

JUNE 2022

YUGUNGA-NYA PBC NEWSLETTER

Level 1, 53 Burswood Road Burswood WA 6100 T: (08) 6146 2503 E: admin@ynpbc.com.au



About your PBC

After the Federal Court hands down a Determination that native title exists, the native title holders must put in place a corporation to hold, manage and protect the rights and interests of all native title holders in the determination area. This corporation is called a prescribed body corporate (PBC).

The PBC makes it clear to others, like governments, mining companies and other parties, that if they wish to conduct business or do anything on your native title land, they must first talk to the PBC. The PBC is also able to deal with the “whitefella” legal system on behalf of the Yugunga-Nya native title holders.

Your PBC has an official name “**Yugunga-Nya Native Title Aboriginal Corporation Registered Native Title Body Corporate (RNTBC)**”. That is very long, so we will use the letters “**YN PBC**”.

The PBC is made up of:

- **Members** – all the Yugunga-Nya native title holders over the age of 18 who join up to the corporation as Members; and
- **Directors** – the people who the members choose to direct the corporation and to represent the Members. The Directors decide who will be the **Chairperson** of the PBC.

The Members elect the Directors, and the Directors listen to Members’ views and must act in the best interests of all Members. The Directors are responsible for developing the strategic direction of the PBC and monitoring the PBC’s performance.

YN PBC has a Rule Book, that sets out the way important decisions are made, the types of records that need to be kept, notice periods for meetings and when and how meetings are held. The Rule Book is a public document.

YN PBC provides reports to the Government on the corporation business through the Office of the Registrar of Aboriginal Corporations (ORIC).

There is more information about the PBC on page 5 of this newsletter.

YN PBC Directors



Robyn Kelly – Chairperson

I am the second eldest daughter of six children. I was born in Port Hedland in February 1989 to Robert Kelly and Sherry Clemans. Along with my Kelly, Christensen and Curley family, I am a direct descendant of Bootha—also known as Dolly Ward—who is one of the apical ancestors of the sacred hill of our Yugunga-Nya people. I currently reside in Port Hedland with my partner Matthew, a *Gumbainggir* man from NSW, and my beautiful daughter Lavarna-lee.

I work as an all-round Machine Operator. I started machine operating seven years ago with Yagahong Alliance, a joint venture made with Centrals Earth Moving for our Yugunga-Nya people. Before starting my career as a machine operator, I worked most of my life in the steel fabrication industry.

I am the youngest applicant, and the youngest director of our PBC for my family and our Yugunga-Nya people. I am empowered by my Elders past and present to be the voice for those of our people who aren't heard, and with that I have been given the name *Whildhoo* ("strong") by my Elders.



Troy Little

I was born at King Edward Hospital in Perth. My mum is Hazel Little, a Yugunga-Nya lady and my dad, Herbert Clause, is a *Tjupan* man from Wiluna. I live in Mt Magnet and I'm a full-time carer for my aunty, Jennifer Little. I have a son, Cameron Curley, who is eight years old and goes to school in Mt Magnet.

I have in the past mainly worked in the mines around Mt Magnet as a machine operator, and in Kununurra, as a truck driver. After that I came back to Mt Magnet to help my uncles Richard and Ernest Little with their station work at Windsor. At the moment, I am working to establish my own business in mustering goats.



Matthew Abrahamson

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 21 years. I also hold the position of President, Community and Public Sector Union/Civil Service Association, and prior to that as vice president for four-and-a-half years.



Hardy Derschow

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 Hammersley 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 Senior 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 (Rio Tinto Iron Ore) Accommodation Camp Manager.



Elaine King

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. Over the past 30 years I have worked locally as a youth worker with the local shire.



Clinton Shay

I was born in Perth and grew up in Meekatharra. As a young man, me and my brothers would go out with our Dad, Bill, and uncles to hunt, camp and take care of our country.

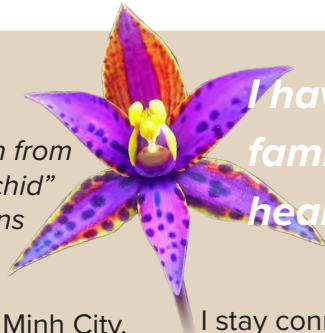
I have two boys in their early 20's. I live in Geraldton and regularly go back to Meekatharra. When back home I go out hunting with my dad.

As a director of the PBC my number one priority is to look after Yugunga-Nya country and protect our native title. I want the PBC to establish a ranger team so the guys in Meekatharra can actively look after our land.

Introducing YN PBC's inaugural CEO

Ailan Tran

(the literal translation from Chinese is "Love Orchid" but poetically it means "Rare Orchid")



I have a set of personal values that I live by: family, community service and philanthropy, healthy lifestyle and life-long learning.

I was born in Ho Chi Minh City, Vietnam. At the end of the war, my family and I became refugees and spent 2 years in a detention centre in Malaysia before our migration visas to Australia were granted.

I remember the early days of settlement in Australia – my family suffered racism, living in poverty and learning a new language, culture and the laws of Australia. It was a struggle for my parents to work, feed, clothe, educate and house us (my parents, me, 3 siblings, my maternal grandmother, my aunt, my cousin and an uncle – 10 people!). But we were lucky to have mentors in the local community who helped us to achieve our aspirations. The formative years helped me to build a resilient mindset and positive outlook.

I stay connected to my Chinese-Vietnamese heritage through observance of culture and custom. What's so fascinating to me is the similarities in Aboriginal culture – e.g. seasonal custom, respect of elders, ancestral worship, connection to birthplace, nouns used to describe family relationships etc.

From these indelible experiences, I have a set of personal values that I live by: family, community service and philanthropy, healthy lifestyle and life-long learning.

I live and work in Perth; but I am always looking for opportunities to visit Country to learn about Culture and Country from members.

My goal is to have YN PBC set up with a solid foundation for good governance, to ensure all

decisions are made in a fair and transparent manner and to the benefit of all Yugunga-Nya People. I will support the Directors to advocate for and negotiate strong agreements that protect heritage and culture and bring health, employment, education, training and contracting opportunities to YN PBC members. I will encourage stakeholders who work on Country to improve their cultural awareness and cultural competence – so that they are respectful of Yugunga-Nya country and culture. And, I would like to learn about Yugunga-Nya culture and custom – as much as the community is willing to teach me.

These are big aspirations, that may take several years to achieve, but with a united voice from the Yugunga-Nya People and support of the Directors, I believe all this can be achieved.

Back row (L-R) Clinton Shay, Troy Little, Ailan Tran, Robyn Kelly, Matthew Abrahamson. Front row (L-R) Hardy Derschow, Elaine King.



About your PBC

Who runs the YN PBC?

The YN PBC belongs to the Members. The Directors set the priorities for YN PBC by representing the views of the Members and work with the CEO and staff to realise Members' aspirations.

What is the role of the PBC?

The PBC is called a **prescribed body corporate** because it has certain prescribed obligations under the *Native Title Act 1993* (NTA), including the requirement to incorporate under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act).

A registered PBC can also be referred to as the Registered Native Title Body Corporate or RNTBC. This is the same as a PBC.

The main job of a PBC is to hold, manage and protect your native title rights and interests.

As part of this work, the PBC is required to:

- deal with future acts (proposals of activity that might affect native title, for example: mining, exploration, new roads or other government infrastructure)
- enter into indigenous land use agreements (ILUAs) with resource companies and governments about a proposed activity
- implement the Yugunga-Nya obligations under native title agreements and monitor the implementation of resource companies' obligations
- consult with Yugunga-Nya native title holders about any decisions that affect native title rights and interests and act in the best interests of the Yugunga-Nya people
- document evidence of consultation and consent given by native title holders for all native title decisions
- bring any future compensation or native title application to the Federal Court

What else must the PBC do?

The Members, Directors and the CEO, must all follow the rules set out in the **PBC rule book**.

The rule book talks about the most important things a PBC must do every year:

- hold an AGM

- prepare and send a report to ORIC
- keep the membership register up-to-date
- hold elections
- follow all the rules in its Rule Book about what the PBC can do, who can be a Member and how the Members and Directors must run the corporation. If it breaks the rules, it will be breaking the law which can get your PBC into trouble.

Like in any corporation, the Directors of the PBC are accountable to the Members. To learn more about how the PBC works you can request a copy of the rule book from the PBC. Copies of the rule book are also publicly available from Office of the Registrar of Indigenous Corporations' website at oric.gov.au.

Can the YN PBC do work other than native title?

Yes. Many PBCs engage in a broader range of activities, in addition to the management of native title rights and interests. It is up to the Yugunga-Nya Directors and Members to decide if they want the YN PBC to be involved in cultural, social and economic development activities for and on behalf of members.

For example, this may consist of training and employment, economic development as well as cultural projects, such as a rangers' project. Choosing to go down this path means your PBC can run its own businesses, undertake work to care for country, culture and people by using your native title rights to improve the social, economic and cultural wellbeing of the members. These ideas can be put in the PBC development plan.

What is the difference between YN People's Trust and the YN PBC?

The Trust and the YN PBC are separate organisations and operate under different laws. They are managed separately, have separate boards and management structures. However, it is important that the YN PBC and the Trust work closely, to improve the wellbeing of all Yugunga-Nya people.

Your PBC was nominated by the Yugunga-Nya native title holders to perform the legal obligations under the Native Title Act and related law. A full list of YN PBC's main objectives can be found in the **YN PBC rule book**.

The Trust, however, has additional responsibilities. The Trust is responsible for managing the royalty payments that Yugung-Nya people receive from native agreements reached with resource companies and the government. The native title agreements often have separate trust deeds, and these deeds outline how and when the royalty payments are to be paid into the Trust. The Trust's responsibilities also include supporting the PBC to meet its objectives, and developing and managing the various programs designed to improve the wellbeing of Yugung-Nya people (known as beneficiaries in trust law).

How do I become a member of the YN PBC?

All descendants of the apical ancestor Wilba, Ward and Wheelbarrow and Dorizzi family (related to Bert Dorizzi) have been identified as Yugung-Nya native title holders under the Part A consent determination. These people can apply to be members of the YN PBC.

To become a member, you can apply by filling out the YN PBC membership form on the TAP App on your phone.

Alternatively, you can get a copy of the application form from the YN PBC. All membership applications are considered by the Directors at their PBC board meetings. If a decision is made that you are a member, your name will be added to the YN PBC Membership Register and you will be notified. Please make sure you complete all parts of the membership application form and give contact details (e.g. mobile phone and email). Only applications with all information can be considered. Any applications with missing or inconsistent information will not be reviewed until the PBC receives all of the information needed.

I'm already a beneficiary of the YN Peoples' Trust, why do I need to become a member of the PBC?

The Yugung-Nya people must apply for membership of both organisations.

The YN PBC represents the Yugung-Nya people as native title holders. It is important to become a registered Member of the YN PBC so that it can represent you properly.

As a Member of YN PBC you can:

- have a say about what you think should be the priorities in the YN PBC development plan
- raise concerns about the health of your country, such as water allocation, mining activities, pest and weed control
- go to the annual general meetings (AGMs) and general meetings where the corporation's policies are considered and have the opportunity to participate in making important decisions
- become a Director or nominate Directors and vote to choose Directors at the AGMs
- review minutes, financial reports and auditor reports and ask questions of Directors and auditors at meetings
- ask to make changes to the YN PBC Rule Book
- make sure your personal details on the YN PBC Member Register are correct

You can take an active role in holding, protecting and managing the Yugung-Nya peoples' law, culture, traditions and native title rights and interests which you fought 25 years to secure.



Logo Design Competition

We invite the artists and creatives among the Yugunga-Nya People to submit artwork for the YN PBC logo design.

1
WINNER

\$1500
CASH PRIZE

11 JULY 2022
ENTRIES CLOSE

Competition terms and conditions

By entering this logo design competition and submitting an Artistic Work for consideration the entrant agrees that should it be deemed the winner of the competition (**'Winner'**) that:

- 1) The Winner will execute a Copyright Assignment Deed without delay to assign the Copyright in the Artistic Work unequivocally, unconditionally and unreservedly to Yugunga-Nya Native Title Aboriginal Corporation RNTBC (ICN 9509) (**'YN PBC'**) (**'Assignment'**).
- 2) The date of Assignment is 11 July 2022 (**'Assignment Date'**).
- 3) That YN PBC will be the owner of the Copyright in the Artistic Work in perpetuity from the Assignment Date, and it may deal with that Copyright without limitation from the Assignment Date.
- 4) On completion of the Assignment, YN PBC will pay the prize money of \$1500 to the Winner's nominated bank account within 7 business days and will publicise the Winner and the winning Artistic Work.
- 5) Within 2 business days of the Copyright Assignment Deed being signed, the Winner will deliver up the Artwork to YN PBC. Should the Artwork be in digital format then the Winner authorises YN PBC to mint the winning Artwork as a non-fungible token for the absolute exclusive usage of YN PBC.
- 6) The Winner must seek the consent of YN PBC to promote the Artistic Work for personal business activities, including promotion, where such consent will not be unreasonably withheld.
- 7) Wherever possible, YN PBC will formally acknowledge the Winner as the creator of the Artistic Work.

All entries must be accompanied by a submission form which includes a declaration that the entrant is the first owner of the Copyright in the Artistic Work submitted. Please email admin@ynpbc.com.au for a copy of the submission form.

Callout to members: register your business with us

The YN PBC is setting up a register of Member-owned businesses to provide to companies, commercial businesses and government agencies that operate on Yugunga-Nya Country. YN PBC will be encouraging and advocating for Yugunga-Nya Member-owned businesses to be used for contracts and projects wherever possible.

It is important to have a register through the YN PBC because it prevents “black-cladding” businesses from getting the work that should go to genuine Yugunga-Nya Member-owned businesses. A list from YN PBC will give certainty and confidence to the mining companies and government that they are dealing with the right people for Yugunga-Nya Country.

To download the Business Registration form please look up the Latest News page on the YN People’s Trust website at <http://yugunga-nya.org.au/> .

Completed forms can be emailed to admin@ynpbc.com.au .

Yugunga-Nya Native Title
Aboriginal Corporation RNTBC
ICN: 9509
ABN 87 686 710 813
E: admin@ynpbc.com.au

**APPLICATION TO BECOME AN ENDORSED
YUGUNGA-NYA MEMBER BUSINESS**

PLEASE PROVIDE A COPY OF BUSINESS REGISTRATION CERTIFICATE AND OWNERSHIP STRUCTURE WITH YOUR APPLICATION.

Business Name:

Australian Business Number:

Primary Contact Name:

Work Number:

Mobile Number:

Fax Number:

Email Address:

Postal Address:

Ownership Structure:

YNPBC endorsed member business registration form.docx

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YUGUNGA-NYA MEMBER BUSINESS

**PLEASE PROVIDE A COPY OF BUSINESS REGISTRATION CERTIFICATE AND OWNERSHIP
STRUCTURE WITH YOUR APPLICATION.**

Business Name:

Australian Business Number:

Primary Contact Name:

Work Number:

Mobile Number:

Fax Number:

Email Address:

Postal Address:

Ownership Structure:

Personnel Name

Qualification

Role

Please attach list of additional names to this form (if more than 10)

Business Skills:

Please attach additional documents that you feel may assist

Business Experience:

Please attach additional documents that you feel may assist

Plant and Equipment Available to the Business:

Please attach additional documents that you feel may assist

Additional details relating to the relevant technical, managerial, and financial capacity of the Business:

1. Management Structure and Experience
2. Administrative Systems and/or Support
3. Safety Systems and/or Support
4. Funding arrangements (if any)
5. Attach Business Plan (if any)

Please attach additional documents that you feel may assist

Name:

Title:

Signature:

Date:

<i>Office Use Only</i>	
<i>Signature of Director/CEO</i>	
<i>Print Name</i>	
REGISTER NUMBER	DATE REGISTERED
/	/

PBC Contact details

Yugunga-Nya Native Title Aboriginal Corporation RNTBC (YNPBC ICN 9509)

ABN 87 686 710 813

Level 1, 53 Burswood Road

Burswood WA 6100

E: admin@ynpbc.com.au

