

Application for Assistance Form

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* (Cth) (CATSI Act).

As an NTRB, YMAC carries out its statutory functions (under the NTA) by providing support for **native title matters** to Prescribed Bodies Corporate (PBCs)¹, and First Nations people and groups within the **Pilbara** (Marlpa) and **Geraldton** (Yamatji – comprising Mid West, Gascoyne and Murchison) regions of Western Australia.

Much of YMAC's work as an NTRB falls under the 'Facilitation and Assistance Functions' of the NTA, as set out under section 203BB:

203BB Facilitation and Assistance Functions

- (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.*

If at any time you need help completing the form, YMAC can provide support. To request assistance, please call YMAC on 1800 270 709.

Alongside these NTRB functions, YMAC also offers a variety of specialised, fee-based services designed for Native Title Holders/Common Law Holders, PBCs, and other Aboriginal corporations. These include (but are not limited to): heritage services; executive office and governance services; IT, administration and accounting services; anthropological and research services; and natural resource management support.

Further, PBCs interested in applying for 'PBC Basic Support Funding', please do not use this form.

To discuss any of these additional services – which are separate from our NTRB functions – and/or applying for 'PBC Basic Support Funding', please contact YMAC's Project Manager, Governance in the first instance by calling 1800 270 709.

¹ Note, YMAC uses the term "PBC" to refer to both Prescribed Bodies Corporate (PBCs) and Registered Native Title Bodies Corporate (RNTBCs), in line with terminology regularly used in the native title sector.

Part A – Introductory information continued

To seek assistance from YMAC for native title matters, please complete and submit the form at **Part B – Details of Application for Assistance** of this document².

Before filling in the form, please review the information at **Part A – Introductory information** of this document. This section contains important details to help you better understand the process and requirements.

We also recommend reviewing the [YMAC's Application for Assistance Process](#) document, which provides further information on this process, including the various stages of assessment and prioritisation, as well as associated timeframes.

Further, *when completing and submitting the form*, please note:

1. This form is for new Applications for Assistance only. If you are already receive assistance from YMAC, please speak to your YMAC staff contact before completing the form.
2. The form must be completed in full. The processing of an Application for Assistance request will be delayed where this form is not properly completed – and assistance may not be approved if the application is incomplete.
3. YMAC may seek your permission to reveal some or all of the information on the form to government agencies to research your application. If there is any information you wish to remain confidential, please let us know, together with your reasons.
4. All grants of assistance are provided on certain terms and conditions which will be provided to the applicant where funding is approved. YMAC may withdraw assistance at its reasonable discretion for any breach of the conditions of assistance or if the National Indigenous Australians Agency (NIAA) funding is no longer available. The terms and conditions may vary from one grant of assistance to another depending on circumstances. Similarly, the type and level of assistance that is provided may differ. Any decision to provide assistance does not bind YMAC to providing similar assistance or further assistance.
5. Retrospective funding is not provided. In the absence of any prior agreement in writing with YMAC, under no circumstances will assistance be provided for funding or payment for any expenses already incurred.
6. Any assistance granted is subject to the availability of YMAC's resources. This includes the relative priorities of activities, any changes made to these priorities and/or available funding under YMAC's Operational Plan (as approved by NIAA) (or such other government agency or department which may administer or perform the relevant functions from time to time), as well as the terms of the NTA or any other relevant legislation, and any other reasonable factors.
7. Completion and submission of the form does not mean that assistance will be granted.

If at any time you need help completing the form, YMAC can provide support. To request assistance, please call YMAC on 1800 270 709.

For details on what happens *following* YMAC receiving a completed Application for Assistance form, please review the information provided at **Part C – Assessment and notification of outcome** of this document.

² 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.

Part B – Details of Application for Assistance

1. What type of assistance do you need?

Please tick the relevant category in the right-hand side column below.

	Category of Assistance	Tick
(a)	<p>Native title claim</p> <p><input type="checkbox"/> Research, prepare and file a new native title claim</p> <p><input type="checkbox"/> Variation of a native title determination</p> <p><input type="checkbox"/> Apply to join as respondent party to a native title claim</p> <p><input type="checkbox"/> Funding support for contested litigation</p> <p><input type="checkbox"/> Non-financial support (for example, Project Officer assistance or other logistical support)</p>	
(b)	<p>Conduct initial assessment of proposed compensation claim, including:</p> <p><input type="checkbox"/> Identification and assessment of compensable acts</p> <p><input type="checkbox"/> Consideration of cultural loss</p> <p><input type="checkbox"/> Consultation with and consent of common law holders</p> <p><input type="checkbox"/> Prepare and file a new compensation claim</p> <p><input type="checkbox"/> Funding support for contested litigation</p> <p><input type="checkbox"/> Non-financial support (for example, Project Officer assistance or other logistical support)</p>	
(c)	<p>Funding support to hold any of the following meetings (please tick as appropriate)</p> <p><input type="checkbox"/> Claim group authorisation meeting</p> <p><input type="checkbox"/> Native Title Holders'/Common Law Holders' meeting</p> <p><input type="checkbox"/> Native title applicant meeting</p> <p><input type="checkbox"/> Other (please list and provide details in the OTHER box on following page)</p>	
(d)	Mediate intra-/inter-native title dispute	
(e)	Future acts (for example, lodge objections to expedited procedure applications, negotiate s.31 agreement or ILUA etc)	
(f)	Prescribed Body Corporate (PBC)/Registered Native Title Body Corporate (RNTBC) membership advice	
(g)	Other (for example, changes to RNTBC Rule Book) (please provide details in the box on the following page)	

Part B – Details of Application for Assistance continued

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

2. Urgency

A. Is your Application for Assistance: URGENT NON-URGENT

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

Details of urgency (if applicable)

For example, are there court orders that need to be complied within a short timeframe? Please provide all documentation.

3. Details of claim

For native title claims, including compensation

The information we are asking you to provide in this question is required for YMAC to progress an Application for Assistance. Your responses will assist YMAC to determine the potential merit and likelihood of success of a native title or compensation claim in the Federal Court.

Please provide the following information about your claim:

- A. If you have already commenced proceedings in the Federal Court of Australia, please describe in detail what stage the matter has reached within the legal process.
- B. If this is a new claim, please be as specific as possible on both:
 - (a) the area that you wish to claim (attaching maps if available), and
 - (b) who is in your claim group.

Part B – Details of Application for Assistance continued

- C. Please explain/describe the Traditional Owners of the proposed claim group. Be as specific as possible.
- (a) For claims already lodged, you may wish to attach genealogies, or other relevant research information.
 - (b) For new claims, please also include how you know this information, including what your old people taught you. **You may wish speak to YMAC's Research team (research@ymac.org.au) and provide this information to them if you are more comfortable doing that.**
 - (c) Include any other First Nations people that you know who hold – or may hold – traditional connections in the proposed claim area that you are claiming.
 - (d) **The National Native Title Tribunal may also be of assistance to you in answering this question, including help with finding maps.**
 - (e) Please also provide relevant court orders if applicable.

If the space provided is insufficient, include additional material on a separate page and attach.

Details of claim/s.

Part B – Details of Application for Assistance continued

4. What is your request for?

- A. Insert total funding amount being requested.
- B. Details. State your request, the type of assistance needed, specific services required, and a detailed budget with all proposed costs and expenses if seeking financial support.
- C. Documents. List and attach all relevant supporting documents. Make sure all attachments are included.

For example: see attached Schedule/Excel Spreadsheets (_ pages), dated __/__/__

If the space provided is insufficient, include additional material on a separate page and attach.

A. Funding Amount: \$ _____

B. Details:

C. Documents:

Part B – Details of Application for Assistance continued

5. Assistance already received

Have you already received advice or help (including anthropological or financial assistance) in relation to this application?

- NO (If no go Question 6)
- YES (Please provide details of any previous assistance you have received in relation to this application, including details of the person or organisation who provided that assistance.)

Details of information or services already provided:

Details of information or services already provided:	
Name of organisation:	
Occupation/expertise:	
Address (postal):	Postcode:
Telephone:	
Email:	

Part B – Details of Application for Assistance continued

6. Other information

- A. Please provide any other relevant information in support of your Application for Assistance, even if your application does not relate to a specific claim. If available, provide a legal opinion from a barrister with relevant expertise regarding the likelihood of success of the matter.
- B. You may like to include the following as attachments, and note them in the box below:
- A spreadsheet of estimated costs related to the application, including quotes
 - Court documents and orders
 - Any submissions.
- C. If the assistance being requested relates to compensation, does the applicant have the authorisation of the PBC for the determination area? If so, please provide the relevant resolution from the PBC Board.
- D. If there is no further information to be provided, please write 'No further information' in the box below.

If the space provided is insufficient, include additional material on a separate page and attach. Make sure all attachments are included.

Part B – Details of Application for Assistance continued

7. Applicant contact details

Primary contact:

Name of person applying for assistance:	
Name of individuals, group, or RNTBC on whose behalf assistance is being requested:	
Street address:	Postcode:
Postal address (if different from street address):	Postcode:
Telephone (mobile):	
Telephone (work):	
Email address:	

Secondary contact (if applicable):

Name of person applying for assistance:	
Name of individuals, group, or RNTBC on whose behalf assistance is being requested:	
Street address:	Postcode:
Postal address (if different from street address):	Postcode:
Telephone (mobile):	
Telephone (work):	
Email address:	

Part B – Details of Application for Assistance continued

8. Solicitor, consultant and/or supporter details (where applicable)

- A. Please provide details of any external lawyer, consultant, or other support person/group who is assisting you with this application. If no one is assisting you with this application, please leave it blank.

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

- B. Do you authorise YMAC to contact this person? YES NO

9. Sign and submit form

Before you sign this form and following declaration, please make sure all sections are **fully completed**.

Declaration

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 5 and 8.

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:

Part B – Details of Application for Assistance continued

SUBMIT FORM

Once complete, the Application for Assistance form and any associated attachments must be lodged with YMAC's Chief Executive Officer (CEO) via

Email: applications@ymac.org.au

OR

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

An acknowledgment of receipt will be provided by YMAC to the applicant within ten (10) business days of receipt.

INTERNAL YMAC OFFICE USE ONLY

Has assessment of conflict been undertaken? YES NO

Attachments received (if stated)? YES NO

Date application received: _____

PART C – Assessment and notification of outcome

Following receipt of a completed Application for Assistance form, YMAC follows defined procedures and due diligence to process and prioritise the requests made. The main criteria for granting or maintaining assistance include (but is not limited to) the below, which is considered altogether.

1. Compliance with the *Native Title Act 1993* (Cth) (NTA)
2. Alignment with YMAC's Operational Plan (as approved by NIAA) and available funding
3. Likelihood of proposal merit or success
4. Number of native title applications over the area
5. Overall effect or benefit
6. Authority of the requester
7. Cost-effectiveness, efficiency; and consistency with other YMAC NTRB functions
8. Urgency of the subject matter (e.g. Court Orders).

Please refer to the [YMAC's Application for Assistance Process](#) document for more information on the above listed criteria, as well as additional details about how applications are assessed and prioritised, and the associated timeframes (where applicable).

Completed applications received are then processed in order of their receipt by YMAC, with consideration then given to the applicant's response to the included question on 'Urgency'. If the application is incomplete, the form may be returned to the applicant for finalisation (which will delay its assessment and any notification of outcome).

Further, in some cases – for example, requests relating to native title claims, including compensation – YMAC may need to undertake investigative research before an application can be presented to YMAC's Board of Directors for consideration. However, to help ensure timely responsiveness, YMAC's CEO holds delegated authority to allocate resources for such investigative research.

YMAC's Board of Directors – who ultimately consider and provide a decision on each completed Application for Assistance received – [meet several times throughout each year](#).

Applicants will be advised of the outcome of the Board's decision within ten (10) business days of the meeting date when their application was considered. This notification of outcome may:

- Approve the application (with or without conditions)³
- Request further information from the applicant
- Deny the application.

If an applicant is not satisfied with YMAC's decision in relation to their application, a request for a Statement of Reasons from the YMAC Secretary can be made. This must be done in writing, clearly addressed to the YMAC Secretary, and submitted via

Email: ceo@ymac.org.au

OR

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

If the applicant is still not satisfied after receiving the Statement of Reasons, they can submit an [Application for Internal Review](#) to be undertaken by the YMAC Board of Directors within 28 days of the response to the Statement of Reasons. Following this, if the applicant is still not satisfied, they may have the right to have the whole process reviewed in an External Review.

³ Following an approval, any assistance granted is subject to the availability of YMAC's resources. This includes the relative priorities of activities, any changes made to these priorities and/or available funding under YMAC's Operational Plan (as approved by NIAA) (or such other government agency or department which may administer or perform the relevant functions from time to time), as well as the terms of the NTA or any other relevant legislation, and any other reasonable factors.