



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: SAD55/2013
NNTT number: SP2013/001

Application Name: De Rose Hill Compensation Application

Application Type: Compensation

Application filed with: Federal Court of Australia

Date application filed: 19/03/2013

Current status: Full Approved Determination - 01/10/2013

Applicants: Peter De Rose, Hughie Cullinan, Tjaruwa Anderson, Karina Lester

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Additional Information

Not applicable

Persons claiming compensation:

The compensation claim group comprises the members of De Rose Hill-Ilpalka Aboriginal Corporation RNTBC, ICN 4712, and pursuant to De Rose v South Australia (No 2) SAD253/2002, the members of that Corporation are:

"The persons who hold the group rights comprising native title are the Aboriginal persons who are Nguraritja according to the relevant traditional laws and customs of the Western Desert Bloc people as are applicable to the determination area because for each of them:

(a) it is his or her country of birth; or

(b) he or she has a long-term physical association with the determination area; or

- (c) he or she possesses an ancestral connection to the determination area; or
- (d) he or she possesses geographical and religious knowledge of the determination area;
- and such person is recognised as Nguraritja by the other Nguraritja."

Accordingly, and pursuant to Rule 6.2.2 of the De Rose Hill-Ilpalka Aboriginal Corporation RNTBC, ICN 4712, Rule Book

"All persons who are at least 18 years of age and a Common Law Holder are eligible for membership of the Corporation."

Native title rights and interests for which compensation is claimed:

Pursuant to *De Rose v South Australia (no 2)* SAD253/2002, the nature and extent of the native title rights and interests in relation to the area would have been the non-exclusive rights to use and enjoy the land and waters of the determination area in accordance with the Nguraritjas' traditional laws and customs being:

- (a) the right to access and move about the determination area;
- (b) the right to hunt on the determination area;
- (c) the right to gather and use the natural resources of the determination area such as food, medicinal plants, wild tobacco, timber, stone and resin;
- (d) the right to use the natural water resources on the determination area;
- (e) the right to live, to camp and to erect shelters on the determination area;
- (f) the right to cook on the determination area and to light fires for all purposes other than the clearance of vegetation;
- (g) the right to engage and participate in cultural activities on the determination area including those relating to births and deaths;
- (h) the right to conduct ceremonies and to hold meetings on the determination area;
- (i) the right to teach on the determination area the physical and spiritual attributes of locations and sites within the determination area;
- (j) the right to maintain and protect sites and places of significance to Nguraritja under their traditional laws and customs on the determination area;
- (k) the right to be accompanied on to the determination area by those people who, though not Nguraritja, are:
- (i) spouses of Nguraritja;
 - (ii) people required by traditional law and custom for the performance of ceremonies or cultural activities on the determination area;
 - (iii) people who have rights in relation to the determination area according to the traditional laws and customs acknowledged by Nguraritja; or
 - (iv) people required by Nguraritja to assist in, observe, or record traditional activities on the determination area; and
- (l) the right to make decisions about the use and enjoyment of the determination area by Aboriginal people who recognise themselves to be governed by the traditional laws and customs acknowledged by Nguraritja.

but for the extinguishment of those native title rights and interests.

Details of acts claimed to have extinguished or affected native title:

The Applicant is claiming compensation for those acts that have extinguished native title being:

1. The freehold grant made on 20 January 1992 to Noel Coulthard, being Certificate of Title Volume 5422 Folio 657, that was surrendered from the Pastoral Lease No. 2133 pursuant to Partial Surrender No 4583674 on 8 May 1980, and was previously subject to Miscellaneous Lease No 17628 on 29 January 1981;
2. The Stuart Highway that is the surrendered land from Pastoral Lease No. 2133 pursuant to Partial Surrender No 4860713 on 15 October 1981; and
3. The Agnes Creek car park, Lot 31 in Deposited Plan 23552, resumed on 1 November 1996, by way of endorsement on Pastoral Lease No. 2133 pursuant to Certificate of Alteration No. 8250597 dated 20 February 1997.

The State of South Australia is responsible for the acts.

Application Area: **State/Territory:** South Australia
Brief Location: Part of Pastoral Lease Number 2133 near Agnes Creek
Primary RATSIB Area: Greater South Australia
Approximate size: 4.7193 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 application covers all the land and waters subject to:

- That part of Pastoral Lease Number 2133 recorded in Crown Lease Register Book Volume 1133 Folio 26 known as Agnes Creek which is:

The 3.97 square kilometres of the 100 metre wide Stuart Highway strip that is the surrendered land Pursuant to Partial Surrender Number 4860713 dated 15 October 1981.

The 0.4 square kilometre Agnes Creek car park, Lot 31 in DP 23552, resumed on 1 November 1996, by way of endorsement pursuant to Certificate of Alteration No. 8250597 dated 20 February 1997.

- CT Volume 5422 Folio 657, being section 1258.

To avoid doubt the application excludes any area subject to:

- Native title determination application SAD208/2010 Tjayiwara Unmuru Native Title Claim (SC2010/005) as filed in the Federal Court on 17 December 2010.

Attachments: 1. Map attachment, 1 page - A4, 19/03/2013

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