



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: SAD66/2005
NNTT number: SC2005/001

Application Name: Irrwanyere Mt Dare Native Title Claim

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 30/03/2005

Current status: Full Approved Determination - 14/08/2009

Registration information: Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.

Registration decision status: Not Accepted for registration

Registration history: -

Date claim / part of claim determined: 11/09/2008

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Additional Information

Not applicable

Persons claiming to hold native title:

The Native Title Claim Group comprises all of the following people (now alive):

(i) all those persons comprised in the Eringa Native Title Claim Group (SG 6010/98); and

(ii) all those persons comprised in the Wangkangurru/Yarluyandi Native Title Claim Group (SG 6016/98).

Native title rights and interests claimed:

Description of Native Title Rights and Interests Claimed

Definitions:

In this application:

(a) all words used in this application which are defined in the Native Title Act 1993 (Cth) ("NTA") bear the same meaning as in that Act, unless the context dictates otherwise;

(b) "application area" means the area covered by this application as described in Schedule B;

(c) "significant" means having social, cultural, religious, spiritual, ceremonial, ritual or cosmological importance or significance to the native title holders connected with the area under traditional laws and customs of the Aboriginal society to which they belong;

(d) "resources" does not include:

(i) minerals (as defined in the Mining Act 1971 (SA)) other than, for the purposes only of (16), (23) and (24) below, extractive minerals (as therein defined) recovered for his or her own personal use by a person who holds native title in the land; or

(ii) petroleum (as defined in the Petroleum Act 1940 (SA)).

Subject to Laws and Customs

The native title rights and interests claimed in this application are subject to and exercisable in accordance with:

(i) the laws of the State of South Australia and the Commonwealth of Australia, including the common law;

(ii) valid interests conferred under those laws; and

(iii) the body of traditional laws and customs of the Aboriginal society under which rights and interests are possessed in relation to, and by which the members of the native title claim group have a connection with, the application area.

Rights

The native title rights and interests in relation to the application area comprise:

(1) the right to possess, occupy, use and enjoy the area as against the whole world;

(2) the right to occupy the area;

(3) the right to use the area;

(4) the right to enjoy the area;

(5) the right to make decisions about the use and enjoyment of the area by Aboriginal people who are governed by the traditional laws and customs acknowledged and observed by the native title holders;

(6) the right to make decisions about the use and enjoyment of the area by others;

(7) the right of access to the area;

(8) the right to be present on or within the area;

(9) the right to live on or within the area;

(10) the right to erect shelters on or within the area;

(11) the right to camp on or within the area;

- (12) the right to move about the area;
- (13) the right to control access to the area of Aboriginal people who are governed by the traditional laws and customs acknowledged and observed by the native title holders;
- (14) the right to control the access of others to the area;
- (15) the right to hunt in the area;
- (16) the right to gather, use and/or enjoy resources from within the area;
- (17) the right to take fauna;
- (18) the right to take flora (including timber);
- (19) the right to take soil;
- (20) the right to take sand, stone, clay, shale and gravel (to the extent that these are extractive minerals for the purposes of the Mining Act 1971 (SA)) for personal use;
- (21) the right to take ochre;
- (22) the right to take water from the natural water sources within the area;
- (23) the right to control the use and enjoyment of the claim area and the resources of the claim area by Aboriginal people who are governed by the traditional laws and customs acknowledged and observed by the native title holders;
- (24) the right to control the use and enjoyment of the claim area and the resources of the claim area by others;
- (25) the right to trade in the said resources of the area, upon or within the area;
- (26) the right to receive a portion of the said resources taken by other persons who are Aboriginal people governed by the traditional laws and customs acknowledged and observed by the native title holders;
- (27) the right to receive a portion of the said resources taken by others;
- (28) the right to engage in cultural activities within the area;
- (29) the right to conduct and participate in ceremonies within the area;
- (30) the right to hold and/or participate in meetings within the area;
- (31) the right to teach upon the area as to the significant attributes of locations, sites and objects within the area;
- (32) the right to carry out and maintain burials of deceased native title holders and of their ancestors within the area;
- (33) the right to maintain, conserve, and/or protect from desecration, damage, disturbance, or interference, significant locations, sites and objects within the area;
- (34) the right to maintain, conserve and/or protect significant ceremonies, artworks, song cycles, narratives, beliefs or practices by preventing (by all reasonable lawful means) any activity occurring on the area which may desecrate, damage, disturb or interfere with any such ceremony, artwork, song cycle, narrative, belief or practice;
- (35) the right to prevent (by all reasonable lawful means) any use or activity within the area which under traditional laws and customs is unauthorised or inappropriate in relation to significant locations, sites or objects within the area or ceremonies, artworks, song cycles, narratives, beliefs or practices carried out within the area.

Application Area:

State/Territory: South Australia

Brief Location: North-West South Australia

Primary RATSIB Area: Greater South Australia

Approximate size: 368.7703 sq km

(Note: There may be areas within the external boundary of the application that are not claimed.)

Does Area Include Sea: No

Area covered by the claim (as detailed in the application):

The whole of the land now held by the Indigenous Land Corporation in and about Mount Dare homestead (forming part of Witjira National Park, South Australia) pursuant to a Lease dated 1 July 1989 between the Minister for Environment and Planning and Driveline Pty Ltd.

In this application "land" includes "waters" (as defined in the Native Title Act 1993).

There are no areas within the leased land that are not covered by the application.

Areas within the External Boundaries that are not covered by the Application:

For the avoidance of doubt, in the event that, on the date on which this application is made to the Federal Court for the purposes of s47A of the Native Title Act 1993 ("the Act"), there is, within the external geographical boundaries identified on the map referred to in Schedule C:

(a) any land which is not held by the Indigenous Land Corporation pursuant to the Lease referred to in Schedule B; or

(b) any land on which a "public work" (as defined in the Act, including, where relevant, any adjacent land to which s251D refers) has at any time been constructed, established or situated and if the prior extinguishment of native title rights and interests in relation to that land effected by the construction, establishment or situating of that "public work" may not be disregarded pursuant to s47A(2),

then such land is not included in this application.

Attachments: 1. A map showing the boundaries of the area covered by the application, 1 page - A4, 01/04/2005

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