

YAMATJI NATION INDIGENOUS LAND USE AGREEMENT FREQUENTLY ASKED QUESTIONS

What is the Yamatji Nation ILUA?

The Yamatji Nation Indigenous Land Use Agreement (ILUA), between the State Government and the Yamatji Nation Native Title holders, resolves the State Government's native title compensation liability in relation to 48,000 square kilometres of land in the State's mid-west region. The Agreement provides the people of the Yamatji Nation with a package of benefits that compensates them for acts that have impaired or extinguished their native title. It is designed to support the development of sustainable economic independence and self-determination for current and future generations of Yamatji people.

Who is the Yamatji Nation?

The Yamatji Nation are the native title holders for the Agreement area. They are made up of the Yamatji Nation, Southern Yamatji, Hutt River, Mullewa Wadjari and Widi Mob native title claim groups.

Is there any recognition of native title included in the agreement?

Yes, non-exclusive possession native title has been recognised over culturally significant parcels of land in the Agreement area. These include portions of the former Barnong, Menai Hills and Kadji Kadji pastoral leases, parcels of land near the Wandana Nature Reserve, as well as Lucky Bay and eight Aboriginal Lands Trust properties.

What is the value of the agreement?

The Agreement, which includes cash, land and economic development opportunities, has been valued at \$442 million. This figure is exclusive of the value of Crown land that will be transferred under the Agreement and the potential value of the revenue streams to be directed to the Regional Corporation.

What are the benefits under the settlement?

The benefits under the settlement include:

- A cash component to be held in Trust for the Yamatji Nation people (\$325 million).
- Assets and economic development initiatives (\$70 million).
- Implementation costs (\$47.4 million).
- Recognition of Native Title over culturally significant parcels of land, with no future act rights in those areas.
- Transfer of land in the Agreement area including freehold, conditional freehold, crown reserve, commercial and industrial land.
- 35% of the annual rental from mining tenure in the Agreement area (for 10 years).
- 5% percent of the lease income from land within the Oakajee Industrial Precinct.
- Joint management and joint vesting of land within the Yamatji Conservation Estate and 14 Aboriginal Ranger positions.

- Agreed measures for the protection of Yamatji Culture and Heritage.

Where will the allocation of water come from?

The Strategic Aboriginal Water Reserve established under the ILUA will reserve 25 gigalitres per year of available water not yet allocated. The water will be drawn from 17 aquifers across the Agreement area. The aquifers currently contain around 82 gigalitres of available water.

What happens to future acts in the area now?

When the Agreement is conclusively registered, the future act regime will no longer apply throughout the entirety of the Agreement area. Until that time, the underlying claims will retain their existing future act rights.

What is the status of agreements already entered into with the native title claimants?

All existing agreements remain in force.

Are existing interests protected?

To balance interests in land, and ensure there is minimal disruption to mining and extraction activities in the region, the Agreement includes protective mechanisms for mining and petroleum tenement holders. Existing interests on land proposed to be transferred to the Regional Corporation are captured in the Agreement to ensure ongoing, uninterrupted activities of tenement holders. The Agreement also includes a clear administrative procedure for future tenements applied for on land that has been transferred to the Regional Corporation.

Who will receive benefits under the ILUA?

The people of the Yamatji Nation will be the beneficiaries under the Yamatji Nation ILUA. The funds and assets will be held in a Charitable Trust and will be managed and grown through established governance structures. The Regional Corporation will invest in economic development opportunities for the benefit of the Yamatji community. There will be no individual payments under the Agreement.

What is the benefit to Government?

The Agreement resolves the State Government's native title compensation liability in relation to 48,000 square kilometres of land in the Mid-West, including Geraldton. It also provides much needed economic stimulus for the Mid-West region.

What are the entities to be established?

The governance structure comprises four key Yamatji Entities:

- The Yamatji Nation Southern Regional Corporation,
- An Economic Arm which will sit under the Regional Corporation
- The Prescribed Body Corporate, the Bundi Yamatji Aboriginal Corporation

- A Charitable Trust managed by Joint Trustees comprised of a Licensed Trustee and a Yamatji Trustee.

These entities will look after the money and other benefits to be provided by the State under the Yamatji Nation ILUA.

What is the Yamatji Southern Regional Corporation?

The Yamatji Southern Regional Corporation (Regional Corporation) is the entity responsible for implementing the Yamatji Nation ILUA on behalf of the community. It is a company limited by guarantee under the *Corporations Act 2001*. All Yamatji Nation people are entitled to become members of the Corporation. It will set the Yamatji Nation Strategic Plan, ensure compliance with the ILUA and undertake management activities in relation to managed reserves and conservation areas. In consultation with the Cultural Authority, the Regional Corporation will also have responsibility for country, culture and community outcomes.

What is the Economic arm?

The Economic arm is one of the structures established to manage the benefits arising from the Yamatji Nation ILUA. Twenty percent of the settlement funds will be allocated to an Economic Development Fund and managed by the Economic arm of the Regional Corporation, to advance self-determination within the Yamatji Nation. The role of the Economic Arm is to grow the economic, land and financial assets and build the wealth of the Yamatji Nation. It will support and develop businesses owned by the Yamatji Nation and create employment and business opportunities for Yamatji Nation people.

What is the Bundi Yamatji Aboriginal Corporation?

The Bundi Yamatji Aboriginal Corporation (BYAC) is the Prescribed Body Corporate (PBC) for the Yamatji Nation native title holders. When a native title determination is made, the Native Title Act 1993 (Cth) requires that a PBC be established to manage and protect the native title rights and interests. The PBC will be incorporated under the Corporations (Aboriginal and Torres Strait Islander) Act 2006.

What is the Yamatji Charitable Trust?

The Yamatji Charitable Trust will be established to protect the cash and non-cash benefits received as part of the settlement, for current and future generations of Yamatji people. It will ensure that distributions are made in accordance with the Regional Corporation's Strategic Plan for the benefit of members and country. It will also be subject to the restrictions that apply under Australian charity law. The Trust will include the following funds:

- Future Fund
- Economic Development Fund
- Land Fund
- Administration Fund
- General Fund

What are the Joint Trustees?

For the first 10 years, the Charitable Trust will have a fully licenced trustee company acting jointly with a Yamatji trustee. The capacity of the Yamatji trustee will be built during this period with a view to transitioning to a sole Yamatji trustee, subject to a review after year 10. The formal handover process must not be completed in less than two years.

What are the governance protections?

The Joint Governance Principles and the Governance Framework governing the Regional Corporation reflect both best practice governance standards and flexibility to be responsive to economic opportunities. Funds will only be released by the Joint Trustee when an investment proposal, a due diligence report and business plan for the use of the funds has been approved in accordance with the governance arrangements.

Who can become a member/Director?

Membership to the Regional Corporation is open to everyone who is a member of the Yamatji Nation. To become a member, you must fill out a membership form. The form can be obtained by emailing yamatjicentral@outlook.com. Yamatji Nation members may also nominate to become a Director. Email executiveofficer@fdio.com.au to register your interest. The nomination will be considered by the nominations committee, who will assess applications against a set of agreed criteria, including qualifications and experience

What will happen next?

The ILUA has been submitted to the National Native Title Tribunal for registration as an Indigenous Land Use Agreement. When the Agreement is conclusively registered, the benefits will begin to flow to the community, through the Regional Corporation.