



## Yinggarda Aboriginal Corporation

### NOTICE OF YINGGARDA COMMON LAW HOLDERS MEETING

<b>Date:</b> 4 April 2025	<b>Registration:</b> 9:00 AM to 10:00 AM
<b>Venue:</b> The Woolshed, 21 Robinson Street, Carnarvon WA 6701	<b>Start Time:</b> 10:00 am <b>Finish Time:</b> 4:00 pm

#### PURPOSE OF MEETING

1. **CONSIDER** and **DISCUSS** the details of the proposed **Native Title Compensation Claim** on behalf of Yinggarda Common Law Holders.
2. **CONSIDER** and **CONFIRM** the decision-making procedure for Native Title Compensation Applications.
3. **CONSIDER** and **CONFIRM** the Making of a Compensation Application on behalf of Yinggarda Common Law Holders.
4. **CONSIDER AND CONFIRM** the process for Yinggarda Heritage Reviews.
5. **CONSIDER** and **CONFIRM** the process for Yinggarda Elder's Committee Elections.
6. **CONSIDER** and **DISCUSS** the **Section 18 Consent Appeal** by Vandeleur Superannuation.
7. **DISCUSS** and **CONSIDER** authorising the terms of the proposed **Indigenous Land Use Agreement (ILUA)** between the Shire of Upper Gascoyne and Yinggarda Aboriginal Corporation.
8. **CONSIDER** and **DISCUSS** the proposed **Native Title Mining Agreement** between Delta Lithium and Yinggarda Aboriginal Corporation.
9. **CONSIDER** general business (time permitting).

#### WHO MAY ATTEND THIS MEETING?

All Yinggarda common law holders (also described as the Yinggarda native title holders) are eligible to attend this meeting. The Yinggarda common law holders are those Aboriginal persons who:

- (a) have a connection to those lands and waters within the Yinggarda Area through the traditional laws and customs applicable there; and
- (b) are descended from one or more of the following forebears:
  - (i) *Janya*, Jubilee, *Nyardu*/Tim Dodd, Maggie Dodd, or Mary Harvey (siblings);
  - (ii) Caroline & Sambo (parents of Dolly Bidgemia);
  - (iii) Tom Dodd (from the Wooramel side, husband of *Jinabudja*/Mary Anne);
  - (iv) *Kalamam*/Mary (mother of Paddy Dowker);
  - (v) *Culamire*/Fred (father of *Ngaa Ngaa*/Lucy Bulley);
  - (vi) *Jilba*/Harry (father of *Binthamurra*/Stella Snowball);
  - (vii) Annie & Joe Kimberley (parents of Bob Kimberley);
  - (viii) John Friday (husband of Edie Noble);
  - (ix) Mary Anne or Jinny Windie (sisters, mothers of Windie families);
  - (x) *Gooyoongardi*/Tom Dodd;
  - (xi) Copper (mother of Norcia, Maude & Tommy Mortimer);

- (xii) *Bunadjada*/Panna (mother of Darby Winder & siblings); or
- (xiii) *Gunywardu*/George Arthur Cooyou (father of *Bujiguru*/George Eric Cooyou)

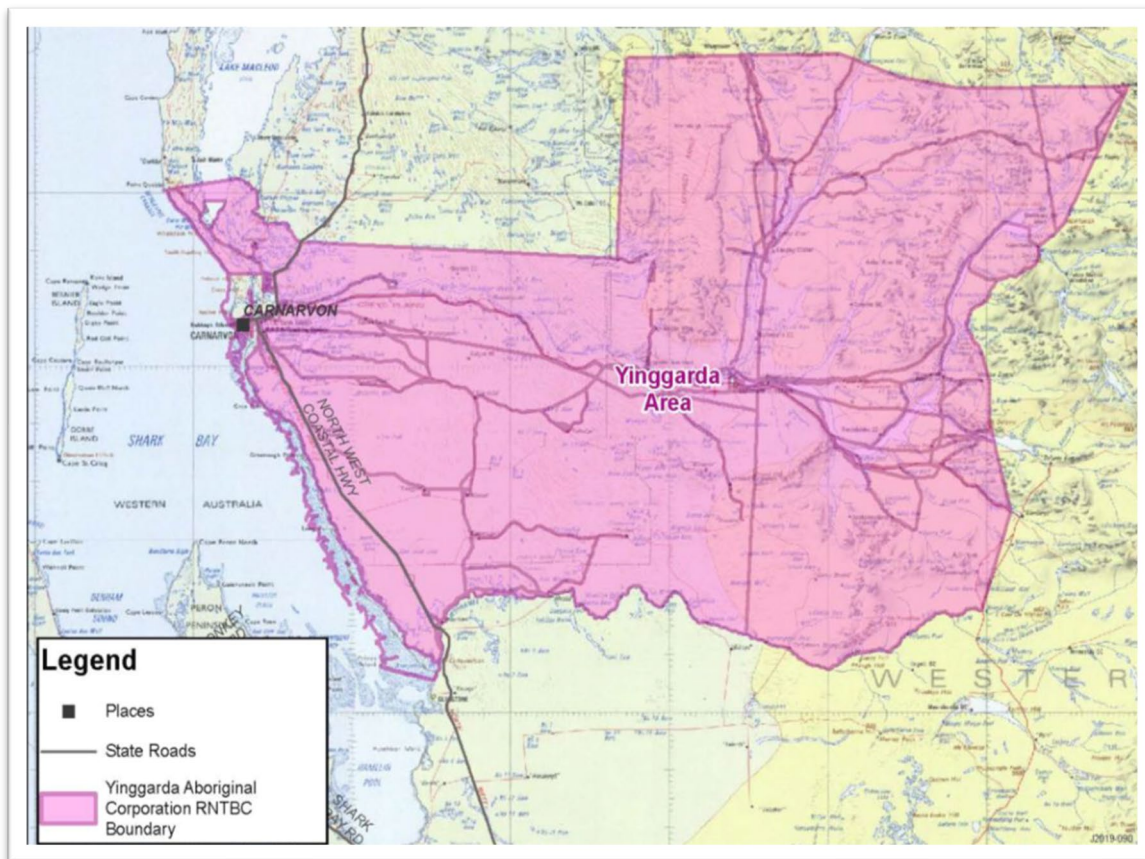
where descent can be either by birth or being culturally 'grown up' from a young age by one or more of these persons or such descendants in accordance with the traditional laws acknowledged and the traditional customs observed by the Yinggarda native title holders; and

- (c) whose connections through (a) and (b) above are recognised by those Yinggarda native title holders with authority under Yinggarda traditional law and custom.

**NOTE: Yinggarda Aboriginal Corporation RNTBC (ICN 9184) holds native title in trust on behalf of the Yinggarda common law holders in the area coloured in pink in the map below (Yinggarda Area).**

If you have any queries about this meeting, please email Yinggarda Aboriginal Corporation RNTBC at [info@yinggarda.com.au](mailto:info@yinggarda.com.au).

*Yinggarda Aboriginal Corporation RNTBC is required to publish the names listed in this notice and apologises for any offence this may cause.*



**IMPORTANT – PLEASE READ**

**Children (i.e. between the ages of 1 and 17 years) should not be present at meetings** due to Occupational Health and Safety considerations.

Please note **no travel or accommodation allowance will be paid** for this meeting.

Morning tea, lunch and afternoon tea will be provided.

## NOTICE OF INTENT TO FILE COMPENSATION CLAIM

### INFORMATION ON THE NATIVE TITLE COMPENSATION CLAIM

- Slater + Gordon (**SG**) have been engaged by Yinggarda Aboriginal Corporation (**YAC**) to prepare a Native Title Compensation Claim on behalf of Yinggarda Common Law Holders.
- SG presented details of the Compensation Claim at the YAC Common Law Holders meeting on 13 November 2024 and at the Gwoonwardu Mia Culture Centre on 11 November 2024.
- The Compensation Claim is a claim for financial compensation from the State of WA for the extinguishment and suppression of Native Title rights within the Yinggarda Determination Area, for acts which extinguished or suppressed Native Title occurring after 31 October 1975. This includes both **economic loss**, reflecting the loss of capacity to use land, and **cultural loss**, reflecting the loss of cultural connection to land.
- The proposed Compensation Claim will seek compensation for the extinguishment and suppression of Native Title in and around Carnarvon, Gascoyne Junction, and in the wider Yinggarda Determination Area. Maps of potentially compensable areas have been attached to this Notice below. These maps will be discussed at the Common Law Holder meeting dated 4 April 2025.
- SG intend to file the Compensation Claim with the Federal Court of Australia in 2025, only if it receives authorisation from Common Law Holders at the Common Law Holder meeting dated 4 April 2025.

### PROPOSED RESOLUTIONS TO AUTHORISE THE COMPENSATION CLAIM

In order to authorise the Compensation Claim, the following resolutions are sought at the Common Law Holder Meeting dated 4 April 2025:

**Resolution 1:** Authorisation for Adopting a Decision-Making Procedure for Native Title Compensation Application

*The Yinggarda Common Law Holders resolve to adopt the decision-making procedure described at section 1.4(d)(iv) of Schedule 1 of the Yinggarda Aboriginal Corporation ('YAC') Rulebook as the decision-making procedure that will apply for Native Title Compensation Applications.*

*According to section 1.4(d)(iv) of Schedule 1 of the YAC Rulebook, A decision to consent to a Native Title Compensation Application is made by way of resolution passed by Consensus, and in the absence of Consensus, a resolution passed by more than 51% of the votes cast by the Yinggarda Common Law Holders present.*

*Consensus is defined in the YAC Rulebook at section 2.1 as the general agreement among those present at a meeting held under this Constitution as to a particular matter whereby differing points of view, if any, have been considered and reconciled and any decision is generally agreed upon in accordance with traditional Law and Custom, as determined by the chair of the meeting. For the avoidance of doubt, a decision made by Consensus in*

*accordance with Law and Custom, does not necessarily require that the decision be agreed upon unanimously.*

## **Resolution 2: Authorisation for Making a Compensation Application**

*The Yinggarda Common Law Holders authorise Slater and Gordon Lawyers, on behalf of Yinggarda Aboriginal Corporation ('YAC') as the Applicant, to do all things necessary to make a Native Title Compensation Application in relation to any loss, diminution, impairment or other effect on the Native Title rights and interests in the Yinggarda Determination Area, as proposed and discussed at the Common Law Holders meetings on 13 November 2024 and on 4 April 2025 as further refined as required by YAC.*

## **CONTACT DETAILS**

If you have any questions or matters you wish to discuss regarding the Compensation Claim, or if you wish to express interest in giving evidence about cultural loss for the Compensation Claim, please contact Kate Taylor, Associate, at Slater and Gordon directly on **0422 270 808**.

Please note that all evidence provided to Slater and Gordon for the purpose of the Compensation Claim will be held by Slater and Gordon under strict confidentiality protocols to protect sensitive cultural information.

## **MAPS OF POTENTIALLY COMPENSABLE AREAS**

The following maps show the areas, **shaded in orange**, that are proposed to form part of the Compensation Claim, as they have been assessed by SG as being potentially compensable under the *Native Title Act 1993* (Cth).

Please note these areas are approximate only and may be subject to change, and may not reflect all of the areas for which compensation is ultimately claimed.

### **Map 1: Carnarvon**



**Map 2: North Plantations**



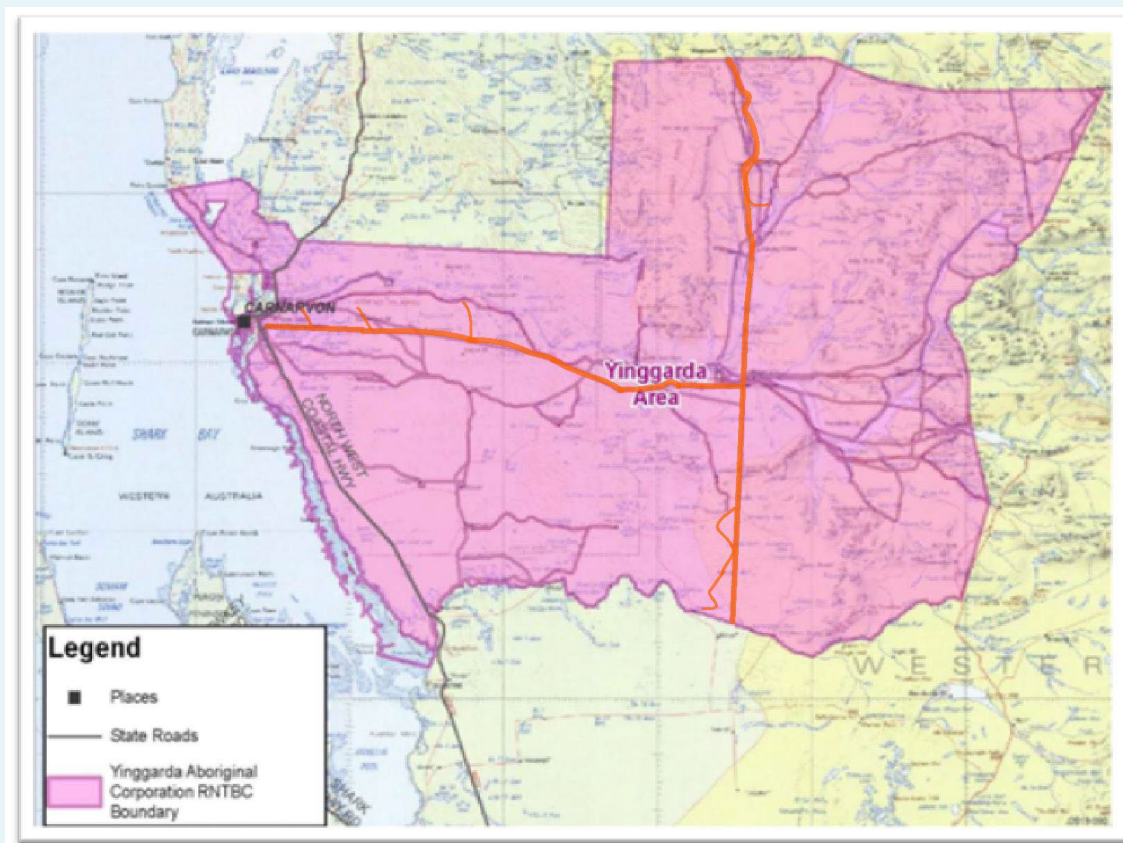
**Map 3: Gascoyne Junction**



**Map 4: Yinggarda Determination Area - North**



**Map 5: Dampier to Bunbury Pipeline (shown in orange)**





## NOTICE OF YINGGARDA COMMON LAW HOLDERS ILUA AUTHORISATION CONSULTATION

### IMPORTANT INFORMATION:

Yinggarda Aboriginal Corporation RNTBC (YAC) is proposing to enter into an Indigenous Land Use Agreement (ILUA) with the State of Western Australia and the Shire of Upper Gascoyne.

The terms of the ILUA will result in the Yinggarda common law holders surrendering non-exclusive native title rights and interest in the ILUA Area. The native title rights and interests surrendered in the area will be permanently extinguished.

YAC is required by law to consult with the Yinggarda common law holders before entering into the ILUA and the Yinggarda common law holders must authorise YAC entering into the ILUA.

YAC has called this consultation to allow the Yinggarda common law native title holders to consider and make decisions authorising YAC to enter into the ILUA and register the ILUA in accordance with the *Native Title Act 1993* (Cth).

YOU ARE INVITED TO ATTEND THIS CONSULTATION IF YOU ARE A YINGGARDA COMMON LAW HOLDER

### PLEASE SEE OVER FOR:

1. A CONSULTATION AGENDA
2. PURPOSE OF THE CONSULTATION
3. THE PROPOSED TERMS OF THE INDIGENOUS LAND USE AGREEMENT
4. A MAP OF THE INDIGENOUS LAND USE AGREEMENT AREA
5. THE RESOLUTIONS SOUGHT TO BE MOVED

## 1. ILUA AUTHORISATION CONSULTATION AGENDA

#	Item	Speaker
1.	Briefing on the role of the Yinggarda Common Law Holders in relation to decisions affecting native title	Fabian Ponton Cross Country Native Title Services
2.	Briefing on the terms of the proposed ILUA	Fabian Ponton Cross Country Native Title Services
3.	Confirm the decision-making process for Yinggarda Common Law Holders	Fabian Ponton Cross Country Native Title Services
4.	The Yinggarda Common Law Holders to consider and make decisions in relation to authorising Yinggarda Aboriginal Corporation RNTBC to enter into the ILUA with the State Government of Western Australia and the Shire of Upper Gascoyne, and to register the ILUA in accordance with the <i>Native Title Act 1993</i> (Cth).	Fabian Ponton Cross Country Native Title Services

## 2. WHAT IS THE PURPOSE OF THE AUTHORISATION CONSULTATION?

The authorisation consultation is convened to consult the Yinggarda Common Law Holders, as determined by the Federal Court in *Peck on behalf of the Gnulli Native Title Claim Group v State of Western Australia* [2019] FCA 2090, to consider the proposed Indigenous Land Use Agreement (ILUA) with the Western Australian Government and the Shire of Upper Gascoyne for the surrender of native title rights and interests to establish new residential land in the town of Gascoyne Junction as well as the extension of Gascoyne Junction's waste disposal site. The ILUA over the area depicted in the maps at **Item 4**.

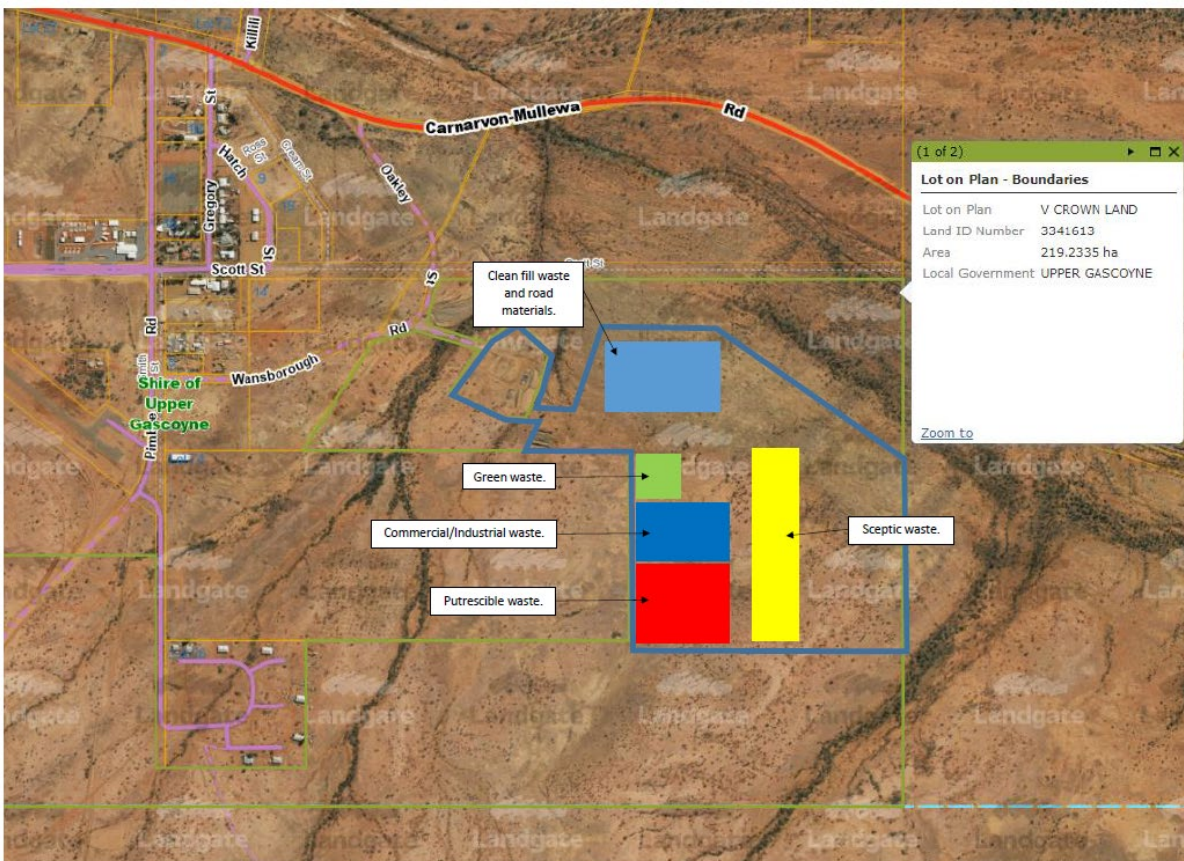
**NOTE: Under the *Native Title (Prescribed Bodies Corporate) Regulations 1999* (Cth), YAC cannot enter into the ILUA unless it has consulted and obtained the consent of the Yinggarda Common Law Holders.**

## 3. THE PROPOSED TERMS OF THE ILUA

- The Yinggarda Common Law Holders will surrender their non-exclusive native title rights and interests in respect of the Agreement Area as outlined in the maps at **Item 4** and being:
  - a. 19 Scott Street – Gascoyne Junction – Land ID 1892588;
  - b. 23 Hatch Street – Gascoyne Junction – Land ID 1892589;
  - c. 27 Hatch Street – Gascoyne Junction – Land ID 1892586;
  - d. 9 Hatch Street – Gascoyne Junction – Land ID 1892590; and
  - e. Portion of Land ID 3341613 (approx. 30 hectares);
- The native title rights and interests surrendered will be extinguished and the benefits will constitute full and final compensation;
- The Shire of Upper Gascoyne will develop 10 blocks of residential land to sell on area a., b., c. and d, each at least a quarter acre in size;
- The Shire of Upper Gascoyne will sell YAC two blocks of the residential land at no cost once they are developed, and freehold title has been issued;
- YAC is to fully construct one residential home on each block of land within three years of taking ownership of the land; and
- YAC will have first priority when selecting which blocks to purchase.



#### 4. MAPS OF THE INDIGENOUS LAND USE AGREEMENT AREA



## 5. THE RESOLUTIONS SOUGHT TO BE MOVED

### Resolution 1:

*The Yinggarda Common Law Holders resolve to adopt the decision-making procedure described at section 1.4(d)(iv) of Schedule 1 of the Constitution of Yinggarda Aboriginal Corporation RNTBC (YAC Rule Book) as the decision-making procedure that will apply for authorising the proposed Indigenous Land Use Agreement*

In accordance with section 1.4(d)(iv) of Schedule 1 of the YAC Rule Book, a decision to consent to a native title decision is made by way of resolution passed by Consensus, and in absence of Consensus, a resolution passed by 51% of the votes cast by the Yinggarda Common Law Holders present.

Consensus is defined at section 2.1 of the YAC Rule Book as the general agreement among those present at a meeting held under the Constitution as to a particular matter whereby differing points of view, if any, have been considered and reconciled and any decision is generally agreed upon in accordance with traditional Law and Custom, as determined by the chair of the meeting. For the avoidance of doubt a decision made by Consensus in accordance with Law and Custom, does not necessarily require that the decision be agreed upon unanimously.

### Resolution 2:

*The Yinggarda Common Law Holders authorise Yinggarda Aboriginal Corporation RNTBC to surrender native title rights and interests in relation to the area of the proposed Indigenous Land Use Agreement with the State of Western Australia and the Shire of Upper Gascoyne on the terms discussed and agreed at the Common Law Holders meeting on 4 April 2025*

*and*

*The Yinggarda Common Law Holders authorise Yinggarda Aboriginal Corporation RNTBC to do all things necessary to enter into and execute the proposed Indigenous Land Use Agreement, including instructing Cross Country Native Title Services to finalise all technical and drafting matters.*

**All persons to whom this notice is addressed are encouraged to attend this consultation.**