



**ANNUAL REPORT 2022–23**  
**Yugunga-Nya People's Trust**



*'From the air the hill [Mount Yagahong] looks like an emu lying on its nest.  
It is very important to us. We were born around here and lived here. It's our home.*

*Dingoes attacked the emu while on the nest. The cliffs on the side of the hill are where the flesh  
was torn off the emu. The emu died here. When the emu died they [the dogs] pulled fat off it.  
Emu fat is yellow. That made gold.*

*Two little hills further west on the station are emu chicks, Little Bunggu and Big Bunggu.  
Two little chicks. They travelled to Kalgoorlie. The dogs pursued the chicks towards Kalgoorlie.  
Along the way they vomited up the emu fat and where they did they created gold.'*<sup>1</sup>

1. Banks-Smith J, 2 November 2021: *Gilla on behalf of the Yugunga-Nya People v State of Western Australia (No 3)* [2021] FCA 1338; Federal Court of Australia – Digital Law Library – Judgments (fedcourt.gov.au)

## **ABOUT THIS REPORT**

The annual report is a summary of the Yugunga-Nya Peoples Trust and its subsidiary companies.

The report covers the financial year ended 30 June 2023.

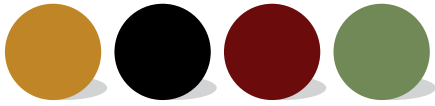
Fiduciary Administration Services is committed to reducing its environmental impact in relation to the production of this report. Printed copies will only be made available to members who do not have access to appropriate technology or who elect to receive a printed version.

©2023 Yugunga-Nya People's Trust and Fiduciary Administration Services

## **ACKNOWLEDGMENT**

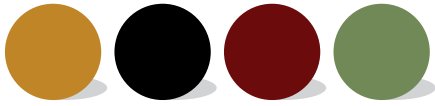
Logo artwork by Emma MacNeil

Cover photo: Popular swimming spot, Meeka Pool is situated off the Meekatharra-Sandstone Road, before Gabanintha. Photo by Isaiah Shar



# TABLE OF CONTENTS

<b>OVERVIEW</b>	2
Yugunga-Nya people and country	3
Yugunga-Nya People's Trust	4
Objects of the Trust	4
How the Trust is governed	4
Trust Advisory Committee (TAC)	4
Community meeting	7
TAC members	10
<b>YUGUNGA-NYA PEOPLE'S TRUST: FUNDING FLOW AND OUTCOMES</b>	12
<b>MANAGING DIRECTOR'S OVERVIEW</b>	14
<b>2022-23 HIGHLIGHTS</b>	15
Custodian Community (CC) software and App	16
Future Fund	17
<b>YEAR IN REVIEW</b>	18
Medical and Carers Assistance	20
Ambulance Cover	21
Advancement Fund (previously Emergency Hardship)	22
Education Assistance: primary and secondary school children	23
Business Development Fund	25
Funeral Assistance	27
Trust residential properties	28
Trust vehicles	33
<b>LEGAL MATTERS</b>	34
<b>NATIVE TITLE REPORT</b>	36
<b>YUGUNGA-NYA HERITAGE PTY LTD</b>	40
<b>YN PBC REPORT</b>	41
<b>YUGUNGA-NYA PEOPLE PTY LTD REPORT</b>	44
<b>AUDITED FINANCIAL REPORT</b>	45
<b>APPENDICES</b>	66
APPENDIX 1 Satisfaction survey: Maintenance of Trust properties in Meekatharra	67
APPENDIX 2 Background information: About the housing properties	71
APPENDIX 3 Yugunga-Nya People's Trust Survey: Trust residential properties	73
APPENDIX 4 Yugunga-Nya Home Ownership Program – Meekatharra	75



# OVERVIEW

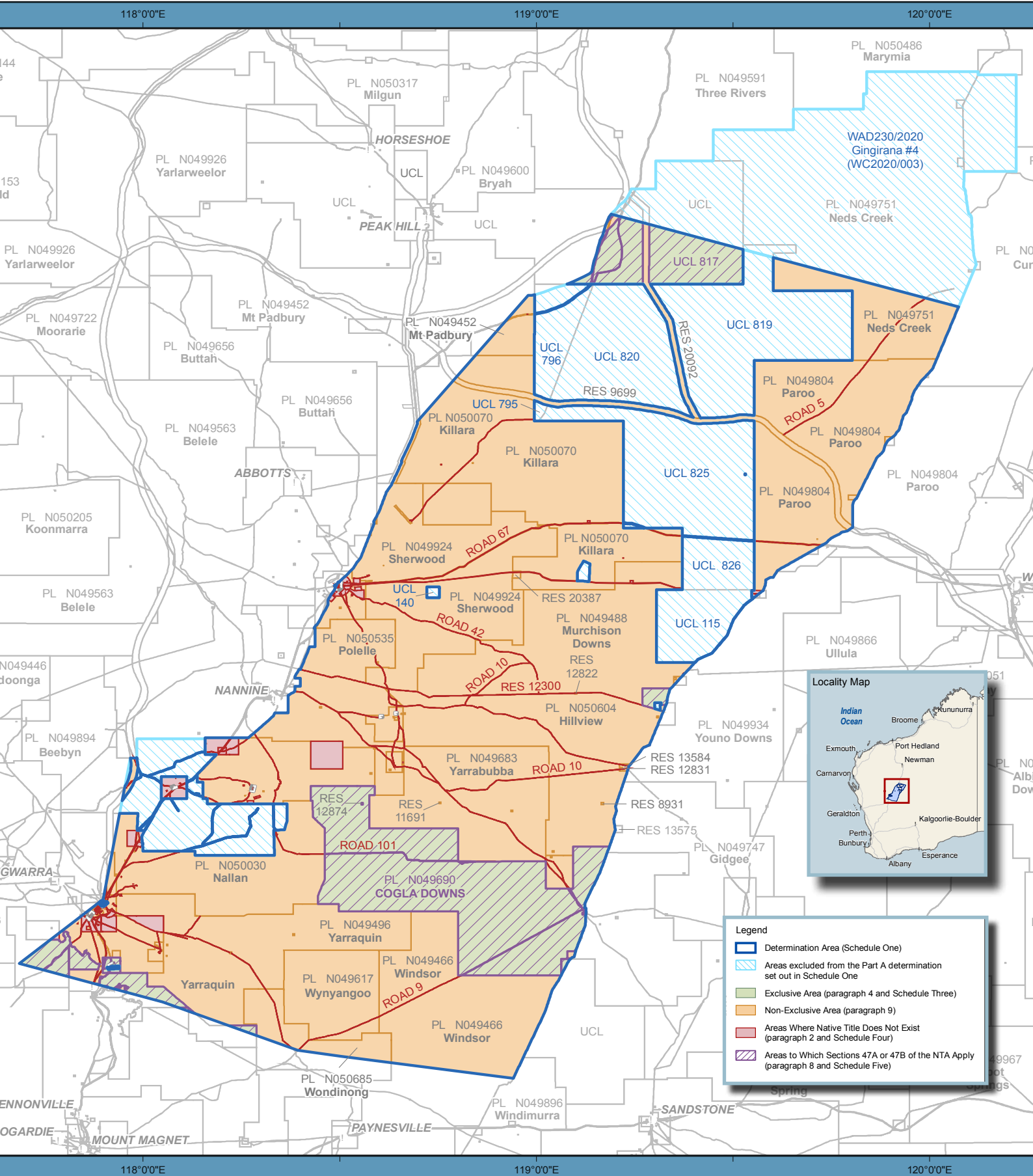
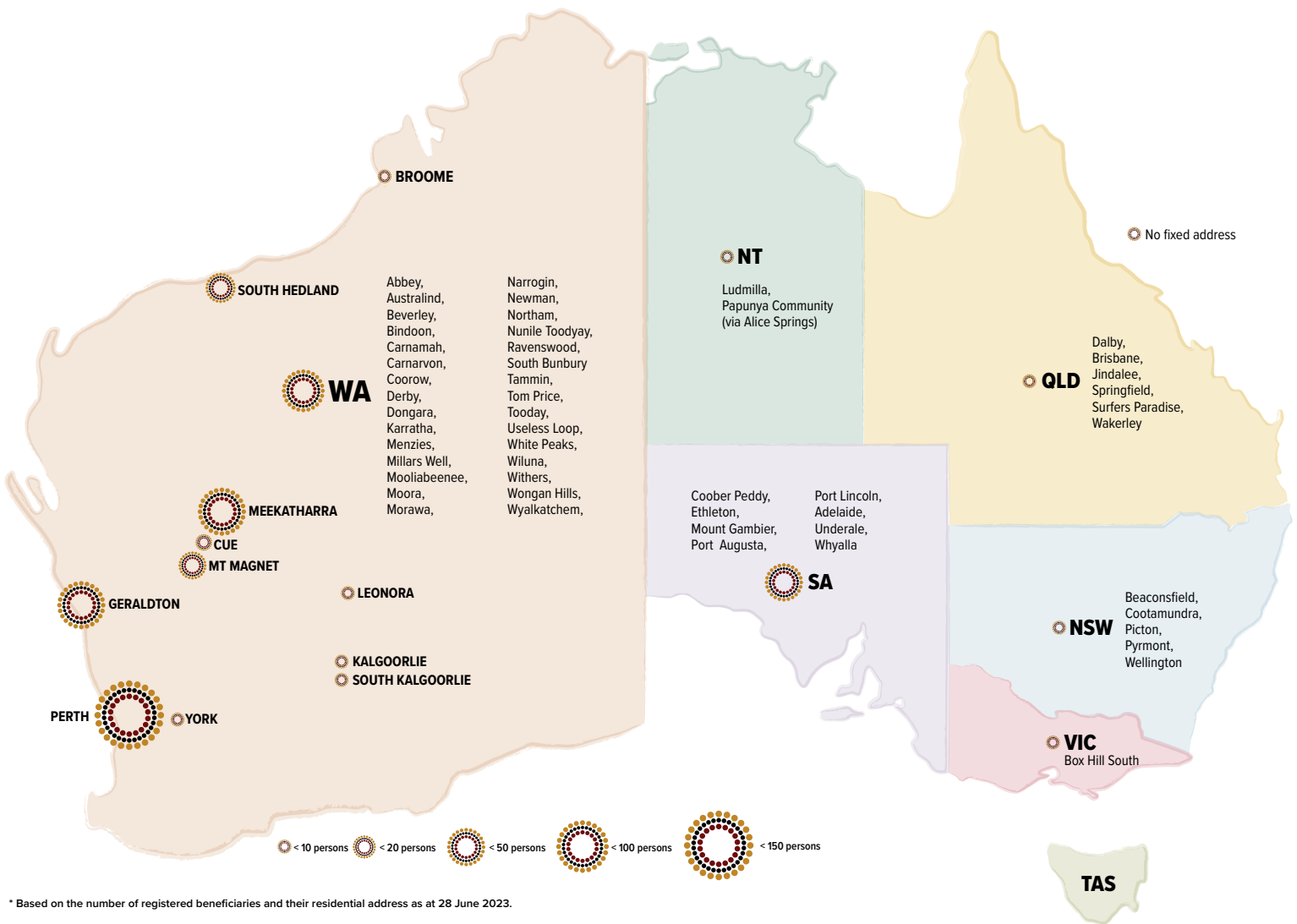


Figure 1: Yugunga-Nya country with an insert showing the determined area (source: NNTT)

## Yugunga-Nya people and country

The Yugunga-Nya Part A determination, handed down on 2 November 2021 by the Federal Court of Australia, covers approximately 21,305 square kilometres of country including the towns of Meekatharra and Cue at its western edge along the Great Northern Highway. The eastern boundary of the determined area follows the Rabbit Proof Fence. The southern boundary line runs between a point southwest of Lake Austin to the Rabbit Proof Fence, while the northern extent of Ned’s Creek Station forms the northern boundary. Most of the land is covered by pastoral leases and mining tenements.

Many of the Yugunga-Nya people live on country in Meekatharra (63) and Cue (5). Geraldton continues to be the other most populous WA regional town with 54 Yugunga-Nya beneficiaries while Perth’s numbers increased to 145 since the claim’s determination. South Australia is home to the second-greatest number (29) of beneficiaries, outside of Western Australia, followed by Queensland (10). For more of an overview of places of residence, see the map below.



\* Based on the number of registered beneficiaries and their residential address as at 28 June 2023.

Figure 2: Yugunga-Nya beneficiaries' places of residence

## Yugunga-Nya People's Trust

The Yugunga-Nya People's Trust was first established by a Trust Deed on 26 May 2004 to hold native title benefits provided to the Yugunga-Nya People and apply them for the benefit of the Yugunga-Nya People in furtherance of the trust's charitable purposes.

Fiduciary Administration Services (FAS) was appointed as trustee of the Yugunga-Nya People's Trust on 8 July 2019. The Trust Deed was subsequently replaced by the Amended and Restated Trust Deed made on 4 December 2020 (Restated Trust Deed), following significant consultation and agreement by the Trust Advisory Committee.

## Objects of the Trust

The object of the Trust is to promote and advance any purpose recognised as charitable that will benefit the current and future generations of the Yugunga-Nya community.

The Trust's primary object and purpose are:

- relief of aged, poverty, sickness, suffering, distress, misfortune, or destitution of the (Primary) Beneficiaries, defined as the native title claim group.

The Trust's secondary object and purpose are:

- relief of aged, poverty, sickness, suffering, distress, misfortune or destitution of the (Additional) Beneficiaries
- advancement of education; culture and religion
- other purposes beneficial to the community of the Beneficiaries.

## How the Trust is governed

**Yugunga-Nya People** elect members of the Trust Advisory Committee at an annual community meeting.

**Yugunga-Nya Trust Advisory Committee (YN TAC)** is made up of eight members, with two representatives from each of the descendant groups, as defined by the Trust Deed. Collectively, they represent

the views of the Yugunga-Nya community and provide recommendations and advice to the trustee on investment and distribution of trust funds to beneficiaries through charitable assistance programs (for more information on current TAC members, see pp. 10-11).

**Trustee (Fiduciary Administration Services, FAS)** works closely with the YN TAC and Yugunga-Nya People to administer charitable community programs and ensure the effectiveness of the trust through rigorous compliance and sustainable business practices for the benefit of the Yugunga-Nya community now, and for future generations.

## Trust Advisory Committee (TAC)

The majority of the currently serving TAC members were elected with a minimum 12-month term at the community meeting held on 15, 17 December 2021, and 12 January 2022 in Perth, Meekatharra, and Geraldton, respectively.

Two changes occurred in the reporting period.

Roselyn Little replaced Carl Petersen on 4 August 2022, following his resignation on 27 June 2022. Because of failure to attend three consecutive meetings, Troy Little was removed as a TAC member on 23 February 2023 in line with *Schedule 2 – YN TAC Rules, clause 7.5 (a) (vii)* of the Trust Deed. As in the case of the vacancy created by Carl Peterson's resignation, an expression of interest was broadcast on the CC App seeking nomination from Wilba apical descendants. Four nominations were received. Rhonda Gilla was elected on 8 March 2023 through a confidential vote by the remaining TAC members.

New elections of the TAC representatives will be conducted by the West Australian Electoral Commission at the community meeting in early December 2023.

The TAC met six times (for more information, see Table 1, *Attendance at TAC meetings for the financial year ended 30 June 2023*, p. 5).

TAC Meetings	25 Aug 2022	16 Nov 2022	16 Feb 2023	16 Mar 2023	19 May 2023	16 Jun 2023	Total	Attendance as %
Elaine King	yes	yes	yes	yes	yes	yes	6	100
Hardy (Jnr) Derschow	yes	yes	yes	yes	yes	yes	6	100
Matthew Abrahamson	yes	yes	no	no	yes	yes	4	67
Roselyn Little*	yes	no	yes	yes	no	yes	4	67
Troy Little**	no	no	no	n/a	n/a	n/a	0	0
Rhonda Pickett	yes	yes	no	yes	yes	yes	5	83
Narelle Thorne	yes	yes	no	yes	yes	no	4	67
Michelle Christensen	yes	yes	yes	yes	yes	yes	6	100
Rhonda Gilla**	n/a	n/a	n/a	yes	yes	yes	3	100

Table 1: Attendance at TAC meetings for the financial year ended 30 June 2023

\* Roselyn Little replaced Carl Peterson \*\* Rhonda Gilla replaced Troy Little n/a (not applicable)

TAC members before departure from Cue airport (L to R): Narelle Thorne, Michelle Christensen, Elaine King, Phil Williams (FAS), Hardy Derschow, and Mathew Abrahamson (19 May 2023).



During the reporting period, FAS developed an information guide for prospective and new members of the YN TAC (see below).

## Yugunga-Nya Trust Advisory Committee (YN TAC): A Guide for new and prospective TAC members

The following is a summary only of the information in Schedule 2 – YN TAC Rules of the *Yugunga-Nya People's Trust Deed*. This information is not intended to constitute legal advice. Members should seek their own independent legal advice if they have any concerns.

### WHAT DOES IT MEAN TO BE A YN TAC MEMBER?

As a YN TAC member and representative of your descendant group (Wilba, Ward, Wheelbarow, Dorizzi), you represent Yugunga-Nya people in decisions that will affect trust distributions and the development of new policies for the benefit of the Yugunga-Nya people.

You will be expected to communicate the concerns of the YN members in TAC meetings, make recommendations to the Trustee (FAS) on assistance and investment policies, and communicate Trust business back to the broader membership (**Clause 1 of the Schedule**).

### EXPECTATIONS AROUND CONDUCT AND BEHAVIOUR AT MEETINGS

You are encouraged to discuss and debate in a constructive way.

As a TAC member you have duties and, as a guide, will need to: be highly committed to achieve the goals of the YN People; act with honesty, integrity, diligence and due care, and in the best interests of the Yugunga-Nya People; not use offensive or abusive language; not use threatening behaviour, act violently or shout at people; leave personal difference outside the meeting; not attend under influence of any drug; not express any opinions of the trust on social media (**Clause 2 of the Schedule**).

### MEETINGS OF THE YN TAC / BEING AVAILABLE TO ATTEND

**Being a TAC member requires a generous amount of your time and commitment. If you have a full schedule and a busy life, this role may not be for you. Make sure you**

**have the capacity to participate and represent the best interests of the community, before you commit.**

The time commitment for the TAC members is to be available for a meeting as is necessary or required to deal with the business of the Trust and at least 3 times in each financial year (**Clause 9.1 (a) of the Schedule**).

In practice, FAS as the trustee attempts to schedule meetings every two months (6 meetings each financial year). Meetings are typically held in Meekatharra, Cue, Perth or Geraldton.

The meetings must have a quorum to transact business/make decisions. A quorum is no less than 6 members present for the whole meeting, with at least one member from each apical or family group. All meetings are recorded (**Clause 9.4 of the Schedule**). Minutes are taken at each meeting by a trustee representative and provided to TAC members after each meeting, for review and amendment (if necessary) (**Clause 9.7 of the Schedule**).

### LENGTH OF SERVICE

TAC members' term is for no less than one year, until the date of an election at the next community meeting. Existing members are eligible for re-nomination and will be re-appointed if elected by the members (**Clause 7.4 of the Schedule**).

### MEMBERS MAY BE REMOVED AND/OR REPLACED UNDER CERTAIN CIRCUMSTANCES

For example, a member who resigns by giving notice to the TAC and the trustee in writing will be replaced. A TAC member can be removed if he or she does not attend 3 meetings in a row with no genuine supported reason

for non-attendance, or if they do not meet any of the requirements of a TAC Member as set out in the TAC Rules of the Trust Deed. The removed member will be replaced (**Clause 7.5 of the Schedule**).

### REMUNERATION

This role is remunerated. Allowances are paid for travel expenses, accommodation, and food, as required. Travel allowance is paid to TAC Members who need assistance to attend meetings in line with ATO standard rates.

The Trustee can decline bookings or reimbursements if hotel rooms are damaged or if a TAC member fails to show up to a flight without any valid, supported reason (**Clause 8 of the Schedule**).

### DECISIONS AND RESOLUTIONS

The opinions or decisions of the YN TAC are recommendations only. The Trustee (FAS) is required to consider the views of the YN TAC in all cases. When considering TAC recommendations, the Trustee will evaluate if: the issue meets the charitable objectives of the trust; if there is an existing policy that relates to that issue; if the trust has enough funds available and, if it will be able to maintain funds for the future; if consistent with fairness and equity for all Yugunga-Nya people in the long term.

*Nepotism (favouring friends or family over others)* will not be tolerated and dislike of a person or a family is not an acceptable reason to make a decision or recommendation to decline an approval, consent or payment, etc (**Clause 9.8 of the Schedule**).

This Guide is not a complete list of rules and obligations in relation to the role of a trust advisory committee member. The Trust Deed should be referred to as the governing document. All TAC members are provided with a copy of the *Yugunga-Nya People's Trust Deed*.



## Community meeting

To facilitate attendance, the community meeting was held in Perth on 17 November 2022 and Meekatharra on 24 November 2022. The meeting was an opportunity for beneficiaries to receive an update from the trustee on the financial year ended 30 June 2022, ask questions, and receive copies of the annual

reports for the Yugunga-Nya Peoples Trust. Copies of the reports were also sent by post on 29 November 2022 to those who do not use the Custodian Community App. After the formalities, beneficiaries in attendance at the Perth Zoo and the Meekatharra Sporting Complex enjoyed lunch and activities with their families.



Coming together: community meeting in Perth and Meekatharra, November 2022.







# TAC Members



**Rhonda Gilla (Wilba apical)**

I was born in Meekatharra. My parents are Adeline Gilla and Billy Shay. I have two brothers, Patrick and Clinton Shay. Our parents told us our oral history, where we are connected to our bloodlines, our laws and culture and why we must always respect our country lands and men and women. This is because, according to our Dreamtime, country owns us, we don't own country.

I went to school at Meekatharra District High School. When I finished school, my father told me: *You must work, have your own money and stand on your own feet.* I began taking on a leadership role in my community and working around Meekatharra doing odd jobs. I also undertook hospitality training in Port Hedland and from there, picked up many different skills during my career. I have worked for different government and community organisations as a health, Aboriginal education and youth worker, drug and alcohol counsellor, translator and employment officer. From a 27-year relationship with my ex-partner, I have a beautiful daughter, Savannah Shay-Tippie. More recently, my daughter and I have been travelling and helping different family members, as well as taking care of my parents.

As a TAC member I would like to be a role model for the younger generations that they can turn to and learn from. As a team member of the TAC, I would like to contribute to creating opportunities for our younger generations and make it easier for them to step up and assist them as the next generation of leaders of our people.

**Rhonda Pickett (Dorizzi family)**

I was born in Mount Magnet Hospital. My mother, Phyllis Dorzee née Mongoo, a Wajarri woman, was born in Cue. Bert Dorzee, my father, was born at Reedys, between Cue and Meekatharra. I am the oldest child of nine siblings. I am married to Norman Pickett, a Noongar man, and we have four children and 10 grandchildren. We're also foster grandparents to two children.

We recently moved to Meekatharra from Kalgoorlie where I cared for my daughter. I have in the past lived and worked in Port Lincoln at a primary school as an Aboriginal education worker. I also helped establish the local Aboriginal elders' organisation and over several years ran various programs that teach cooking and sewing skills, as well as exercise and socialising programs such as movie outings and trips away for local Aboriginal high school students and elders. The trips provided an opportunity for the elders to teach young Aboriginal kids about their culture and engender respect for the elders. The organisation is still going today. My other jobs have included working at the Aged Care Hostel in Meekatharra, but this is now closed. I also performed lab work and mentored new employees at Rio Tinto's Hope Downs mine near Newman.

As TAC member, I will be working hard to pass on members' views to make sure they are properly considered, and decisions are made in the best interests of the Yugunga-Nya members. I would like to see more employment and better future for our young generations and how we can also better look after our elders, and make life easier and better for them, because they fought for our native title without which we wouldn't be here.



**Narelle Thorne (Dorizzi family)**

I was born in Geraldton. My mother Shirley Dorizzi-Thorne was born in Meekatharra. She was raised in Cue and has strong connection to the country covering Yugunga-Nya. While growing up, my mother would often take us kids back to teach us our family connections, our culture and the significant sites on country. This is something that I did with my son while he was growing up and am now taking my grandson back to home country so that he knows where he belongs. My father is William Thorne, a Noongar man from Narrogin.

I am a proud Yamatji woman. A mother and grandmother with one son and one grandchild. I live in Perth and work as an advisor for a multinational company. I have always been passionate about telling stories of our people, whether an historical account or inspired by yarning around the campfire with family. This passion has led to a career spanning more than 20 years in media/communications and community engagement after starting as a news journalist at the Australian Broadcasting Corporation. When I worked at the Department of Indigenous Affairs, I developed an award-winning school reconciliation program called PALS. Most recently, I had an opportunity to debut my play *Dating Black* as an emerging playwright. In my spare time, I volunteer at not-for-profit groups and have previously served on the boards of Yirra Yaakin Aboriginal Theatre Company, Graham "Polly" Farmer Foundation, and the Perth Institute of Contemporary Arts. I enjoy going back on country practising culture and dancing with my aunties.

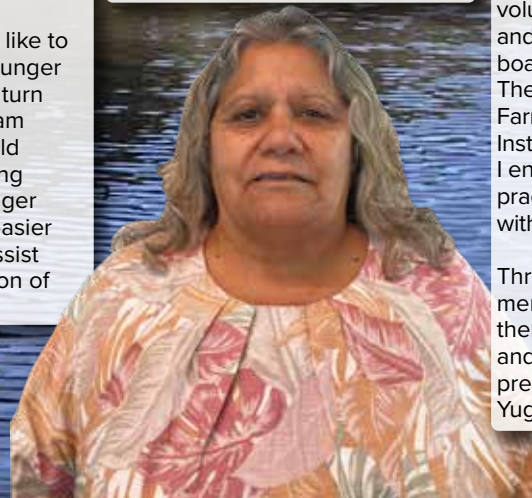
Through my role as a TAC member, I want to ensure that there are employment, economic and cultural maintenance and preservation opportunities for our Yugunga-Nya People.

**Roselyn Little (Wilba apical)**

I was born in Mount Magnet to a Wajarri father and a Yugunga-Nya mother. My spouse is no longer alive. I have one daughter and a number of stepchildren, all of whom live in various locations throughout WA.

I live and work in Mount Magnet. I have a Bachelor of Education and I am employed by the Department of Education as a primary school teacher at the local school. I previously held teaching positions in Roebourne and at One Arm Point Aboriginal community and various other positions in Broome, Carnarvon, Wiluna and Karratha.

My aspiration on TAC is to work towards accomplishing better outcomes for the Yugunga-Nya People.





**Hardy (Jnr) Derschow  
(Wheelbarrow apical)**

I am one of five siblings, born in Yarraquin Station in a tent and registered in Mt Magnet Hospital on check-up. My mother Thelma Derschow (nee Jones – Scericini), is a Yugunga-Nya descendant of Jimmy Wheelbarrow and daughter of Annie Jones and Tony Scericini, an Italian fencing contractor in the Cue District. My father, Hardy Derschow Snr, was born in the Pilbara. His mother is Ivy Swan from the Banjima language group in the Karijini Hamersley Ranges. Dad's father was German (hence my surname). Because of WWII, Grandpop was considered a spy and was incarcerated along with other Europeans during the war period. On release he was not allowed to return to the Pilbara which meant dad's family had to relocate to the Murchison Region below the 26th Parallel.

I am now semi-retired. I have bought property in Mt Magnet where I reside permanently and pursue my hobbies include riding motor bikes and prospecting. I have considerable experience with 30 years as Snr National Park Ranger working with many Aboriginal communities with extensive fire training at an international level and other relevant accreditation. I also hold certificates in civil engineering, small business management, an engineering ticket for Works Program Management and a Diploma in Frontline Management. I have ten years' experience as an RTIO Accommodation Camp Manager.

I am a member of TAC as a representative on behalf of my mother and family assisting in the decision making for the future of Yugunga-Nya group, with the support of other family group representatives and FAS. I believe we all are working towards making a future better for Yugunga-Nya People. Making the right decisions, better health and wellbeing programs, better education assistance for those that are presently struggling. FAS as our Trustee along with our TAC team have improved Yugunga-Nya's direction immensely during my time with the team.



**Michelle Christensen  
(Ward apical)**

I was born and generally grew up in Port Hedland but often visited Nana Kelly in Meekatharra. I am the second eldest in a family of six children. My mum is Barbara Christensen (née Ward), granddaughter of Ivy Kelly, and great granddaughter of Dolly Ward. Some of my best memories are of spending time with our family in Meeka.

In all honesty, I wasn't interested in being involved in the native title journey. Not because I didn't believe in it, but because I thought it was only for the Elders. Sadly, in our family, our generation (40-50 years old) are the "Elders" now. Over time, however, I have come to appreciate that it is our history, our journey and that, to honour our Elders, we need to preserve their life story.

Working with TAC and also our families, I'm keen to find out what is wanted and needed and to see the growth and education of the younger generation as a way of developing self-reliance and to encourage the sharing of our families' story, and knowledge of land and history.

**Matthew Abrahamson  
(Wheelbarrow apical)**

I was born and raised in Perth, and I am a descendant of Jimmy Wheelbarrow. I live with my partner and two children in Seville Grove, in the south-east corridor of the Perth metropolitan area.

I work as a principal policy officer at the Department of Justice, where I have worked for 23 years. I also hold the position of President, Community and Public Sector Union/Civil Service Association, and I am a Director of the Yugunga-Nya Native Title Aboriginal Corporation (YN PBC). Because of my role as Director and member of negotiating teams on the YN PBC, I am in a position to negotiate positive outcomes for Yugunga-Nya people in terms of employment and procurement opportunities with mining companies and also through payment of royalties which flow through to the trust.

In my capacity as a TAC member, I aim to ensure that funds received through royalties benefit Yugunga-Nya people to the greatest extent possible. The next 12-24 months is an important period as we look to secure mining agreements and royalty payments that can improve the situation of Yugunga-Nya people. I encourage all Yugunga-Nya to let the TAC know what can be done better to support you and your family and I am confident my fellow TAC members will provide strong advocacy for the benefit of all Yugunga-Nya people.

**Elaine King (Ward apical)**

My mother and I were both born in Meekatharra. My father, Bob Kelly is from Leonora. He was a Tjuarl. My grandmother, Ivy, was born at Hillview Station.

I live in Meekatharra with my husband, Lance King. I have five adult kids of my own and I am also a stepmother to one. My daughter lives in Meekatharra and runs her own business here, in town. Is this current? Over the past 30 years I have worked locally as a youth worker with the local shire.

I am involved on the committee because I really want to see our young generations have better opportunities and future. The policies and assistance programs we have approved are important and positive results for the Trust and our people.





# YUGUNGA-NYA PEOPLE'S TRUST: FUNDING FLOW AND OUTCOMES

## TRUST FUNDING RESOURCES

- Royalties from mining agreements
- Trust Investment Fund [Future Fund]



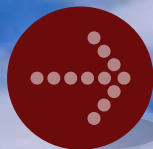
## CHARITABLE TRUST PROGRAMS

- Education: primary and secondary
  - Advancement fund (previously Emergency hardship)
    - Ambulance cover
    - Medical expenses
- Medical away from home allowance
  - Funeral assistance



## TRUST EXPENDITURE and INVESTMENTS

- Residential properties
- Community engagement (YN TAC and Community meeting)
- Pre-employment certification, photo ID cards and birth certificates
- PBC operational revenue
  - Trust's legal costs
  - Trustee admin costs
  - Native title legal costs
- Audit-compliance & administration



## OUTCOMES for BENEFICIARIES

- Free housing in Meekatharra
- Sustainable Future Fund
- Improved access to life's necessities and education
- Resolution of Trust legacy legal issues
- Year 1 fully-funded operational PBC
- Proposed consent determination for YN#2; proposed Indigenous Land Use Agreement (ILUA) for 10 invalid future acts in Cue; representation of YN claimants in the Gingirana overlap at Ned's Creek
- Transparency and accountability in financial dealings





# MANAGING DIRECTOR'S OVERVIEW



The 2023 financial year was successful on delivering significant benefits to the Yugunga-Nya People despite new challenges facing the trust.

We continue to be affected by a reduction in funding. This is primarily due to suspended payments under the Sandfire Resources land access agreement pending the resolution of the overlap matter with the Gingirana #4 application. Further to this matter is the fact that the mine is reaching the end of its life and is unlikely to replicate past revenue streams.

Despite this, the trust was still able to fund all its programs to beneficiaries and, importantly, the first full year of operation for the Yugunga-Nya Native Title Aboriginal Corporation RNTBC (YN PBC) established at the time of achieving a positive native title determination in the Federal Court in November of 2021. The trust also supported the corporation in growing its membership base by assisting Trust beneficiaries with completing PBC membership application forms and obtaining appropriate forms of identification. I encourage all trust beneficiaries to apply for YN PBC membership.

For several years, the trust has been attempting to have a Sandalwood harvesting program active with the Forrest Products Commission. We are very pleased the contracts have now been transferred to the members directly and we wish them every success with this venture (for more information, see Yugunga-Nya Heritage Pty Ltd, p. 40).

As a result of extensive community consultation, the Yugunga-Nya Home Ownership Program (YN HOP) was authorised to be activated in 2023/24. The

program will provide the Yugunga-Nya occupants of the Meekatharra trust housing with certainty relating to having somewhere to live (for more information on the YN HOP, see Trust Residential properties, p. 31, and Legal Matters, p. 34).

The trust continues to work through a number of historical legal matters which result from the actions of the three previous trustees. The cost and time involved in resolving these activities highlight the importance of having rigorous compliance and record keeping (for more information see Legal Matters, p. 34).

The annual community meeting was held across two locations, Meekatharra and Perth. The Trust Advisory Committee remained the same as none of its members had been appointed for more than 12 months at the time of the meeting. I use this opportunity to thank the TAC for their commitment to representing the community.

This financial year was the second full year of program delivery since the lifting of the funding suspension in 2021. It has been great to see the high level of engagement with the trust, both via the Custodian Community software and over the phone.

Thank you to Yugunga-Nya People for your support during the year and we look forward to an even better 2024.

**Phillip Williams**  
*Managing Director, FAS  
as Trustee for YNPT*

Phil Williams with TAC members including Narelle Thorne (facing) aboard a charter flight to an on-country TAC meeting.







## 2022–23 HIGHLIGHTS

**440**

registered primary beneficiaries

**479**

registered dependents:  
397 children and  
82 spouses

**2423**

applications for micro programs completed

**\$1,036,076**

distributed to Y-N people in micro programs

**\$900,000**

provided for the operating budget of Yugunga-Nya Native Title Aboriginal Corporation (YN PBC)

**\$729,809**

spent on maintaining Trust residential properties in Meekatharra and 395 property maintenance requests completed

**YN PBC's**

inaugural operating budget fully funded by the Trust

**Participation**

of 6 Trust beneficiaries in AIATSIS Summit 2023 funded by the Trust

**Advancement**

Fund micro-program utilised by 90% of beneficiaries

**Increase**

in the number of registered primary beneficiaries from 415 to 440

**Increase**

in the number of registered beneficiaries (incl. children and spouses) from 799 last year to 919 this year

**Major**

maintenance program of over \$400,000 carried out on Trust properties in Meekatharra

### Community engagement

- **Assisted YN PBC** in its drive to get more members and director nominations by explaining the process and benefits to beneficiaries
- **3 out of six TAC meetings** held on country, one in Meekatharra and two in Cue, and the annual community meeting held in Perth and Meekatharra
- **57 news notices** and communication updates sent to beneficiaries via CC App and published on YNPT website, including information on remote visits by Centrelink (Services Australia), Murdoch University's pet sterilisation services, and Department of Justice Regional Open Days
- **28 beneficiaries** assisted with payments for copies of birth certificates and 24 with payments for pre-employment screening and identity checks
- **38 Trust Feedback Forms** responded to via CC App
- **2 comprehensive electronic surveys** conducted on the future of YNPT-owned properties in Meekatharra and the occupants' satisfaction with the maintenance of the properties
- **2 electronic surveys** conducted with the recipients of the 2022 Business Development Grant



## KEY FIGURES

- **66** News items sent to beneficiaries
- **~ 80,000** SMS messages sent to beneficiaries (includes bulk, automated and manual messages via CC App)

## Custodian Community (CC) software and App

The CC software was developed by FAS specifically to manage native title charitable trusts.

The benefits of CC are:

- improved communication and engagement with beneficiaries
- automated and manual text messaging with every application and beneficiary
- better access to programs
- greater efficiencies in service delivery
- greater transparency and compliance.

The CC program tracks and manages all applications made to the trust regardless of whether they are made over the phone, by email, or by the App itself.

When a member logs into CC they can view a record of all applications they have made. The app records the status of all applications and sends automated text messages from lodgement to completion, allowing members to track the status of their applications in real-time.

To install the CC App on a phone, beneficiaries simply need to launch the app at [www.ynpt.com](http://www.ynpt.com) and follow the prompts. FAS staff can assist with installation and a “walk-through” of the features of the app via an “impersonate” function that enables staff to view the app and its features as seen by the client from their phone.

### COMMENT ON PERFORMANCE

More than 85 percent of all beneficiaries continue to actively use the Custodian Community (CC) app.

This year recorded a surge in the overall number of applications for assistance with 1056 more applications completed than the previous year. The increase was predominantly due to the replacement of the Emergency Hardship program with the Advancement Fund and the corresponding increase in funding from \$500 to \$1200 per beneficiary.

A flexible feature of the CC software means that FAS staff can tailor application forms for specific purposes and recipients, based on requirements of micro-programs or communication initiatives. Forms are also able to be either used internally, by staff only, or assigned externally to all, or specific, beneficiaries via the CC phone app.

For example, a discrete *TAC Meeting* form is activated against eight members of the TAC, ahead of each meeting, allowing members to confirm their attendance, travel, accommodation, and dietary requirements before arrangements are put into place. *Property Maintenance Request* is an example of a form used by staff-only, to record and action maintenance requests made by occupants of the Trust residential properties in Meekatharra. This year forms were also created, for instance, to enable a snap survey with eight beneficiaries who received funding through the Business Development Grant in 2022; canvass attendance at the AIATSIS Summit in early June; and, allow beneficiaries to submit photographs taken on country for a chance to have the photos featured in the annual report and win a \$200 voucher for every chosen entry. The chosen entries are featured in this report.

The News functionality in the CC App was used regularly throughout the year. Among others, news notifications were used to:

- provide program and native title updates
- send YN PBC-related reminders and news
- request updates to address details to renew St John Ambulance cover for WA-based beneficiaries
- share information on NAIDOC celebrations and regional visits by the Department of Justice and Centrelink
- provide access to two comprehensive surveys concerning Trust residential properties in Meekatharra, and share survey results.



## Future Fund

The Trust Advisory Committee working with FAS elected to preserve a Future Fund to ensure the long-term viability of the trust and its activities.

The Future Fund holds fifty percent of all funds received from the Sandfire land access agreement.

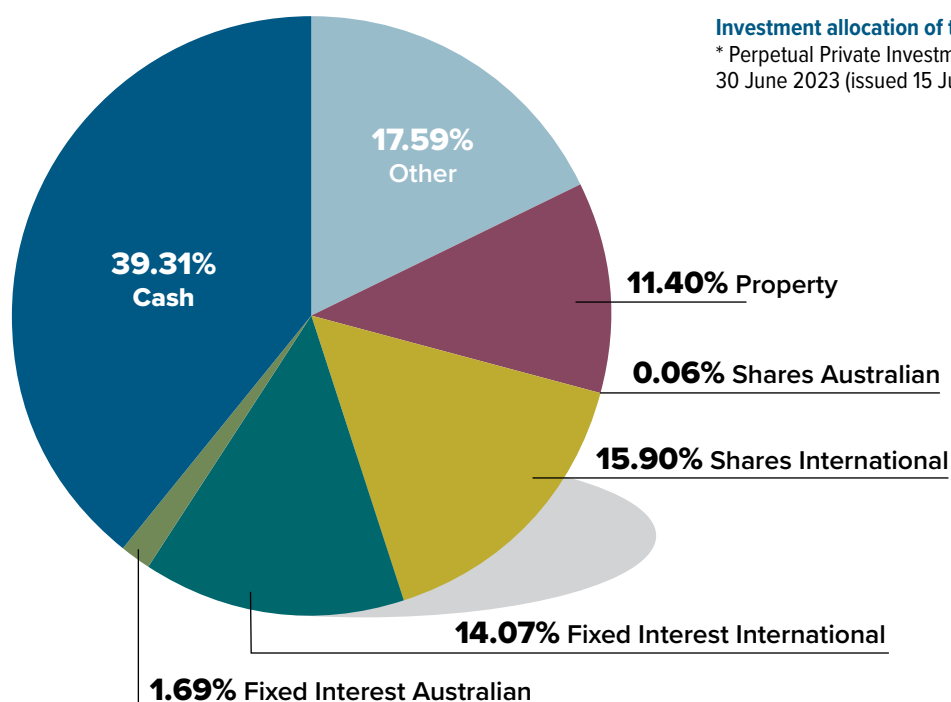
The fund is managed by Perpetual who place funds into various investment classes consistent with the investment policy and their financial advice.

## COMMENT ON PERFORMANCE

Due to the suspension of funds from the Sandfire mine, no funds were contributed to the Future Fund during the reporting period. The trust has been heavily reliant on drawing down both the principal and income to meet the trust objects.

Both the trustee and TAC are aware of the financial challenges the trust faces in the 2024 financial year. The TAC took the position that members are struggling at present and there is a need to continue the existing programs, knowing that they may not be able to fund these in the near future.

DESCRIPTION	UNITS	MARKET PRICE (\$)	MARKET VALUE (\$)	PORTFOLIO (%)
<b>Managed Investments</b>				
Perpetual Income Opportunities Fund (PER0436AU)	214,048.8152	1.0264	219,699.70	12.69%
Perpetual Growth Opportunities Fund (PER0437AU)	661,345.4973	1.4385	951,345.50	54.95%
<b>Total Managed Investments</b>			<b>1,171,045.20</b>	<b>67.64%</b>
<b>Pending Settlements</b>				
Pending Settlements			0.00	
<b>Total Pending Settlements</b>			<b>0.00</b>	<b>0.00%</b>
<b>Direct Cash</b>				
Perpetual Cash Account - Cleared (000969239185)			560,276.00	
Perpetual Cash Account - Uncleared			0.00	
<b>Total Direct Cash</b>			<b>560,276.00</b>	<b>32.36%</b>
<b>PORTFOLIO VALUE</b>			<b>\$1,731,321.20</b>	<b>100.00%</b>



### Investment allocation of the main asset classes held in the portfolio\*

\* Perpetual Private Investment Wrap Annual Statement 1 July 2022 to 30 June 2023 (issued 15 July 2023)



# YEAR IN REVIEW





*The Yugunga-Nya People's Trust budget for the financial year 1 July 2022 to 30 June 2023 was approved by a joint decision of the TAC at their meeting on 27 June 2022.*



## KEY FIGURES

- **\$476,000** budget (\$196,000 for medical expenses and \$280,000 for medical away-from-home allowance)
- **\$1700** allocation per registered beneficiary
- **686** applications completed
- **\$248,111** distributed under applications
- **\$41,785** distributed under St John Ambulance cover
- **\$289,896** total distributed (61% of the budget)

## Medical and Carers' Assistance

### PURPOSE

The program provides financial assistance of up to \$1700 to each registered beneficiary, partner, and child for access to medical care to promote good health and prevent illness in the Yugunga-Nya community.

Depending on the applicant's needs, this amount can be put to use either solely for medical expenses or as a combination of:

- **\$700** for medical expenses payable directly to healthcare providers; and
- a **daily allowance of \$100** restricted to 10 days or \$1000 to assist the patient and their appointed carer with costs incurred when seeking medical attention away from their place of usual residence.

Beneficiaries eligible for the away-from-home or carer's allowance can receive financial aid for associated costs of traveling, housing, and food when they are obtaining medical care in a place other than their normal residence.

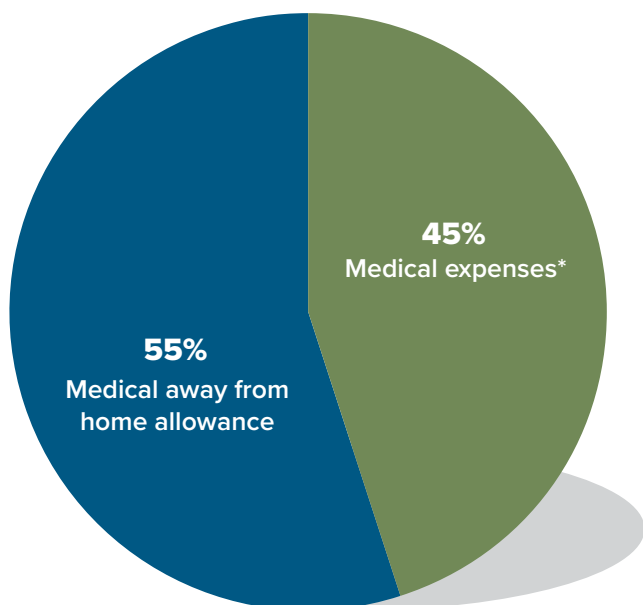
### COMMENT ON PERFORMANCE

The number of finalised applications increased from 517 last year to 686 in the current reporting period, following the same trend of a slightly greater percentage of applications completed under the away-from-home component of the program (see Chart 1).

Beneficiaries affected by chronic illness who had to relocate for treatment in the previous year continued to be eligible for away-from-home funding to cover general living expenses.

Given the medical budget had been underutilised and regional beneficiaries needing more assistance with travel costs, the trustee highlighted at the March TAC meeting that it would provide more options by allowing beneficiaries to claim medical expenses funds (\$700) for travel if they had used up all their medical-away-from-home funds (\$1,000). Assistance could be provided at a reduced rate of \$100 solely for the day of the appointment and according to current policy – for appointments not obtainable at home, or if the travel distance was more than 100km. Additionally, the trustee noted that the TAC could think about creating a distinct budget for the travel of regional beneficiaries, when considering the budget and policies for the next financial year.

*'I was able to get what I needed quite quickly, which was really helpful to me. The items I was able to get under medical assistance included prescription glasses, blood pressure and blood sugar monitors and a mobility walker, and a few other things. The staff were very helpful, and I found the process very easy.'*  
Leanne



**Chart 1: Medical assistance accessed by program component**

\*Types of benefits accessed:

- dental
- pharmaceuticals
- prescription glasses/other medical equipment
- mental health support services
- private health insurance
- specialised facility (hospital, aged-care facility, etc.) – treatment, accommodation and ancillary services
- preventative therapy (including but not limited to physiotherapy and gym memberships)



## KEY FIGURES

- **\$41,785\*** spent on St John Ambulance cover
- **\$558** spent on SA Ambulance Service

## Ambulance Cover

All WA beneficiaries are recipients of St John Ambulance cover as part of a negotiated outcome that came into effect on 1 June 2022. The cover includes as many emergency or necessary non-emergency transports as required which means that beneficiaries do not need to pay ambulance bills. Those who reside outside of WA can simply provide their ambulance bills and the Trust will cover the cost from the overall medical budget.

## COMMENT ON PERFORMANCE

St John Ambulance cover consisted of 219 single memberships (up from 148 last financial year) and 161 family memberships (down from 225 last year). A couple of beneficiaries received assistance towards clearing old ambulance service debts accumulated before obtaining cover through the Trust.

*\*For accounting purposes the 12-month premium of \$41,875 is split across two accounting periods. Only \$8,207.88 of this premium is reported in the audited financials for the period ending 30 June 2023.*

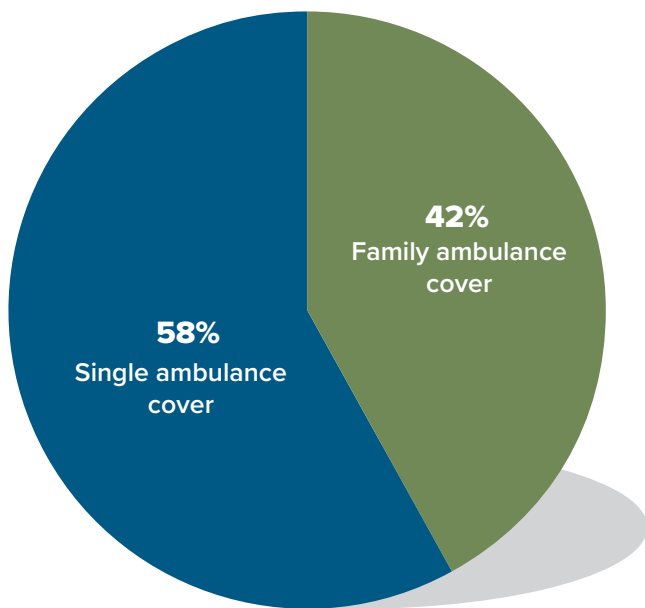


Chart 2: WA beneficiaries are covered by either single or family ambulance cover memberships

St John



## Country Ambulance Cover

Members:  
Joe Citizen

Membership No: 150000-33221 Expiry: 16 June 2024

Every WA Trust beneficiary can access their membership card on [My Profile, CC App](#)



## KEY FIGURES

- **\$500,000** budget
  - **\$1200** per beneficiary
  - **1342** completed applications
  - **\$487,394\*** distributed (97% of the budget)
- \* this figure includes GST and corporate discounts

## Advancement Fund (previously Emergency Hardship)

### PURPOSE

The broad-based program addresses the charitable purposes by covering general household and living expenses for beneficiaries to maintain a modest and healthy lifestyle, and overall wellbeing. The program is an expansion of the Emergency Hardship program of previous years, which provided \$500 to each beneficiary for food and household bills. It combines the charitable purposes and budget of the Wellbeing fund which was discontinued due to low uptake, providing those in need access to \$1200 per beneficiary for basic home, living and wellbeing needs such as food, clothing, household bills, whitegoods, preventative therapy and counselling.

### COMMENT ON PERFORMANCE

Beneficiaries appreciated the flexibility of this extremely popular program, which in its expanded form gave them access to a wider selection of benefits and greater capacity to address their individual needs. In the first month of the financial year, 375 applications were completed – almost 30 percent of the total number of applications – mostly consisting of requests for food vouchers. Chart 3 is a proportionate representation of types of benefits accessed under the program.

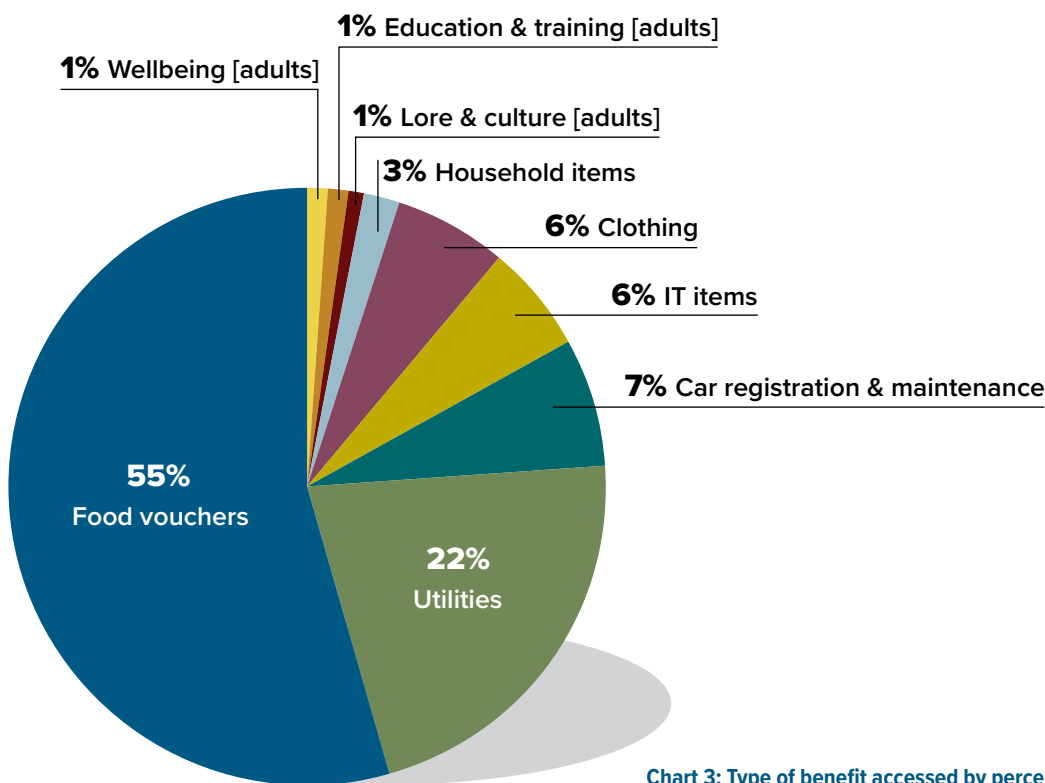


Chart 3: Type of benefit accessed by percentage of budget spent





## KEY FIGURES

- **\$250,000** budget (\$100,000 for primary and \$150,000 for secondary education assistance)
- **863** applications completed
- **276** children accessed assistance
- **\$255,271** distributed (102% of the budget)

## Education Assistance: primary and secondary school children

### PURPOSE

The Trust's education assistance programs are created to help Yugunga-Nya families with the costs of schooling their children. Assistance is available only to beneficiaries' registered children and the parents or carers must apply along with an enrolment record for that school year.

School-related payments for either goods or services are sent directly to the relevant service provider or the school. The limit to the amount that can be applied for is:

- **\$1,000** for each enrolled child attending kindy to primary school
- **\$2,000** for each enrolled child attending secondary school

### COMMENT ON PERFORMANCE

In total, the budget for primary education went over its allocation by \$21,722, largely because the secondary education budget was underutilised by \$16,451. The extra \$5,197 came from the operational budget.

Over the course of the reporting period, the Trust was able to assist 276 Yugunga-Nya children in their educational pursuits: 124 primary and 152 secondary school children. This year, 80 more secondary school student were assisted in comparison to the previous year, coinciding with the overall growth of school-aged dependants, which rose by 68 from 208.

This is due in large part to the increase in the number of primary beneficiaries from 288 to 417 in the current period, helped by the Dorizzi family's admission into the Yugunga-Nya claim group to obtain a consent determination of native title.



*“Receiving my HSC was an incredibly proud moment for me, and my family, and I was very happy that I could use some of my unspent (education) funds for an outfit to the College ball to celebrate with all my friends.”*

*Zymarn*

Zymarn proudly displaying his graduation certificate from St Mary's College at the graduation ceremony and arriving in style for the Hollywood Red Carpet college ball.



## BIRTH CERTIFICATES

The Trust continues to cover the cost of obtaining copies of birth certificates from the Registry of Births, Deaths and Marriages (the fee for a certified copy in WA is \$53 but varies in each state) for all beneficiaries and their dependants, on request. During the reporting period, the Trust spent \$3127 on 28 completed applications.

8% Booklists\*\*

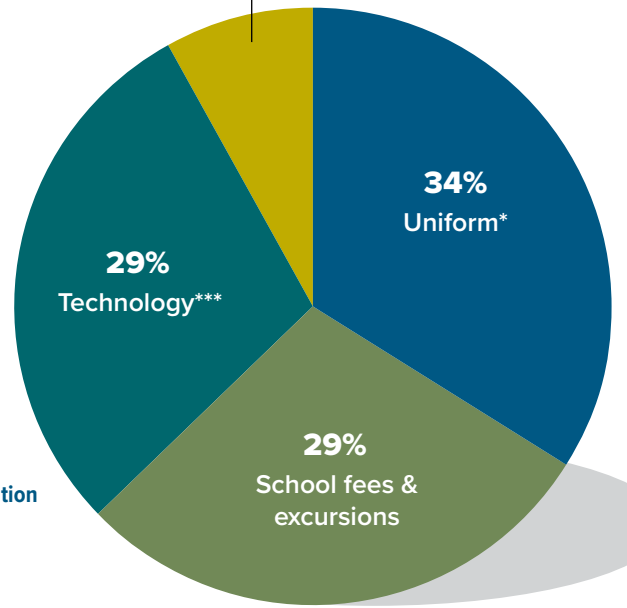
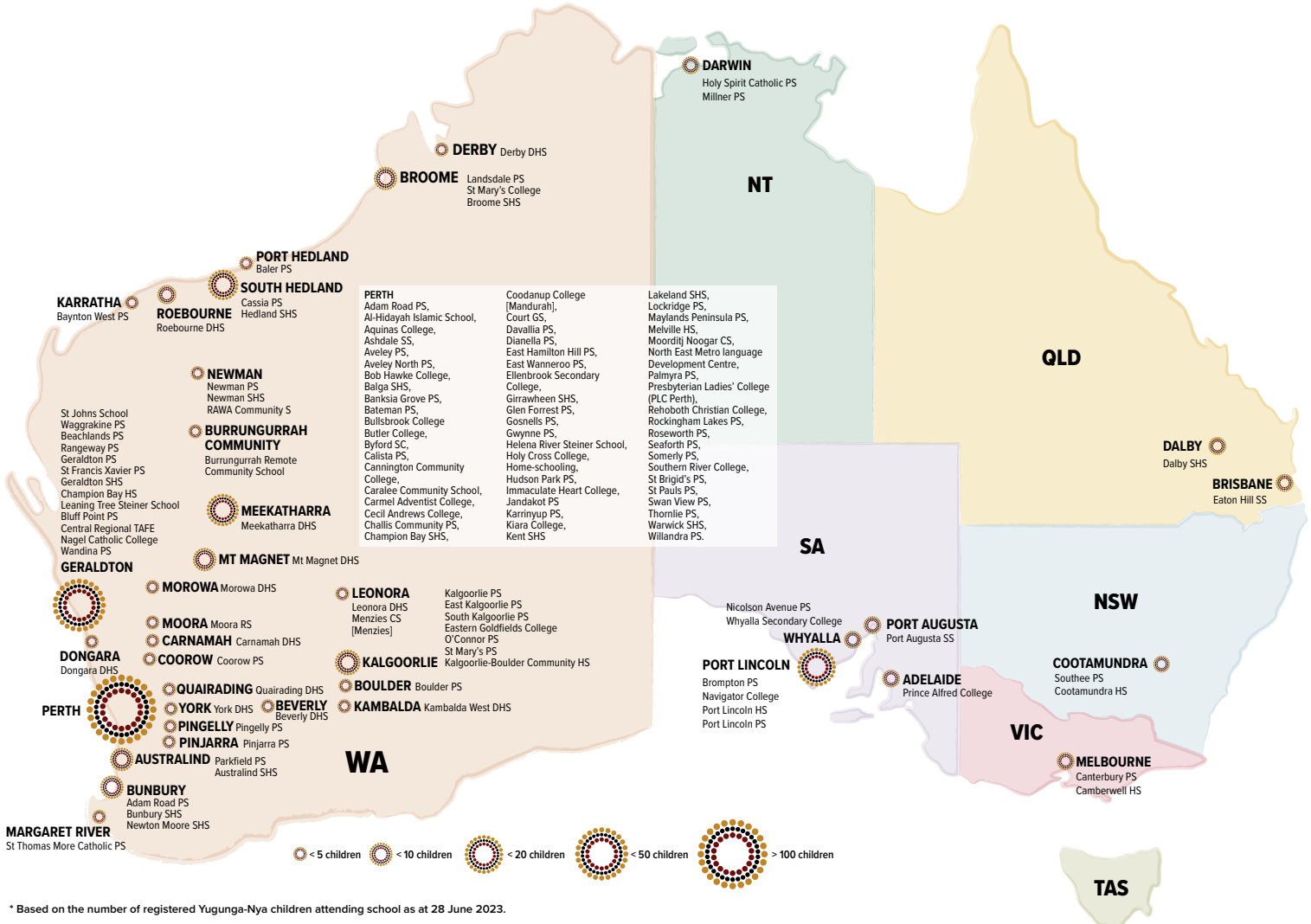


Chart 4: Percentage of applications completed for primary and secondary education assistance by Type of benefit accessed by percentage of education budget

\* includes shoes

\*\* includes other school items such as bags, water bottles, lunch boxes

\*\*\* iPad/tablet or laptop/MacBook or home computer



\* Based on the number of registered Yugunga-Nya children attending school as at 28 June 2023.

Figure 3: Schools attended by Yugunga-Nya children



## KEY FIGURES

- 10 grants of \$20,000 awarded in 2021/22
- 6 businesses operating in 2022/23


## Business Development Fund

### PURPOSE

In 2022, the one-off Business Development Fund offered grants up to \$20,000 to assist entrepreneurial Trust beneficiaries in establishing or enlarging their own businesses, to help alleviate poverty and increase economic self-sufficiency in the Yugunga-Nya community.


### UPDATE ON PERFORMANCE

In January 2023, a survey was administered via the Custodian Community App to the 10 grant recipients to discover the progress of the businesses supported by the grants as well general opinions on the business grant initiative. According to a snap survey conducted in June 2023 via the CC App, six business remained active. Some of the feedback captured by the January survey is featured in the table below.

Registered business name	Grant recipient
TCA & Co Legal	Ashley Truscott
 tcacolegal.com.au	Description
	<p>A legal practice providing representation and services across a range of legal areas including native title, civil and administrative law. Its target market includes:</p> <ul style="list-style-type: none"> <li>• native title holder or claimant groups in future act and commercial right to negotiate matters and parties seeking representation in determination and compensation applications.</li> <li>• clients bringing action in the Magistrates, District and Supreme Court of WA relating to breach of contract, defamation, negligence, debt recovery, trespass to the person; personal injury matters against the State and private persons; discrimination matters under the State and Federal regimes</li> <li>• immigration applicants relating to refugee and character related decisions</li> <li>• review matters before civil courts and tribunals.</li> </ul>


### 2023 Survey feedback

*'I have completed the Legal Practice management course successfully and am able to practice as a principal on my practising certificate which means I can run my own practice that I have set up. It's fantastic. The best benefit of receiving the grant has been that I can be in control now of my own income. I plan to run the business and operate TCA & Co Legal as the only and primary source of my income.'*

Registered business name	Grant recipient
Tjungu services	Gweneth Martin
 <b>TJUNGU SERVICES</b> CONNECTEDNESS tjunguservices.au	Description
	<p>The business was first established in 2018 to operate as a training consultancy provider offering services in cultural awareness training, mentoring and peer coaching to improve service provision to First Nations peoples. It provides ways to help organisations recognise and serve the needs of First Nations by adopting a culturally responsive approach.</p> <p>In addition to expanding its consultancy operations, the business aims to further develop a line of skincare products with a focus on natural ingredients, having already formulated a face scrub and mask at the time of the grant application. As another component to this side of the business it also has a target of providing Reiki classes opportunistically.</p>

### 2023 Survey feedback

*'We now have a website and videos. I've also done Reiki Masters (course) and will be able to provide Reiki healing as soon as I'm able to organise a healing space (will need more funds to do this). We also have pamphlets and business cards to hand out.'*

Registered business name	Grant recipient
TJ accounting consultants	Jolene Elliott
 tjac.com.au	Description
	<p>Operating since 2019, the accounting firm offers tax, accounting and general business advice and is seeking to expand. The firm is female-led by a chartered accountant and a certified practicing accountant, who are also registered tax agents. Current client includes the Yugunga-Nya PBC.</p> <p><b>Target market includes:</b> Companies and small to medium entities (turnover over \$100k)   Indigenous clients   Women in business.</p>

### 2023 Survey feedback

*'... [the grant] was very helpful to give us the boost we needed. Some grants are very difficult to obtain, and business can go a long time without being able to do some necessary things... Our marketing is up to date, but the most useful has been our business coaching.'*

Registered business name	Grant recipient
--------------------------	-----------------

Chiriger Dreamtime	Sandra Derschow
--------------------	-----------------

Description
-------------



The business is an Indigenous driving school. It is tailored to assist Indigenous people obtain their driver's licence in Western Australia. The service consists of lessons and a driver training program to prepare students for their practical licence test.

Clients are to be sourced primarily via the Department of Justice (prisons) and will generally comprise prisoners about to be, or near, release.

### 2023 Survey feedback

*'There have been some changes made [to the business plan] to fit the prison contract. Bunbury prison had some security concerns for running the First Aid car care program, which has been placed on hold till further discussion and planning. I have been ...overseeing the entire process of prisoners completing all necessary tasks to attain their C class manual driving licence. I have written and delivered programs working with job agencies and consultants to educate indigenous groups to motivate and encourage attaining a driver's licence.'*

Registered business name	Grant recipient
--------------------------	-----------------

Workplace Warehouse	Matthew Abrahamson
---------------------	--------------------

Description
-------------



The business acts as a distributor under the Common Use Arrangement (CUA) of products for cleaning, kitchen, and bathroom.

While Workplace Warehouse is not a contracted provider under the CUA, state government agencies can purchase from Workplace Warehouse under the Western Australian Procurement Rules as the business is registered on the Aboriginal Business Directory WA.

### 2023 Survey feedback

*'The business is up and running and while we are a preferred supplier for the Western Australian Local Government Association, despite limited trading history, there is considerable work to be done.'*

Registered business name	Grant recipient
--------------------------	-----------------

Sandalwood Dreaming production contract no. 22-002	Alison Gentle, Subcontractor
--	------------------------------

Description
-------------



One-year subcontract for harvesting of dead sandalwood, seed supply and seeding services, with possible 2 x 12 mth extensions, in areas as per the Operations Map from FPC.

**Prescribed quantities per year:**

- 50 Tonnes harvesting dead wood 200kg seed collection
- 200kg seed sowing

**Basic requirements of the contract include:**

- Suitable vehicle for harvesting
- Business insurance
- Chainsaw training and licence
- Safety equipment and training

### 2023 Survey feedback

*'The best benefit was getting the car and equipment [to start up the business] and also getting my family involved in the business.'*



## KEY FIGURES

- **\$50,000** budget (\$5,000 per deceased beneficiary, including registered partner and/or child)
- **9** applications completed
- **\$45,000** distributed (90% of the budget)

## Funeral Assistance

### PURPOSE

Families of Yugunga-Nya beneficiaries can receive financial assistance under the program to help pay for a funeral. At the time of death, the deceased must have been a Trust beneficiary, registered partner, or dependent. The assistance can be accessed by a family member who is responsible for making funeral arrangements for the deceased.

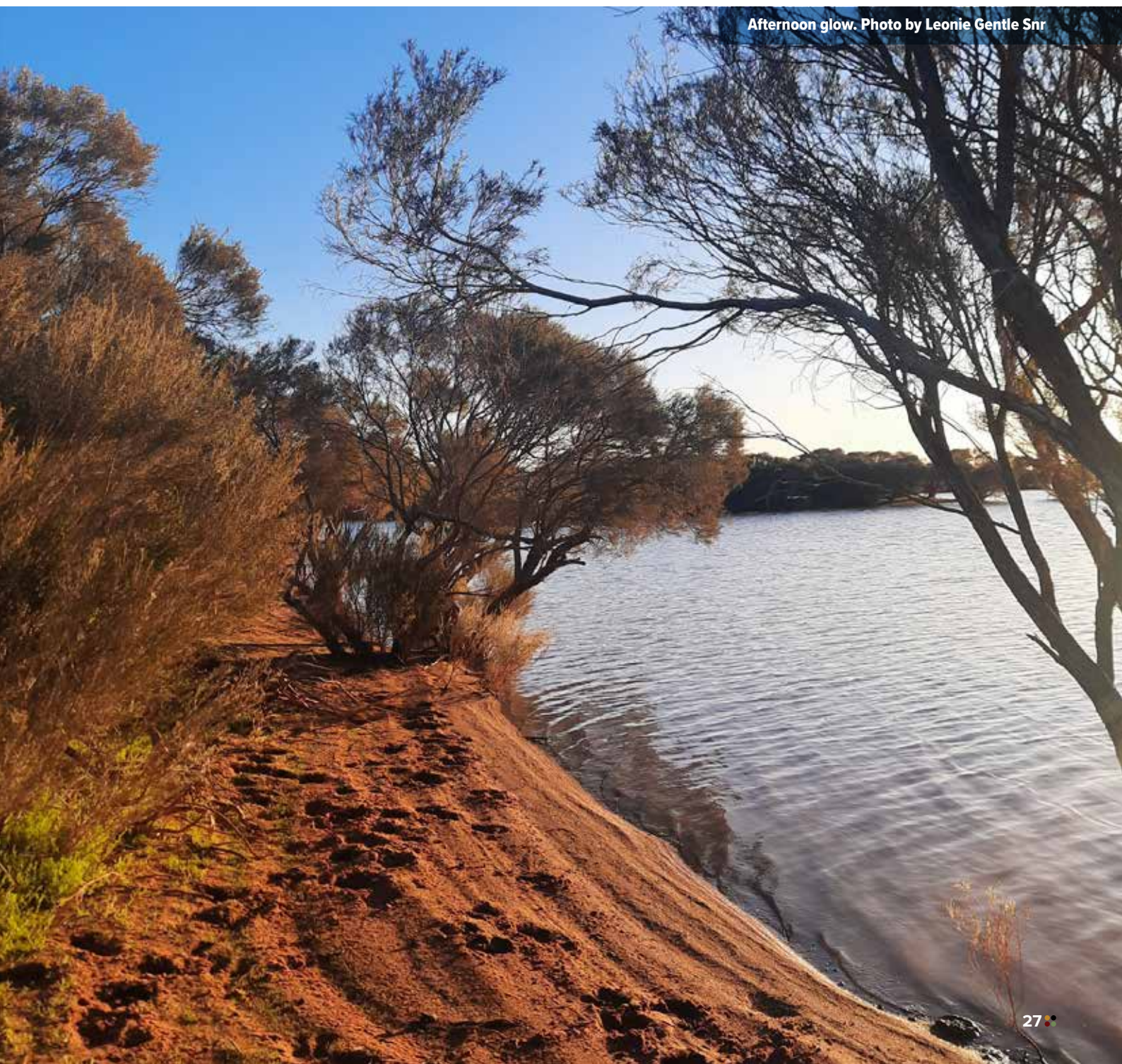
Funeral Assistance funds are paid directly to a funeral home or director upon submission of quotes or

invoices for funeral-associated expenses including cremation services, caskets/coffins, professional service fees, grave site plots, transportation arrangements for the deceased individual's remains, death certificates, floral tributes/wreaths as well as printing costs for memorial cards/notices.

The program does not provide funds to attend funerals.

There were nine deaths over the last year, including seven beneficiaries and two dependents.

Afternoon glow. Photo by Leonie Gentle Snr





## KEY FIGURES

- **\$760,000** budget
- **\$729,809** spent (95% of the budget)
- **395** property maintenance requests completed

## Trust residential properties

The Yugunga-Nya Peoples Trust (YNPT) is the registered proprietor of 13 parcels of land, 11 in Meekatharra and two in Geraldton. Of the 11 parcels in Meekatharra, one is vacant land, and the remaining ten parcels are residential properties occupied by members of the YNPT (see Table 3 for more information). The two parcels in Geraldton are vacant and form part of the YNPT investment portfolio for future development.

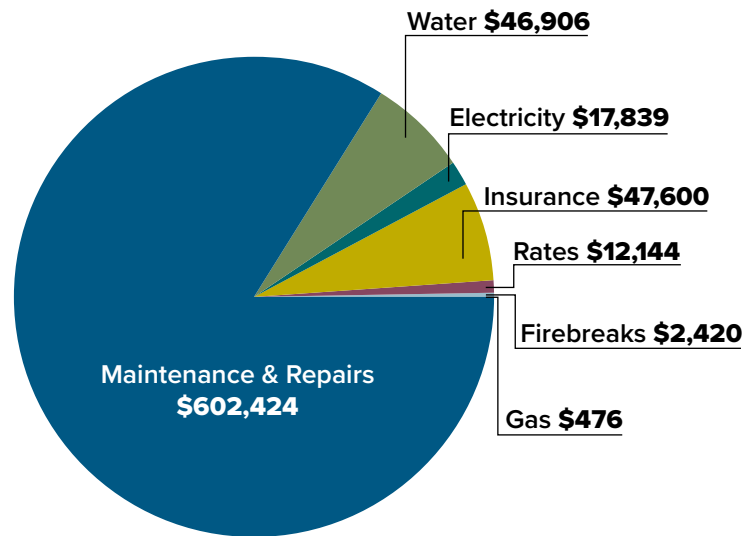


Chart 5: Expenses paid by the Trust for its properties 2022-23

Street Address	Valuation			Rental Value
	Land	Building	Total	
12 Gwalia Street, Meekatharra	\$25,000			
2 Railway Street, Meekatharra	\$10,000	\$150,000	\$160,000	\$300pw unfurnished
4 Railway Street, Meekatharra	\$10,000	\$100,000	\$110,000	\$275pw unfurnished
63 Oliver Street, Meekatharra	\$10,000	\$150,000	\$160,000	\$300pw unfurnished
65 Oliver Street, Meekatharra	\$10,000	\$130,000	\$140,000	\$275pw unfurnished
67 Oliver Street, Meekatharra (Units 1 to 4)	\$10,000	\$230,000	\$240,000	Unfurnished Studio - \$150pw 2 B/R - \$250pw
69 Oliver Street, Meekatharra (Community Centre)	\$10,000	\$90,000	\$100,000	12,000 per annum
71 Oliver Street, Meekatharra (Units 5 to 8)	\$10,000	\$230,000	\$240,000	Unfurnished Studio - \$150pw 2 B/R - \$250pw
73 Oliver Street, Meekatharra (Vacant Land)	\$10,000		\$10,000	
75 Oliver Street, Meekatharra	\$10,000	\$135,000	\$145,000	\$275pw unfurnished
77 Oliver Street, Meekatharra	\$10,000	\$150,000	\$160,000	\$300pw unfurnished
64 Brede Street, Geraldton (Vacant Land)	\$250,000		\$250,000	
109 Durlacher Street, Geraldton (Vacant Land)	\$640,000		\$640,000	

Table 3: Trust-owned properties and their valuation

## COMMENT OF PERFORMANCE

### ABORIGINAL LANDS TRUST LEASES IN MEEKATHARRA

The former trustee, Graham Greenaway, entered a lease arrangement with the Aboriginal Lands Trust (ALT) for several properties in Meekatharra, including the old courthouse which has since undergone significant damage. Under the terms of the leases, the Trust was responsible for all outgoing rates, taxes, utilities, insurance, and property maintenance. When trying to end the leases, FAS discovered it lacked the authority because they were in Greenaway's name, and the ALT would not allow the transfer of leases to FAS. To assist with the matter, FAS engaged a lawyer, Andrew Linfoot, who negotiated an agreement with the ALT that all the properties except the courthouse would be bulldozed when the leases expire, and no liability would be passed on to the Trust. One of the leases

expired in 2022, and the other has a few more years to go. This outcome means that the Trust will potentially save more than \$1 million, the amount it would potentially have had to spend to make the properties good had the agreement not been reached.

### 12 GWALIA ST, MEEKATHARRA

An offer of \$145,000 for the sale of the property accepted by the Trustee, with an initial settlement scheduled for October 2021, was eventually withdrawn. This was due to the inability to secure vacant possession as a result of the unlawful occupation of the property by Rebecca Peterson and persons unknown. The buyer and FAS as the trustee agreed to terminate the contract by mutual consent on 10 March 2023. FAS subsequently initiated an insurance claim for stolen water as well as malicious damage caused by the squatters (for further information, see Legal Matters, p. 34).

New locks were placed on the gates of 12 Gwalia St on 25 August 2023 which were cut open a few days later by the squatters forcing re-entry



External shot of the property taken by security personnel, 25 August 2023



Examples of interior shots taken by security personnel showing signs of illegal occupation and the general state of the property, 25 August 2023





## MAINTENANCE OF TRUST RESIDENTIAL PROPERTIES

After the annual building inspection of the Trust properties carried out in June 2022, urgent electrical replacements were completed as a matter of priority shortly into the new financial year. An Expression of Interest request was issued in August 2022 for the remainder of the work identified during the building inspection and Bugardi Contracting was awarded the contract. In March 2023, the extensive general maintenance completed by Bugardi Contracting included repairs to walls and doors, repainting of all internal walls and some external painting, fence, and gate repairs, and glazing and replacement of security doors and windows. Pest treatments were also performed at the properties and flea and tick dog collars were distributed to pet owners.

The total cost of the work carried out by Bugardi Contracting was in the vicinity of \$489,102.

The remainder of the budget was spent on specific maintenance and repair requests as identified by the occupants throughout the financial year.



Freshly painted interiors, doors and replacement locks were part of the maintenance works completed by Bugardi Contracting in June 2023



## SATISFACTION SURVEY: MAINTENANCE OF TRUST RESIDENTIAL PROPERTIES

On the back of the maintenance works completed by Bugardi Contracting, FAS developed and launched a comprehensive satisfaction survey via the free *SurveyMonkey* online platform. The link to the survey was made available to the 15 primary occupants of the properties via CC App, in late March 2023. To encourage participation in the survey, the primary occupants could claim a \$50 food voucher on completion of the survey. Eleven of the 15 primary occupants completed the survey. A report generated by *SurveyMonkey* with outcomes of the satisfaction survey was emailed and posted out to the 11 respondents on 28 April 2023 and can be viewed on pp. 67-70 (Appendix 1 – *Satisfaction survey: Maintenance of Trust properties in Meekatharra*).

## TRUST-WIDE ONLINE SURVEY

From existing records, FAS compiled a comprehensive *Background Information* report providing an overview of how and why the Trust residential properties came into being and its current circumstances (to read the *Background Information* report see Appendix 2 on p. 71). The TAC received the report before the August 2022 meeting to inform the discussion about managing the properties into the future in the face of declining native title income and lack of rental revenue.

The TAC and the trustee canvassed several options in their meetings in the months ahead. Working closely with the TAC members, FAS developed an online survey to measure the level of support across all beneficiaries for the various options for the future of the Trust residential properties. The trustee worked closely with the TAC on formulating the survey questions.

On 6 April, a news item was sent to all beneficiaries via the CC App with a link to the survey and an introduction consisting of the *Background Information* report previously provided to the TAC to ensure everyone could read the information before answering the survey. The office contacted those who typically do not use the App to assist with completing the survey over the phone. In every instance, a FAS staff member read out the background information to the caller before they answered the survey questions.

In total, there were 47 respondents, four of whom completed the survey via the phone. Of the five options canvassed in the survey, most support was recorded for occupants entering into lease agreements at market rates (60% of respondents) and for selling the properties to Yugunga-Nya people, with the occupants having the first right of refusal (51% of respondents). Overwhelmingly, 81 percent said they did not support the “no change” option of allowing the residents to continue to live rent-free in the properties and with all associated costs paid for by the Trust. The full survey results can be viewed at Appendix 3 – *Yugunga-Nya People’s Trust Survey: Trust residential properties*, pp. 73-74.

### **YUGUNGA-NYA HOME OWNERSHIP PROGRAM (YN HOP)**

In response to the outcomes of the Trust-wide survey concerning the Meekatharra properties, FAS (the trustee) put together a proposal for a co-ownership program that would see the Trust and the primary occupants jointly own the properties. The program is based on the Australian government’s co-equity scheme which was designed to address worsening housing affordability and assist low-income Australians in owning a home. The proposed YN HOP only applies to the current primary occupants of the

Trust residential properties in Meekatharra. It offers them, as a gift, a 20 percent share of the property they live in, based on an independent valuation of the property. Under the proposal, the Trust would continue to own 80 percent of the property, however, the occupant will be able to:

- control how the property is occupied and would be responsible for all maintenance costs
- sell the property at any point by keeping 20 percent of the sale price as their share
- continue to live in the property rent-free until sold by either the occupant or the Trust
- rent out the property to someone else.

The YN HOP proposal received unanimous support from the YN TAC when it was tabled at the meeting on 19 May 2023. To explain the features of the YN HOP and how it would work in practice, FAS put together a plain language brochure (see Appendix 4 – *Yugunga-Nya Home Ownership Program – Meekatharra* pp. 75-78) and engaged the services of Ashley Truscott, a Yugunga-Nya lawyer of TCA & Co Legal, to roll out the proposal by meeting with the occupants in Meekatharra in person and explaining the details behind the homeownership program. The roll-out is scheduled to commence at the start of July 2023.



## Trust vehicles

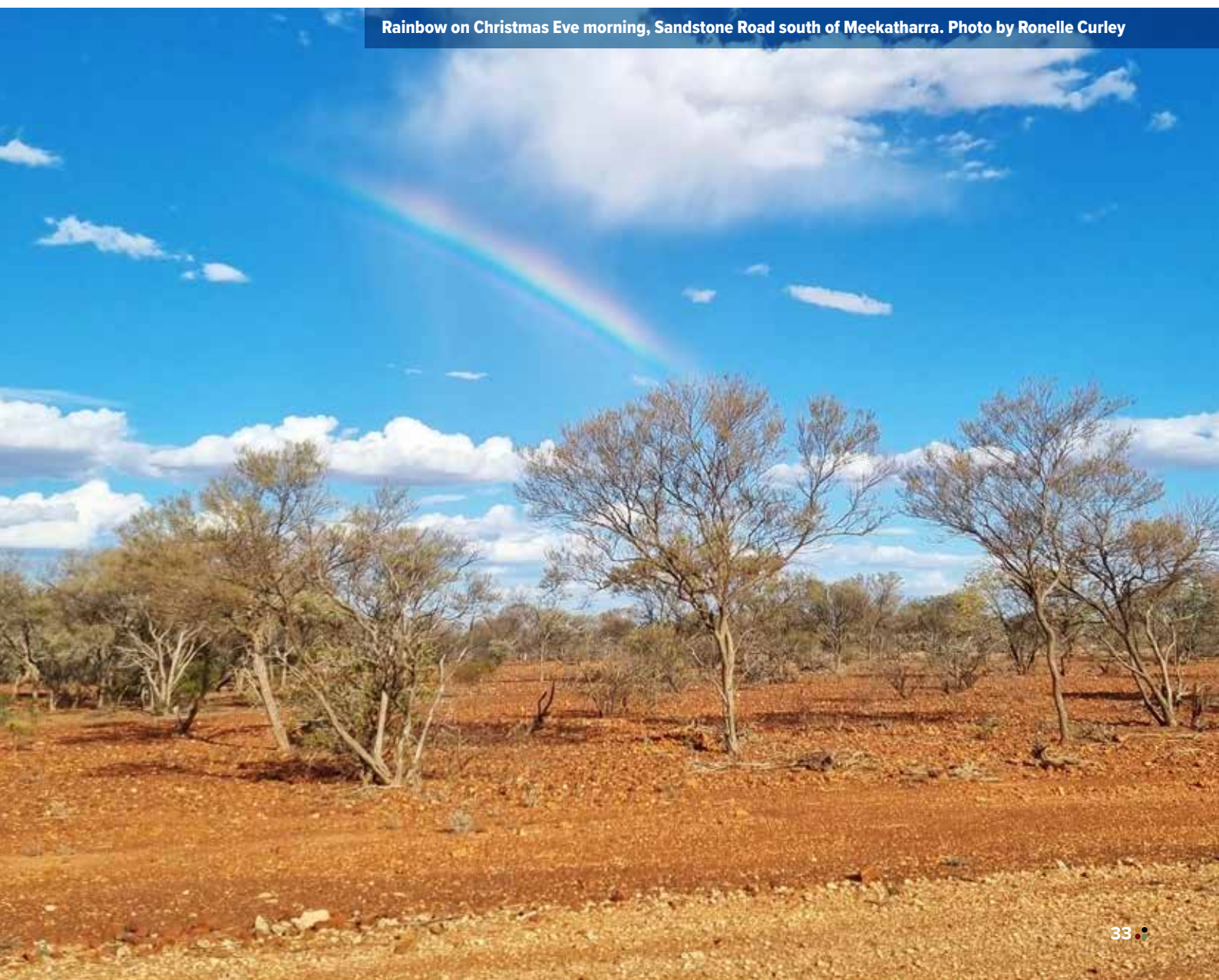
During the reporting period, the beneficiary in possession of the 2016 Prado Station Sedan registered in Trust's name completed the transfer of ownership of the vehicle and in exchange agreed to forgo all Trust programs until 2 August 2027.

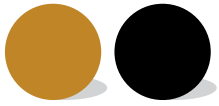
The 2012 Toyota Hilux was reported to the Department of Transport for potential unauthorised transfer. The Trustee intends to initiate a legal proceeding (for more information, see Legal Matters, p. 34).

Vehicle Description	Registration Number	Disposal
2017 John PAPAS Box Top Trailer	1TTD423	Unrecoverable
2012 Toyota Hilux Dual Cab	1EEM939	Subject to potential legal proceedings
2016 Toyota Landcruiser Prado Stn Sdn	1EXM353	Transfer of ownership completed

### Schedule of the YNPT vehicles

Rainbow on Christmas Eve morning, Sandstone Road south of Meekatharra. Photo by Ronelle Curley





For the financial year ending 30 June 2022, the Trustee was engaged in the following legal actions and matters in respect of the Trust.

## **BULHARI HOLDINGS PTY LTD AND GEORGIA LEWIS**

In March 2021 the Trustee commenced Supreme Court proceedings against Bulhari Holdings (as Trustee of the Trust between July 2017 and April 2018) and Georgia Lewis (as director of Bulhari Holdings Pty Ltd) seeking recovery of approximately \$710,000 in funds advanced to two sub-corporations. The Trustee asserts that the former trustee breached its fiduciary obligations by not ensuring trust monies were distributed for the benefit of all the beneficiaries. The Trustee expanded the claim against the company and Ms. Lewis to seek a further \$163,382 in trustee fees for a pre-appointment period, for reimbursement of pre-appointment costs, and for management fees for the Freemasons Hotel.

On 15 September 2022, Bulhari Holdings Pty Ltd was placed into liquidation by Ms Lewis. The Trustee made a number of enquiries through the liquidator as to whether there were any insurance policies taken out by Bulhari Holdings PL to cover the alleged wrongful conduct during the relevant period. Those enquiries have failed to identify any such policies. As of 30 June 2023, the claim against Ms Lewis is proceeding.

## **GRAHAM THOMAS GREENAWAY AND BEACHCROFT HOLDINGS PTY LTD**

In September 2018 the former Trustee ISPL Y-N commenced Supreme Court proceedings against Mr Greenaway (Trustee of the Trust between 2004 and July 2017) and Beachcroft Holdings Pty Ltd seeking to recover \$2.75 million in monies that he had caused the Trust to lend to FAWKRT Pty Ltd between July 2013 and July 2017.

The civil proceedings against Mr Greenaway and Beachcroft Holdings were suspended until the outcome of the criminal trial against Mr Greenaway was determined. On 10 September 2021, Mr Greenaway was convicted of 33 counts of stealing and 1 count of fraud and sentenced to 6 years 4 months jail and ordered to repay the Trust compensation of \$2.1 million.

However, in February 2022 Mr Greenaway lodged an appeal from his conviction and sentencing. That appeal was on 15 August 2022. On 22 December 2022, his appeal was upheld, and the Court of Criminal Appeal ordered a retrial on the 33 counts of stealing money but dismissed his conviction for one count of gaining a benefit with intent to defraud.

The Court of Appeal also suppressed its reasons for quashing the original convictions until the retrial is heard. The retrial will take place over 2 weeks commencing 13 May 2024.

Beachcroft Holdings Pty Ltd was placed into liquidation on 26 October 2021. The Trustee considered it prudent to determine if any insurance policies covered Mr Greenaway's conduct as the former Trustee. These inquiries were made more difficult by the lack of records provided by Bulhari Holdings PL to ISPL Y-N Pty Ltd and then by ISPL Y-N PL to FAS. The liquidator assisted with these enquiries and certain insurance policies were ultimately located. However, it appeared that either the policies located did not respond to the claims or they were 'claims made' policies that required a claim to be lodged in the year of the policy. The Trustee concluded there was no reasonable prospect of recovery under the insurance policies.

As of 30 June 2023, the liquidator had accepted the Trustee's proof of debt on behalf of the Trust for \$2,754,174.44. Initially, the estimated dividend return was 0.19 cents on the dollar. On 22 March 2022 that was revised to 0.40 cents on the dollar. As of 30 June 2023, no dividend had been paid.

## **JACKSON MCDONALD – STAKEHOLDER AGREEMENT**

Jackson McDonald had been holding the sum of \$44,136.63 since July 2017. The monies were part of the agreement between Bulhari Holdings Pty Ltd and Mr Greenaway to cover any "reasonable and properly incurred costs" of Mr Greenaway to complete the transfer. Both Mr. Greenaway and Bulhari Holdings PL refused to cooperate by consenting to Jackson McDonald paying out the trust monies to the Trustee. The Trustee was obliged to amend the claim against Mr Greenaway to seek payment out of these monies and to apply for summary judgment. Judgment was given on 11 October 2022. After further delays, the sum of \$42,678.18 was transferred to the Trustee on 1 December 2022.

## **12 GWALIA ST – INSURANCE CLAIM**

Due to repeated problems with re-occupation of the subject premises by Ms Peterson and parties associated with her (notwithstanding orders for vacant possession), in March 2023 the Trustee was left with no alternative but to mutually terminate the Sale Contract for the subject premises. The Trustee has separately lodged an insurance claim in respect of the damage caused to the subject property. As of 30 June 2023 that claim remained the subject of ongoing negotiations.

### **TOYOTA HILUX REG 1EEM939 AND VIN MROFZ29G801730259 – JOSLYN MONGOO**

As of July 2019, when the present trustee was appointed, Ms Mongoo was in possession of 2 vehicles namely a Ford Ranger Dual Cab Reg 1EJL 845 and a Toyota Hilux Reg 1EEM939. The Trustee assumes the previous trustee provided her with 2 vehicles under her employment contract with that trustee. In December 2020 the Trustee transferred to her the Ford Ranger. However, the Toyota Hilux has never been delivered. The Trustee has made a formal complaint to the Department of Transport (DOT) that it appears the vehicle was delicensed on 9 July 2021 and the plates returned to Australia Post South Hedland but were then re-licenced without the Trustee's consent into the name of a third party. The Trustee continues to pursue the matter with DOT.

### **SHARED EQUITY PROPOSAL CONCERNING THE TRUST AND THE CURRENT PROPERTY OCCUPANTS**

The Trustee has proposed a shared equity scheme with the current occupants of the Trust properties, all in Meekatharra. Under the proposed scheme each occupant would become a 20% registered owner of the property with the security of ownership and

possession that provides, together with all the rights and obligations associated with property ownership. Negotiations by the Trustee with the current occupants are ongoing.

### **SANDFIRE ROYALTIES – OVERLAP PROCEEDINGS**

The Trustee continues to hold, in an interest-bearing account, the outstanding royalty payments since November 2021, from Sandfire Resources Ltd, in respect of the De Grussa Copper Mine otherwise payable to the Trust. These funds are being held by the Trustee under the DeGrussa Suspense Account Trust Deed made on 1 April 2022. By that deed, the funds are to be held pending the determination or earlier agreement of Gingirana #4 claim between Slim Williams Clive Sampson and James Coppin and the Yungunga Nya native title claimants. As of 30 June 2023, the Trustee was advised by the solicitor for the Yungunga Nya Native Title Claimants that mediation for the overlap proceedings had taken place, but no settlement was reached. Thereafter if no settlement is forthcoming before the closing hearing in October 2023, the matter will be put on hold until the Federal Court delivers its judgment (for more information see the Native Title Report, p.38).



# NATIVE TITLE REPORT

## OVERVIEW

In late 2019 Justice Baker of the Federal Court stated that progress in the Yugunga-Nya native title application '*has been difficult, if not impossible*'. In February 2020, YMAC formally withdrew as the solicitors for the Yugunga-Nya native title group following unsuccessful attempts by the former president of the National Native Title Tribunal and the various YMAC lawyers in the preceding four or five years to obtain instructions from the Yugunga-Nya native title party.

In normal circumstances, this could have ended the Yugunga-Nya native title claim. The Court told the Yugunga-Nya applicant that without evidence as to why the claim should proceed, the Yugunga-Nya claim could be struck out. Through the determination of key claimants and the persistence and strategic input from the claim group's legal team (Sam Hegney Solicitors and PBC Legal and Consultancy Services), the Yugunga-Nya Peoples' arduous journey for native title recognition reached an endpoint on 2 November 2021. The Federal Court of Australia handed its reasons for the decision in the consent determination for Part A in the Yugunga-Nya native title application.

## THE DECISION

In granting their native title rights over Part A of the Yugunag-Nya native title claim area, the Court's decision emphasised the importance of Mount Yagahong to the Yugunga-Nya people, referring to evidence from Elders that Mount Yagahong from the air, looks 'like an emu lying on its nest' and is 'part of us'.

The Court noted evidence gathered by the anthropologist Kim McCaul in support of the native title claim, including his inference of:

'a catastrophic decline in the Aboriginal population in the claim area as a result of substantial non-Aboriginal population influx during the gold rush and mining boom in the late 19<sup>th</sup> century. Before that, a system of law and custom at regional societal level was maintained and transmitted from generation to generation, probably before the declaration of sovereignty in Western Australia in 1829.

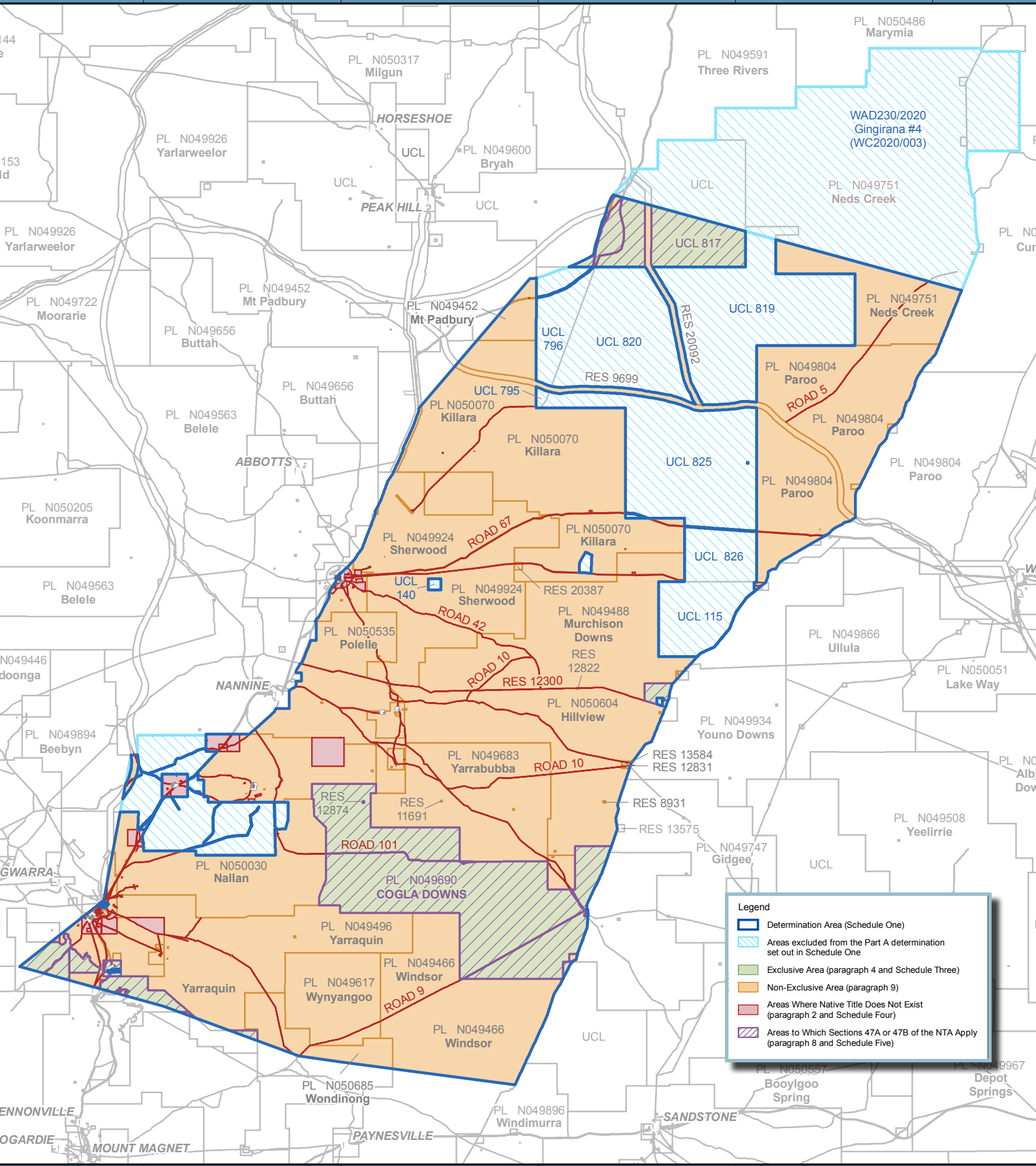
The evidence was that the rights and interests in land and waters distributed throughout the community of Yugunga-Nya native title holders are derived from this body of traditional laws and customs.

Black, red and yellow. Photo by Leana Fatt Clifton

118°0'0"E

119°0'0"E

120°0'0"E



**Legend**

- Determination Area (Schedule One)
- Areas excluded from the Part A determination set out in Schedule One
- Exclusive Area (paragraph 4 and Schedule Three)
- Non-Exclusive Area (paragraph 9)
- Areas Where Native Title Does Not Exist (paragraph 2 and Schedule Four)
- Areas to Which Sections 47A or 47B of the NTA Apply (paragraph 8 and Schedule Five)

118°0'0"E

119°0'0"E

120°0'0"E

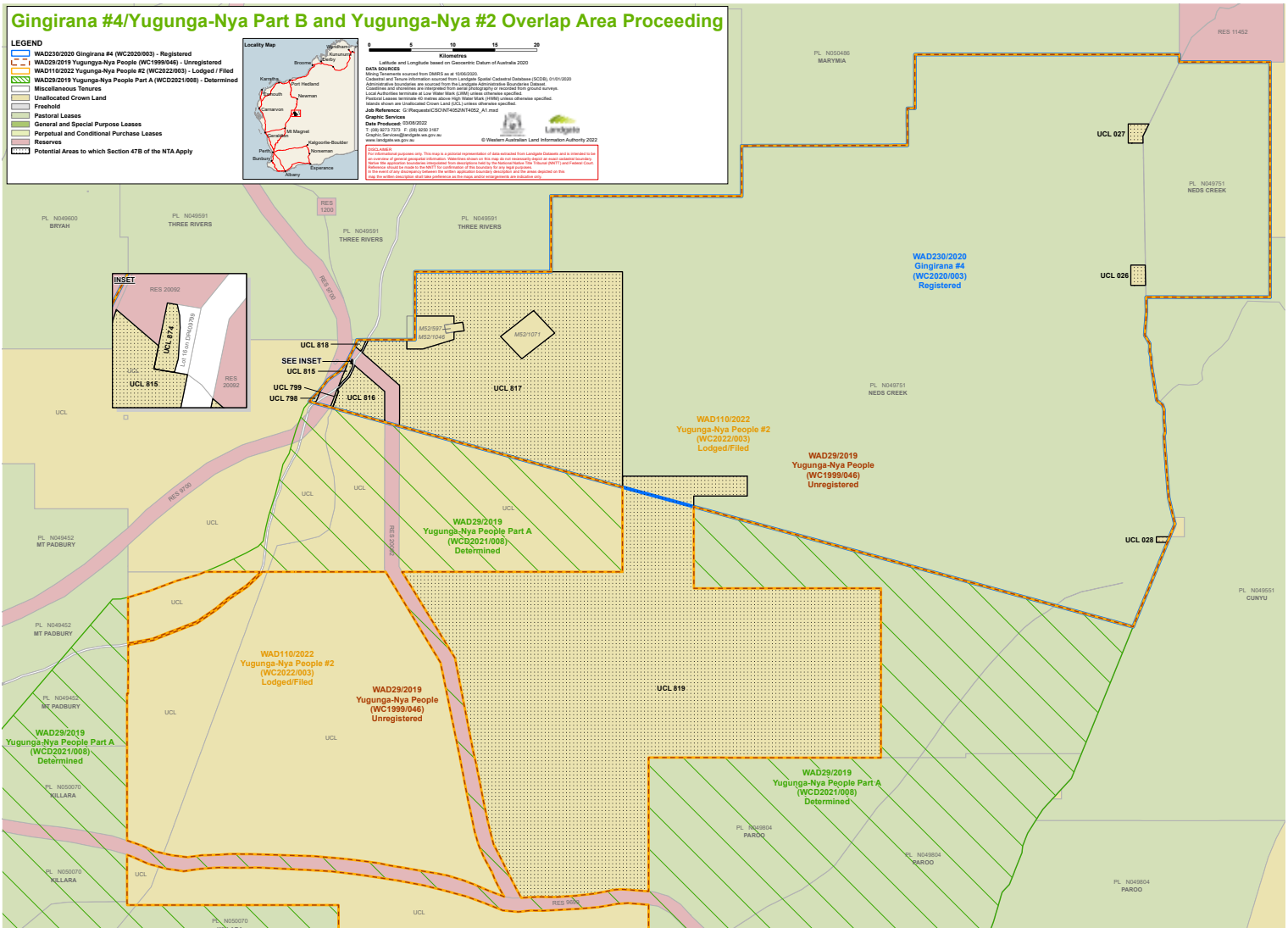
## YUGUNGA-NYA PART B CLAIM

Following the determination in Part A, Yugungu-Nya’s legal team turned its attention to the Part B claim. The Part B claim rose because the Gingirana native title group lodged an overlapping claim over the northern area of the Yugungu-Nya native title claim known as Neds Creek.

Part B proceeded to trial, and in August 2022, a ten-day hearing commenced in Perth and to Neds Creek. Bill Shay, Clinton Shay, Patrick Shay, Raymond Wingo, Colin Peterson (Tomorrow Tomorrow), Robyn Kelly and Robert Kelly gave evidence at the hearing on behalf of the Yugungu-Nya claim group. Giving evidence before the court can be daunting, and it is fair to say that all the Yugungu-Nya witnesses did an excellent job.

To resolve the overlap by mediation, the Court requested the parties attend a two-day mediation in Perth. The mediation was attended by some members of the Applicant group or their chosen representatives. To reach a settlement that would accommodate both groups, Yugungu-Nya and Gingirana #2, Yugungu-Nya made several confidential and without prejudice offers to settle the Part B application. The parties could not agree, and the Court ordered the hearing to continue.

The final three days of the hearing will be heard in October 2023. The Court has advised the parties that it could take up to 12 to 18 months for the Court to hand down its decision in the matter.





## NEGOTIATIONS OVER INVALID FUTURE ACTS AROUND CUE

During the negotiations for the consent determination, it became apparent that the Western Australian government released ten vacant blocks in Cue without going through the proper processes. These were known as ‘invalid future acts’ under the Native Title Act.

To validate these future acts, confidential and without prejudice negotiations commenced with the Western Australian government in late 2022 an in-principle agreement was reached. The in-principle agreement will be presented to the claim group at the subsequent authorisation, which is now unlikely to occur until 2024, when an in-principle consent determination in the exclusive possession application can be presented to the claim group for approval.

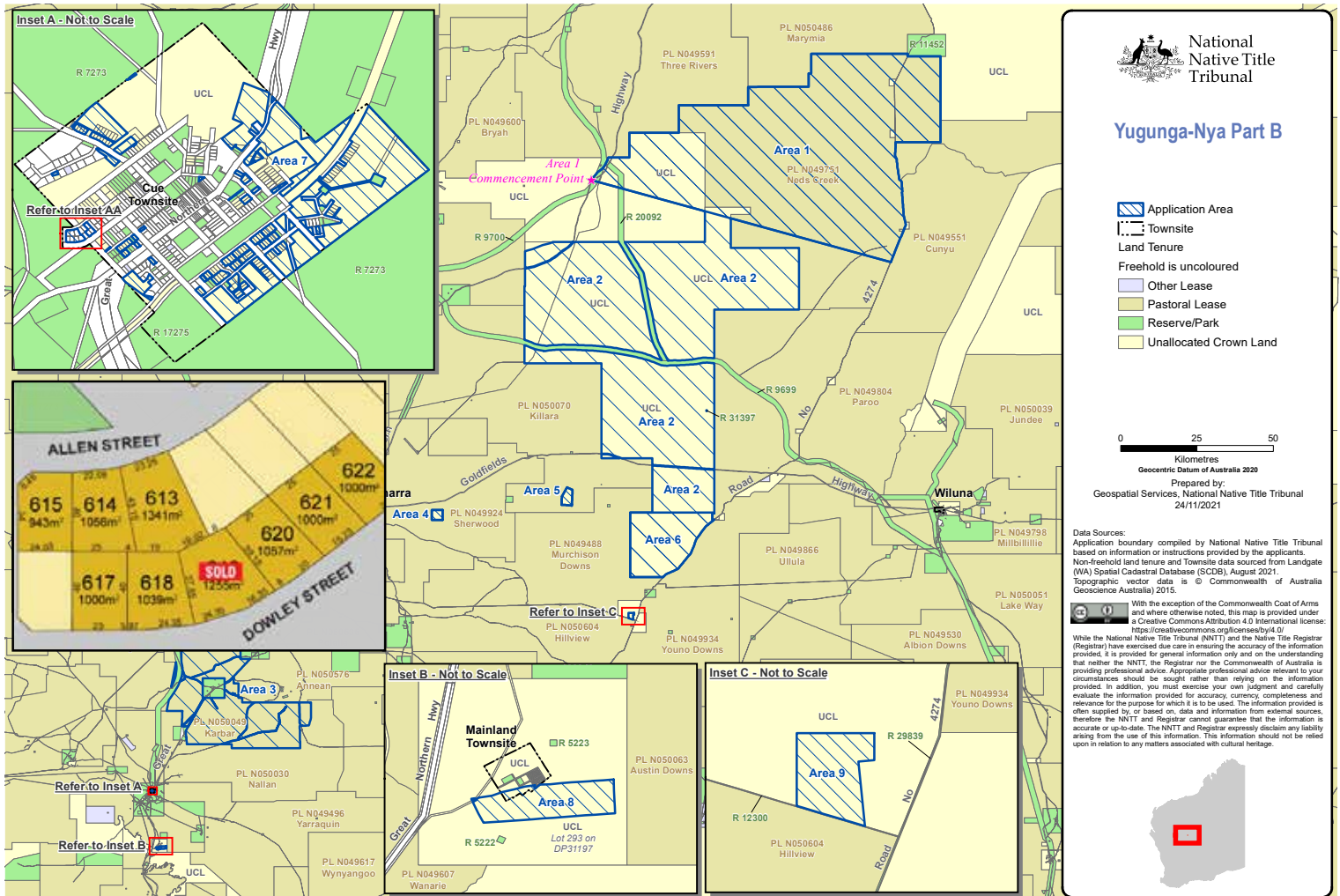
## SECTION 47A AND 47B APPLICATION (APPLICATION FOR EXCLUSIVE POSSESSION OF NATIVE TITLE)

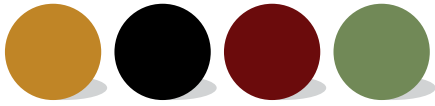
During the negotiations for the Part A consent determination, several parcels of crown land were identified where, with additional evidence of

occupation, it might be possible to achieve exclusive native title rights and interests. Accordingly, it was agreed at the authorisation meetings in 2021 to file a new application to seek exclusive possession of those parcels of land.

Fieldwork has already commenced to gather the evidence to support the negotiations and the Applicants requested that additional fieldwork be undertaken to strengthen Yugunga-Nya’s negotiating position. This fieldwork will occur in November 2023, and negotiations will reconvene in early 2024. Assuming an in-principle agreement for a consent determination can be reached, an authorisation will be convened in 2024 to seek the claim group’s approval for the negotiated outcome.

PBC Legal and Consultancy Services have engaged TCA & Co Legal, led by Ashley Truscott, a Yugunga-Nya native title holder, to handle all future act matters in this claim area. Ashley has performed competently in this role and we recommend that the group continues to work with TCA & Co Legal once the consent determination is finalised.





## BACKGROUND

YN Heritage was established and registered with the Australian Security Investment Commission in 2019 to ensure the Yugunga-Nya people have an appropriate entity through which to manage legislative responsibilities associated with monitoring and protecting of cultural heritage under the *Aboriginal and Torres Islander Heritage Protection Act 1984* (Cth), *Aboriginal Heritage Act 1972* (WA), and *Native Title Act 1993* (Cth). With the establishment of the Yugunga-Nya Native Title Aboriginal Corporation (YN PBC), the activities of the YN Heritage were transferred over to the YN PBC.

## COMMENT ON PERFORMANCE

Although YN Heritage Pty Ltd's functions were transferred to the YN PBC on 1 July 2022, some actions were taken to wind down its operations in the new financial year. These included the sale of its Toyota Prado vehicle asset, payment for surveys completed before the end of June 2022 financial year, and the transition of the Sandalwood Dreaming contract to the FPC.

Executed in the last reporting period, the Sandalwood Dreaming contract with the Forest Products Commission (FPC) was continued until it came up for renewal in March 2023. The funds received from the FPC for harvesting sandalwood and seed collection were paid to the subcontractors, Alison Gentle and Jeff Barnard.

When in March 2023, the Sandalwood Dreaming contract was not renewed by YN Heritage, it allowed the subcontractors to contract directly with the FPC. Contracts were executed with Alison Gentle and Raymond Wingo, and YN Heritage assisted them in setting up their business and meeting the requirements of the Forest Products Commission.

As of 30 June 2023, YN Heritage is no longer operating.

**'When I came back from living in Geraldton, my mother took me out here as a welcome-back-to-country. This is on Polelle country south of Meekatharra and it's a hidden treasure because there is no road leading to it - you have know how to get here and our old people do'.**  
Photo and description by Amanda Shar





The Yugunga-Nya Native Title Aboriginal Corporation RNTBC (YN PBC) completed its first full financial year from 1 July 2022 to 30 June 2023. As a start-up, YN PBC focused on establishing plans, systems, and policies to ensure good governance and compliance. The Corporation received a grant of \$900,000 from the Yugunga-Nya People’s Trust to fund its operations. Additionally, YN PBC took on fee-for-service work and obtained a government grant, increasing its total operating budget by \$300,000. FY23 saw YN PBC achieve several key activities and outcomes, which are summarized here. For a more detailed description of YN PBC’s operations, please refer to the independently published PBC FY23 annual report.

### STRATEGIC PLAN AND ANNUAL PLAN

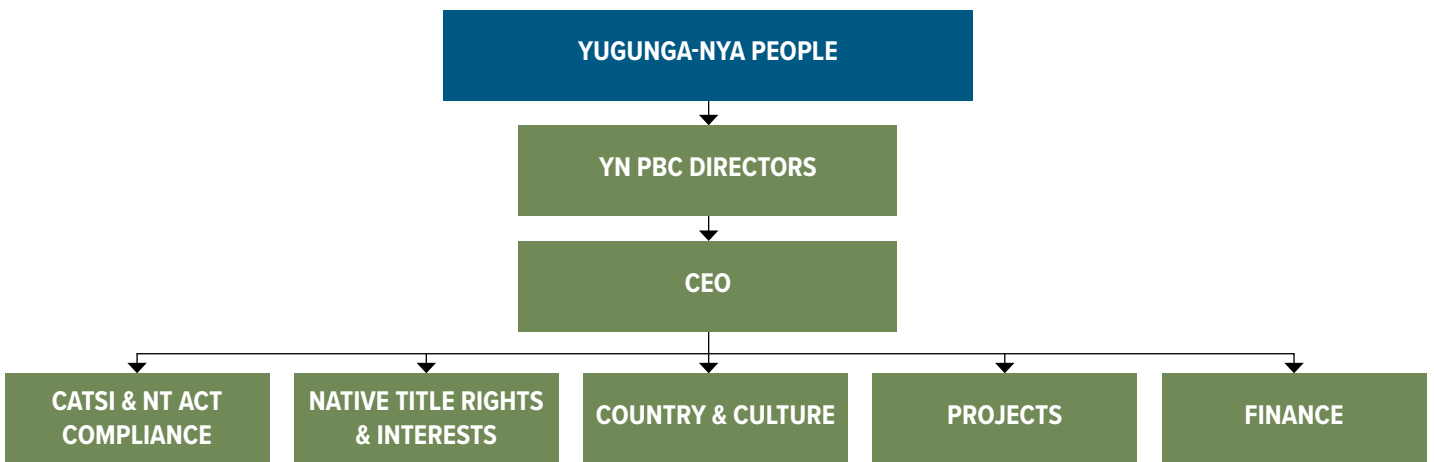
Early in FY23, the Board of Directors developed a five-year (2023-2028) strategic plan for the Corporation to capture the aspirations of the Yugunga-Nya People in specific goals and outcomes. The strategic plan was then used to focus the efforts of the Directors and staff to prioritise the annual activities of the Corporation.

### YN PBC OFFICE

In April 2022, YN PBC appointed its first CEO. By July of the same year, the company had relocated from West Perth to Burswood. The new office is situated in a shared workspace and offers a more affordable option than a traditional building lease. In November 2022, YN PBC launched a dedicated website ([www.ynpbc.com.au](http://www.ynpbc.com.au)) which received positive feedback from both members and stakeholders at the AGM.

The CEO and Board worked together to develop the position descriptions of the key operational roles that would deliver the outcomes of the Corporation. The organisational chart is structured into functional areas to enable a small team of experienced, multi-skilled staff to deliver outcomes across multiple functions. With a small internal team, YN PBC used the services of external consultants to support the operations of the Corporation.

The CEO, Directors and staff worked diligently to establish the foundations of good corporate governance (compliant decision-making) throughout FY23.



**YN PBC staff: (left-to-right)**  
 Angie Underwood (Future Acts, Agreements and Compliance Legal Officer),  
 Ailan Tran (Chief Executive Officer),  
 Ostiane Massiani (Heritage Officer),  
 Anne Dwyer (Executive Support Officer)

## BOARD OF DIRECTORS

From 1st July 2022 to 23rd November 2022, the first Board of Directors consisted of Clinton Shay (Wilba), Elaine King (Ward), Hardy Derschow (Wheelbarrow), Matthew Abrahamson (Wheelbarrow), Robyn Kelly (Ward, Chairperson), and Troy Little (Wilba).

During the Annual General Meeting on 23rd November 2023, Robyn Kelly resigned from her position and did not stand for re-election. The following individuals were elected as Directors by the Members: Clinton Shay (Wilba), Troy Little (Wilba), Elaine King (Ward), Annette Newman (Ward), Hardy Derschow (Wheelbarrow, Chairperson), Matthew Abrahamson (Wheelbarrow), Bianca Berg (Dorizzi), and Nikkeeta Dorizzi (Dorizzi). However, Troy Little was unable to serve as Director and after a selection process lasting four weeks, Helen Peterson was appointed as the interim Director representing the Wilba apical from March 2023 until November 2023.

## MEMBERSHIP

At 30 June 2023, YN PBC had a total of 315 Members. This is significantly less than the Yugunga-Nya People's Trust and reveals that there are many Yugunga-Nya Common Law Holders who have yet to apply for YN PBC membership. The Corporation will continue to encourage Yugunga-Nya People to become YN PBC members, as membership is a requirement for certain policies, programs, and governance roles within the PBC.

## CLEAN AUDIT OF FY22 OPERATIONS

YN PBC was registered with ORIC on 11 August 2021 – part-way through the FY22 year. In FY23, YN PBC used Total Audit as the initial auditor for the Corporation (ahead of the November 2022 AGM where the Members appointed their preferred Auditor from three options). YN PBC achieved a 'clean audit' and the FY22 audited financials were reported in the FY22 Annual Report and lodged with ORIC in October 2022.

## MINING AND INFRASTRUCTURE PROJECT NEGOTIATIONS

A negotiation protocol was developed to provide a framework for making right to negotiate agreements with companies that intend to develop mining and infrastructure projects on Yugunga-Nya Country. In FY23, YN PBC commenced negotiations with the following companies for their projects:

- Technology Metals Australia and The Kop Ventures; Gabanintha Vanadium Mine
- Australian Vanadium Limited, Australian Vanadium Project
- APA Group, Gabanintha Gas Pipeline Project

## FUTURE ACT MANAGEMENT

In FY23, the volume of future act work increased substantially, and as a result, the number of stakeholder relationships to manage. A Future Act Strategy and Standing Instructions were developed to bring efficiency and efficacy to the process of dealing with future act matters. The Future Act Strategy and Standing Instructions will be presented at the July 2023 inaugural Common Law Holders meeting.

ACTIVITY	LIVE	PENDING	TOTAL
Mining	194	12	206
Exploration	266	86	352
Miscellaneous	72	14	86
Prospecting	254	53	307
Retention	1	0	1
General Purpose	9	3	12
<b>Total</b>	<b>796</b>	<b>168</b>	<b>964</b>

Future act matters within the Yugunga-Nya Part A Determination Area (Mineral Titles Online database on 20 June 2023)

## HERITAGE SURVEYS

YN PBC took on the role of delivering heritage surveys in 2022 to build respectful relationships between Yugunga-Nya People and proponents working on Yugunga-Nya Country. YN PBC takes a multi-dimensional approach to managing Parna so that the critical cultural environmental values related to flora, fauna, and water are also considered.

PROPONENT	AREA	SCOPE	DURATION	MONTH-YEAR
Main Roads WA	Great Northern Highway SLK 285 – 114km from Meeka	Combined: Archaeological & Ethnographic Survey Maintenance pits 0.9km <sup>2</sup>	2 days	Aug-22
Westgold Big Bell Operations	Tuckabianna Solar Farm	Combined: Archaeological & Ethnographic Survey	1 day	Sep-22
Musgrave Minerals	MGV Area 1 to 5 - Cue	Combined: Archaeological & Ethnographic Survey Drilling exploration program	1 day	Nov-22
Northwest Minerals	Marymia E52/2394 I	Combined: Archaeological & Ethnographic Survey Drilling exploration program 3.6km x 20 m wide	1 day	Dec-22
Technology Metals	Gabanimtha Borefield Corridor	Combined: Archaeological & Ethnographic Survey	2 days	Dec-22
Vocus	Meeka / Cue / Lake Nallan CEV's infrastructures x 5 areas	Combined: Archaeological & Ethnographic Survey Site evaluation / Impact assessment	3 days	Feb-23
Australian Vanadium Limited	Proposed Mine project area	Combined: Archaeological & Ethnographic Survey Drill tacks and pads	5 days	Mar-23
Technology Metals Australia	Murchison Gabanimtha Vanadium Project	Community briefing, project overview, and introduction to cultural heritage management plan and environmental impact social surrounds process	1 day	
APA Group	Gabanimtha Gas Pipeline	Community briefing and feedback meeting	1 day	May-23
Vocus	160km length of Great Northern Highway	Ethnographic assessment	2 days	
Technology Metals Australia	Murchison Gabanimtha Vanadium Project	Cultural Heritage Management Plan and Environmental Social Surrounds familiarisation trip	1 day	Jun-23

#### Summary of heritage surveys and consultation meetings that were completed during FY23

##### RANGER PROGRAM GRANT

In August 2022, YN PBC partnered with Aboriginal Biodiversity Conservation Foundation Limited (ABCFL) to successfully apply for a Ranger Program grant from the Department of Biodiversity, Conservation and Attractions (DBCA).

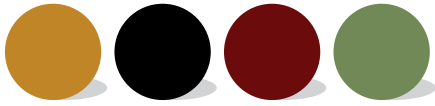
The small grant of about \$92,000 was used to hold a Ranger Program workshop in Perth in March 2023 and a follow-up meeting in Meekatharra in May 2023. These two community consultation events were opportunities for the Yugunga-Nya People to share their ideas and aspirations on a Ranger Program and healthy Country outcomes. These ideas were documented and used to develop a Yugunga-Nya Ranger Program business plan that includes an operating budget, stakeholder engagement plan, and identified opportunities for fee-for-service work.

The grant was fully expended by 30 June 2023 to ensure YN PBC is eligible to apply for a larger DBCA Ranger Program grant (>\$150,000) to fund the set-up costs of the Ranger Program.

##### ADVOCACY TO GOVERNMENT

Between 1 July 2018 and 30 June 2023, mining and exploration companies operating on Yugunga-Nya Country reported over \$2.4 billion in mining expenditure to the State government. However, less than 0.1% of that expenditure was used to complete heritage surveys. This is a clear indication that the Yugunga-Nya People's heritage and cultural values are not being respected and that they are not benefitting from the intensive activities occurring on their land.

YN PBC organised meetings with eight government agencies to raise awareness of the lack of government and industry engagement with the Yugunga-Nya People, the impact of unmonitored ground disturbance on heritage, culture, and the environment, and the need for government agencies to involve Yugunga-Nya People in their approvals and other community outreach decision-making processes. This initial contact has resulted in ongoing positive dialogue between YN PBC and the government decision making authorities.



# YUGUNGA-NYA PEOPLE PTY LTD REPORT

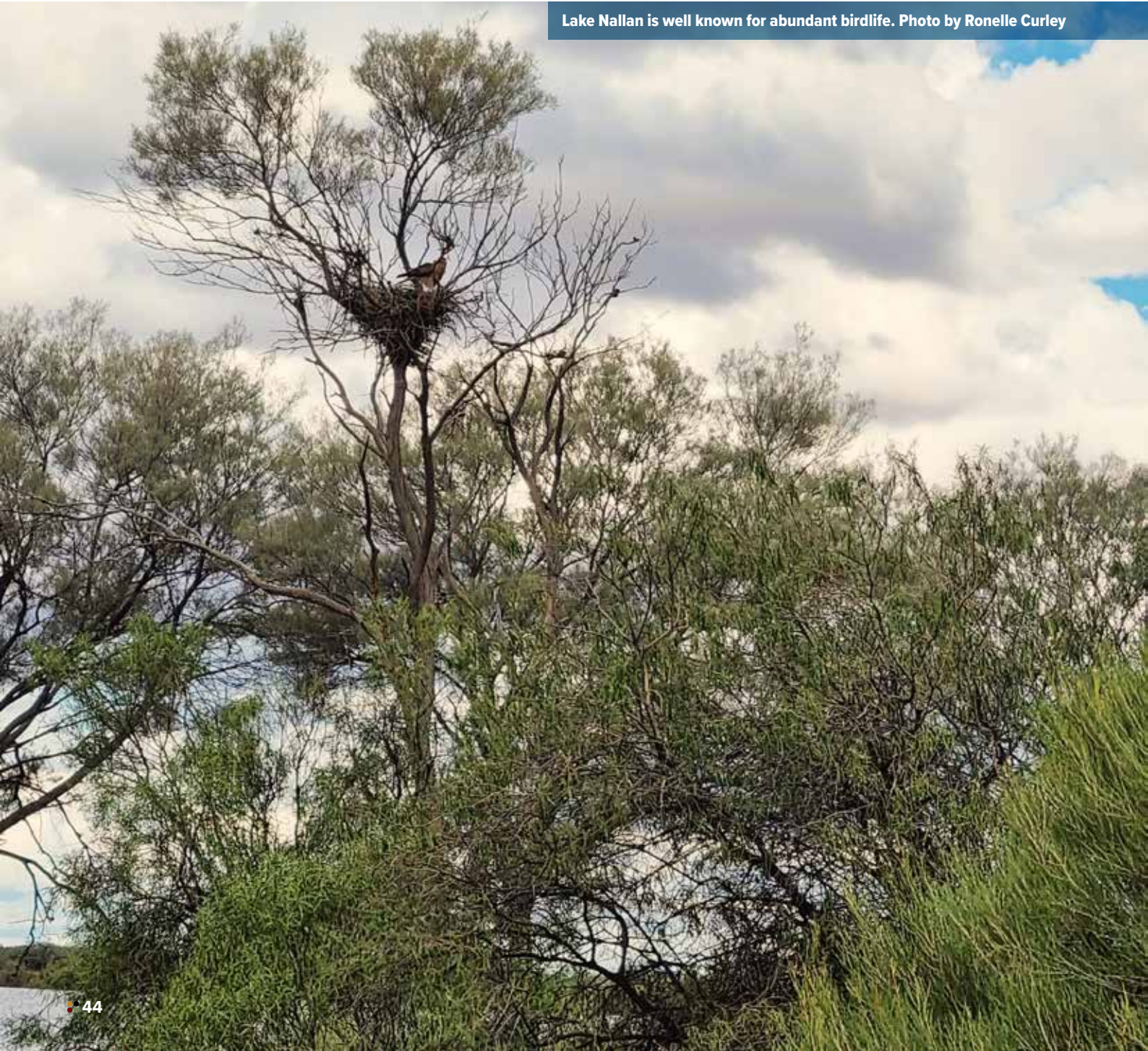
## OVERVIEW

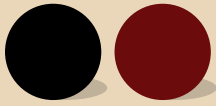
The Yagahong Alliance has been active at the Sandfire Copper Mine, located 150km North of Meekatharra, since 2015. Over the course of seven years, the Yagahong team has provided valuable training, mentorship and development opportunities for a significant number of Aboriginal and Yugunga-Nya operators. At its height, the Yagahong Alliance boasted an Aboriginal engagement rate of up to 70 per cent.

## COMMENT ON PERFORMANCE

The initial contract with Sandfire Resources concluded in September 2022, but the Yagahong Alliance was fortunate to be awarded a one-year extension to their ROM Pad operations, which provided another year of income from Sandfire Resources. Yugunga-Nya People's Pty Ltd excavator, equipped with a rock breaker attachment, has been on dry hire as part of the Alliance's one-year extension for the past 12 months. As the machinery is getting old, repair costs are increasing compared to income. Following the anticipated demobilisation, a review of the opportunities available for Yugunga-Nya People Pt Ltd will be completed and, if none are found, the equipment will be sold and the business wound up.

Lake Nallan is well known for abundant birdlife. Photo by Ronelle Curley





# AUDITED FINANCIAL REPORT

**Yugunga-Nya People's Trust**  
**Consolidated Annual Report - 30 June 2023**  
**ABN 63 228 454 803**

# Yugunga-Nya People's Trust Consolidated Financial Report

## Trustee's Report

The Trustee directors present their report, together with the financial statements, on the consolidated entity consisting Yugunga-Nya People's Trust (referred to hereafter as the parent entity) and the entities it controlled (referred to hereafter as the 'consolidated entity') at the end of or during the year end 30 June 2023.

### Trustee

Fiduciary Administration Services Pty Ltd - appointed effective 27 June 2019.

### Directors of Trustee Company

Phillip Williams  
Allan Butson

### Principal activities

During the financial year the principal continuing activities of the consolidated entity were the relief of aged poverty, sickness, suffering, distress, misfortune and destitution of the Yugunga-Nya People.

### Review of operations

The profit for the consolidated entity after providing for income tax and non-controlling interest amount to

30 June 2023: \$3,531,151 Loss

30 June 2022: \$4,018,255 Loss

### Matters subsequent to the end of the financial year

September 2021 Thomas Graham Greenaway (a previous trustee) was convicted and found guilty of 33 counts of stealing as a servant and one further count of gaining benefit by fraud after stealing from Yugunga- Nya People's Trust. In November 2021 he was sentenced to 6 years of jail and ordered to pay \$2.1 million back to the Trust. On the 18 Dec 2022 Mr Greenaway won an appeal against 33 convictions. In July 2023 a retrial has been set start for 13 May 2024.

On the 22 August 2023 a First and Final Dividend was received from Beachcroft Holdings Pty Ltd (The Company owned by Thomas Graham Greenaway). It was declared by the liquidators 0.24 cents in the dollar would be paid to creditors. From the claim of \$2,754,174 the trust received a payment of \$6,625.57.

### Indemnity and insurance of officers

The trust has indemnified the trustee and executives of the trustee company for costs incurred, in their capacity as officers or executives, for which they may be held personally liable, except where there is a lack of good faith.

### Indemnity and insurance of auditor

The consolidated entity has not during or since the end of the financial year, indemnified or agreed to indemnify the auditor of the consolidated group or any related entity against a liability by the auditor.

During the financial year, the consolidated entity has not paid a premium in respect of a contract to insure the auditor of the Trust or any related entity against a liability incurred by the auditor

### Auditor's independence declaration

A copy of the auditor's independence declaration as required by the Australian Charities and not for Profit Commission is attached at page 19.

On behalf of the Trustee



Phil Williams  
Director of Trustee Company

23-Oct-23

Perth WA



# Yugunga-Nya People's Trust Consolidated Financial Report

## Contents

Statement of profit or loss and other comprehensive income	48
Statement of financial position	49
Statement of changes in equity	50
Statement of cash flows	51
Notes to the financial statements	52
Trustees' declaration	61
Auditor's independence declaration	62
Independent auditor's report to the member of Yugunga-Nya People's Trust	63

## General information

The financial statements cover Yugunga-Nya People's Trust as a consolidated entity. The financial statements are presented in Australia dollars, which is Yugunga-Nya People's Trust's functional and presentation currency.

The financial statements were authorised for issue, in accordance with a resolution by the directors of the trustee company, in October 2023. The Trustee has the power to amend and reissue the financial statements.

## Yugunga-Nya People's Trust Consolidated Financial Report

### Consolidated Statement of Profit or Loss and Other Comprehensive Income For 30 June 2023

Revenue	Notes	2023 \$	2022 \$
Royalties and Distributions	3	1,069,199	1,039,566
Operating Income	3	122,135	1,271,571
Other Income	3	20,266	4,398
<b>Total Revenue</b>		<u>1,211,599</u>	<u>2,315,535</u>
<b>Expenses</b>			
Finance Costs	4	288,758	(951,912)
Assets Costs	4	(776,841)	(320,582)
Operating Expenses	4	(2,339,085)	(3,132,064)
Employee Costs	4	(96,178)	(568,068)
Member benefits		(1,006,702)	(992,374)
YN PBC Grants		(900,000)	(370,138)
		<u>(4,830,047)</u>	<u>(6,335,138)</u>
<b>Loss before income tax expense</b>		<u>(3,618,448)</u>	<u>(4,019,603)</u>
Income tax expense	4	72,297	(52,802)
<b>Loss after income tax expense for the year</b>		<u>(3,546,151)</u>	<u>(4,072,405)</u>
Other comprehensive income for the year net of tax:			
- Gain on Revaluation of Land and Buildings net of tax	9	15,000	54,150
<b>Total comprehensive loss for the year attributable to the members of the Yugunga-Nya Peoples Trust</b>		<u>(3,531,151)</u>	<u>(4,018,255)</u>

The above statement of profit or loss and other comprehensive income should be read in conjunction with the accompanying notes

# Yugunga-Nya People's Trust Consolidated Financial Report

## Consolidated Statement of Financial Position As at 30 June 2023

Assets	Notes	2023 \$	2022 \$
Cash and cash equivalents	5	3,287,835	1,727,726
Trade and other receivables	6	550,741	699,140
Other Current Assets	7	20,827	152,154
<b>Total Current Assets</b>		<b>3,859,404</b>	<b>2,579,020</b>
<b>Non-current assets</b>			
Investments	8	1,731,321	6,779,464
Property, plant and equipment	9	2,616,326	2,692,148
<b>Total non-current assets</b>		<b>4,347,647</b>	<b>9,471,612</b>
<b>Total assets</b>		<b>8,207,051</b>	<b>12,050,632</b>
<b>Liabilities</b>			
<b>Current Liabilities</b>			
Trade and other payables	10	159,936	336,128
Borrowings	11	-	25,638
Provision for income tax	12	(89,625)	20,628
Employee benefits payable		-	346
<b>Total current liabilities</b>		<b>70,311</b>	<b>382,741</b>
<b>Total liabilities</b>		<b>70,311</b>	<b>382,741</b>
<b>Net assets</b>		<b>8,136,740</b>	<b>11,667,891</b>
<b>Equity</b>			
Settled sum	13	10	10
Current Retained Earnings		(3,546,151)	(4,072,405)
Prior year adjustments		-	33,486
Revaluation Reserve		193,102	178,102
Profits attributes to members of Trust		11,489,779	15,528,698
<b>Total equity</b>		<b>8,136,740</b>	<b>11,667,891</b>

The above statement of financial position should be read in conjunction with the accompanying notes

## Yugunga-Nya People's Trust Consolidated Financial Report

### Consolidated Statement of Changes in Equity For the year ended 30 June 2023

	Settled Sum \$	Retained Earnings \$	Revaluation Reserve \$	Total equity \$
<b>Consolidated</b>				
Balance at 1 July 2021	10	15,528,698	123,952	15,652,660
Loss after income tax expense for the year	-	(4,072,405)		(4,072,405)
Prior Year Charges	-	33,486	-	33,486
Other comprehensive income for the year net of tax	-	-	54,150	54,150
Total comprehensive loss for the year	-	(4,038,919)	54,150	(3,984,769)
Balance at 1 July 2022	10	11,489,779	178,102	11,667,891
<b>Consolidated</b>				
	Settles Sum \$	Retained Earnings \$	Revaluation Reserve \$	Total equity \$
Balance at 1 July 2022	10	11,489,779	178,102	11,667,891
Loss after income tax expense for the year	-	(3,546,151)	-	(3,546,151)
Other comprehensive income for the year net of tax	-	-	15,000	15,000
Total comprehensive loss for the year	-	(3,546,151)	15,000	(3,531,151)
Balance at 1 July 2023	10	7,943,628	193,102	8,136,740

The above statement of changes in equity should be read in conjunction with the accompanying notes

## Yugunga-Nya People's Trust Consolidated Financial Report

### Consolidated Statement of Cashflows For the year ended 30 June 2023

	Notes	2023 \$	2022 \$
<b>Cash flows from operating activities</b>			
Receipts from customers		1,354,434	3,830,525
Payments to suppliers and employees		(5,147,399)	(5,236,793)
		<b>(3,792,965)</b>	<b>(1,406,267)</b>
Interest received		5,565	46
Other revenue		-	3,450
Interest and other finance costs paid		-	(3,268)
Income taxes paid / (refund received)		(33,436)	(100,792)
<b>Net cash used in operating activities</b>	14	<b>(3,820,836)</b>	<b>(1,506,832)</b>
<b>Cash flows from investing activities</b>			
Payments for investments		5,389,784	(938,368)
Payments for property, plant and equipment		(3,901)	(18,641)
Proceeds from sale of property, plant and equipment		20,700	-
<b>Net cash from/(used in) investing activities</b>		<b>5,406,583</b>	<b>(957,009)</b>
<b>Cash flows from financing activities</b>			
Repayment of borrowings		(25,638)	(58,831)
Net cash paid for financing activities		<b>(25,638)</b>	<b>(58,831)</b>
<b>Net increase/(decrease) in cash and cash equivalents</b>		<b>1,560,109</b>	<b>(2,522,672)</b>
Cash and cash equivalents at the beginning of the financial year		1,727,726	4,250,398
<b>Cash and cash equivalents at the end of the financial year</b>		<b>3,287,835</b>	<b>1,727,726</b>

The above statement of cash flows should be read in conjunction with the accompanying notes

## Notes to the consolidated financial statements

30 June 2023

### Note 1. Significant accounting policies

The principal accounting policies adopted in the preparation of the consolidated financial statements are set out below. These policies have been constantly applied to all the years presented, unless otherwise stated.

#### New or amended Accounting standards and Interpretations adopted

The consolidated entity has adopted all of the new or amended Accounting Standards and Interpretations issued by the Australian Accounting Standards Board ('AASB') that are mandatory for the current reporting period. Any new or amended Accounting Standards or Interpretations that are not yet mandatory have not been early adopted.

#### *Basis of preparation*

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards - Simplified Disclosure Requirements and Interpretations issued by the Australian Accounting Standards Board ('AASB') and the Australian Charities and Not-For-Profit Commission.

#### *Historical cost convention*

The financial statements have been prepared under the historical cost convention, except for, where applicable, the revaluation of financial assets and liabilities at fair value through profit or loss, financial assets at fair value through other comprehensive income, investment properties, certain classes of property, plant and equipment and derivative financial instruments.

#### *Critical accounting estimates*

The preparation of the financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the consolidated entity's accounting policies. The areas involving a higher degree of judgement or complexity, or areas where assumptions and estimates are significant to the financial statements, are disclosed in note 2.

#### Parent entity information

In accordance with the Australian Charities Not-for Profit Commission, these financial statements present the result of the consolidated entity only. Supplementary information about the parent entity is disclosed in note 16.

#### Principles of consolidation

The consolidated financial statements incorporate the assets and liabilities of all controlled entities of Yugunga-Nya People's Trust ('Trust' or 'parent entity') as at 30 June 2023 and the results of all controlled entities for the year then ended. Yugunga-Nya People's Trust and its controlled entities together are referred to in these financial statements as the 'consolidated entity'.

Controlled entities are all those entities over which the consolidated entity has control. The consolidated entity controls an entity when the consolidated entity is exposed to, or has rights to, variable returns from its involvement with the entity and has the ability to affect those returns through its power to direct the activities of the entity. Controlled entities are fully consolidated from the date on which control is transferred to the consolidated entity. They are de-consolidated from the date the control ceases.

Intercompany transactions, balances and unrealised gains on transactions between entities in the consolidated entity are eliminated. Unrealised losses are also eliminated unless the transaction provides evidence of there impairment of the asset transferred. Accounting policies of controlled entities have been change where necessary to ensure consistency with the polices adopted by the consolidated entity.

Where the consolidated entity loses control over a previously controlled entity, it derecognises the assets including goodwill, liabilities and non-controlling interest in the entity together with any cumulative translation differences recognised in equity. The consolidated entity recognises the fair value of the consolidation received and the fair value of any investment retained together with any gain or loss in profit or loss.

## Notes to the Consolidated Financial Statements

30 June 2023

### Revenue recognition

The consolidated entity revenue as follows:

#### *Revenue Royalties*

Royalty revenue is recognised when the right to receive the royalty has been established. Royalties are paid for the use of Yugunga-Nya Land under the Land Access Agreements between third parties and Yugunga-Nya People's Trust; it is based on the minerals extracted from the mines depending on type and volume of these minerals.

#### *Survey Income*

This income is for surveying the land to ascertain various landmarks, sacred sites and other cultural significant land areas held by Yugunga-Nya People's Trust. The results are then used to ascertain future mining ventures. Revenue is recognised when it is received or when the right to receive payment is established.

#### *Hire of Machines*

Revenue from contracts to provide machinery is recognised over time as the services are rendered.

#### *Interest*

Interest revenue is recognised as interest accrues using the effective interest method. This is a method of calculating the amortised cost of a financial asset and allocating the interest income over the relevant period using the effective interest rate, which is the rate that exactly discounts estimated future cash receipts through the expected life of the financial asset to the net carrying amount of the financial asset.

#### *Other revenue*

Other revenue is recognised when it is received or when the right to receive payment is established. Other income is recognised on an accruals basis when the Trust is entitled to it. All revenue is stated net of the amount of goods and service tax (GST).

### Income tax

The Trust is exempt from income tax under Division 50 of the Income Tax Assessment Act 1997. For the controlled entities the income tax expense or benefit for the period is the tax payable on that period's taxable income based on the applicable income tax rate for each jurisdiction, unused tax losses and the adjustment recognised for prior periods, where applicable.

### Current and non-current classification

Assets and liabilities are presented in the statement of financial position based on current and non-current classification.

An asset is classified as current when: it is either expected to be realised or intended to be sold or consumed in the consolidated entity's normal operating cycle; it is held primarily for the purpose of trading; it is expected to be realised within 12 months after the reporting period; or the asset is cash equivalent unless restricted from being exchanged or used to settle a liability for at least 12 months after the reporting period. All other assets are classified as non-current.

A liability is classified as current when: it is either expected to be settled in the consolidated entity's normal operating cycle; it is held primarily for the purpose of trading; it is due to be settled within 12 months after the reporting period; or there is no unconditional right to defer the settlement of the liability for at least 12 months after the reporting period. All other liabilities are classified as non-current.

### Cash and cash equivalents

Cash and cash equivalents includes cash on hand, deposits held at call with financial institutions, other short-term, highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

### Trade and other receivables

Trade receivables are initially recognised at fair value and subsequently measured at amortised cost using the effective interest method, less any allowance for expected credit losses. Trade receivables are generally due for settlement within 45 days.

Other receivables are recognised at amortised cost, less any allowance for expected credit losses.

## Notes to the consolidated financial statements

30 June 2023

### Investments and other financial assets

Investments and other financial assets are initially measured at fair value. Transaction costs are included as part of the initial measurement, except for financial assets at fair value through profit or loss. Such as assets are subsequently measured at either amortised cost or fair value depending on their classification.

Financial assets are derecognised when the rights to receive cash flows have expired or have been transferred and the consolidated entity has transferred substantially all the risks and rewards of ownership. When there is no reasonable expectation of recovering part or all of a financial asset, its carrying values are written off.

#### *Financial assets at fair value through other comprehensive income*

Financial assets at fair value through other comprehensive income include equity investments which the consolidated entity intends to hold for the foreseeable future and has irrevocably elected to classify them as such upon initial recognition.

### Properties

#### Property, plant and equipment

Properties principally comprise of freehold land and buildings held for long-term rental and capital appreciation that are occupied by the member. Properties are initially recognised at cost, including transaction costs and are subsequently measured at fair value, based on annual valuations by external independent valuers, less subsequent depreciation and impairment for buildings. Any accumulated depreciation at the date of revaluation is eliminated against the gross carrying amount of the asset and the net amount is restated to the revalued amount of the asset. Increases in the carrying amounts arising on revaluation of land and buildings are credited in other comprehensive income through to the revaluation surplus reserve in equity. Any revaluation decrements are initially taken on other comprehensive income through to the revaluation surplus reserve to the extent of any previous revaluation surplus of the same asset. Thereafter the decrements are taken to profit or loss.

Plant and equipment is stated at historical cost less accumulated depreciation and impairment. Historical cost includes expenditure that is directly attributable to the acquisition of the items.

Depreciation is calculated on a straight-line basis (SL) or diminishing value method (DV) to write off the net cost of each item of property, plant and equipment (excluding land) over their expected useful lives as follows:

Buildings	40 years	SL
Plant and equipment	3-10 years	SL/DV
Computers	2 years	SL
Vehicles	3 years	DV

The residual values, useful lives and depreciation methods are reviewed, and adjusted if appropriate, at each reporting date.

An item of property, plant and equipment is derecognised upon disposal or when there is no future economic benefit to the consolidated entity. Gains and losses between the carrying amount and the disposal proceeds are taken to profit or loss. Any revaluation surplus reserve relating to the item disposed of is transferred directly to retained profits.

### Trade and other payables

These amounts represent liabilities for goods and services provided to the consolidated entity prior to the end of the financial year and which are unpaid. Due to their short-term nature they are measured at amortised cost and are not discounted. The amounts are unsecured and are usually paid within 30 days of recognition.

### Borrowings

Loans and borrowings are initially recognised at the fair value of the consideration received, net of transaction costs. They are subsequently measured at amortised cost using the effective interest method.



## Notes to the consolidated financial statements

30 June 2023

### Lease Liabilities

A lease liability is recognised at the commencement date of a lease. The lease liability is initially recognised at the present value of the lease payments to be made over the term of the lease, discounted using the interest rate implicit in the lease or, if that rate cannot be readily determined, the consolidated entity's incremental borrowing rate. Lease payments comprise of fixed payments less any lease incentives receivable, variable lease payments that depend on an index or a rate, amounts expected to be paid under residual value guarantees, exercise price of a purchase option when the exercise of the option is reasonably certain to occur, and any anticipated termination penalties. The variable lease payments that do not depend on an index or a rate are expensed in the period in which they are incurred.

Lease liabilities are measured at amortised cost using the effective interest method. The carrying amounts are remeasured if there is a change in the following: future lease payments arising from a change in an index or a rate used; residual guarantee; lease term; certainty of a purchase option and termination penalties. When a lease liability is remeasured, an adjustment is made to the corresponding right-of-use asset, or to profit or loss if the carrying amount of the right-of-use asset is fully written down.

### Finance costs

Finance costs attributable to qualifying assets are capitalised as part of the asset. All other finance costs are expensed in the period in which they are incurred.

### Provisions

Provisions are recognised when the consolidated entity has a present (legal, taxation) obligation as a result of a past event, it is probable the consolidated entity will be required to settle the obligation, and a reliable estimate can be made of the amount of the obligation. The amount recognised as a provision is the best estimate of the consideration required to settle the present obligation at the reporting date, taking into account the risks and uncertainties surrounding the obligation. If the time value of money is material, provisions are discounted using a current pre-tax rate specific to the liability. The increase in the provision resulting from the passage of time is recognised as a finance cost.

### Goods and Services Tax ('GST') and other similar taxes

Revenues, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the tax authority. In this case it is recognised as part of the cost of the acquisition of the asset or a part of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the tax authority is included in the other receivables or other payables in the statement of financial position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to the tax authority, are presented as operating cash flows.

Commitments and contingencies are disclosed net of amount of GST recoverable from, or payable to, the tax.

### Note 2. Critical accounting judgements, estimates and assumptions

The preparation of the financial statements requires management to make judgements, estimates and assumptions that affect the reported amounts in the financial statements. Management continually evaluates its judgement and estimates in relation to assets, liabilities, contingent liabilities, revenue and expenses. Management bases its judgements, estimates and assumptions on historical experience and on other various factors, including expectations of future events, management believes to be reasonable under the circumstances. The resulting accounting judgements and estimates will seldom equal the related actual results. The judgements, estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities (refer to the respective notes) within the next financial year are discussed below.

#### *Estimation of useful lives of assets*

The consolidated entity determines the estimated useful lives and related depreciation and amortisation charges for its property, plant and equipment and finite life intangible assets. The useful lives could change significantly as a result of technical innovations or some other event. The depreciation and amortisation charge will increase where the useful lives are less than previously estimated lives, or technically obsolete or non-strategic assets that have been abandoned or sold will be written off or written down.

# Yugunga-Nya People's Trust Consolidated Financial Report

## Notes to the consolidated financial statements 30 June 2023

### Note 3. Revenue

	2023	2022
	\$	\$
<b>Revenue</b>		
<i>Royalty and Distribution income</i>		
Royalty income-Big Bell	614,058	1,016,460
Distribution Yagahong Alliance	264,918	23,106
Other Distributions	190,223	-
	<b>1,069,199</b>	<b>1,039,566</b>
<i>Other operating income</i>		
Hire of Machinery	74,164	234,261
Survey Income	47,971	1,037,310
	<b>122,135</b>	<b>1,271,571</b>
<i>Other revenue</i>		
Rent from investment properties	-	2,340
Government Covid-19 Relief	-	(3,405)
Reimbursement of costs	-	1,109
Interest income	5,585	46
Other	14,681	4,308
	<b>20,266</b>	<b>4,398</b>
<b>Total Revenue</b>	<b>1,211,599</b>	<b>2,315,535</b>

### Notes 4. Expenses

Loss before income tax includes the following specific expenses:

<i>Finance costs</i>		
Interest and Finance Costs	31,295	3,268
Insurance Expense	52,489	31,734
Unreleased (gain)/loss on Investment	(372,542)	916,910
	<b>(288,758)</b>	<b>951,912</b>
<i>Asset Costs</i>		
Depreciation	51,875	66,570
Motor Vehicle Expenses	9,150	5,807
Plant & Equipment Expenses	32,401	96,835
Property Expenses	683,415	151,370
	<b>776,841</b>	<b>320,582</b>
<i>Operating costs</i>		
Administration and Accounting/Audit Costs	1,389,461	1,497,682
Legal fees	620,169	607,797
Professional Fees	22,016	651,668
TAC and Member Meetings	76,696	142,725
Subscriptions	51,570	89,016
Other	179,173	143,175
	<b>2,339,085</b>	<b>3,132,064</b>
<i>Employee Expenses</i>		
Wages	87,039	516,703
Superannuation	9,139	51,365
	<b>96,178</b>	<b>568,068</b>
<i>Income tax expense</i>		
<i>Current Tax</i>	54,423	52,802
Franking Credits receivable	(126,720)	-
	<b>(72,297)</b>	<b>52,802</b>

# Yugunga-Nya People's Trust Consolidated Financial Report

## Notes to the consolidated financial statements

30 June 2023

### Note 5. Current assets - cash and cash equivalents

	2023	2022
	\$	\$
Bank Accounts		
Operating Account	721,137	133,872
Royalty Reserve	123,053	6
Native Title	145,689	3
Hardship	729,686	52,292
Contingent Liability	-	219,990
Health Account	434,038	264,374
Education Account	304,943	288,039
Compliance Account	115,464	147,555
Property Account	207,105	84,290
PBC Account	300,000	-
Business Development	-	5,594
Funeral Direct	60,000	40,003
Wellbeing	-	75,336
Yugunga-Nya Heritage Bank Account	2,847	101,153
Yugunga-Nya Peoples Pty Ltd	143,862	315,208
Cash on Hand	11	11
	<b>3,287,835</b>	<b>1,727,726</b>

#### Reconciliation to cash and cash equivalents at the end of the financial year

The above figures are reconciled to cash and cash equivalents at the end of the financial year as shown in the statement of cash flows as follows:

Balances as above	3,287,835	1,727,726
Balance as per statement of cash flows	<u>3,287,835</u>	<u>1,727,726</u>

### Note 6. Current assets - trade and other receivables

Trade receivables	74,585	333,635
Prepayments	42,947	14,929
Accrued Income	433,209	350,577
	<u>550,741</u>	<u>699,140</u>

### Note 7. Current assets

PBC Consultancy - Fund in Trust	20,427	39,498
PBC Consultancy - Fund in Trust 2 (with Sam Hegney)	-	198
Sam Hegney - Fund in Trust	-	60,000
Funds Held in Trust - Jackson McDonald	-	44,137
Chris Stokes Funds Held in Trust	-	1,571
Bond for Meekatharra Properties	400	-
Bond for Heritage Office	-	6,750
	<u>20,827</u>	<u>152,154</u>

### Note 8. Non-current assets - investments

Investment in Perpetual Investment Wrap (Managed Fund)	2,113,404	7,696,374
Provision for loss on Investment	(382,083)	(916,910)
	<u>1,731,321</u>	<u>6,779,464</u>

# Yugunga-Nya People's Trust Consolidated Financial Report

## Notes to the consolidated financial statements

30 June 2023

	2023	2022
	\$	\$
<b>Note 9. Non-current assets - property, plant and equipment</b>		
Land and Buildings - at cost	2,353,429	2,353,429
Gain on Revaluation	193,102	178,102
Less: Accumulated depreciation	(3,840)	(2,980)
	<u>2,542,691</u>	<u>2,528,550</u>
Plant and equipment - at cost	188,000	188,000
Less: Accumulated depreciation	(125,422)	(94,352)
	<u>62,578</u>	<u>93,648</u>
Computer - at cost	36,702	32,802
Less: Accumulated depreciation	(29,573)	(14,016)
	<u>7,129</u>	<u>18,786</u>
Motor Vehicles - at cost	46,713	132,749
Less: Accumulated depreciation	(42,786)	(81,586)
	<u>3,927</u>	<u>51,163</u>
	<b><u>2,616,326</u></b>	<b><u>2,692,148</u></b>

### Reconciliations

Reconciliations of the written down values at the beginning and end of current financial year are set out below:

	Land and Buildings	Plant and Equipment	Computers	Vehicles	Total
	\$	\$	\$	\$	\$
Balance at 1 July 2022	2,528,550	93,648	18,786	51,163	2,692,148
Gain on revaluation	15,000	-	-	-	15,000
Additions	-	-	3,901	-	3,901
Disposals	-	-	-	(42,848)	(42,848)
Depreciation expense	(859)	(31,070)	(15,557)	(4,389)	(51,875)
Balance at 30 June 2023	<b><u>2,542,691</u></b>	<b><u>62,578</u></b>	<b><u>7,130</u></b>	<b><u>3,926</u></b>	<b><u>2,616,326</u></b>

### Valuations of land and buildings

The basis on dependent assessments by a member of Herron Todd White having recent experience in the location and category of land and buildings being valued. Valuations based on current June 2023 prices for similar properties in the same location and condition.

	2023	2022
	\$	\$
<b>Note 10. Current Liabilities - trade and other payables</b>		
Trade payables	61,773	163,270
Other payables	5,564	3,448
Accrued expenses	92,599	169,410
	<b><u>159,936</u></b>	<b><u>336,128</u></b>
<b>Note 11. Current liabilities - borrowings</b>		
Hire Purchase - Arrowsmith Finance	-	25,638
	<b><u>-</u></b>	<b><u>25,638</u></b>
<b>Note 12. Current liabilities - income tax</b>		
Provision for income tax	(89,625)	20,628
	<b><u>(89,625)</u></b>	<b><u>20,628</u></b>
<b>Note 13. Equity - Settled sum</b>		
Settled Sum	10	10
	<b><u>10</u></b>	<b><u>10</u></b>

# Yugunga-Nya People's Trust Consolidated Financial Report

## Notes to the consolidated financial statements

30 June 2023

	2023	2022
	\$	\$
<b>Note 14. Reconciliation of surplus after income tax to net cash from operating activities</b>		
<b>Loss after income tax expense for the year</b>	(3,531,151)	(4,018,256)
<b>Adjustments for items not related to operating activities</b>		
Depreciations and amortisation	51,875	66,570
Unrealised (Gains)/ Losses	(372,542)	869,278
Gain Building valuation	(15,000)	-
Net Loss on disposal of fixed assets	5,300	-
Disposable Assets (MV)	16,847	-
<b>Change in Operating assets and liabilities</b>		
Decrease in trade and other receivables	148,399	1,518,486
Decrease in other assets	131,327	34,812
(Decrease)/Increase in trade and other payables	(145,291)	95,865
(Decrease) in Provisions	(110,599)	(73,587)
	<u>(3,820,836)</u>	<u>(1,506,832)</u>

## Note 15. Remuneration of Auditors

During the financial year the following fees were paid or payable for services provided by Criterion Audit, the auditor of the consolidated entity:

### Audit Services - Criterion Audit

Audit of the Consolidated Financials Statements	16,500	15,950
---	--------	--------

## Note 16. Parent entity information

Set out below is the supplementary information about the Parent entity:

	Parent	
<i>Statement of profit or loss and other comprehensive income</i>		
Loss after income tax expense for the year	(3,568,376)	(4,044,554)
Total comprehensive loss	<u>(3,568,376)</u>	<u>(4,044,554)</u>
<i>Statement of financial position</i>		
Total current assets	3,297,497	1,863,247
Total assets	7,582,565	11,215,211
Total current liabilities	22,793	87,062
Total liabilities	22,793	87,062
Net Assets	<u>7,559,773</u>	<u>11,128,149</u>
Equity		
Issued capital	10	10
Retained profits	(7,559,783)	(11,128,159)
Total equity	<u>(7,559,773)</u>	<u>(11,128,149)</u>

# Yugunga-Nya People's Trust Consolidated Financial Report

## Notes to the consolidated financial statements

30 June 2023

### Note 17. Interests in controlled entities

The consolidated financial statements incorporate the assets, liabilities and results of the following controlled entities in accordance with the accounting policy described in note 1:

Name	Principal place of business/ Country of incorporation	Ownership interest	
		2023	2022
		%	%
Yugunga-Nya Heritage Pty Ltd	Australia	100	100
Yugunga-Nya People Pty Ltd	Australia	100	100

### Note 18. Key Management Personnel Transactions

Directors fees have been paid to a consolidated entity's director who is also a director of the trustee company.

	2023	2022
	\$	\$
Total Remuneration	<u>39,015</u>	<u>39,600</u>

### Note 19. Related Entity Transactions

#### Key management personnel

Disclosures to key personnel are set out in note 18.

#### Transactions with related parties

The consolidated entity has the following transactions with the Trustee company Fiduciary Administration Services:

Administration Services	<u>1,351,443</u>	<u>1,339,759</u>
-------------------------	------------------	------------------

Accounting fees are paid to an associated company of a trustee Director:

Accounting fees	<u>21,830</u>	<u>143,112</u>
-----------------	---------------	----------------

Subscriptions fees paid for Custodian Community Software is to a company associated with the Trustee company and Directors:

Subscriptions	<u>43,999.92</u>	<u>56,539.92</u>
---------------	------------------	------------------

### Note 20. Commitments

The consolidated entity had no commitments as at 30 June 2023 and 30 June 2022.

### Note 21. Contingent liabilities

After year end there has been a claim against the trust regarding breach of employment agreement before year end, whilst this matter is on going no information is disclosed as it still a matter for the court, but is unlikely to succeed.

### Note 22. Contingent assets

The trust has made an insurance claim for damages to one of the properties before year end which is still subject to negotiations as to the final payout amount.

### Note 23. Subsequent Events

September 2021 Thomas Graham Greenaway (a previous trustee) was convicted and found guilty of 33 counts of stealing as a servant and one further count of gaining benefit by fraud after stealing from Yugunga- Nya People's Trust. In November 2021 he was sentenced to 6 years of jail and ordered to pay \$2.1 million back to the Trust. On the 18 Dec 2022 Mr Greenaway won an appeal against 33 convictions In July 2023 a retrial has been set start for 13 May 2024.

On the 22 August 2023 a First and Final Dividend was received from Beachcroft Holdings Pty Ltd (The Company owned by Thomas Graham Greenaway). It was declared by the liquidators 0.24 cents in the dollar would be paid to creditors. From the claim of \$2,754,174 the trust received a payment of \$6,625.57.

## Yugunga-Nya People's Trust Consolidated Financial Report

### In the Trustee's opinion:

\* The attached financial statements and notes comply with Australian Accounting Standards - Simplified Disclosure Requirements, the Australian Charities and Not-for-Profit Commissions Act 2012 and other mandatory professional reporting requirements.

\* The attached financial statements and notes give a true and fair view of the consolidated entity's financial position as at 30 June 2023 and of its performance for the financial year ended on that date;

\* These are reasonable grounds to believe that the trust and its controlled entities will be able to pay its debts as and when they become due and payable.

On behalf of the Trustee



Phillip Williams

Monday 23 October 2023

Perth Western Australia



Criterion Audit Pty Ltd

ABN 85 165 181 822

PO Box 233 LEEDERVILLE WA 6902

Suite 2, 642 Newcastle Street  
LEEDERVILLE WA 6007

Phone: 9466 9009

To The Board of Directors

**Auditor's Independence Declaration under Section 60.40 of the *Australian Charities and Not-For-Profits Act 2012***

As lead audit director for the audit of the consolidated financial statements of Yugunga-Nya People's Trust and controlled entities for the year ended 30 June 2023, I declare that to the best of my knowledge and belief, there have been no contraventions of:

- the auditor independence requirements of the *Associations Incorporation Act 2015* or the *Australian Charities and Not-For-Profit Act 2012* in relation to the audit; and
- any applicable code of professional conduct in relation to the audit.

Yours faithfully

*Criterion Audit Pty Ltd*

**CRITERION AUDIT PTY LTD**  
**Chartered Accountants**

*Elizabeth Louwrens*

**ELIZABETH LOUWRENS CA**  
**Director**

DATED at PERTH this 23<sup>rd</sup> day of October 2023





Criterion Audit Pty Ltd

ABN 85 165 181 822

PO Box 233 LEEDERVILLE WA 6902

Suite 2, 642 Newcastle Street  
LEEDERVILLE WA 6007

Phone: 9466 9009

## Independent Auditor's Report

### To the Members of Yugunga-Nya People's Trust

#### Report on the Audit of the Financial Report

##### Opinion

We have audited the consolidated financial report of Yugunga-Nya People's Trust and Controlled Entities ("the Consolidated Entity"), which comprises the consolidated statement of financial position as at 30 June 2023, the consolidated statement of comprehensive income, the consolidated statement of changes in equity and the consolidated statement of cash flows for the year then ended, and notes to the consolidated financial statements, including a summary of significant accounting policies, and the Trustee's declaration.

In our opinion, the financial report of the Consolidated Entity has been prepared in accordance with Division 60 of the *Australian Charities and Not-for-Profits Commission Act 2012*, including:

- a) giving a true and fair view of the Consolidated Entity's financial position as at 30 June 2023 and of its financial performance for the year then ended; and
- b) complying with Australian Accounting Standards to the extent described in Note 1, and Division 60 the *Australian Charities and Not-for-profits Commission Regulation 2013*.

##### Basis for Opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of our report. We are independent of the Consolidated Entity in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

##### Other Information

The Trustee is responsible for the other information. The other information comprises the information included in the Consolidated Entity's annual report for the year ended 30 June 2023, but does not include the consolidated financial report and our auditor's report thereon. Our opinion on the consolidated financial report does not cover the other information and accordingly we do not express any form of assurance conclusion thereon. In connection with our audit of the consolidated financial report, our responsibility is to read the other information and, in doing so, consider whether the other information

is materially inconsistent with the consolidated financial report or our knowledge obtained in the audit or otherwise appears to be materially misstated. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

### **Responsibility of the Trustee for the financial report**

The Trustee of the Consolidated Entity is responsible for the preparation and fair presentation of the consolidated financial report in accordance with Australian Accounting Standards and the ACNC Act, and for such internal control as the Trustee determines is necessary to enable the preparation of the consolidated financial report that is free from material misstatement, whether due to fraud or error.

In preparing the consolidated financial report, the Trustee is responsible for assessing the Consolidated Entity's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Trustee either intends to liquidate the Consolidated Entity or to cease operations, or has no realistic alternative but to do so.

The Trustee is responsible for overseeing the Consolidated Entity's financial reporting process.

### **Auditor's Responsibilities for the Audit of the financial report**

Our objectives are to obtain reasonable assurance about whether the consolidated financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the consolidated financial report.

As part of an audit in accordance with the Australian Auditing Standards, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the consolidated financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Consolidated Entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Trustee.
- Conclude on the appropriateness of Trustee's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Consolidated Entity's ability to continue as a going concern. If we conclude that a material

uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the consolidated financial report or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Consolidated Entity to cease to continue as a going concern.

- Evaluate the overall presentation, structure and content of the consolidated financial report, including the disclosures, and whether the consolidated financial report represents the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the Trustee regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

### Report on Other Legal and Regulatory Requirements

In our opinion, the Consolidated Entity has complied with 60-30(3)(b), (c) and (d) of the *ACNC Act*:

- by providing us with all information, explanation and assistance necessary for the conduct of the audit;
- by keeping financial records sufficient to enable a financial report to be prepared and audited; and
- by keeping other records required by Part 3-2 of the Act, including those records required by Section 50-5 that correctly record its operations, so as to enable any recognised assessment activity to be carried out in relation to the entity.

*Criterion Audit Pty Ltd*

**CRITERION AUDIT PTY LTD**

*ELIZABETH LOUWRENS*

**ELIZABETH LOUWRENS CA**  
**Director**

DATED at PERTH this 23<sup>rd</sup> day of October 2023



# APPENDICES



Rocky red banks of Meeka Pool. Photo by Isaiah Shar

# APPENDIX 1

## Satisfaction survey: Maintenance of Trust properties in Meekatharra

### Q1

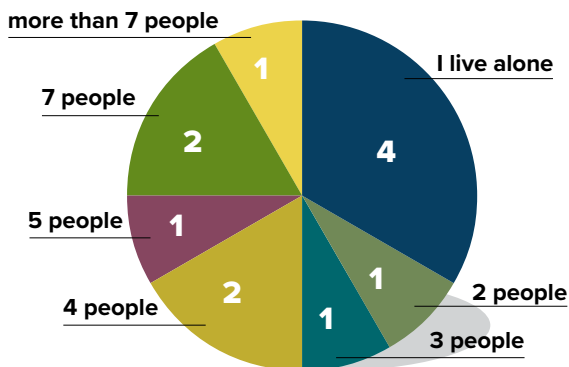
Which of the following properties do you live in?

2 Railway Street	✓
4 Railway Street	✓
63 Oliver Street	✓
65 Oliver Street	✗
67 Oliver Street, Unit 1	✓
67 Oliver Street, Unit 2	✓
67 Oliver Street, Unit 3	✓
67 Oliver Street, Unit 4	✓

69 Oliver Street	✗
71 Oliver Street, Unit 5	✓
71 Oliver Street, Unit 6	✓
71 Oliver Street, Unit 7	✓
71 Oliver Street, Unit 8	✗
75 Oliver Street	✗
77 Oliver Street	✓

### Q2

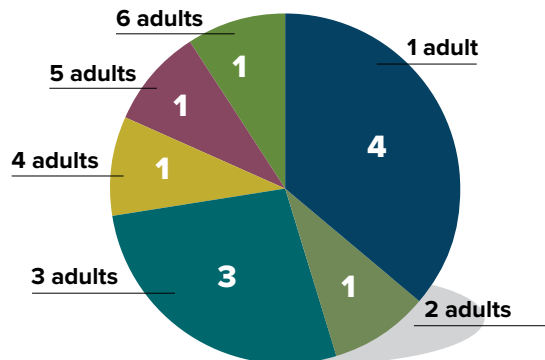
How many other people live with you?



Answered: 11 Skipped: 0

### Q3

How many of those people are adults?



Answered: 11 Skipped: 0

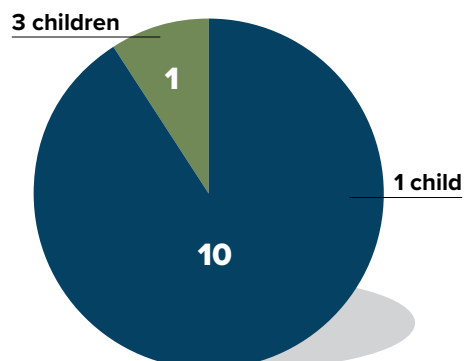
### Q4

Please name all the adults using first and last names.

Content not published due to privacy reasons.

### Q5

How many children live in the property?



Answered: 11 Skipped: 0

### Q6

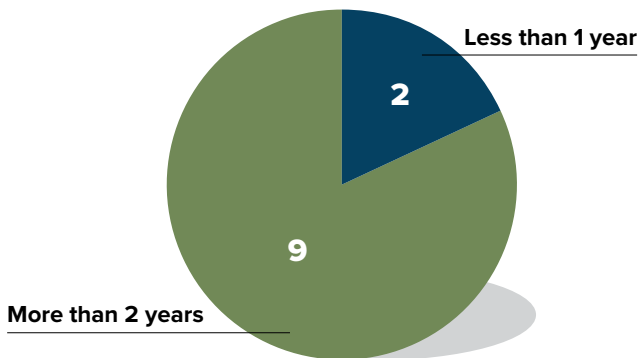
Please name all the children using first and last names.

Answered: 11 Skipped: 0

Content not published due to privacy reasons.

### Q7

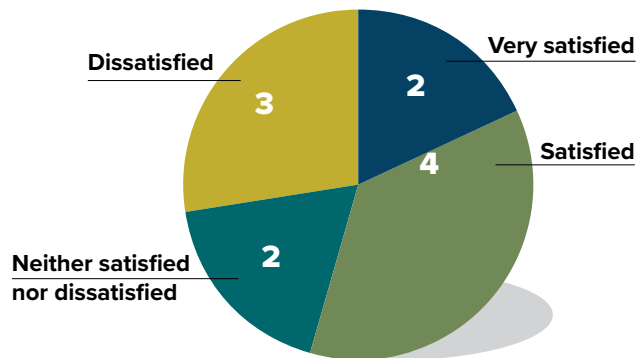
How long have you lived in the property?



Answered: 11 Skipped: 0

### Q8

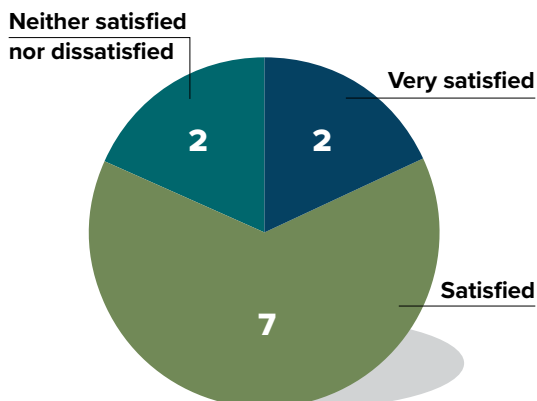
Are you happy with the maintenance of your home?



Answered: 11 Skipped: 0

### Q9

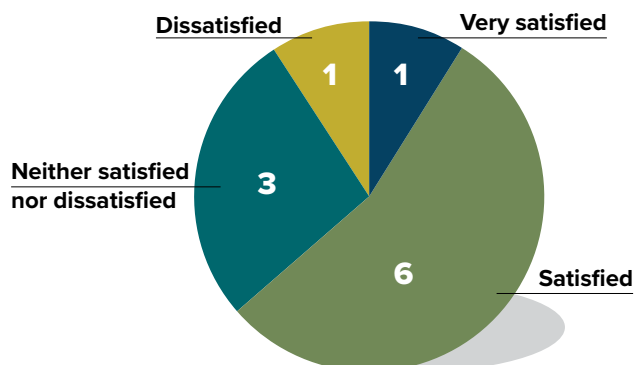
Are you happy with the services provided by the Trustee to help maintain your home?



Answered: 11 Skipped: 0

### Q10

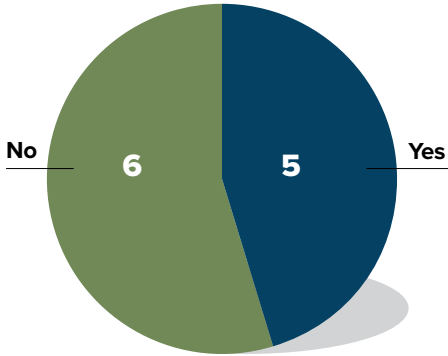
How do you feel about the most recent maintenance work completed in March 2023 at your home?



Answered: 11 Skipped: 0

### Q11

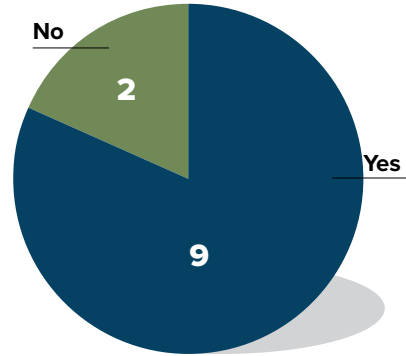
Further to question 10, were all the repairs completed?



Answered: 11 Skipped: 0

### Q12

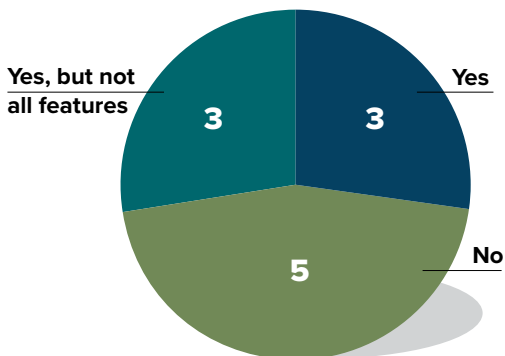
Is your home the right size for you?



Answered: 11 Skipped: 0

### Q13

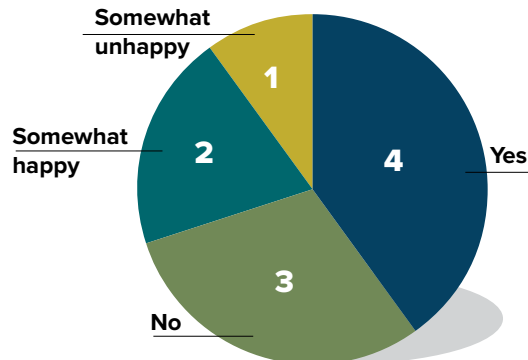
Does your home have the features you need?



Answered: 11 Skipped: 0

### Q14

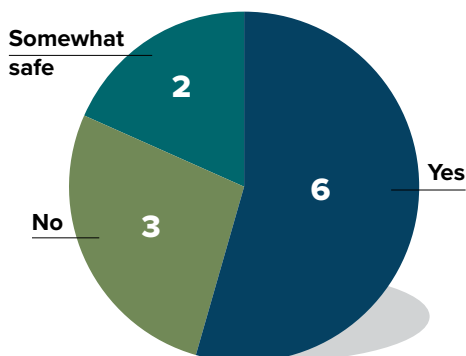
Are you happy with the condition outside your home?



Answered: 11 Skipped: 0

### Q15

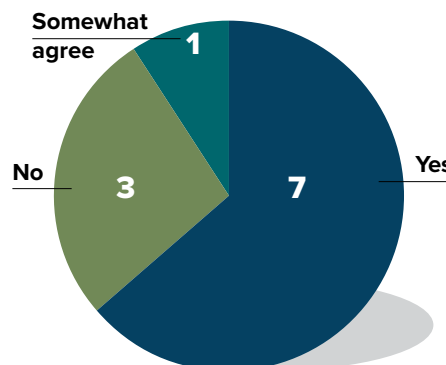
Do you feel safe in your home?



Answered: 11 Skipped: 0

### Q16

Do you like other people knowing that you live in a Yugunga-Nya Trust house?



Answered: 11 Skipped: 0

## Q17

**What do you like the most about your home?**

Location	4
Good neighbourhood	3
Size	4
Free maintenance	5
Safe/ Good area for ??	1
It's a home	9

Answered: 11 Skipped: 0

## Q18

**If there is one thing you could change about your home, what would it be?**

Content not published due to privacy reasons.

Answered: 11 Skipped: 0



# APPENDIX 2

## Background information

### ABOUT THE HOUSING PROPERTIES

1. There are 14 residential properties owned by the Yugunga-Nya People's Trust (YNPT) in Meekatharra, situated on Oliver and Railway Streets
2. While exact numbers are not known, it is estimated that 60 people live in the properties. Most, if not all, adult occupants are beneficiaries of the YNPT
3. Construction of the properties was completed in February 2017 at the cost of \$4.53M
4. The trustee of the YNPT at the time was Graham Greenaway
5. According to YNPT records, the properties were 'intended to be occupied by employed members of the trust, on a 3-year rental basis followed by a purchase'
6. There is no evidence of any rental/buy agreements being created by the previous trustees of the YNPT
7. Members of the YNPT reside in the properties
8. There is no evidence as to how the current residents of the properties were accepted to reside in these properties by the previous trustees
9. The houses were provided at the time when the Yugunga-Nya native title claim group, and trust membership, consisted predominantly of Yugunga-Nya people in Meekatharra
10. The houses are the only tangible asset owned by YNPT, in addition to a vacant land parcel in Geraldton
11. YNPT has never had any revenue income from the houses – the occupants have never paid any rent
12. Since FAS became the trustee of YNPT, only one occupant has entered into a lease agreement for rent of \$100 per week; while the person has signed the agreement, they have never paid any rent
13. FAS as the trustee of YNPT has experienced ongoing issues engaging with occupants to secure access to the houses for maintenance and repairs
14. Limited access to deliver proper maintenance exposes YNPT to risk of injury to occupants
15. According to the Property Maintenance Report 2022, the houses are well built and are in good shape overall. The community area is damaged more regularly
16. 128 property maintenance requests from the occupants were completed in the financial year 2021-22
17. Over the last two years, FAS has approached the state government to see if the government can provide any assistance for the housing program. The government has not provided any favourable response.

### ACCESS TO HOUSES AND MAINTENANCE ISSUES

1. FAS has gone to great lengths to engage with occupants and find a way to enable providers to access and ensure proper maintenance to the houses.
2. Meekatharra-based Yulella Aboriginal Corporation which runs a construction business were keen to provide maintenance and repairs services for the houses. To help gain access, FAS proposed that the occupants nominate a contact person for each house who would receive a small payment in return for providing liaison and access for building inspections and repairs as needed or requested.
3. Due to abusive behaviour from some occupants during a scheduled building and valuation inspection in June 2022, Yulella declined to offer any further services to YNPT and FAS.
4. At a greater cost to YNPT, FAS has been left with no choice but to engage service providers from Perth to carry out maintenance work when requests are made. This includes the identified repairs as part of the Property Maintenance Report 2022, with the prospect of then having the scheduled works cancelled due to occupants' behaviour and incurring the cost of cancelled works.

## ABOUT THE CURRENT RESIDENTS

1. The occupants have lived in the properties since 2017, rent-free
2. Except for one or two occupants who have work, all other residents are welfare recipients (receiving Centrelink and age pension payments, for example) and children
3. The occupants are in the high-risk category – they would likely be homeless without the houses
4. As the properties are in Meekatharra, the residents maintain connection and occupation on country which was required for a positive determination of native title and will be an ongoing requirement for future act and heritage matters

## HOUSING FINANCIAL INFORMATION

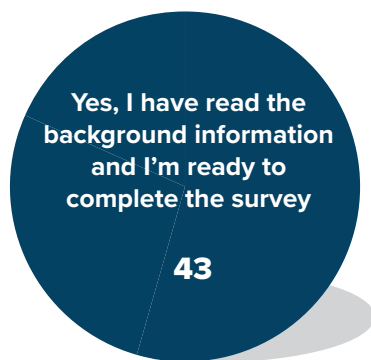
1. \$1.63M: total “land and building value” of the properties, according to the Property Maintenance Report 2022
2. \$151,370: total cost to the Trust for maintenance and repairs of the properties in 2021-22 (see YNPT Annual Report 21-22, p.28)
3. \$500,000+: estimated cost to the Trust of maintenance and repairs of the properties in 2022-23 based on the building inspection in 2022 (this is higher than average due to significant maintenance work undertaken this year)
4. \$30,000+ a year: total benefit received by the primary occupant of each property from a rent-free YNPT house.

# APPENDIX 3

## Yugunga-Nya People's Trust Survey: Trust residential properties

### Q1

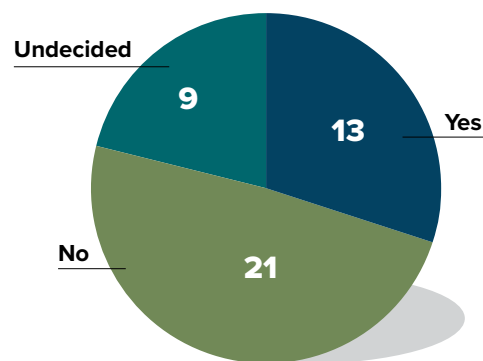
Before completing the survey, it's important that you are familiar with background information about the Trust residential properties in Meekatharra. This information was provided to you via the CC APP News. Have you read this information?



Answered: 43 Skipped: 0

### Q2

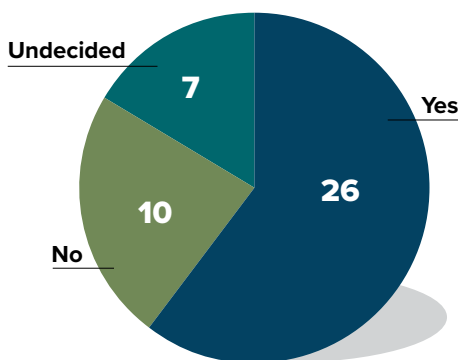
Do you support the following option: Gift the properties (hand-over possession of properties) to the occupants who will be responsible for all associated costs; in exchange the new owners of the properties may have restricted access to programs.



Answered: 43 Skipped: 0

### Q3

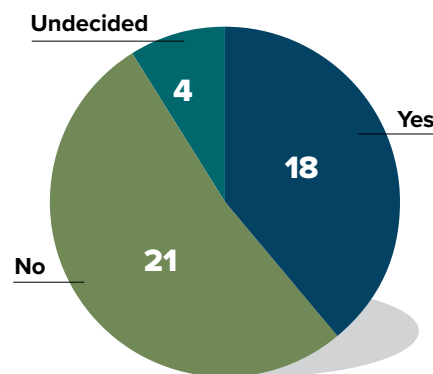
Do you support the following option: Occupants to enter into lease agreements at market rates.



Answered: 43 Skipped: 0

### Q4

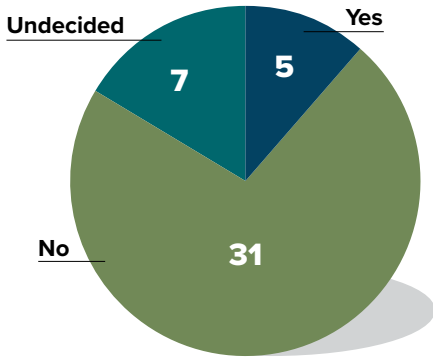
Do you support the following option: Occupants to enter into lease agreements at reduced rates.



Answered: 43 Skipped: 0

**Q5**

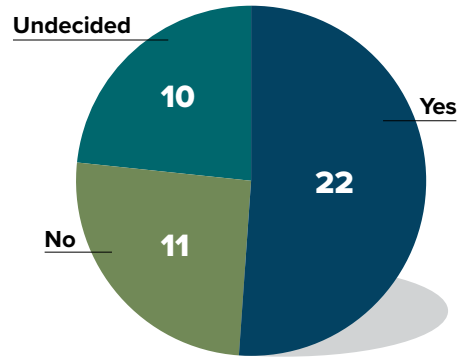
Do you support the following option: Allow the occupants to live in the properties rent-free, however, the primary occupants (excluding children) will only have restricted access to programs.



Answered: 43 Skipped: 0

**Q6**

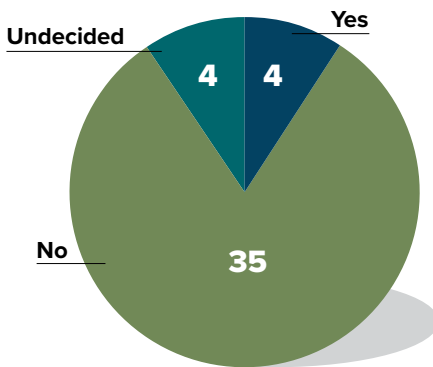
Do you support the following option: Sell the properties to YugungaNya people (occupants to have first right of refusal).



Answered: 43 Skipped: 0

**Q7**

Do you support the following option: No change – allow beneficiaries to continue occupying the properties, rent-free, with the YNPT continuing to pay all maintenance, insurance, utility, and all other property-related expenses.



Answered: 43 Skipped: 0

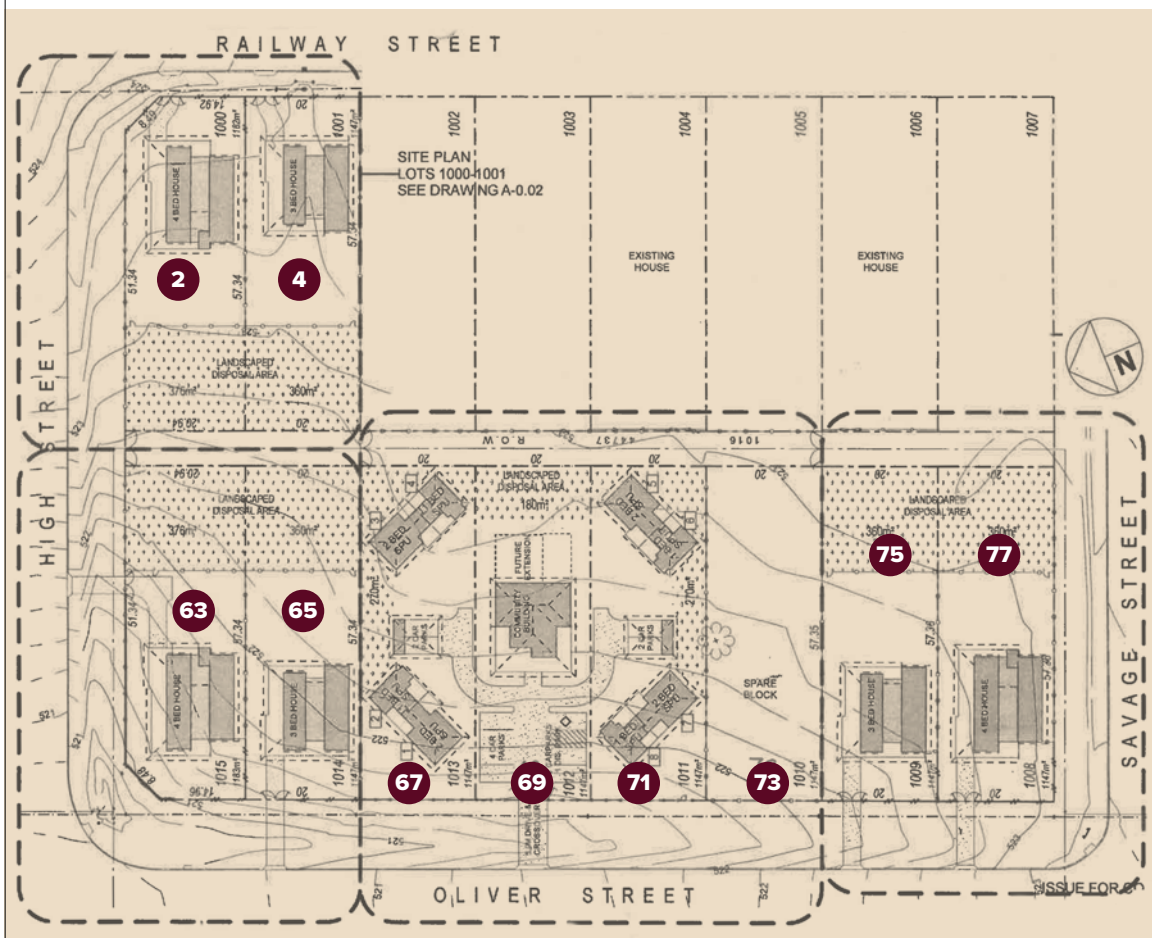
# APPENDIX 4

## Yugunga-Nya Home Ownership Program – Meekatharra



### YUGUNGA-NYA HOME OWNERSHIP PROGRAM – MEEKATHARRA

(YN HOP – Meekatharra applies to YNPT-owned houses only)



**FAS** Fiduciary  
Administration  
Services





Under the **YN HOP – Meekatharra**, you and the Yugunga-Nya People’s Trust (YNPT) will each own a share of your home. It is what’s known as **shared-equity**.

It means that you will be offered a 20% share of a Trust-owned property in Meekatharra as a gift while the Trust will own the remaining share, or 80% of the value of the property.

As a homeowner you will be in full control of how you occupy and maintain the property. You will also be able to sell your home at any time.

2

### Are you eligible?

**You must be either:**

a current occupant of one of the Trust properties in Meekatharra

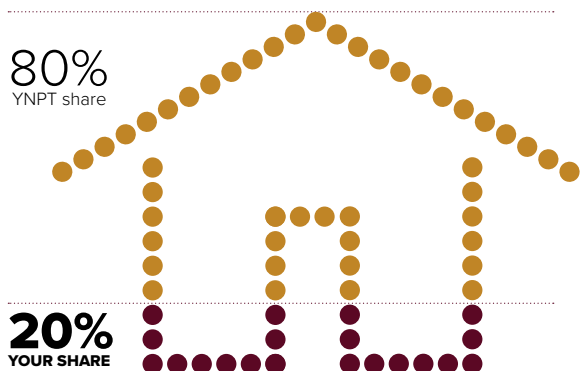
a Yugunga-Nya person nominated by the current occupant (some exceptions may apply)

**The property you can apply to own must be one of the Trust-owned properties in Meekatharra**



3

## How much would you own in the share-equity arrangement?



The dollar value of your component (20%) is based on the market value of the property, which can change. The market value is determined by various market conditions, such as, the supply and the demand for properties in Meekatharra.

### EXAMPLE : the value of your share

Initial property value**	\$130,000
<b>Your share (20%)</b>	<b>\$26,000</b>
YNPT share (80%)	\$104,000

\*\*Determined by an independent valuer.

4

## YN HOP – Meekatharra at a glance

The program is based on shared-equity between a YN person and the Trust

Available to current principal occupants of Trust properties in Meekatharra, or other YN persons nominated by the occupant

Homeowner is responsible for the full costs of owning the property, including Shire rates, building insurance, and maintenance and repairs to the property.

### Benefits to you, as homeowner

No loan or mortgage needed to own your home

YNPT transfers 20% of the value of the property in your name, at no cost

No rent for use of the YNPT's 80% share of the property

May be able to buy further shares of the home from the YNPT in the future

Can rent your home to someone else

Can sell your home at any time – YNPT entitled to claim the value of the share it owns at the time of sale.



5

## Get more information about YN HOP

Naturally, you will have a number of questions about the YN HOP. If you are interested in the program, and to help you understand what is involved, please contact Ashley Truscott on 0477 987 088 or FAS on 1800 001 260.



### **YUGUNGA-NYA HOME OWNERSHIP PROGRAM – MEEKATHARRA**





**Yugunga-Nya People's Trust ABN 63 228 454 803**  
**Fiduciary Administration Services ABN 73 631 893 260**

**Level 13, 37 St George's Terrace**  
**Perth WA 6000**  
**Phone: 08 6188 7656 or tollfree 1800 001 260**  
**Email: [info@fasperth.com.au](mailto:info@fasperth.com.au)**