



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: SAD6008/1998
NNTT number: SC2006/001

Application Name: Far West Coast Native Title Claim (Far West Coast)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 04/01/2006

Current status: Full Approved Determination - 05/12/2013

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

Date claim entered on Register of Native Title Claims: 08/02/2006

Registration decision status: Accepted for registration

Registration history: Registered from 8/02/2006 to 6/12/2013,

Date claim / part of claim determined: 05/12/2013

Applicants: Barker Bryant, Clem Lawrie, Richard John Le Bois, Samuel George Mastrosavas, Gladys Rita Miller, Kenneth Gordon Roberts

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Additional Information

Not applicable

Persons claiming to hold native title:

See attachment A

Native title rights and interests claimed:

1) Over areas where a claim to exclusive possession can be recognised (such as areas where there has been no prior extinguishment of native title or where s.238 and/or ss.47, 47A and 47B apply), members of the native title claim group claim the right to possess, occupy, use and enjoy the lands and waters of the application area as against the whole world, pursuant to their traditional laws and customs.

2) Over areas where a claim to exclusive possession cannot be recognized, the nature and extent of the native title rights and interests claimed in relation to the application area are the non-exclusive rights to use and enjoy the land and waters in accordance with traditional laws and customs being:

- (a) the right to access and move about the application area;
- (b) the right to hunt on the application area;
- (c) the right to fish on the application area;
- (d) the right to gather shellfish and other marine resources on the application area;
- (e) the right to gather and use the natural resources of the application area such as food, medicinal plants, wild tobacco, timber, stone and resin;
- (f) the right to use the natural water resources on the application area;
- (g) the right to live, to camp and to erect shelters on the application area;
- (h) the right to cook on the application area and to light fires for all purposes other than the clearance of vegetation;
- (i) the right to share or exchange subsistence or other traditional resources obtained from the application area;
- (j) the right to engage and participate in cultural activities on the application area including those relating to births and deaths;
- (k) the right to conduct ceremonies and to hold meetings on the application area;
- (l) the right to teach on the application area the physical and spiritual attributes of locations and sites within the application area;
- (m) the right to maintain and protect sites and places of significance under traditional laws and customs on the application area;
- (n) 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 application area which may desecrate, damage, disturb or interfere with any such ceremony, artwork, song cycle, narrative, belief or practice;
- (o) 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;
- (p) the right to be accompanied on to the application area by those people who, though not members of the native title claim group, are:
 - (i) spouses of members of the native title claim group,
 - (ii) people required by traditional law and custom for the performance of ceremonies or cultural activities on the application area; or
 - (iii) people required by members of the native title claim group to assist in, observe, or record traditional activities on the application area.

3) The rights described in paragraphs 2(b), (c), (d), (e), (f) and (i) are traditional rights exercised in order to satisfy personal, domestic, or communal needs, but do not include any commercial use of the application area.

4) The native title rights and interests are subject to:

- a) the valid laws of the State of South Australia and the Commonwealth of Australia; and
- b) the rights (past or present) conferred upon persons pursuant to the laws of the Commonwealth and the laws of

the State of South Australia.

Application Area: **State/Territory:** South Australia
Brief Location: On the far west coast of South Australia
Primary RATSIB Area: Greater South Australia
Approximate size: 84885.1884 sq km
(Note: There may be areas within the external boundary of the application that are not claimed.)
Does Area Include Sea: Yes

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

Description of external boundary;

Commencing at the intersection of the South Australia / Western Australia border and the southern boundary of the Trans Australian Railway lines access road on the south of the said railway, the boundary extends easterly following the said access road until it meets with the Vermin Proof Fence east of Tarcoola.

From here the boundary traverses southerly following the Vermin Proof Fence until a southern boundary of Yellabinna Regional Reserve (CR5753/232) near Samphire Swamp. From here the boundary traverses generally southerly along southern and eastern boundaries of Yellabinna Regional Reserve and eastern boundaries of Pureba Conservation Park (CR5772/921) until it again meets the Vermin Proof Fence.

From here the boundary proceeds generally southwesterly following the said fence until 32.233566 South Latitude from where the boundary proceeds south westerly passing through the following coordinates

Longitude East	Latitude South
134.475885	32.249217
134.458001	32.261990

Until it meets a northern boundary of the Tod River Pipeline reserve west of Pimbaacla. From here the application boundary traverses southeasterly along boundaries of the Tod River Pipeline reserve to the point where it intersects the boundary between the District Councils of Streaky Bay and Ceduna.

From this point the boundary traverses westerly then southerly along the boundary of The District Councils of Streaky Bay and Ceduna until it meets the coastline and then the Low Water Mark.

The boundary then follows the line of Low Water Mark in a westerly direction until 132.721416 East Longitude near Eyre Bluff, at which point the boundary proceeds due south to 32.138990 South Latitude. The boundary then travels due east to 132 72135 East Longitude, then again due south the 12 nautical mile limit.

From here the boundary traverses generally westerly along the 12 nautical mile limit until it meets with a line of elongation south from the South Australia / Western Australia border. The boundary then proceeds northerly along the said line of elongation and then the said South Australia / Western Australia border back to the commencement point.

Note: Prepared by Geospatial Services, National Native Title Tribunal (21/01/2005)

Reference datum: Geographic coordinates are in decimal degrees referenced to the Australia Geodetic Datum 1966 (AGD66)

Data Reference and source:

- Cadastre sourced from SA Gov; Dept of Environment & Heritage and Dept of Administrative & Information Services (Dec 2003).
- Local Government Authority data sourced from Australia Bureau of Statistics (July 2002).
- Maritime boundaries data is © Commonwealth of Australia (Geoscience Australia) 2001.

Use of Coordinates

Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection with such, they are intended as a guide only. As an outcome to the custodians of cadastral and topographic data continuously recalculating the geographic position of their data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey.

Areas that are excluded;

1. The application area also excludes any land or waters that is or has been covered by:

- a) a Scheduled Interest;
- b) a freehold estate;
- c) a commercial lease that is neither an agricultural lease nor a pastoral lease;
- d) an exclusive agricultural lease or an exclusive pastoral lease;
- e) a residential lease;
- f) a community purpose lease;
- g) a lease dissected from a mining lease and referred to in s.23B(2)(c)(vii) of the Native Title Act 1993 (Cwlth);
- h) any lease (other than a mining lease) that confers a right of exclusive possession
- i) a "previous exclusive possession act" as defined in s 23B of the NTA which is attributable to the State of South Australia and is not an "excepted act" as defined in section 36F of the Native Title (South Australia) Act 1994 (SA) over particular land or waters.

2. Subject to paragraphs 4 and 5, the area covered by the application excludes any land or waters covered by the valid construction or establishment of any public work, where the construction or establishment of the public work commenced on or before 23 December 1996.

3. Subject to paragraphs 4 and 5, exclusive possession is not claimed over areas which are subject to valid previous non-exclusive possession acts done by the Commonwealth or the State of South Australia.

4. Subject to paragraph 5 below, where the act specified in paragraphs 1, 2 and 3 falls within the provisions of:

- 1) s.23B(9) - Exclusion of acts benefiting Aboriginal Peoples or Torres Strait Islanders;
- 2) s.23B(9A) - Establishment of a national park or state park;
- 3) s.23B(9B) - Acts where legislation provides for non-extinguishment;
- 4) s.23B(9C) - Exclusion of Crown to Crown grants; and
- 5) s.23B(10) - Exclusion by regulation

the area covered by the act is not excluded from the application.

5. Where an act specified in paragraphs 1, 2 and 3 affects or affected land or waters referred to in:

- 1) s47 - Pastoral leases etc covered by claimant application
- 2) s47A - Reserves etc covered by claimant application
- 3) s47B - Vacant Crown land covered by claimant application

the area covered by the act is not excluded from the application.

6. The area covered by the application excludes land or waters where the native title rights and interests claimed have been otherwise extinguished.

7. Any areas of land or waters in relation to which all native title rights and interests have been surrendered under a registered Indigenous Land Use Agreement (ILUA) is specifically excluded from the application area, from the date of surrender.

8. All the words and expressions used in this Attachment have the same meaning as they are given in the Native

Title Act 1993 (Cth), unless otherwise specified.

Combination Details

Date of order to combine: 18/01/2006

This application is a combination of the following applications:

Application number(s)	Application name	Date application lodged/filed	Date claim entered on Register*	Registration History
SAD6008/1998, SC2001/001	Far West Coast Native Title Claim	12/12/2001	N/A	
WAD6016/1998, WC1995/013	Mirning People Native Title Claim	16/06/1995	N/A	Registered from 08/09/1995 to 17/04/2002 Registered from 13/05/2002 to 21/02/2006

*For further information on pre-combined applications, see the Schedule extract for each pre-combined application.

Attachments:

1. Far West Coast Determination Application Map , Attachment C of the Application, 1 page - A3, 18/01/2006
2. Native Title Claim Group Details, Attachment A of the Application, 10 pages - A4, 18/01/2006

NNTT Contact Details

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