



YMAC Application for Assistance Form

Important – please read this before you start filling in this form.

YMAC will assist individuals and/or groups to complete the Application for Assistance form or will liaise with the applicants' representatives (including external lawyers, consultants or supporting persons) applying on behalf of a group as required, upon request. Please call our toll-free number (1800 270 709) to request assistance if required.

PART A - Introductory Information

Yamatji Marlpa Aboriginal Corporation (**YMAC**) is a Native Title Representative Body (NTRB) established under section 203AD of the *Native Title Act 1993* (Cth) (**NTA**), and an incorporated body registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (**CATSI Act**).

YMACs representative areas covers the Yamatji (Mid West Murchison, Gascoyne) and Pilbara regions in Western Australia. YMAC provides assistance to Aboriginal people within those regions with regards to native title-related matters.

Much of the work undertaken for Aboriginal people by YMAC will fall under the Facilitation and Assistance Functions of the corporation under the NTA.

These functions are set out in section 203BB of the NTA and are as follows:

203BB Facilitation and Assistance Functions.

General

(1) The **facilitation and assistance functions** of a representative body are:

- (a) *to research and prepare native title applications, and to facilitate research into, preparation of and making of native title applications; and*
- (b) *to assist registered native title bodies corporate, native title holders and persons who may hold native title (including by representing them or facilitating their representation) in consultations, mediations, negotiations and proceedings relating to the following:*
 - (i) *native title applications*
 - (ii) *future acts*
 - (iii) *indigenous land use agreements or other agreements in relation to native title*
 - (iv) *rights of access conferred under this Act or otherwise*
 - (v) *any other matters relating to native title or to the operation of this Act.*

Under section 203BB(2) of the NTA, YMAC is not allowed to assist an Aboriginal group/person in relation to a matter unless it is asked for help by that Aboriginal group/person. Accordingly, Aboriginal groups/individuals who would like assistance from YMAC must complete this Application for Assistance form and submit it to YMAC.

YMAC has specific procedures that it follows for deciding whether assistance can be granted.



In general terms, YMAC will assist where:

1. The group's traditional Country falls partially or wholly within either YMAC's Yamatji or Pilbara region/s.
2. In relation to the research and preparation of a new native title application, YMAC will assist where:
 - (1) The group's claim is intended to be inclusive, so as to include all appropriate Aboriginal persons with native title rights or interests in the land or waters in question.
 - (2) The group's claim is or can be made representative, so that the applicants on the claim will be appropriately authorised by the native title claimant group in question.
 - (3) All available anthropological and historical evidence supports the validity of the claim.
 - (4) The preliminary legal view is to the effect that the claim has a likely prospect of success. In circumstances where YMAC is already acting for another group claiming native title over the same or part of the same area, independent legal advice would be sought on the merits of the claim.
3. In relation to a request for other research or assistance, YMAC will assist where:
 - The preliminary legal and anthropological view is that the applicant has a legitimate basis for the research or assistance sought.

Before and in submitting this Application for Assistance form, please note the following:

- (1) This form is primarily for new Applications for Assistance from YMAC. For existing YMAC clients, please speak with your staff contact before undertaking to complete this form.
- (2) All grants of assistance are provided on certain terms and conditions. YMAC may withdraw assistance at its reasonable discretion for any breach of the conditions of assistance.
- (3) The terms and conditions may vary from one grant of assistance to another depending on circumstances. Similarly, the kind and level of assistance that is provided may differ.
- (4) Under no circumstances will assistance include any expenses already incurred in the absence of any prior agreement in writing with YMAC.
- (5) Any assistance granted is subject to the availability of YMAC's resources, YMAC's continuing assessment of the relative priorities of activities under its NIAA (or such other government agency or department as may administer or perform the relevant functions from time to time) approved Operational Plan, the terms of the *Native Title Act 1993 (Cth)*, the terms of any other relevant legislation and any other reasonable factors.
- (6) Registered Native Title Bodies Corporate (RNTBCs, also commonly referred to as PBCs) interested in applying for PBC Basic Support Funding, please contact YMAC's Chief Financial Officer.
- (7) Completion of this Application for Assistance form does not necessarily mean that assistance will be granted.

YMAC also provides a range of specialised services including executive office, anthropological, heritage, social surrounds, land and sea management, and legal services to PBCs and Aboriginal Corporations incorporated under the CATSI Act. If you are seeking to engage YMAC to undertake services which are outside of s203BB Facilitation and Assistance Functions, please call YMAC on 1800 270 709.



PART B – Details of Application for Assistance

ALL Applicants for Assistance - please answer questions 1 through to 6, then address the questions related to your category, as indicated in the category table below.

1. What type of Assistance do you need? Please tick the relevant category in the right column/s below.

	Category of Assistance	Tick
(a)	Research, prepare and file new native title claim <i>(please answer questions 1 – 11)</i>	
(b)	Research, prepare and file new compensation claim <i>(please answer questions 1 – 11, <u>except</u> question 9)</i>	
(c)	Variation of a native title determination (please answer questions 1 – 7 and then question 12)	
(d)	Apply to join as respondent party to a native title claim <i>(please answer questions 1 – 7 and then question 12)</i>	
(e)	Mediate intra/inter Indigenous dispute <i>(please answer questions 1 – 6 and then question 12)</i>	
(f)	Funding support to hold any of the following meetings (please tick as appropriate) <input type="checkbox"/> Claim group Authorisation Meeting <input type="checkbox"/> Common Law Holders' meeting <input type="checkbox"/> Native title Applicant meeting <input type="checkbox"/> Other (please list and provide details in the OTHER box on following page): <i>(please answer questions 1 – 7 and then question 12)</i>	
(g)	Funding support for contested litigation <i>(please answer questions 1 – 7 and then question 12)</i>	
(h)	Future Acts (for example, lodge objections to expedited procedure applications, negotiate s.31 agreement or ILUA etc) <i>(please answer questions 1 – 7 and then question 12)</i>	
(i)	Non-financial support (for example, Project Officer assistance or other logistical support) <i>(please answer questions 1 – 7 and then question 12)</i>	
(j)	Registered Native Title Body Corporate (RNTBC, also commonly referred to as PBC) Membership advice <i>(please answer questions 1 – 7 and then question 12)</i>	
(k)	Other (for example, changes to RNTBC Rule Book) (please provide details in the box on following page) <i>(please answer questions 1 – 7 and then question 12)</i>	



OTHER detail – if you ticked 'other' for categories (f) or (k), please provide details below:

2. Urgency

Is your Application for Assistance **URGENT** **NON-URGENT**

If urgent, please provide details including any relevant timeframes or court orders.

Please note: YMAC has delegated authority to approve urgent Applications for Assistance in certain circumstances.

Details of urgency (if applicable)



3. Details of person(s) applying for Assistance

Name of person(s) applying for assistance:	
Name of individuals, group, or Registered Native Title Body Corporate (RNTBC) on whose behalf assistance is being requested:	
Has the group already lodged a native title claim or claims?	<input type="checkbox"/> YES (If Yes , please provide details) <input type="checkbox"/> NO

4. Address for correspondence of person(s) applying for Assistance

Address (residential):	
	Postcode:
Address (postal):	
	Postcode:
Telephone (mobile):	
Telephone (home):	
Telephone(work):	
Email:	



5. Solicitor, Consultant or Supporter details (where applicable)

Name:	
Name of organisation:	
Occupation/Expertise	
Address (postal):	Postcode:
Telephone:	
Email:	

6. Previous Assistance

6 (a) Previous Assistance you have received.

Have you previously received advice or help (including anthropological or financial assistance) in relation to the subject matter of this Application for Assistance from anyone? (Such as from another native title representative body, or a resource company)?

- YES (If **Yes**, please complete Question **6b.** below)
- NO (If **No** go Question 7)

6 (b) Details of previous Assistance

Please provide details of any previous Assistance that has been provided to you in relation to the subject matter of this Application for Assistance. Please also provide details of the person or organisation that provided that assistance in question 6 c below.



6 (c) Details of person or organisation that has previously provided assistance to you in relation to the subject matter of the Application for Assistance.

	Details
Name of organisation:	
Occupation/Expertise	
Address (postal):	Postcode:
Telephone:	
Email:	



- 7. Please detail your request for assistance in relation to the type of Assistance you are applying for (i.e. what categories you ticked in question 1 – items c – k). (For Assistance with native title claims (including compensation) please go to question 8).**



NOTE: Questions 8 – 11 are for applications for Assistance relating to native title and compensation claims only)

8. Application details (for native title claims, including compensation)

If you have already lodged an application (including for or a native title claim or compensation), please describe in detail where your claim has reached within the legal process. *The National Native Title Tribunal may be of assistance to you in answering this question. Please also provide relevant court orders if applicable. If you have not already lodged an application, write N/A.*

9. Details of proposed new application (for a native title claim or compensation)

*Note: Only complete this section if your application for assistance is in relation to a proposed **new** application for a native title or compensation claim.*

9 (a) Please specify the area that you wish to claim.

Be as specific as possible and attach maps if they are available. *The National Native Title Tribunal (nntt.gov.au) may be able to help you with mapping assistance.*



9 (b) Please explain/describe who the people are within your proposed native title claim group.

Be as specific as possible. You may wish to attach genealogies, or other relevant research information.

10. Details required for applications in relation to (any) native title claims

Who were the Traditional Owners from the proposed claim area as far back as you know?

Please say how you know this information including what your old people taught you. You can also speak to our researchers and provide this information to them if you are more comfortable doing that.



11. Other claimants

11(a) Are there any other Aboriginal people or groups (other than the people described in question 9 (b) that you know of, who hold or claim to hold traditional connections in the proposed claim area that you are claiming?

YES (If **Yes**, please fill in the box below) NO (If **No** go Question 12)

If you answered yes to 11(a), have you discussed your claim with those people or groups? What was the outcome of those discussions? Please provide any information you have about those other peoples' connections to the area.

11 (c). Is the proposed claim intended to include all of the people who have traditional connection and may hold native title rights and interests in the area? Please describe what action has been taken to ensure that your claim includes all the right people for the Country in question.



Yamatji Marlpa
ABORIGINAL CORPORATION



12. Please provide any other information in support of your Application for Assistance, even if your Application for Assistance does not relate to a specific claim.

A large, empty rectangular box with a thin black border, intended for providing additional information in support of the application for assistance.



13. STATEMENT OF PERSON(S) SEEKING ASSISTANCE

Before you sign this form, are all questions in this form **fully completed**? Assistance may not be approved if your application is incomplete. If space provided is insufficient, include additional material on a separate page and attach. Make sure all attachments are included.

YMAC may seek your permission to reveal some or all of the information on the form to government agencies in order to research your application. If there is any information you wish to remain confidential, please let us know, together with your reasons.

Once complete, the Application for Assistance form and any associated attachments must be lodged with the YMAC Chief Executive Officer (CEO) via post or emailed to applications@ymac.org.au . An acknowledgment of receipt will be provided by YMAC to the applicant within 10 business days.

Chief Executive Officer
Yamatji Marlpa Aboriginal Corporation
PO Box 3072,
EAST PERTH WA 6892

I/We certify the information in this application is, to the best of my/our knowledge, complete true and correct. I/We understand that any omission or false statement made in this application may result in YMAC rejecting the application, refusing, or withdrawing any assistance as the case may be.

I/We agree to YMAC making further enquiries about any statement, for the purposes of assessing this application including but not limited to contacting persons noted at 6c

I/We agree and consent to YMAC accessing relevant information that is held by YMAC including but not limited to anthropological materials subject to any additional permissions that YMAC is required to obtain such as from the relevant PBC.

I/We understand that by accepting and assessing this application, YMAC does not necessarily agree to provide assistance. Person(s) seeking assistance to sign below.

Person 1

Name:	Signature:	Date:

Person 2

Name:	Signature:	Date:



How are YMAC Applications for Assistance processed and prioritised?

Please refer to the [Application for Assistance Flowchart](#) on YMAC’s website (under Info Hub/YMAC Forms) for information on what happens

Applications are processed in order of submission/lodgement, noting the Applicant’s response to **Q2. Urgency** in this form, and completeness of information provided by the Applicant. If it is incomplete, this form may be returned to the Applicant for finalisation. YMAC may be able to assist you in finalising content.

Further information, including for example investigative research for native title and compensation claims, may also be required before the Application for Assistance can be presented to the YMAC Board of Directors. The CEO has delegated authority to allocate resources to investigative research.

Following Board approval, any assistance granted is subject to the availability of YMAC’s resources, YMAC’s continuing assessment of the relative priorities of activities under its NIAA (or such other government agency or department as may administer or perform the relevant functions from time to time) approved Operational Plan, the terms of the *Native Title Act 1993 (Cth)*, the terms of any other relevant legislation and any other reasonable factors.

INTERNAL YMAC OFFICE USE ONLY

Has assessment of conflict been undertaken?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Attachments received (if stated)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Date application received		