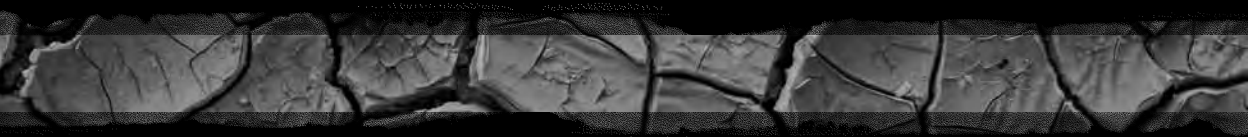


Native Title Claim Updates

Yamatji Region



Amangu

The Amangu native title claim covers approximately 27,388 kilometres of land and sea in the Gascoyne/ Murchison region. It lies in the City of Geraldton and the Shires of Carnamah, Chapman Valley, Greenough, Irwin, Mingenew, Morowa, Mullewa, Northampton, Perenjori, Three Springs and Yalgoo.

Native Title Claim Progress: At the start of the reporting period the Amangu claim was overlapped by the Naaguga, Taylor, Franks, Widi Mob, Widi Binyardi and Mullewa Wadjari claims. YMAC made significant progress during the year towards resolving some of these overlap issues.

On 24 June 2008, YMAC made submissions to the Federal Court in the then unregistered Taylor, Widi Mob and Widi Binyardi claims, pursuant to s 190F(5) and (6) of the Native Title Act. These sections were introduced into the Act by the amendments made in June 2007. YMAC's submissions referred to its discussions with the state and other parties about a proposed Alternative Settlement Agreement under s86F of the Act, to resolve native title claims in the Southern Yamatji region, and the potential impact of the unregistered claims on those discussions. On 12 November 2008, the Federal Court ordered that the Taylor, Widi Mob and Widi Binyardi claims be dismissed. The Widi Mob claim was subsequently given leave to file an amended claim.

YMAC made submissions to the Federal Court in relation to the Franks claim, pursuant to s84D of the Native Title Act. YMAC's submissions are in support of orders that the Franks claim provide evidence to the Court as to its proper authorisation. The Federal Court adjourned YMAC's application to enable the parties to explore a negotiated settlement. YMAC met with the applicants for the Franks claim in July 2009 and good progress has been made with a negotiated settlement likely. The Federal Court has adjourned the matter to 17 December 2009.

Future Act Developments:

There are a number of large negotiations underway in relation to infrastructure, including for the Oakajee Port and Rail and a mining company's proposed infrastructure for the mine.

During the reporting period, YMAC assisted the Amangu to negotiate both heritage, and comprehensive native title agreements in a range of matters including for mining, infrastructure and petroleum exploration companies.

Additional Progress: YMAC assisted the Amangu during the reporting period to prepare for the establishment of the Amangu Trust. It is expected an Amangu Trust will be established in the second half of 2009.

FaHCSIA Meetings:

23	Aug 2008	Community Meeting
27	Oct 2008	Working Group Meeting
28	Jan 2009	Community Meeting
26	Feb 2009	Working Group Meeting

Additional Meetings:

8	Oct 2008	Future Act Negotiation Meeting
18	Nov 2008	½ Day Working Group Meeting, ½ Day Negotiation Meeting
03	Dec 2008	Future Act Negotiation Meeting
27	Jan 2009	½ Day Working Group Meeting, ½ Day Negotiation Meeting
02	April 2009	Future Act Negotiation Meeting



Amangu country.

Amangu, Hutt River and Naaguja (Geraldton Claim Negotiation)

YMAC represents the Amangu, Naaguja and Hutt River native title claims, which cover an area of approximately 34,000 square kilometres in the Southern Yamatji region. The external boundary of the three claims extends from Northampton, south to Eneabba, and east to Perenjori and Yalgoo

Native Title Claim Progress: YMAC has been in discussions with the State about the potential for an alternative settlement of the claims in this region under s86F of the Native Title Act. YMAC has conducted research relevant to the Amangu, Naaguja and Hutt River claims for the purpose of an alternative settlement.

In addition to the Amangu, Naaguja and Hutt River native title claims, there are five other native title claims that overlap parts of the Alternative Settlement area.

In May of this year YMAC received notice from the Office of Native Title stating that it was prepared to enter into negotiations regarding the Alternative Settlement. As part of the negotiations, a package of land and other benefits would be negotiated instead of native title.

YMAC has made substantial progress towards an Alternative Settlement Agreement during the reporting period, with further negotiations and meetings scheduled for 2009/10.

Badimia

The Badimia native title claim covers approximately 36,129 square kilometres of land in the Geraldton region. It lies in the Shires of Cue, Dalwallinu, Menzies, Mount Magnet, Mount Marshall, Perenjori, Sandstone, Yalgoo and Yilgarn in the Gascoyne/Murchison region.

Native Title Claim Progress: The State government advised YMAC that connection material provided to date did not meet the State's guidelines. However, the State indicated that with the provision of some "further targeted information" it was possible that the requirements for those guidelines may be met.

YMAC provided that further information in June, by way of an oral presentation to the State and the Office of Native Title (ONT) by YMAC's appointed anthropologist. Unfortunately, the State's reply to our final presentation was that the connection material we have provided still does not meet the State's guidelines and, accordingly, the State has refused to make a positive determination on the Badimia Native Title claim. YMAC will continue

to support and advise the Badimia claimants on available options and next steps.

Future Act Developments: During the reporting period, the Badimia applicants entering into seven "small-scale" mining agreements with various miners and prospectors. There is also a current mining agreement with the Asia Iron Holdings and Mt Gibson partnership, in relation to an iron ore mining project.

FaHCSIA Meetings:

19	July 2008	Community Meeting
13	Aug 2008	Working Group Meeting
14	Aug 2008	Working Group Meeting
03	Dec 2008	Working Group Meeting
04	Dec 2008	Working Group Meeting
18	Mar 2009	Working Group Meeting
19	Mar 2009	Working Group Meeting

Additional Meetings:

23	Jan 2009	½ Day Working Group Meeting, ½ Day Future Act Negotiation Meeting
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Budina

The Budina native title claim covers approximately 4,096 square kilometres of land in the Gascoyne/ Murchison region. It lies in the Shires of Ashburton, Carnarvon and Upper Gascoyne.

Native Title Claim Progress: In June 2009, the group commenced connection research with a consultant anthropologist. The Budina claim group attended a scoping conference convened by the National Native

Title Tribunal with the respondents to their claim, where they discussed entering into negotiations towards Indigenous Land Use Agreements with pastoralists.

FaHCSIA Meetings:

31	Oct 2008	Community Meeting
29	June 2009	½ Day NNTT Scoping Conference
29	June 2009	½ Day Working Group Meeting

Eastern Portion of Representative Area

Native Title Claim Progress: No work to date has been conducted in relation to this area. It is proposed to retain a consultant to conduct preliminary anthropological research on this area in the 09/10 financial year.



Gnulli

The Gnulli native title claim covers approximately 87,876 square kilometres of land and sea in Gascoyne/ Murchison region. It lies in the Shires of Ashburton, Carnarvon, Exmouth, Shark Bay and Upper Gascoyne.

Native Title Claim Progress: Gnulli have been looking forward to the commencement of their connection research. On the final day of the reporting period, YMAC's consultant anthropologist commenced his research trip.

Future Act Developments: The working group has been working hard to progress the steady amount of major and minor future acts that are taking place within the Gnulli claim. The Gnulli working group has consistently raised concerns for Aboriginal heritage protection and have also conducted a number of heritage surveys over the year.

FaHCSIA Meetings:

30	July 2008	Working Group Meeting
16	Oct 2008	Working Group Meeting
25	Nov 2008	Community Meeting
25	Mar 2009	Working Group Meeting

Additional Meetings:

05	Aug 2008	Future Act Negotiation Meeting
17	Sep 2008	Future Act Negotiation Meeting
18	Sep 2008	Future Act Negotiation Meeting
30	June 2009	NNTT Scoping Conference



Hutt River

The Hutt River claim covers approximately 5,893 square kilometres of land and sea in the Gascoyne/ Murchison region. It lies in the Shires of Chapman Valley and Northampton.

Native Title Claim Progress: Hutt River has been considering an alternative settlement with the State of Western Australia. Members are interested in seeing how this unfolds over the coming year.

Future Act Developments: The Hutt River working group have considered and entered into 5 agreements heritage agreements (affecting 7 tenements) for exploration within the Hutt River claim.

FaHCSIA Meetings:

26	Sep 2008	Working Group Meeting
03	Nov 2008	Working Group Meeting
18	May 2009	Working Group Meeting
18	June 2009	Community Meeting



Malgana

The Malgana claim covers approximately 36,072 square kilometres of land and sea in the Gascoyne/Murchison region. It lies in the Shires of Carnarvon, Murchison, Shark Bay and Upper Gascoyne.

Native Title Claim Progress: The Malgana claim group held a scoping conference convened by the National Native Title Tribunal with the respondents to their claim, including a number of pastoralists and the Western Australia Fishing Industry Council. The Malgana community meeting, held in February 2009, was well attended by the community and very productive. They have been working to progress the negotiations over Dirk Hartog Island, and have been discussing the establishment of a corporation and/or trust for their claim group.

Future Act Developments: The Malgana claim group has entered into approximately 15 heritage agreements in the last twelve months, and continue to work hard to protect their heritage sites, particularly in areas of high development.

FaHCSIA Meetings:

16	July 2008	Working Group Meeting	FaHCSIA
10	Dec 2008	Working Group Meeting	FaCSIA
21	Jan 2009	Working Group Meeting	FaSCIA
10	Feb 2009	Community Meeting	FaCSIA
22	April 2009	Working Group Meeting	FaCSIA

Additional Meetings:

15	July 2008	Future Act Negotiation Meeting
09	Dec 2008	Future Act Negotiation Meeting
21	April 2009	NNTT Scoping Conference



Malgana country.

Nanda

The Nanda native title claim covers approximately 23,110 square kilometres of land and sea in the Gascoyne/Murchison region. It lies in the Shires of Chapman Valley, Mullewa, Murchison, Northampton and Shark Bay.

Native Title Claim Progress: Funding is still being provided for the preparation of a connection report. To date, the focus on genealogies by several members of the working group has deflected any investigation into the strength of this claim against the current native title legal requirements for a determination of native title. YMAC engaged an anthropologist who has been conducting interviews with Nanda people on country for some time and is close to completing research. Following completion of the Connection Report, YMAC will convene a community meeting to consider the makeup of the working group, the results of the connection report and the future direction of the Nanda claim group.

FaHCSIA Meetings: nil*

** In August 2008, the YMAC Board of Directors considered the issues regarding the Nanda working group, particularly the inability to conduct regular and effective meetings. It passed a resolution to withdraw YMAC's services and funding for future acts and heritage matters, but will continue to provide funding for the preparation of a connection report. In March 2009, the Yamatji Regional Committee recommended that Nanda working group meetings resume, provided that members and their proxies comply with certain conditions, including the signing of a code of conduct. Only one working group member formally responded and, as such, working group meetings have remained suspended until further notice.*



Nanda country.

Naaguja

The Naaguja claim covers approximately 5,581 square kilometres of land and water in the Gascoyne/ Murchison region. It lies in the City of Geraldton and the Shires of Chapman Valley, Greenough, Irwin, Mullewa and Northampton. It includes the town site of Geraldton.

Native Title Claim Progress: see 'Geraldton Claim Negotiation' page 32.

Future Act Developments: The reporting period saw Naaguja applicants sign a native title commercial agreement with a mining company which is seeking to develop mining operations at Extension Hill. Compensation and benefits to the Naaguja people under the agreement include financial benefits, employment and contracting opportunities and Aboriginal cultural awareness training for MGMP employees.

The largest future acts project currently planned on Naaguja country is the Oakajee Port and Rail infrastructure project. Discussions are also underway to finalise a draft heritage protocol and draft negotiation framework agreement.

FaHCSIA Meetings:

- 16 Sep 2008 Working Group Meeting
- 23 April 2009 Working Group Meeting
- 24 April 2009 Community Meeting

Additional Meetings:

- 08 Oct 2008 Future Act Negotiation Meeting
- 27 Jan 2009 ½ Day Working Group Meeting, ½ Day Future Act Negotiation Meeting
- 23 June 2009 Future Negotiation Meeting



Naaguja country.

Thudgari

The Thudgari native title claim covers approximately 11,280 square kilometres of land in the Gascoyne/ Murchison region. It lies in the Shires of Ashburton, Carnarvon and the Upper Gascoyne.

Native Title Claim Progress: The priority for the Thudgari claim for the reporting period has been to progress towards a consent determination of native title. This has involved the working group and claim group holding a number of meetings to address issues such as the draft form of a determination, negotiation of Indigenous Land Use Agreements with pastoralists, and the establishment of a Prescribed Body Corporate. Significant progress has been made towards the consent determination, which is expected to occur in the next financial year.

Future Act Developments: Towards the end of the 2008-09 financial year, the Thudgari claim group voted to change the way it handles its future acts and heritage matters, and these matters are now being dealt with by a third party corporation. YMAC is therefore no longer responsible for providing future acts or heritage services, but remains the solicitor on the record.

FaHCSIA Meetings:

24	Nov 2008	Working Group Meeting
25	Nov 2008	Working Group Meeting
26	Nov 2008	NNTT Mediation Meeting
27	Nov 2008	Working Group Meeting
09	Mar 2009	Working Group Meeting
23	Jun 2009	Community Meeting
24	Jun 2009	Community Meeting



Thudgari country.

Wajarri Yamatji

The Wajarri Yamatji native title claim covers approximately 100,701 square kilometres of land in the Gascoyne/Murchison region. It lies in the Shires of Chapman Valley, Cue, Meekatharra, Mount Magnet, Mullewa, Murchison, Northampton, Shark Bay, Upper Gascoyne and Yalgoo. This claim combines the Wajarri Elders and the Ngonooru Wadjari claims.

Native Title Claim Progress: During the reporting period, the Wajarri Yamatji claimants have also moved further along the path to native title. YMAC's consultant anthropologist spent many months in the region researching and drafting a Connection Report for presentation to the State. The Wajarri Yamatji working group also commenced discussions in 2009 (under the auspices of the NNTT) with the Mullewa Wadjari claim to resolve a large overlap.

Future Act Developments: The Wajarri Yamatji claimants finalised two 'area' Indigenous Land Use Agreements ('ILUAs'), both of which we hope will be registered by the end of 2009. Currently, only five such area ILUAs exist in WA. Most notable was the Murchison Radio-Astronomy Observatory ('MRO') ILUA, a truly ground-breaking and long-term deal between Wajarri Yamatji, the State and Federal Governments, the CSIRO and YMAC. The MRO ILUA will provide Wajarri Yamatji with best practice corporate structures, unique educational benefits, and significant financial benefits. It also sets a framework for future negotiations concerning the development of the \$2.5 billion International SKA Project.

At the start of 2009, Wajarri Yamatji commenced negotiations regarding the development of the largest mining and infrastructure projects in the history of the region. This includes the Oakajee Port and Rail Project and Sinosteel-Midwest's Weld Range Project. Negotiations also occurred and continue with two

iron ore companies and a number of uranium companies regarding the exploration and or development of mineral deposits on Wajarri Yamatji country.

FaHCSIA Meetings:

17	July 2008	Working Group Meeting
18	July 2008	Working Group Meeting
15	Aug 2008	Working Group Meeting
05	Sep 2008	½ Day Working Group Meeting
09	Oct 2008	Working Group Meeting
10	Oct 2008	½ Day Working Group Meeting
21	Oct 2008	Community Meeting
15	Nov 2008	Community Meeting (Office of Native Title and Proponent Funded)
02	Dec 2008	Working Group Meeting
28	Feb 2009	Community Authorisation Meeting (Office of Native Title funded)
12	Mar 2009	Working Group Meeting
02	May 2009	Community Meeting

Additional Meetings:

19	July 2008	Future Act Negotiation Meeting
21	July 2008	Applicants Negotiation Meeting
16	Aug 2008	Future Act Negotiation Meeting
12	Sep 2008	Future Act Negotiation Meeting
10	Oct 2008	½ Day Future Act Negotiation Meeting
16	Oct 2008	Future Act Negotiation Meeting
24	Oct 2008	Future Act Negotiation Meeting
03	Nov 2008	ASKAP Negotiation Team Meeting (FaCSIA funded)
13	Nov 2008	Future Act Negotiation Meeting
08	Dec 2008	Future Act Negotiation Meeting
09	Dec 2008	Business Workshop
10	Dec 2008	Business Workshop
04	Feb 2009	Future Act Negotiation Team Meeting
12	Feb 2009	Future Act Negotiation Meeting
24	Feb 2009	Future Act Negotiation Meeting
03	Mar 2009	Future Act Negotiation Meeting
22	April 2009	Future Act Negotiation Meeting
13	May 2009	Future Act Negotiation Meeting
14	May 2009	Future Act Negotiation Meeting
19	May 2009	Future Act Negotiation Meeting
08	Jun 2009	Mediation NNTT Funded
11	Jun 2009	Future Act Negotiation Meeting

West Badimia

Native Title Claim Progress: YMAC received a request for assistance from members of a proposed West Badimia claim in 2007. During the reporting period, YMAC requested assistance from the NNTT to prepare

a map and area description for the proposed claim. YMAC has conducted preliminary research into the West Badimia claim and has offered to continue to assist the West Badimia claimants in the preparation of a claim.

Yugunga-Nya

The Yugunga-Nya native title claim covers approximately 30,335 square kilometres of land in the Gascoyne/Murchison. It lies in the Shires of Cue, Meekatharra, Mount Magnet, Sandstone and Wiluna. The Yugunga Nya native title claim is a registered claim falling within the Shires of Cue, Meekatharra, Mount Magnet, Sandstone and Wiluna.

Native Title Claim Progress: YMAC conducted initial research into the Yugunga Nya claim, preliminary to connection report preparation, in 2004. Further research work is tentatively scheduled to take place in the first half of 2010.

YMAC, with assistance from the NNTT, enabled the Yugunga Nya to map a 3km exclusion zone around the highly significant registered site of Yagahong Hill. The written description and map for the exclusion zone have been successfully incorporated into a number of future act agreements.

The Yugunga Nya claim is overlapped by the Wutha native title claim. In accordance with Federal Court ordered protocols, YMAC had participated in formal mediation with the state and the Wutha claim group during the first half of 2008. Mediation was not successful and the NNTT recommended to the

Federal Court that mediation cease. The Federal Court subsequently ordered that mediation be terminated.

During the reporting period, YMAC filed submissions in the Federal Court seeking orders pursuant to s 84D of the Native Title Act that the Wutha claim provide evidence to the Court as to their proper authorisation. The Federal Court heard from all relevant parties on 28 July 2009 and has reserved its decision.

Future Act Developments: YMAC continues to assist the Yugunga Nya claim in relation to a large number of heritage agreements for minor future acts, as well as a number of comprehensive native title agreements for mining applications. The majority of matters relate to sole operator explorers, prospectors and miners, but the claim has also seen an increase this year in tenement applications made by publicly listed companies. A decrease in the number of future act notices received this year has allowed parties to make good progress towards clearing a back log of future act matters.

FaHCSIA Meetings:

16	July 2008	Working Group Meeting
29	Oct 2008	Working Group Meeting
04	Mar 2009	Working Group Meeting
06	May 2009	Community Meeting

