criteria have not been satisfied by YMBBMAC.

In cases where grant agreements are made without conditions to be monitored, liabilities are recognised on signing the agreement.

Grants relating to the purchase of property plant and equipment would be recognized at its fair value and treated as an asset and as income when the Association gains control of the contribution. This is in accordance with the treatment of grants under AASB 1004 of the Australian Accounting Standards. Not for profit entities are still required to comply with AASB under IFRS and, therefore, there is no change on the treatment of Grants on adoption of IFRS.

1.6 Cash and Cash Equivalents

Cash means notes and coins held and any deposits held with a bank or financial institution with an original maturity of 3 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of changes in value. Cash is recognised at its nominal amount. Interest is credited to revenue as it accrues.

1.7 Other Financial Assets

Term deposits are recognised at cost.

1.8 Leases

YMBBMAC has entered into commercial leases on certain motor vehicles where it is not in the best interest of the Association to purchase these assets. Leases where the lessor effectively retains substantially all the risks and rewards incidental to ownership of assets are classified as operating leases.

Operating lease payments are expensed on a straight line basis over the lease term which is representative of the pattern of benefits derived from the leased assets.

1.9 Financial Risk Management

YMBBMAC's activities expose it to normal commercial financial risk. As a result of the nature of YMBBMAC's business and internal and Australian Government policies, dealing with the management of financial risk, YMBBMAC's exposure to market, credit, liquidity and cash flow and fair value interest rate risk is considered to be low.

1.10 Derecognition of Financial Assets and Liabilities

Financial assets are derecognized when the contractual rights to the cash flows from the financial assets expire or the asset is transferred to another Entity. In the case of a transfer to another Entity, it is necessary that the risks and rewards of ownership are also transferred.

Financial liabilities are derecognized when the obligation under the contract is discharged or cancelled or expired.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

1.11 Impairment of Financial Assets

If there is objective evidence that impairment has been incurred for receivables, the amount of the loss is measured as the difference between the asset's carrying amount and the present value of estimated cash flows discounted at the asset's original effective interest rate. The carrying amount is reduced by way of an allowance account. The loss is recognized in profit and loss.

1.12 Other Financial Liabilities

Trade creditors and accruals are recognised at their nominal amounts, being the amounts at which the liabilities will be settled. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

1.13 Acquisition of Assets

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken.

1.14A Property (Land, Buildings and Infrastructure), Plant and Equipment

Revaluations

Basis

Land, buildings and infrastructure are carried at valuation, being revalued annually with sufficient frequency such that the carrying amount of each asset class is not materially different, as at reporting date, from its fair value. Valuations undertaken in any year are as at 30 June.

Fair values for each class of asset are determined as shown below.

Asset class	Fair value measured at:
Land	Market selling price
Buildings	Market selling price
Leasehold improvements	Depreciated replacement cost
Plant and equipment	Market selling price

Land and building assets are subject to a formal valuation every three years. Formal valuations are carried out by an independent qualified valuer. Land and buildings are measured at fair cost less accumulated depreciation.

Plant and equipment is stated at cost less accumulated depreciation and any impairment in value.

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation except to the extent that it reverses a previous revaluation decrement of the same asset class that was previously recognized through operating result. Revaluation decrements for a class of assets are recognized directly through operating result except to the extent that they reverse a previous revaluation increment for that class.

Any accumulated depreciation as at the revaluation date is eliminated against the gross carrying amount of the asset and the asset restated to the revalued amount.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Depreciation

Depreciable property plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to YMBBMAC using, in all cases, the diminishing balance method of depreciation.

Depreciation rates (useful lives) and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate. Residual values are re-estimated for a change in prices only when assets are revalued.

Annual depreciation rates applying to each class of depreciable asset are as follows:

Buildings on freehold land	4%
Leasehold improvements	33.3%
Plant and equipment	15%-60%
Motor Vehicles	22.5%

The aggregate amount of depreciation allocated for each class of asset during the reporting period is disclosed in Note 6B.

Impairment

All assets were assessed for impairment at 30 June 2008. Where indications of impairment exists, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

The recoverable amount of an asset is the higher of its fair value less costs to sell and its value in use. Value in use is the present value of the future cash flows expected to be derived from the asset. Where the future economic benefit of an asset is not primarily dependant on the asset's ability to generate cash flows and the asset would be replaced if the YMBBMAC were deprived of the asset; its value in use is taken to be its depreciated replacement cost.

Decommissioning, Restoration and Make-good

When assessing accommodation leases for the preparation of the opening balance sheet, no obligations under the leases for make-good were determined.

In relation to non-financial assets, YMBBMAC has assessed at the reporting date that there is no obligation for decommissioning, restoration or make good.

1.14B Treatment of Capital Grants

Grants relating to the purchase of property, plant and equipment would be recognised at its fair value and treated as an asset and as income when the Association gains control of the contribution. This is in accordance with the treatment of grants under AASB 1004 of the Australian accounting standards. Not for profit entities are still required to comply with AASB 1004 under AIFRS and, therefore, there is no change to the treatment of Grants on the adoption of AIFRS.

The operating loss is mainly due to the timing differences arising from the treatment of the capital grant.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

1.15 Taxation

YMBBMAC is exempt from all forms of taxation except fringe benefits tax and the goods and services tax (GST).

Revenues, expenses and assets are recognised net of GST:

- except where the amount of GST incurred is not recoverable from the Australian Taxation Office; and
- except for receivables and payables.

1.16 Comparatives

Where necessary, the prior year comparatives have been amended to facilitate comparison with the current year presentation of financial information.

Note 2: Operating Leases

Operating leases included are effectively non – cancellable and comprise:

Nature of lease

General Description of leasing arrangement

Leases for office accommodation.

Lease payments are subject to annual increases in accordance with upwards movements in the Consumer Price Index. Five premises' initial leases are still current and three may be renewed from one to two years at YMBBMAC's option. One premises is on a periodic basis.

Leases for staff accommodation

Lease payments are subject to annual increases in accordance with upwards movements in the Consumer Price Index. Four premises' initial leases are still current and three may be renewed from one to two years at YMBBMAC's option.

Agreements for the provision of motor vehicles to senior officers.

No contingent rentals exist.

Note 3: Economic Dependency

Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation is an association incorporated under the *Aboriginal Councils and Associations Act 1976*.

YMBBMAC is dependent on funding from the Commonwealth of Australia for its continued existence and ability to carry out its normal activities.

Note 4: Events Occurring After Reporting Date

YMBBMAC have received confirmation from the Commonwealth of Australia of the provision of funding for the 2008/9 financial year and confirmed funding of specific corporate costs for 2010/11

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Notes	Consolidated		NTRB Activities	
	2008	2007	2008	2007
	\$	\$	\$	\$
Note 5: Operating Revenues				
Note 5A Revenue from Services				
Rendering of services to:				
External entities	6,396,938	7,472,544	2,045,828	2,999,840
Total rendering of services	6,396,938	7,472,544	2,045,828	2,999,840
Note 5B: Finance income				
Interest on Deposits	340,311	158,299	163,798	89,261
Total finance income	340,311	158,299	163,798	89,261
Note 5C Other				
Other Grants:				
Staffing	1,664,527	767,458	1,247,711	102,490
Expenses and Capital	3,778,515	277,828	3,739,593	147,412
Other income	11,991	1,645	384	1,645
Total other	5,455,033	1,046,931	4,987,687	251,547
Note 6: Operating Expenses				
Note 6A: Employee Expenses				
Wages and Salaries	5,856,964	4,520,185	5,184,564	3,786,602
Superannuation	507,527	364,470	451,513	305,431
Other Employee Benefits	531,792	395,445	357,148	364,456
Leave and other entitlements	140,603	(66,494)	135,735	(56,229)
Total employee expenses	7,036,886	5,213,607	6,128,960	4,400,260
Note 6B: Depreciation and Amortisation				
Depreciation of property, plant and equipment	385,917	333,080	343,441	293,927
Amortisation of leasehold assets	42,712	38,076	41,271	37,237
Total depreciation and amortisation	428,629	371,155	384,712	331,163
The aggregate amounts of depreciation or amortisation expensed during the reporting period of each class of depreciable asset are as follows:				
Buildings on freehold land	-	21,431	-	21,431
Leasehold improvements	43,691	46,015	43,456	43,456
Plant and equipment	198,940	178,117	169,396	147,965
Motor Vehicles	185,998	125,591	118,311	118,311
Total depreciation and amortisation	428,629	371,155	331,163	331,163

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Notes	Consolidated		NTRB Activities	
	2008	2007	2008	2007
	\$	\$	\$	\$
Note 6C: Write down and impairment of assets				
Write downs	22,049	48,237	22,049	48,237
Total write down and impairment of assets	22,049	48,237	22,049	48,237

Note 7: Financial Assets

Note 7A: Cash and cash equivalents

Cash on hand	1,000	518	1,000	518
Cash at bank	6,446,451	1,796,029	5,393,533	531,242
Total cash and cash equivalents	6,447,451	1,796,548	5,394,533	531,760

For the purposes of the Cash Flow Statement, the Cash at the end of the reporting period figure includes Term Deposits, which is classified under Investment in the Balance Sheet (note 7C). Cash at bank earns interest at tiered interest rates determined by the bank.

Note 7B : Trade and other receivables

Trade receivables	2,495,173	1,012,642	981,303	477,675
Less: Allowance for doubtful debts	(232,844)	(232,844)	(204,396)	(204,396)
	2,262,329	779,798	776,907	273,279
GST receivable	39,639	17,954	29,960	17,954
Income receivable	169,894	731,355	17,098	436,273
Other receivables	119,751	284,860	91,884	234,110
Total trade and other receivables (net)	2,591,613	1,813,967	915,849	961,616
All receivables are current assets.				
Trade receivables are aged as follows:				
Current				
Overdue by:				
Less than 30 days	1,060,996	332,923	460,399	36,957
30-60 days	470,763	183,406	118,239	41,863
60-90 days	107,880	181,176	34,201	130,466
More than 90 days	855,535	315,137	368,464	268,389
Total Trade Receivables (gross)	2,495,173	1,012,642	981,303	477,675

The allowance for doubtful debts is aged as follows:

Current				
Overdue by:				
Less than 30 days	-	-	-	-
30-60 days	-	-	-	-
60-90 days	-	-	-	-
More than 90 days	232,844	232,844	204,396	204,396
Total allowance for doubtful debts	232,844	232,844	204,396	204,396

Note 7C : Other financial assets

Term deposits	107,000	107,000	107,000	107,000
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Short term deposits are made with varying periods of between six and nine months depending on the immediate cash requirements of the Association, and earn interest at the respective short term deposit rates.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Notes	Consolidated		NTRB Activities	
	2008	2007	2008	2007
	\$	\$	\$	\$
Note 8: Non Financial Assets				
Note 8A: Land and Buildings				
<i>Freehold land</i>				
- At valuation 30 June 2008	820,000	195,000	820,000	195,000
Total freehold land	820,000	195,000	820,000	195,000
<i>Buildings on freehold land</i>				
- At valuation 30 June 2008	280,000	397,282	280,000	397,282
- Accumulated depreciation	-	(37,298)	-	(37,298)
Total Buildings on freehold land	280,000	359,984	280,000	359,984
<i>Leasehold improvements</i>				
- at fair value	396,265	324,070	385,943	319,303
- Accumulated depreciation	(279,674)	(236,961)	(277,393)	(236,122)
Total leasehold improvements	116,592	87,108	108,550	83,181
Total Land and Buildings (non-current)	1,216,592	642,093	1,208,550	638,165
Note 8B: Infrastructure, plant and equipment				
<i>Plant and equipment</i>				
-at cost	2,283,105	2,230,063	1,936,112	1,969,571
-accumulated depreciation	(1,188,865)	(889,407)	(1,025,967)	(795,485)
-write downs	(66,329)	(73,231)	(64,362)	(73,231)
Total Plant and Equipment (non-current)	1,027,911	1,267,425	845,783	1,100,856
All revaluations are independent and are conducted in accordance with the revaluation policy stated at Note 1.14A				
In 2007-08, the revaluations were conducted by an independent valuer W Kalajzich (LV44042).				
Revaluation increment of \$625,000 for land was credited to the Revaluation Reserve and included in the equity section of the Balance Sheet. Revaluation decrement of \$133,954.54 for building was charged to the net profit and loss.				
No indicators of impairment were found for infrastructure, plant and equipment.				
Movement in asset revaluation reserve				
Opening Balance	26,481	26,481	26,481	26,481
Increment in Land	625,000	-	625,000	-
Closing Balance	651,481	26,481	651,481	26,481

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Note 8C: Reconciliation of the opening and closing balances of property, plant and equipment

Item	Land & Buildings \$	Consolidated Plant & Equipment \$	Total \$	Land & Buildings \$	Native Title Plant & Equipment \$	Total \$
As at 1 July 2007						
Gross book value	916,352	2,230,063	3,146,415	911,585	1,969,571	2,881,156
Accumulated depreciation/ amortisation	(274,259)	(962,638)	(1,236,897)	(273,420)	(868,716)	(1,142,135)
Opening Net Book Value	642,093	1,267,425	1,909,518	638,165	1,100,856	1,739,021
Additions						
By purchase	127,871	166,746	294,617	122,316	80,245	202,561
Revaluation Increment – Land	625,000	-	491,045	491,045	-	491,045
Revaluation Decrement – Building	(133,955)	-	-	-	-	-
Depreciation/ Amortisation expense	(43,691)	(384,938)	(428,629)	(42,250)	(316,787)	(359,037)
Disposals	-	-	-	-	-	-
Other Disposals	(727)	(21,322)	(22,049)	(727)	(18,531)	(19,257)

As at 30 June 2008

Gross book value	1,496,265	2,283,105	3,779,370	1,485,943	1,936,112	3,422,055
Accumulated depreciation/ impairment	(279,674)	(1,255,193)	(1,534,867)	(277,393)	(1,090,329)	(1,367,722)
Closing Net Book Value	1,216,592	1,027,911	2,244,503	1,208,550	845,783	2,054,333

Assets at valuation

Item	Land & Buildings \$	Consolidated Plant & Equipment \$	Total \$	Land & Buildings \$	Native Title Plant & Equipment \$	Total \$
As at 30 June 2008						
Gross value	1,496,265	2,283,105	3,779,370	1,485,943	1,936,112	3,422,055
Accumulated depreciation/ amortisation	(279,674)	(1,255,193)	(1,534,867)	(277,393)	(1,090,329)	(1,367,722)
Closing Net Book Value	1,216,592	1,027,911	2,244,503	1,208,550	845,783	2,054,333
As at 30 June 2007						
Gross value	916,352	2,230,063	3,146,415	911,585	1,969,571	2,677,659
Accumulated depreciation/ amortisation	(274,259)	(962,638)	(1,236,897)	(273,420)	(868,716)	(1,066,034)
Closing Net Book Value	642,093	1,267,425	1,909,518	638,165	1,100,856	1,739,021

Notes	Consolidated 2008 \$	2007 \$	NTRB Activities 2008 \$	2007 \$
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Note 8D : Other Non-Financial Assets

Prepayments	65,418	42,873	65,418	42,873
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NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Notes	Consolidated		NTRB Activities	
	2008	2007	2008	2007
	\$	\$	\$	\$
Note 9: Provisions				
Note 9A : Employee Provisions				
Salaries and wages	14,765	(22,451)	13,289	(22,451)
Leave	804,041	566,305	727,212	493,657
Total employee provisions	818,806	543,854	740,501	471,206
Current	622,851	405,784	549,232	363,379
Non-current	195,956	138,070	191,268	107,827
	818,806	543,854	740,501	471,206
Note 9B: Other Provisions				
Provision for Audit Fees - Current	26,400	22,000	19,954	22,000
Note 10: Suppliers				
Trade Creditors	1,311,274	997,064	983,051	722,430
Operating lease rentals	32,918		32,918	
Total supplier payables	1,344,192	997,064	1,015,969	722,430
All suppliers are current and settlement is usually made net 30 days.				
Note 11: Unexpended Grant				
Unexpended Grant carried forward	5,006,429	265,343	4,874,416	54,971
Unexpended grant carried forward represents grant funds received specifically for approved budget items and which are repayable to the funding organisation to the extent the funds are unspent.				
Note 12: Other Payables				
Accrued Wages/Superannuation	99,382	50,380	75,115	41,231
General Accruals	49,210	429,087	37,194	211,718
Total Other Payables	148,592	479,467	112,309	252,949
Note 13: Equity				
<i>Analysis of Equity</i>				
Accumulated Surplus as at 1 July	2,763,230	2,480,156	1,663,398	1,611,627
Surplus from ordinary activities	252,630	283,073	(616,750)	51,771
Accumulated surplus as at 30 June	3,015,859	2,763,229	1,046,648	1,663,398
Net Revaluation Increment	651,481	26,480	651,481	26,480
Total Equity as at 30 June	3,667,340	2,789,709	1,698,129	1,689,878

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Note 14: Cash Flow Reconciliation

Note 14: Reconciliation of Operating Surplus to Net Cash from Operating Activities:

	Consolidated		NTRB Activities	
	2008	2007	2008	2007
	\$	\$	\$	\$
Operating surplus before extraordinary items	252,630	283,073	(616,750)	51,771
Non- Cash Items				
Depreciation and amortisation	428,629	371,155	384,712	331,163
Net write down of non-financial assets	22,049	48,237	22,049	48,237
Revaluation Decrement	133,955	-	133,955	-
Changes in assets and liabilities				
(Increase) / decrease in receivables	(778,537)	(320,202)	44,876	(493,491)
(Increase) / decrease in prepayments	(65,418)	(42,873)	(65,418)	(42,873)
Increase / (decrease) in employee provisions	237,736	(34,571)	233,555	(14,254)
Increase / (decrease) in payables	50,454	365,100	181,206	327,704
Increase / (decrease) in unexpended grants	4,741,086	(55,468)	4,819,445	(95,050)
Increase / (decrease) in income in advance	(128,241)	(71,603)	(92,980)	(141,187)
Increase / (decrease) in GST payable	80,640	117,120	40,940	99,388
Net cash from / (used by) operating activities	4,974,983	659,968	5,085,590	71,408

Note 15: Remuneration of Officers

The number of officers who received or were due to receive total remuneration of \$130,000 or more

\$130,000 - \$144,999	1	1	1	1
\$145,000 - \$159,999	1	0	1	0
\$160,000 - \$174,999	0	0	0	0
\$175,000 - \$189,999	0	1	0	1
\$190,000 - \$204,999	1	0	1	0
Total	3	2	3	2

The aggregate amount of total remuneration of executives shown above

500,761	320,136	500,761	320,136
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Executive remuneration includes salary, superannuation, Fringe Benefits, Vehicle usage and associated costs and leave provisions paid to officers employed for the full financial year.

Appointments to executive positions during the course of the year have resulted in the exclusion of officer's remuneration here. The officers are expected to be included in the 2008/9 financial year.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Note 16: Financial Instruments

Note 16A: Interest Rate Risk

Financial Instrument	Floating Interest Rate		Fixed Interest Rate Maturing in 1 year or less		Non-Interest Bearing		Total		Weighted Average	
	2008	2007	2008	2007	2008	2007	2008	2007	2008	2007
	\$	\$	\$	\$	\$	\$	\$	\$	%	%
Financial Assets										
Cash on hand										
Deposits at call	749,079	1,035,889	1,000	518			1,000	518		
Receivables for services (gross)							749,079	1,035,889	6.50%	5.30%
Other			2,495,173	1,012,642			2,495,173	1,012,642		
Term deposit			329,284	1,034,169			329,284	1,034,169		
			5,501,639	487,734			5,501,639	487,734	7.50%	6.05%
Total	749,079	1,035,889	5,501,639	487,734	2,825,458	2,047,330	9,076,175	3,570,952		
Total Assets					11,455,985			5,669,906		
Financial Liabilities										
Trade creditors			1,344,192	997,064			1,344,192	997,064	n/a	n/a
Grants payable			5,006,429	265,343			5,006,429	265,343	n/a	n/a
Other payables			584,512	1,051,043			584,512	1,051,043	n/a	n/a
Total	-	-	6,935,133	2,313,450			6,935,133	2,313,450		
Total Liabilities					7,780,340			2,879,304		

Financial Assets

The net fair values of cash, deposits on call and non-interest-bearing monetary financial assets approximate their carrying amounts.

The net fair values of the term deposits are based on discounted cash flows using current interest rates for assets with similar risk profiles.

Financial Liabilities

The net fair values for trade creditors and grant liabilities, all of which are short-term in nature, are approximated by their carrying amounts.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Note 17: Risk Exposures and Responses

Note 17A: Credit Risk

The maximum exposures to credit risk at reporting date in relation to each class of recognised financial assets is the carrying amount of those assets as indicated in the Balance Sheet.

The association has no significant exposures to any concentrations of credit risk.

Credit risk of financial instruments not past due or individually determined as impaired:

	Not Past Due Impaired 2008	Not Past Due nor Impaired 2007	Past due or impaired 2008	Past due nor or impaired 2007
Cash at Bank	6,447,451	1,796,547	-	-
Receivables for goods and services	1,060,996	332,923	1,434,177	679,720
Total	7,508,447	2,129,470	1,434,177	679,720

Ageing of financial assets that are past due but not impaired for 2008

	31 to 60 days	61 to 90 days	90+ days	Total
Receivables for goods and services	470,763	107,879	855,535	1,434,177

Ageing of financial assets that are past due but not impaired for 2007

	31 to 60 days	61 to 90 days	90+ days	Total
Receivables for goods and services	183,406	181,176	315,137	679,720

Note 17B: Liquidity Risk

This is highly unlikely due to appropriation funding and mechanisms available to YMBBMAC and internal policies and procedures put in place to ensure there are appropriate resources to meet its financial obligations.

YMBBMAC manages its budgeted grant funds to ensure it has adequate funds to meet payments as they fall due. In addition, YMBBMAC has policies in place to ensure timely payments are made when due and has no past experience of default.

Note 17C: Interest rate risk

At 30 June 2008, if interest rates had moved, as illustrated below, with all other variable held constant, post tax profit and equity would have been affected as follows:

	Surplus Higher/(Lower) 2008 \$	Equity Higher/(Lower) 2007 \$	2008 \$	2007 \$
Consolidated				
+1% increase in interest rate	7,491	10,359	7,491	10,359
-1% decrease in interest rate	(7,491)	(10,359)	(7,491)	(10,359)

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

Note 18: Remuneration of Auditors

The fair value of services provided was:

Audit Services

Other Services

2008	2007
35,208	25,111
-	-
35,208	25,111

Note 19: Average Staffing Levels

The average staffing levels for the entity during the year were:

2008	2007
97	94

NOTE 20: Reporting of Outcomes

Combined outcomes of YMBBMAC

Price of NTRB functions

Output Group 1. Facilitation & Assistance

Output Group 2. Certificate

Output Group 3. Dispute Resolution

Output Group 4. Notification function

Output Group 5. Agreement Making

Output Group 6. Internal Review

Output Group 7. Other Functions

ACTUAL 2008	ACTUAL 2007
\$	\$
12,422,498	6,240,322
126,693	63,643
118,110	59,332
546,522	274,540
240,747	120,937
66,163	33,236
2,098,870	1,054,347
15,619,605	7,846,358

Total price of functions

Source of funding

Revenue from Australian Government for NTRB functions

Revenue from other sources

8,244,301	6,983,221
7,375,304	863,137
15,619,605	7,846,358

Total price of functions

Note: Figures are estimates only

GLOSSARY OF TERMS

ALTHA	Alternative Heritage Agreement
ALO	Aboriginal Liaison Officer
CATSIA	Corporations (Aboriginal and Torres Strait Islander) Act
CEO	Chief Executive Officer
CFO	Chief Financial Officer
DoIR	Department of Industry and Resources
FaHCSIA	Department for Families, Housing, Community Services and Indigenous Affairs
GLC	Goldfields Land Council
ILUA	Indigenous Land Use Agreement
NNTT	National Native Title Tribunal
NTA	Native Title Act
NTRB	Native Title Representative Body
ORIC	Office of the Registrar of Indigenous Corporations
PLO	Principal Legal Officer
PNTS	Pilbara Native Title Service
PO	Project Officer
RLU	Regional Legal Unit
RSHA	Regional Standard Heritage Agreement
WA	Western Australia
YLSC	Yamatji Land and Sea Council
YMBBMAC	Yamatji Marlpa Barna Baba Maaja Aboriginal Corporation

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