

Reason

Application Name: Wangkangurru/Yarluyandi People

Application (NNTT) No: SC97/3

Application (Fed Cr) No:

SA

Region: South Australia

Date Application Made: 21/08/97

Date Registration Test: 26/10/99

Decision made:

Decision: Accepted

Brief history of the application

The original application was lodged with the Adelaide Registry on 21st August 1997. Leave to amend the application was granted by the Federal Court on 7th September 1999. The amendments to the application included the following:

· Application SG6016 of 1998 be amended in terms of the amended Form 1 application, including the annexures thereto as filed with the Court on the 26th day of August 1999 in substitution for the original Form 1 application received by the Adelaide Registry of the National Native Title Tribunal on the 21st day of August 1997.

· Application SG6016/98 shall hereafter be referred to as “The Wangkangurru/Yarluyandi Native Title Claim”

Leave was also granted to the applicants to submit, at a later date, a new map of the area that is the subject of the application together with a list of co-ordinates to the boundaries.

Information considered in making the decision

In determining this application I have considered and reviewed all of the information and documents from the following files, databases and other sources:

- Working files SC97/3, SC96/3 & SC95/2;
- The National Native Title Tribunal Geospatial Database;
- The Register of Native Title Claims;
- The Native Title Register;

Date	Brief description of document
28/8/98	Ramsar Management Plan, Aboriginal Issues Paper (Draft Report). (Culture and Heritage).
26/8/99	Amended Form 1 filed with the Federal Court: Certification document from the ALRM marked “Attachment R”
7/9/99	Order of the Federal Court
Sept 99	Material lodged with the Tribunal by Camatta Lempens: providing further information, being: <ul style="list-style-type: none">· Signed sworn Affidavit from [name deleted], dated 25/8/99· Signed sworn Affidavit from [name deleted], dated 17/8/99· Signed sworn Affidavit from [name deleted], dated 20/8/99· Signed sworn Affidavit from [name deleted], dated 24/8/99· Signed sworn Affidavit from [name deleted], dated 16/8/99
28/9/99	Filenote from Case Manager to legal section (NNTT): clarification concerning Affidavit material submitted.
29/9/99	Letter from Camatta Lempens: confirmation that delegate can consider Affidavit material.

14/10/99 Letter from Camatta Lempens: providing further clarification of description of external boundary

15/10/99 Letter from Camatta Lempens: providing copy of map to be lodged with the Federal Court

? Hercus, LA (extract): Natural History of the North East Deserts. (Royal Society of South Australia Inc.)

1921 Basedow, Herbert. (1921): "Third Medical Relief Expedition among the Aborigines of South Australia"

S190B(2) Identification of area subject to native title Met

190B(2) *Description of the areas claimed:*

The Registrar must be satisfied that the information and map contained in the application as required by paragraphs 62(2)(a) and (b) are sufficient for it to be said with reasonable certainty whether native title rights and interests are claimed in relation to particular land or waters.

Reasons for the Decision

Map and External Boundaries

The application at Attachment C provides a map depicting the external boundaries of the claim area which has a locality diagram and clearly marked grid references.

I am satisfied that the map submitted with the application meets the requirements of s62 (2)(b) as the boundaries of the areas covered by the application can be identified.

Written description

In addition to the provision of a map defining the external boundaries of the claim, the applicants at Schedule B have provided a detailed written description of the external boundary, and have further provided a list of coordinates of 1284 points defining the external boundary.

There are some minor technical discrepancies between the map and written description provided with the amended application. The applicants provided the Tribunal a further map and written description on 14th and 15th October, which have been prepared by the Tribunal's Geospatial Unit, and which I am satisfied address the minor discrepancies in the amended application. I am further satisfied that the additional information provided by the applicants is purely to clarify the material lodged with the Federal Court and in no way amends the amended application. **I am satisfied that the applicants state their intention to lodge this further information with the Federal Court at a future date, for completeness sake.**

I am satisfied that the physical description of the external boundaries meets the requirements of s62 (2)(a)(i).

Internal Boundaries

At Attachment B, the applicants have provided information identifying the internal boundaries of the claimed area by way of a formula that excludes a variety of tenure classes from the claim area, being all areas within the claim area, excluding:

- Category A past acts, as defined by s. 229 of the Native Title Act 1993
- Previous exclusive possession acts, as defined by s.23B of the Native Title Act 1993
- Areas over which native title has been extinguished by common law or statute, **save** for those areas over which prior extinguishment may be disregarded in accordance with the provisions of either s. 47, 47A or 47B of the Native Title Act 1993. (Note: see Attachment B(1) for a detailed description of the exclusions).

The description of areas excluded can be objectively applied to establish whether any particular area of land or waters within the external boundary of the application is within the claim area or not. This may require considerable research of tenure data held by the particular custodian of the data but nevertheless it is reasonable to expect that the task can be done on the basis of the information provided by the applicant. I consider that the description provides a reasonable level of certainty.

I note that the applicant makes exceptions to the particular exclusions cited in the application by claiming the benefit of s47, s47A and s47B of the *Native Title Act* as they apply to any part of the area contained within the application. **At Schedule L the applicant identifies that the Witjira National Park is leased by the State for the benefit of Aboriginal people (s47A) but does not otherwise identify specific "parcels" of land to which any of s47, s47A or s47B apply;** the applicant instead relies on reference to class tenures. Consistent with the reasoning set out above in relation to identifying areas excluded from the claim, I am of the view that identifying the areas so excepted from the exclusions in the manner done by the applicant does allow specific geographic location subject to tenure research.

Decision of Delegate

PASS

S190B(3)

Identification of native title claim groups

Met

190B(3) *Identification of the native title claim group:*

The Registrar must be satisfied that:

- (a) *the persons in the native title claim group are named in the application; or*
- (b) *the persons in that group are described sufficiently clearly so that it can be ascertained whether any particular person is in that group.*

Reasons for the Decision

To meet this condition of the registration test the description of the group must be sufficiently clear so that it can be ascertained whether a particular person is a member of the native title claim group.

Schedule A defines the claim group as comprising:

- Named apical ancestors, and
- Their descendants.

Schedule A also qualifies the definition of the claim group by excluding certain named persons and their descendants from the claim group. It further qualifies the native title claim group by clarifying who is excluded from it.

It appears from Schedule A that descent is the principle means of recruitment under the Wangkangurru/Yarluyandi traditional laws and customs of the native title claim group. To remove any uncertainty as to whether a person belongs to the native title claim group the application authorises the Wangkangurru/Yarluyandi Native Title Management Committee, based on those traditional laws and customs, to determine whether a person's Aboriginal descent has a connection to Wangkangurru/Yarluyandi lands and waters.

In my view the description of the claim group is sufficiently precise so that it can be ascertained whether any particular person is a member of the native title claim group.

Decision of Delegate

PASS

S190B(4)

Identification of claimed native title

Met

190B(4) *Identification of native title rights and interests:*

The Registrar must be satisfied that the description contained in the application as required by paragraph 62(2)(d) is sufficient to allow the native title rights and interests claimed to be readily identified.

Reasons for the Decision

Schedule E of application particularises sixteen native title rights and interests claimed by the applicants.

These rights and interests are subject to all valid non- native title rights and interests, and laws of South Australia and Queensland made in : with sections 19, 22F, 23F, 23E or 123 of the Native Title Act 1993.

At Schedule Q the rights and interests claimed are further qualified: no claim is being made to any native title rights and interests consi including ownership of minerals, petroleum or gas owned by the Crown under valid laws of the Commonwealth or State.

I note that the applicants are not asserting exclusive native title rights and interests.

Decision of Delegate

PASS

S190B(5)

Factual basis for claimed native title

Met

190B(5)

Sufficient factual basis:

The Registrar must be satisfied that the factual basis on which it is asserted that the native title rights and interests claimed exist is sufficient to support the assertion. In particular, the factual basis must support the following assertions:

- (a) that the native title claim group have, and the predecessors of those persons had, an association with the area;*
- (b) that there exist traditional laws acknowledged by, and traditional customs observed by, the native title claim group that give rise to the claim to native title rights and interests;*
- (c) that the native title claim group has continued to hold the native title in accordance with those traditional laws and customs.*

Reasons for the Decision

There are three criteria to consider in determining over all whether or not I am satisfied that there is a sufficient factual basis to support the assertion about the existence of the native title rights and interests listed at Schedule E of this application.

(a) An association with the area;

To be satisfied under this criterion, it must be evident that the association with the area is shared by a number of members of the native title group and was shared by their predecessors.

In considering this condition, I have had regard to Schedule F and the affidavits of [name deleted], [name deleted], [name deleted], [name deleted] and [name deleted], five members of the native title claim group. On the basis of their affidavits it is clear that these people have an association with the claim area and are descended from people who also had an association with the claim area:

- [name deleted], paras 3-5, 7-15, 19, 21-28,
- [name deleted], paras 5, 13, 16-23, 25,
- [name deleted], paras 3, 6, 7, 9-12, 14-17,
- [name deleted], paras 1-8, 10, 11, 13, 14,
- [name deleted], paras 3-14, 16-18, 20-25.

190B(5)(b) – that there exist traditional laws acknowledged by, and traditional customs observed by, the native title claim group that give rise to the claim to native title rights and interests.

This subsection requires me to be satisfied that traditional laws and customs exist; that those laws and customs are respectively acknowledged and observed by the native title claim group, and that those laws and customs give rise to the claim to native title rights and interests.

I have had regard to Schedules F and G of the amended application and the affidavits of [name deleted], [name deleted], [name deleted], [name deleted] and [name deleted], five members of the native title claim group. On the basis of the affidavits provided it is clear that there exist traditional laws and customs observed by the native title claim group that give rise to the claim to native title rights and interests. The laws and customs include the right to access, utilising and trading the resources of Wangkangurru/Yarluyandi land, preserving culture, including stories and language, the passing on knowledge of Wangkangurru/Yarluyandi country and exercising responsibility for Wangkangurru/Yarluyandi country. See:

- [name deleted], paras 1, 2, 4, 5, 8, 9, 11, 14, 15, 19, 21, 23, 24-28,
- [name deleted], paras 2, 4, 5, 6, 13-15, 17-21, 23, 25,
- [name deleted], paras 2, 3, 6, 7, 9, 11-17,
- [name deleted], paras 1-3, 5-10, 12, 13, 14,
- [name deleted], paras 4-7, 9-13, 16-19, 21, 23-25.

190B(5)(c) - that the native title claim group have continued to hold the native title in accordance with those traditional laws and customs.

Under this criterion, I must be satisfied that the native title claim group continues to hold native title in accordance with their traditional laws and customs.

For the reasons set out in 190B(5)(b) and having regard to the same affidavit material I am satisfied that there is a factual basis for the claim continuing to hold native title in accordance with those traditional laws and customs.

Decision of Delegate

PASS

S190B(6)

Prima facie case

Met

190B(6)

Prima facie native title rights and interests:

The Registrar must consider that, prima facie, at least some of the native title rights and interests claimed in the application can be established.

Reasons for the Decision

In considering this condition I have had regard to Schedule G and the affidavits of **[name deleted]**, **[name deleted]**, **[name deleted]** and **[name deleted]**, five members of the native title claim group

Those affidavits provide sufficient material and information to satisfy me on a prima facie basis that each of the native title rights and claimed by the applicants at Schedule E of the application can be established.

The 5 deponents of the affidavits have provided me with specific evidence addressing each of those rights and interests, as follows:

1. *Right to possess, occupy, use and enjoy the area;*

The affidavits provide evidence of the members of the native title claim group asserting these rights, some of which is detailed below.

- **[name deleted]**, paras 3, 4, 5, 7-15, 19, 21-28,
- **[name deleted]**, paras 2, 5, 12, 13, 17-26,
- **[name deleted]**, paras 2, 3, 6, 7, 10-12, 15-17,
- **[name deleted]**, paras 1-11, 13, 14,
- **[name deleted]**, paras 3, 5-12, 14, 15, 20-25.

2. *Right to make decisions about the use and enjoyment of the area;*

The affidavits provide evidence of the members of the native title claim group asserting these rights, some of which is detailed below.

- **[name deleted]**, paras 24, 28,
- **[name deleted]**, paras 22, 23,
- **[name deleted]**, paras 14-17,
- **[name deleted]**, paras 10.

3. *Right of access to the area;*

The affidavits provide evidence of the members of the native title claim group asserting these rights, some of which is detailed below.

- **[name deleted]**, paras 1-5, 7-15, 19, 21-28,
- **[name deleted]**, paras 2, 5, 12, 13, 17-26,
- **[name deleted]**, paras 2, 3, 6, 7, 10—12, 15-17,
- **[name deleted]**, paras 1-11, 13, 14,
- **[name deleted]**, paras 3, 5-12, 14, 15, 20-25.

4. *Right to control the access of others to the area;*

The affidavits provide evidence of the members of the native title claim group asserting these rights, some of which is detailed below.

- **[name deleted]**, paras 24,
- **[name deleted]**, paras 22,
- **[name deleted]**, paras 10, 11.

5. *Right to use and enjoy the resources of the area;*

The affidavits provide evidence of a member of the native title claim group exercising this right:

- **[name deleted]**, paras 18-11, 21,
- **[name deleted]**, paras 5, 13, 18, 19, 21,
- **[name deleted]**, paras 6, 12,
- **[name deleted]**, paras 3, 8, 10,
- **[name deleted]**, paras 11, 21.

6. *Right to control the use and enjoyment of others of resources of the area;*

The affidavits provide evidence of members of the native title claim group asserting these rights, some of which is detailed below.

- **[name deleted]**, paras 10,11.

7. *Right to trade in resources of the area;*

The affidavits provide evidence of a member of the native title claim group exercising this right:

- **[name deleted]**, paras 13,
- **[name deleted]**, para 8,
- **[name deleted]**, paras 18.

9. *Right to maintain and protect places of importance under traditional laws, customs and practices in the area;*

The affidavits provide evidence of members of the native title claim group exercising this right:

- **[name deleted]**, paras 24, 28,
- **[name deleted]**, paras 21-23, 25,
- **[name deleted]**, paras 16, 17

Decision of Delegate

PASS

S190B(7)

Physical connection

Met

190B(7)

Traditional physical connection:

The Registrar must be satisfied that at least one member of the native title claim group:

- (a) currently has or previously had a traditional physical connection with any part of the land or waters covered by the application; or*
- (b) previously had and would reasonably have been expected currently to have a traditional physical connection with any part of the land or waters but for things done (other than the creation of an interest in relation to land or waters) by:*
 - (i) the Crown in any capacity; or*
 - (ii) a statutory authority of the Crown in any capacity; or*
 - (iii) any holder of a lease over any of the land or waters, or any person acting on behalf of such holder of a lease.*

Reasons for the Decision

Under s 190B(7)(a) I must be satisfied that at least one member of the native title claim group currently has or previously had a traditional physical connection with any part of the land or waters covered by the application.

Schedule M of the amended application and the affidavit material provided by the applicants satisfies me that a number of members of the native title claim group currently have and have had traditional physical connection to parts of the claim area. I refer specifically to :

[name deleted], paras 3, 4, 8-15, 21, 25-27,

[name deleted], paras 13, 17-21, 23, 24,

[name deleted], paras 6, 7, 11, 12, 15, 16,

[name deleted], paras 1, 3-8, 10, 11, 13, 14,

[name deleted], paras 3, 8, 9, 11-14, 16, 20-22, 24, 25.

Decision of Delegate

PASS

S190B(8)

No failure to comply with section 61A

Met

190B(8)

No failure to comply with s61A:

The application and accompanying documents must not disclose, and the Registrar must not otherwise be aware, that, because of s61A (which forbids the making of applications where there have been previous native title determinations or exclusive or non-exclusive possession acts), the application should not have been made.

62A(1)	<i>Approved determination of native title</i>	<i>No</i>
61A(2)	<i>A previous exclusive possession act has been done in relation to the area</i>	<i>No</i>
61A(3)	<i>A previous non-exclusive possession act has been done in relation to the area <u>and</u> a right of exclusive possession has been claimed</i>	<i>No</i>
61A(4)	<i>The application states that section 47, 47A or 47B applies to it</i>	<i>No</i>

I am satisfied that the application and any accompanying documents do not disclose, and I am otherwise not aware of any reasons why, that because of s. 61A, the application should not have been made.

Decision of Delegate

PASS

S190B(9) No extinguishment etc. of claimed native title Met

- 190B(9)**
- Ownership of minerals, petroleum or gas wholly owned by the Crown:*
- (a)** *The application and accompanying documents must not disclose, and the Registrar must not otherwise be aware, that:*
- (a)** *to the extent that the native title rights and interests claimed consist or include ownership of minerals, petroleum or gas - the Crown in right of the Common-wealth, a State or Territory wholly owns the minerals, petroleum or gas;*

Reasons for the Decision

At Schedule E of the application the applicants have asserted a right to natural resources – including the right to use and enjoy the resources area and the right to control the use and enjoyment of others of resources of the area.

However, at Schedule Q of the application, the applicants state that no claim is being made to any native title rights and interests consisting including ownership of minerals, petroleum or gas wholly owned by and under the valid laws of the Commonwealth or State.

Decision of Delegate

PASS

- 190B(9)** *Exclusive possession of an offshore place:*
- (b) *The application and accompanying documents must not disclose, and the Registrar must not otherwise be aware, that:*
- (b) *to the extent that the native title rights and interests claimed relate to waters in an offshore place - those rights and interests purport to exclude all other rights and interests in relation to the whole or part of the offshore place;*

Reasons for the Decision

The area claimed does not include any offshore area. It is therefore not necessary for me to consider this section further as it is not relevant

Decision of Delegate

PASS

- 190B(9)** *Other extinguishment:*
- (c) *The application and accompanying documents must not disclose, and the Registrar must not otherwise be aware, that:*
- (c) *in any case - the native title rights and interests claimed have otherwise been extinguished (except to the extent that the extinguishment is required to be disregarded under subsection 47(2), 47A(2) or 47B(2)).*

Reasons for the Decision

The application and accompanying documents do not disclose, nor am I otherwise aware, that the application contravenes the criteria set out in s.190B(9)(c).

Decision of Delegate

PASS

S190C(2) Information etc required by sections 61 & 62 Met

- Information, etc, required by section 61 and section 62:*
- 190C(2)** *The Registrar must be satisfied that the application contains all details and other information, and is accompanied by any affidavit or other document, required by sections 61 and 62.*

Details required in section 61

61(3) Name and address for service of applicants

Reasons relating to this sub-condition

The name of the applicants and address for service is detailed at Part A and B of the application.

Result: Requirements met

61(4) Name persons in native title claim group or otherwise describes the persons so that it can be ascertained whether any particular person is one of those persons

Reasons relating to this sub-condition

Schedule A of the application describes the native title claim group. For the reasons which led to my conclusion (below), that the requirements for s.190B(3) have been met I am satisfied that the persons in the native title claim group are described sufficiently clearly so that it can be ascertained whether any particular person is in that group.

Result: Requirements met

61(5) Application is in the prescribed form, lodged in the Federal Court, contain prescribed information, and accompanied by prescribed documents and fee

Reasons relating to this sub-condition

The application is in the form prescribed by Regulation 5(1)(a) of the *Native Title (Federal Court) Regulations* 1998. The application was filed in the Federal Court as required pursuant to s.61(5)(b) of the Act.

The application meets the requirements of s.61(5)(c) and contains all information prescribed in s.62. I refer to my reasons in relation to those sections. As required by s.61(5)(d) the application is accompanied by an affidavit as prescribed by s.62(1)(a) and a map as prescribed by s.62(2)(b). I refer to my reasons in relation to those sections of the Act.

I note that s.190C2 only requires me to consider details, other information and documents required by sections 61 and 62. I am not required to consider whether the application has been accompanied by the payment of a prescribed fee to the Federal Court. For the reasons outlined above, it is my view that the requirements of s.61(5) have been met.

Result: Requirements met

Details required in section 62(1)

62(1)(a) Affidavits address matters required by s62(1)(a)(i) – s62(1)(a)(v)

Reasons relating to this sub-condition

I am satisfied that the affidavit satisfactorily addresses the matters required by s.62(1)(a)(i)-(v).

Result: Requirements met

62(1)(c) Details of physical connection (information not mandatory)

The application contains details relating to 'traditional physical connection' at Schedule M".

Result: Provided

Details required in section 62(2) by section 62(1)(b)

62(2)(a)(i) Information identifying the boundaries of the area covered

Reasons relating to this sub-condition

For the reasons which led to my conclusion that the requirements of s.190B(2) have been met, I am satisfied that the information and maps provided by the applicant is sufficient to enable the area covered by the application to be identified with reasonable certainty.

Result: Requirements met

62(2)(a)(ii) Information identifying any areas within those boundaries which are not covered

Reasons relating to this sub-condition

For the reasons which led to my conclusion that the requirements of s.190B(2) have been met, I am satisfied that the information contained in the application and provided by the applicant is sufficient to enable any areas within the external boundaries of the claim area which are not covered by the application to be identified.

Result: Requirements met

62(2)(b) A map showing the external boundaries of the area covered by the application

Reasons relating to this sub-condition.

For the reasons which led to my conclusion that the requirements of s.190B(2) have been met, I am satisfied that the map(s) provided by the applicant sufficiently identify the boundaries of the claim area.

Result: Requirements met

62(2)(c) Details/results of searches carried out to determine the existence of any non-native title rights and interests

Reasons relating to this sub-condition

The requirements of s.62(2)(c) can be read widely to include all searches conducted by any person or body. However, I am of the view that I need only be informed of searches conducted by the applicants in order to be satisfied that the application complies with this condition. It would be unreasonably onerous to expect the applicants to have knowledge of, and obtain details about all searches carried out by every other person or body. Schedule D states that "it has not been possible to carry out historical tenure searches on the lots claimed" ..

Result: Requirements met

62(2)(d) Description of native title rights and interests claimed

Reasons relating to this sub-condition

An adequate description of the native title rights and interests claimed by the applicant is contained in Schedule E of the application. I have outlined these rights and interests in my reasons for decision in respect of s.190B(4).

Result: Requirements met

62(2)(e)(i) Factual basis – claim group has, and their predecessors had, and association with the area

Reasons relating to this sub-condition

For the reasons which led to my conclusion that the requirements of s.190B(5)(a) have been met, I am satisfied that there is sufficient factual basis to support the assertion that the native title claim group have, and the predecessors of those persons had, an association with the area.

Result: Requirements met

62(2)(e)(ii) Factual basis – traditional laws and customs exist that give rise to the claimed native title

Reasons relating to this sub-condition

For the reasons which led to my conclusion that the requirements of s.190B(5)(b) have been met, I am satisfied that there is sufficient factual basis to support the assertion that there exist traditional laws acknowledged by, and traditional customs observed by, the native title claim group that give rise to the native title rights and interests claimed.

Result: Requirements met

62(2)(e)(iii) Factual basis – claim group has continued to hold native title in accordance with traditional laws and customs

Reasons relating to this sub-condition

For the reasons which led to my conclusion that the requirements of s.190B(5)(c) have been met, I am satisfied that there is sufficient factual basis to support the assertion that the native title claim group have continued to hold the native title in accordance with their traditional laws and customs.

Result: Requirements met

62(2)(f) If native title claim group currently carry on any activities in relation to the area claimed, details of those activities

Reasons relating to this sub-condition

The application provides details of the activities which the native title claim group carries out in relation to the area claimed at schedule G of the application. It is my view that this description of activities is sufficient to comply with the requirements of s.62(2)(f).

Result: Requirements met

62(2)(g) Details of any other applications to the High Court, Federal Court or a recognised State/Territory body the applicant is aware of (and where the application seeks a determination of native title or compensation)

Reasons relating to this sub-condition

I am satisfied that the application complies with the requirements of s 62(2)(g).

Result: Requirements met

62(2)(h) Details of any S29 Notices (or notices given under a corresponding State/Territory law) in relation to the area, and the applicant is aware of

Reasons relating to this sub-condition

I am satisfied that the application complies with the requirements of s 62(2)(h).

Result: Requirements met

S190C(3) No previous overlapping claim groups Met

Common claimants in overlapping claims:

190C(3) *The Registrar must be satisfied that no person included in the native title claim group for the application (the current application) was a member of the native title claim group for any previous application if:*

(a) *the previous application covered the whole or part of the area covered by the current application; and*

(b) *an entry relating to the claim in the previous application was on the Register of Native Title Claims when the current application was made; and*

(c) *the entry was made, or not removed, as a result of consideration of the previous application under section 190A.*

Having considered Schedules A and O of the application, I am satisfied that there are no common applicants with any of the overlapping applications which are set out at Schedule H.

Decision of Delegate

PASS

S190C(4) Identity of claimed native title holders Met

Certification and authorisation:

190C(4)(a) *The Registrar must be satisfied that either of the following is the case:*

and (a) *the application has been certified under paragraph 202(4)(d) by each representative Aboriginal/Torres Strait Islander body that could certify the application in performing its functions under that Part; or*

190C(4)(b) (b) *the applicant is a member of the native title claim group and is authorised to make the application, and deal with matters arising in relation to it, by all the other persons in the native title claim group.*

The application has been certified by the relevant representative Aboriginal/Torres Strait Islander body. I note that the certificate has been signed by Sydney Sparrow, Director, Aboriginal Legal Rights Movement, who would have the proper authority to sign such a document. I am satisfied the certification fulfils the requirements of s.190C(4) of the Act.

Decision of Delegate

PASS

