

Notice of Yinhawangka People Common Law Holders' Meeting

Time: 10.00 AM – 3PM
Date: Wednesday 25 October 2017
Place: Ashburton Hall, PARABURDOO

All Yinhawangka common law holders are invited to this meeting, whether or not they are also members of Yinhawangka Aboriginal Corporation RNTBC.

The Yinhawangka common law holders are those persons who:

- (a) are descended from, in accordance with the traditional laws acknowledged and the traditional customs observed by the Yinhawangka People:
 - (i) **Minatangunha**;
 - (ii) **Jardhunha**; or
 - (iii) the couple **Thurantajinha and Wilga**; and
- (b) identify themselves as Yinhawangka under traditional law and custom and are so identified by other Yinhawangka People as Yinhawangka; and
- (c) have a connection with the land and waters of the Determination Area, in accordance with the traditional laws acknowledged and the traditional customs observed by the Yinhawangka People.

The Corporation is the registered native title body corporate for the Yinhawangka People Determination (WCD2017/003). The Corporation proposes to make native title decisions to enter into Indigenous Land Use Agreements (Body Corporate Agreements), and must first consult the Yinhawangka common law holders and would need their consent.

PURPOSE: To consult the Yinhawangka common law holders about, and to seek their consent to, proposed native title decisions to enter into:

1. The **Bellary Springs Indigenous Land Use Agreement** (Body Corporate Agreement) with the Minister for Lands (State of Western Australia)
2. The **Westside Indigenous Land Use Agreement** (Body Corporate Agreement) with the Minister for Lands (State of Western Australia)
3. The **Yinhawangka and BHP Billiton Project Agreement Indigenous Land Use Agreement** (Body Corporate Agreement) with the BHP Billiton Iron Ore

Morning Tea, Lunch and Afternoon Tea will be provided.

A member can appoint a proxy to attend and vote at this meeting instead of the member, but the proxy must also be a member of the Corporation, and the proxy nomination form must reach the Corporation before 10AM on Monday 23 October 2017 (48 hours before the Common Law Holder meeting starts). Proxy forms for the meeting can be found on the Corporation's website www.yinhawangka.com.au.

Yinhawangka common law holders are entitled to advance copies of the Information Sheets and proposed Indigenous Land Use Agreements which this meeting will consider. Please contact the Corporation to request these.

AGENDA

1. Welcome to Country
2. Election of a Chairperson [Rule 8.8]
3. Apologies and proxies [Rule 8.11]
4. Confirmation of Default Process for Consultation and Consents to Native Title Decisions that are not Alternative Consultation Processes [Schedule 2, Rule S2.4, see below]
5. Bellary Springs Indigenous Land Use Agreement (Body Corporate Agreement)
6. Westside Indigenous Land Use Agreement (Body Corporate Agreement)
7. Yinhawangka and BHP Billiton Project Agreement Indigenous Land Use Agreement (Body Corporate Agreement)
8. Any other business
9. Close of meeting (planned for 3.00pm)

Allowances to assist with travel etc

The Corporation will pay an allowance to each common law holder who attends the meeting, within two business days after the meeting. The allowance will be paid into that person's nominated bank account in accordance with this table:

Common Law Holders Meeting	Home Distance to / from Meeting Venue - One Way		
	<50 km	>50 km	>200 km
Travel Allowance - driver only (mileage)*1	No	66 cents/km max \$250	66 cents/km max \$500
Meals/incidentals*2	\$55	\$55	\$55
Accommodation allowance *3 *4	No	No	\$150

*1 Driver must show a current driver's licence at the same time as signing into the meeting (and vehicle on request)

*2 Meal allowance will be paid on the day to each common law holder who stays for the whole meeting

*3 Accommodation allowance is capped at the maximum rate applicable to the meeting place as specified in the ATO schedule or the rate in the table, whichever is the lower.

*4 For full day meetings and where a distance of greater than 200 km one-way (400 km return) will be travelled to attend the meeting, accommodation allowance will be paid on the night preceding the commencement of the meeting and the night following conclusion of the meeting if the meeting schedule warrants, i.e. the meeting start or finish times mean that travel must be undertaken the previous day or the next day.

(NB: the allowance is not intended for any other purpose or other costs of a personal nature).

Agreed and Adopted Decision-Making Process (Agenda Item 4)

Corporation Rule Book Schedule 2, Rule S2.4 provides for an agreed and adopted decision-making process as follows:

S2.4.1 *Where there is a particular process that under traditional laws and customs must be followed for the Common Law Holders to give consent to Native Title Decisions that are not Alternative Consultation Process Decisions, then that process under traditional laws and customs must be followed.*

S2.4.2 *Where there is no particular process of decision-making that under traditional laws and customs must be followed for the Common Law Holders to give consent to the proposed Native Title Decision and no other agreed or adopted process has been made under item S2.6, then the Yinhawangka People agree and adopt the process set out in item S2.4.4 and S2.4.5 below as the process to consult and obtain the consent of the Yinhawangka People to a Native Title Decision.*

S2.4.3 *The Directors shall have regard to the Register of Yinhawangka People established and maintained under Rule 5 and use reasonable efforts to keep and update a record of addresses of Yinhawangka People who are not Members.*

S2.4.4 *Notices and processes for meetings concerning Native Title Decisions shall be same as for General Meetings and shall apply as if the meeting were a General Meeting, save that:*

- (i) *only 14 days' notice of the meeting shall be required;*

- (ii) *reasonable steps shall be taken to give notice of the meeting to as many Yinhawangka People for the area to be affected by the Native Title Decision who are not Members, as practicable. Such reasonable steps may include, but are not limited to, sending information to people who are entered on the Register of Yinhawangka People but are not Members, or by placing notices in public places in the Region or in newspapers with circulation in the Region;*
- (iii) *the quorum shall be the greater of 20 Yinhawangka People and 10% (or more), of the Yinhawangka People on the Register of Yinhawangka People;*
- (iv) *a decision to consent to a Native Title Decision 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 Yinhawangka People present.*

S2.4.5 *The Directors must ensure that the members of the Yinhawangka People at the meeting understand the purpose and nature of a proposed Native Title Decision and options available, including by consulting and considering the views of a Native Title Representative Body, and where it considers it to be appropriate and practicable, give notice of those views to the Yinhawangka People.*

Proposed Resolution 171025.1

Bellary Springs ILUA (Body Corporate)

In accordance with the Agreed and Adopted Decision-Making Process of the Yinhawangka common law holders for consenting to proposed native title decisions to enter into Indigenous Land Use Agreements (Body Corporate Agreements) pursuant to Subdivision B of Division 3 of Part 2 of the Native Title Act, the Yinhawangka common law holders consent to Yinhawangka Aboriginal Corporation RNTBC:

- (a) *entering into the Bellary Springs Indigenous Land Use Agreement (Body Corporate Agreement) (**Bellary Springs ILUA**) with the Minister for Lands on behalf of the Yinhawangka common law holders;*
- (b) *procuring a common law holders certification for the purposes of Regulation 9 of the Native Title (Prescribed Bodies Corporate) Regulations 1999 (Cth);*
- (c) *doing all things reasonably necessary to have the Bellary Springs ILUA registered on the Register of Indigenous Land Use Agreements as soon as practicable and in any event within 12 months of execution.*

Proposed Resolution 171025.2

Westside ILUA (Body Corporate)

In accordance with the Agreed and Adopted Decision-Making Process of the Yinhawangka common law holders for consenting to proposed native title decisions to enter into Indigenous Land Use Agreements (Body Corporate Agreements) pursuant to Subdivision B of Division 3 of Part 2 of the Native Title Act, the Yinhawangka common law holders consent to Yinhawangka Aboriginal Corporation RNTBC:

- (a) *entering into the Westside Indigenous Land Use Agreement (Body Corporate Agreement) (**Westside ILUA**) with the Minister for Lands on behalf of the Yinhawangka common law holders;*
- (b) *procuring a common law holders certification for the purposes of Regulation 9 of the Native Title (Prescribed Bodies Corporate) Regulations 1999 (Cth);*
- (c) *doing all things reasonably necessary to have the Westside ILUA registered on the Register of Indigenous Land Use Agreements as soon as practicable and in any event within 12 months of execution.*

Proposed Resolution 171025.3

Yinhawangka & BHP Project Agreement ILUA (Body Corporate)

In accordance with the Agreed and Adopted Decision-Making Process of the Yinhawangka common law holders for consenting to proposed native title decisions to enter into Indigenous Land Use Agreements (Body Corporate Agreements) pursuant to Subdivision B of Division 3 of Part 2 of the Native Title Act, the Yinhawangka common law holders consent to Yinhawangka Aboriginal Corporation RNTBC:

- (a) entering into the Yinhawangka and BHP Billiton Project Agreement Indigenous Land Use Agreement (Body Corporate Agreement) (**BHP Project Agreement Body Corporate ILUA**) with BHP Billiton Iron Ore Pty Limited (ACN 008 700 981) on behalf of the Yinhawangka common law holders;*
- (b) procuring a common law holders certification for the purposes of Regulation 9 of the Native Title (Prescribed Bodies Corporate) Regulations 1999 (Cth);*
- (c) doing all things reasonably necessary to have the BHP Project Agreement Body Corporate ILUA registered on the Register of Indigenous Land Use Agreements as soon as practicable.*