

YMAC's Application for Assistance process

This guide explains the standard process and associated timeframes for making an Application for Assistance to Yamatji Marlpa Aboriginal Corporation (YMAC).

YMAC will assess Applications for Assistance in accordance with its obligations under the *Native Title Act 1993 (Cth)* (NTA), and procedural fairness and natural justice principles. Please turn over for more information on YMAC's guidelines for assessing and prioritising Applications for Assistance.

1	Complete the Application for Assistance form	Complete all relevant sections of the Application for Assistance form. If you can't access the form online, please call our toll-free number 1800 270 709, or email applications@ymac.org.au and staff will arrange for it to be sent by post.
2	Submit application to YMAC CEO	Once complete, the Application for Assistance form – <u>and</u> any associated attachments – must be lodged with the YMAC Chief Executive Officer (CEO). Lodging an application can be done post, or by email to applications@ymac.org.au . An 'Acknowledgement of Receipt' will be provided by YMAC to the applicant within ten (10) business days of the Application for Assistance being lodged.
3	Application referred to Corporate Counsel	The YMAC CEO will refer the Application for Assistance to YMAC Corporate Counsel for processing within five (5) business days of acknowledging receipt.
4	Application is reviewed, with further information sought if needed	Within ten (10) business days of referral, YMAC Corporate Counsel in consultation with senior YMAC staff will review the Application for Assistance and determine if the Application for Assistance is ready to go to the YMAC Board of Directors as is, OR if further information is required from the applicant and/or from independent experts. This step may also involve referring the Application for Assistance to an independent external lawyer for advice on its merits, or to assess the cost estimate. If it is determined further information is required, Corporate Counsel will advise applicants of estimated time frames.
5	YMAC Board brief is prepared	YMAC Corporate Counsel (or allocated YMAC senior staff) prepares a brief and recommendation/s for the next available YMAC Board of Directors meeting . They will also advise the applicant of the expected assessment time frames.
6	YMAC Board decision	YMAC Board of Directors considers the Application for Assistance and makes a decision, that is: <ul style="list-style-type: none"> • Approve the Application for Assistance with or without conditions; or • Request further information; or • Decline the Application for Assistance.
7	Notification of Outcome	YMAC CEO Office will notify the applicant of the Board of Directors' decision within ten (10) business days.
8	Right of Review	If an applicant does not agree with the YMAC Board of Directors' decision, the applicant is entitled to seek a review of the decision. Visit the YMAC website for more information on the Internal Review process .

IMPORTANT

Upon request, YMAC can assist applicants – or liaise with external parties applying on their behalf – to complete the Application for Assistance form.

Further information including on categories of support, assessment and prioritisation of support is available on the Application for Assistance form.

All relevant sections of the Application for Assistance form must be completed for it to be assessed.

Lodging Applications for Assistance

By post: Chief Executive Officer
Yamatji Marlpa Aboriginal Corporation
PO Box 3072 EAST PERTH WA 6892

By email: applications@ymac.org.au

Support

Any questions about this guide or if you require assistance with your Application for assistance please call 1800 270 709.

ymac.org.au

ICN: 2001



YMAC's guidelines for assessing and prioritising Applications for Assistance

YMAC follows defined procedures and due diligence to process and prioritise Applications for Assistance. The main criteria for granting or maintaining assistance include and are not limited to those outlined below and considered altogether.

1. Compliance with the *Native Title Act 1993* (Cth)

2. Alignment with YMAC's Operational Plan (as approved by NIAA) and available funding.

Applications aligned with YMAC's Operational Plan will be given priority. For example, these may include conducting research for new native title claims or identifying compensable acts as part of a native title compensation application.

YMAC may determine insufficient resources are available to provide assistance, particularly if the scale and complexity of a matter would require allocation of budget at the expense of other native title activities outlined in YMAC's Operational Plan. Should funding under the current Operational Plan be inadequate, YMAC may, following assessment and due diligence, seek additional funding from the NIAA. Please note: YMAC cannot guarantee that NIAA will approve funding for any specific matter.

3. Likelihood of proposal merit or success.

Considerations include:

- Support from anthropological research for the claim group
- Legal prospects of success
- Applicant/claim group's authority and capacity to proceed
- Potential alternatives to litigation, such as research, mediation, or other dispute resolution with stakeholders.

4. Number of native title applications over the area.

YMAC will make all reasonable efforts to minimise the number of applications covering land and waters. If there are multiple native title applications in the Federal Court in relation to an area, YMAC may offer mediation, dispute resolution services and/or research assistance. YMAC will also consider whether not providing assistance would have any negative impacts for YMAC's constituents or Native Title Holders/Common Law Holders in general.

5. Overall effect or benefit

YMAC will consider the overall effect of the proposed activity on the broader spectrum of native title stakeholders. For example,

- will the activity help promote the resolution of any long-standing disputes;
- is it likely to result in stronger rights and benefits for Native Title Holders/Common Law Holders in general;

and/or

- will the activity clarify an unsettled aspect of the law or set a new precedent in relation to native title.

6. Authority of the requester

For example, does the applicant require approval from the relevant PBC/RNTBC.

7. Cost-effectiveness, efficiency; and consistency with other YMAC NTRB functions

Financial, resources, and strategic factors will be considered alongside the potential benefit to the applicant.

YMAC will also consider other effective ways to resolve issues, if providing assistance is the most appropriate and cost-effective option, and whether providing assistance is consistent with its other representative body functions, such as dispute resolution.

8. Urgency of the subject matter (e.g. Court Orders)

Are there any time limits related to the application, such as court orders, future act notices, or any other issues which YMAC considers create urgency?