

National Native Title Tribunal
REASONS FOR DECISION COVER SHEET
REGISTRATION TEST

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| DELEGATE: | Simon Nish |
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| APPLICATION NAME: | Yandruwandha/Yawarrawarrka Native Title Claim |
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| NAME(S) OF APPLICANT(S): | Jack Guttie, Charlie Moore, Leslie Harris, Fay Nicholls, Theresa Bottrell, Aaron Paterson, Anita Paterson and Fredrick Brown |
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| NNTT NO: | SC98/1 |
| FEDERAL COURT NO: | SG6024/98 |
| DATE APPLICATION MADE: | 8 th January 1998 |

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| REGION | SA |
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The delegate has considered the application against each of the conditions contained in s190B and 190C of the *Native Title Act* 1993.

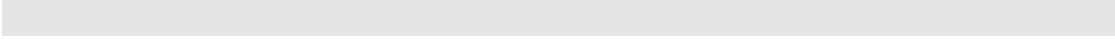
DECISION

The application **IS ACCEPTED** for registration pursuant to s190A of the *Native Title Act* 1993.

.....
Simon Nish
Delegate of the Registrar

..... 1999
Date of Decision

A. Procedural Conditions



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| 190C2 | <i>Information, etc, required by section 61 and section 62: 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.</i> |
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Details required in section 61

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| 61(3) | <i>Name and address for service of applicant(s)</i> |
| Reasons relating to this sub-condition | Application passes the condition |
| The application identifies the name and the address for service of each applicant. | |
| 61(4) | <i>Names 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</i> |
| Reasons relating to this sub-condition | Application passes the condition |
| The application describes the native title claim group as comprising named antecedents, their biological descendants and others who are incorporated into the group according to identified principles of incorporation in accordance with traditional law and custom. I have reached this view for the reasons contained in my decision at s.190B3. | |
| 61(5) | <i>Application is in the prescribed form¹, lodged in the Federal Court, contain prescribed information², and accompanied by prescribed documents and fee</i> |
| Reasons relating to this sub-condition | Application passes the condition |
| <p>s.61(5)(a) The application is in the form prescribed by Regulation 5(1)(a) Native Title (Federal Court) Regulations 1998.</p> <p>s. 61(5)(b) As required under section 61(5)(b), the amended application was filed in the Federal Court.</p> <p>s.61(5)(c) The application meets the requirements of section 61(5)(c) and contains all information as prescribed in section 62. I refer to my reasons in relation to section 62 below.</p> <p>s.61(5)(d) As required by section 61(5)(d) the application is accompanied by the prescribed documents, being:</p> <ul style="list-style-type: none"> • affidavits, as prescribed by s. 62(1)(a), and • a map, as prescribed by s. 62(1)(b) <p>I refer to my reasons for decision in relation to s.62(1)(a) and (b) below.</p> <p>I note that section 190C(2) only requires me to consider details, other information, and documents required by section 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.</p> <p>For the reasons outlined above, it is my view that the requirements of s.61(5) are met.</p> | |

Details required in section 62(1)

¹ Note that in relation to pre 30.09.98 applications, the application does not need to be in the prescribed form as required by the amended *Act*. Note also that pre 30.09.98 applications are deemed to have been filed in the Federal Court.

² Note also that “prescribed information” is that which is required by s62 as set out in the text of this reasons document under “Details required in section 62(1)”.

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| 62(1)(a) | <i>Affidavits address matters required by s62(1)(a)(i) – s62(1)(a)(v)</i> |
| Reasons relating to this sub-condition | Application passes the condition |
| <p>Affidavits have been received from each applicant. Competent witnesses have witnessed these affidavits. I am satisfied that they address the matters required by s. 62(1)(a)(i) - (v) at paragraphs (1) to (5) of the affidavits respectively.</p> <p>For the reasons set out above, I have formed the view that the application complies with the requirements of this subsection.</p> | |

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| 62(1)(c) | <i>Details of any traditional physical connection (information not mandatory)</i> |
| Comment on details provided | Application passes the condition |
| <p>The applicants have provided details of traditional physical connection at Schedule M.</p> | |

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

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| 62(2)(a)(i) | <i>Information identifying the boundaries of the area covered</i> |
| Reasons relating to this sub-condition | Application passes the condition |
| <p>At Schedule B and in further detailed information provided the applicants have identified the external boundary of the claimed area. See also my reasons for decision provided under s190B(2).</p> | |

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| 62(2)(a)(ii) | <i>Information identifying any areas within those boundaries which are not covered</i> |
| Reasons relating to this sub-condition | Application passes the condition |
| <p>At Schedule J, the applicants have provided information identifying the internal boundaries of the claimed area, being all areas within the area the subject of the external boundary, excluding:</p> <ul style="list-style-type: none"> • Category A past acts, as defined by s229 of the Native Title Act 1993 • Previous exclusive possession acts, as defined by s23A and s23B of the Native Title Act 1993 • Areas over which native title has been extinguished, save for those areas over which prior extinguishment may be disregarded in accordance with the provisions of either s47, 47A or 47B of the Native Title Act 1993. <p>In relation to most applications, the information defining the internal boundaries of the claimed area is provided in Schedule B. The relevant information in this application is provided at Schedule J. I take this to be a technicality, and make my decision on the basis that the applicants intended the area described in Schedule B to be qualified by the exclusion clauses set out in Schedule J.</p> <p>I am satisfied that the information provided in the application identifies the areas within the external boundary that are not covered by the application. See also my reasons for</p> | |

decision in relation to test conditions contained at 190B2.

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| 62(2)(b) | <i>A map showing the external boundaries of the area covered by the application</i> |
| Reasons relating to this sub-condition | Application passes the condition |
| The applicants have provided a map at Schedule C, Attachment C. See also reasons provided under s190B2. | |

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| 62(2)(c) | <i>Details/results of searches carried out to determine the existence of any non-native title rights and interests</i> |
| Reasons relating to this sub-condition | Application passes the condition |
| The requirements of s62(2)(c) can be read widely to include all searches conducted by any person or body. However, I am of the view that under this condition I need only be informed of searches conducted by the applicant in order to be satisfied that the application complies with this condition. It would be unreasonably onerous to expect applicants to have knowledge of, and obtain details about all searches carried out by every other person or body. | |
| The application states at Schedule D that no searches have been undertaken. | |

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| 62(2)(d) | <i>Description of native title rights and interests claimed</i> |
| Reasons relating to this sub-condition | Application passes the condition |
| The native title rights and interests claimed by the applicants are particularised at Schedule E. In accordance with section 62(2)(d), the rights and interests claimed do not merely consist of a statement to the effect that the native title rights and interests that may exist or that have not been extinguished at common law. The description is a list of individually identifiable rights and interests. | |
| I have outlined these rights and interests claimed in my reasons for decision in relation to s.190B6. | |

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| 62(2)(e)(i) | <i>Factual basis – claim group has, and their predecessors had, and association with the area</i> |
| Reasons relating to this sub-condition | Application passes the condition |
| <ul style="list-style-type: none">The applicants assert at Schedule F in the application that they have, and their ancestors had, an association with the area. A factual basis for this assertion is provided at Schedules A, E, F, G, M and T of the application. | |
| For an assessment of the sufficiency of the factual basis provided by the applicants, refer to my reasons in relation to s. 190B(5)(a). | |

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| 62(2)(e)(ii) | <i>Factual basis – traditional laws and customs exist that give rise to the claimed native title</i> |
| Reasons relating to this sub-condition | Application passes the condition |
| <ul style="list-style-type: none">The applicants assert at Schedule F of the application that there exist traditional laws and customs that give rise to the claimed native title. A factual basis for this | |

assertion is provided is provided at Schedules A, E, F, G, M and T of the application.

For an assessment of the sufficiency of the factual basis provided by the applicants, refer to my reasons in relation to s. 190B(5)(b).

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 Application **passes** the condition

- The applicants assert at Schedule F of the application that the native title claim group has continued to hold the native title in accordance with traditional laws and customs. A factual basis for this assertion is provided at Schedules A, E, F, G, M and T of the application.

For an assessment of the sufficiency of the factual basis provided by the applicants, refer to my reasons in relation to s. 190B(5)(c).

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 Application **passes** the condition

At Schedule G the application provides (general) details of activities that the native title claim group carries out in relation to the area claimed.

In my view the description of activities is sufficient to comply with the requirements of 62(2)(f).

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 Application **passes** the condition

Details of any other relevant applications are provided at Schedule H.

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 Application **passes** the condition

The applicants are not aware of any s. 29 notices (or State law equivalents).

Reasons for the Decision

The application meets the requirements of s 190C(2), for the reasons detailed above.

Common claimants in overlapping claims:

The Registrar must be satisfied that no person included in the native title claim

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| 190C3 | <p><i>group for the application (the current application) was a member of the native title claim group for any previous application if:</i></p> <p>(a) <i>the previous application covered the whole or part of the area covered by the current application; and</i></p> <p>(b) <i>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</i></p> <p>(c) <i>the entry was made, or not removed, as a result of consideration of the previous application under section 190A.</i></p> |
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Reasons for the Decision

Having considered Schedules A and O of the application and Attachment R, I am satisfied that there are no common applicants with any of the overlapping applications set out at Schedule H. The application **passes** this condition.

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| 190C4(a) and 190C4(b) | <p><i>Certification and authorisation:</i></p> <p><i>The Registrar must be satisfied that either of the following is the case:</i></p> <p>(a) <i>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</i></p> <p>(b) <i>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.</i></p> |
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Reasons for the Decision

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

The application **passes** this condition.

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| 190C5 | <p><i>Evidence of authorisation:</i></p> <p><i>If the application has not been certified as mentioned in paragraph (4)(a), the Registrar cannot be satisfied that the condition in subsection (4) has been satisfied unless the application:</i></p> <p>(a) <i>includes a statement to the effect that the requirement set out in paragraph (4)(b) has been met; and</i></p> <p>(b) <i>briefly sets out the grounds on which the Registrar should consider that it has been met.</i></p> |
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Reasons for the Decision

For the reasons set out at 190C(4) above, I note that I am not required to consider the application against this condition.

B. Merits Conditions

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| 190B2 | <p>Description of the areas claimed:</p> <p><i>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.</i></p> |
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Reasons for the Decision

Map and External Boundaries

The application at Attachment C provides a map depicting the external boundaries of the claim area that 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. Further clarification has been provided in respect of the co-ordinates referred to in Schedules B and C, including a list of co-ordinates of 210 points defining the external boundary. The applicants have received confirmation from the National Native Title Tribunal that the co-ordinates match the plotted boundary on the map. The applicants have further provided that in the case of any inconsistency between the map and the co-ordinates, or the description in Schedule B and attachment C, the co-ordinates shall prevail.

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

Internal Boundaries

At Schedule J, 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 s229 of the Native Title Act 1993
- Previous exclusive possession acts, as defined by s23A and s23B of the Native Title

Act 1993

- Areas over which native title has been extinguished, **save** for those areas over which prior extinguishment may be disregarded in accordance with the provisions of either s47, 47A or 47B of the Native Title Act 1993.

In relation to most applications, the information defining the internal boundaries of the claimed area is provided in Schedule B. The relevant information in this application is provided at Schedule J. I take this to be a technicality, and make my decision on the basis that the applicants intended the area described in Schedule B to be qualified by the exclusion clauses set out in Schedule J.

The drafting of paragraph (a) in Schedule J is somewhat confusing in that the exclusion clauses in paragraphs (a) (1) and (a) (2) appear to apply in relation to only a subset of previous exclusive possession acts, notwithstanding that the applicants have referred to the definition of previous exclusive possession acts in s. 23B of the Act. I make my decision on the basis that the applicants intend that all areas the subject of valid previous exclusive possession acts, as defined by s. 23 B (which are attributable to the State and where the State has made provision as mentioned in s. 23E and F of the Act) are to be excluded from the claim area and that paragraphs (a)(1) and (a)(2) serve to provide some specific examples of such exclusions.

In coming to this view, I have taken into account the statement in Schedule J to the effect that the applicants exclude from the claim area “any area over which native title has been extinguished” and the fifth paragraph in paragraph (a) of Schedule J in which the applicants refer to the definitions of ss.23A and 23B of the Act. Section 23A does not greatly assist in providing definitions so I take a reference to it to be a reference to and reliance upon the overview in that section.

While the applicants have not specifically referred to previous non exclusive possession acts, as defined by s. 23 F of the Act, in the application, I make my decision on the basis that the applicants intend that exclusive rights and interests are not asserted over areas subject to valid previous non exclusive possession acts, as defined by s.23F of the Act.

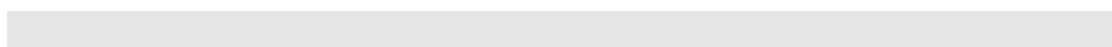
In coming to this view, I have taken into account the general exclusion clause at the last paragraph of Schedule E, the fourth paragraph of Schedule A para (a) and the statement in Schedule J to the effect that the applicants exclude from the claim area “any area over which native title has been extinguished”. It would have been preferable however, for the applicants to be clearer in the application itself.

The description of areas excluded, as interpreted above, 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 that 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 *Act* as they apply to any part of the area contained within the application. Consistent with the reasoning set out above in respect of 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.

The application **passes** this condition.



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| 190B3 | <p><i>Identification of the native title claim group:</i></p> <p><i>The Registrar must be satisfied that:</i></p> <p>(a) <i>The persons in the native title claim group are named in the application; or</i></p> <p>(b) <i>The persons in that group are described sufficiently clearly so that it can be ascertained whether any particular person is in that group.</i></p> |
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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 any particular person is a member of the native title claim group.

Schedule A defines the claim group as comprising:

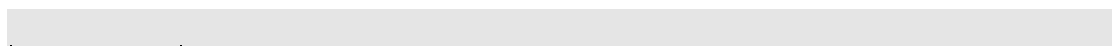
- Named antecedents (with profiles to assist in identification), and
- their biological descendants, and
- persons incorporated into the group according to a defined set of principles of incorporation, determined by traditional law and custom..

Schedule H qualifies the native title claim group by clarifying who is excluded from it.

It appears from Schedule A that descent is the principal means of recruitment under the Yandruwandha/Yawarrawarrka traditional laws and customs into the native title claim group. To remove any uncertainty as to whether a person belongs to the native title claim group under the application of the principles of incorporation, the application also names certain individuals who, based on those traditional laws and customs, have the authority to determine whether a person can be incorporated into the native title claim group. Those named persons have the authority to transfer that authority to appropriate persons in future generations.

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.

The application **passes** this condition.



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| 190B4 | <p><i>Identification of claimed native title</i></p> <p><i>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</i></p> |
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interests claimed to be readily identified.

Reasons for the Decision

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

The application states that those rights and interests claimed are subject to the effect of the rights validly granted by the Crown to others pursuant to statute to possess, occupy, use and enjoy all or part of the Yandruwandha/Yawarrawarrka land and waters.”

At Schedule Q the rights and interests claimed are further qualified: no claim is made for ownership of minerals, petroleum or gas wholly owned by the Crown.

By particularising the rights and interests claimed into a list of specific rights and interests which are comprehensible, I consider that this condition has been met.

The application **passes** the condition.

190B5

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 applicants’ 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 claim group and was shared by their predecessors.

In considering this condition, I have had regard to 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 and the genealogical material provided in Schedule A it is clear that these people have an association with the claim area and are the descendants of some members of the native title claim antecedent group

who also had an association with the claim area:

- **[name deleted]** (Affidavit 1), paras 1, 3, 4, 7, 8, 12, 13, 15, 16, 19, 20, 21-23 & 24.
- **[name deleted]** (Affidavit 2), paras 2, 5, 6, 10, 18 & 21.
- **[name deleted]** (Affidavit 3), paras 2 & 3.
- **[name deleted]** (Affidavit 4), paras 3, 11 & 13.
- **[name deleted]** (Affidavit 5), paras 2, 4-8, 10 & 11.

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 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 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 rights to access, utilising and trading the resources of Yandruwandha/Yawarrawarrka land, preserving culture, including dancing, songs and language, learning and passing on knowledge of Yandruwandha/Yawarrawarrka country and exercising responsibility for Yandruwandha/Yawarrawarrka country.

See:

- **[name deleted]** (Affidavit 1), paras 4-9, 11, 12, 15-19, & 22-24.
- **[name deleted]** (Affidavit 2), paras 4, 7, 9, 10, 12-18, 20 & 21.
- **[name deleted]** (Affidavit 3), paras 7-10.
- **[name deleted]** (Affidavit 4), paras 4, 5 & 7-14.
- **[name deleted]** (Affidavit 5), paras 5-14 & 17-22.

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 group continuing to hold native title in accordance with those traditional laws and customs.

The application **passes** this condition.

Prima facie case:

The Registrar must consider that, prima facie, at least some of the native title rights

Reasons for the Decision

In considering this condition I have had particular regard to the affidavits of **[name deleted]**, **[name deleted]**, **[name deleted]**, **[name deleted]** and **[name deleted]**, 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 interests 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 have access to, and reside on Yandruwandha/Yawarrawarrka land and Waters*

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

- **[name deleted]** (Affidavit 1), paras 3, 4, 7, 8, 12, 14-16, 20 & 22-24
- **[name deleted]** (Affidavit 2), paras 2, 5, 6, 10, 18 & 21
- **[name deleted]** (Affidavit 3), paras 3, 7, 8 & 10
- **[name deleted]** (Affidavit 4), paras 5, 8, 11, 13 & 14
- **[name deleted]** (Affidavit 5), paras 4, 5, 9, 10, 15, 16 & 20

2. *Right to enjoy the resources of the Yandruwandha/Yawarrawarrka land and waters*

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

- **[name deleted]** (Affidavit 1), paras 8, 12, 17 & 23
- **[name deleted]** (Affidavit 2), paras 15 & 18
- **[name deleted]** (Affidavit 4), paras 11 & 13
- **[name deleted]** (Affidavit 5), paras 6, 11 & 20

3. *Right to control the access and conduct of others with respect to Yandruwandha/Yawarrawarrka land and waters*

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

- **[name deleted]** (Affidavit 1), paras 12 & 15
- **[name deleted]** (Affidavit 2), paras 10, 19 & 20
- **[name deleted]** (Affidavit 3), para 12
- **[name deleted]** (Affidavit 4), para 12
- **[name deleted]** (Affidavit 5), paras 14 & 21

4. *Right to control the use and enjoyment of others of the resources arising from*

Yandruwandha/Yawarrawarrka land and waters

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

- **[name deleted]** (Affidavit 2), paras 10,19 & 20
 - **[name deleted]** (Affidavit 3), para 12
5. *Right to maintain and protect Yandruwandha/Yawarrawarrka land and waters, in particular, sites and areas of importance.*
The affidavits provide evidence of members of the native title claim group asserting these rights, some of which is detailed below.
- **[name deleted]** (Affidavit 1), paras 4, 12, 15, 22 & 23
 - **[name deleted]** (Affidavit 2), paras 10, 19 & 21
 - **[name deleted]** (Affidavit 3), para 12
 - **[name deleted]** (Affidavit 4), paras 11 & 12
 - **[name deleted]** (Affidavit 5), paras 9,10 & 14
6. *Right to control, maintain, protect and prevent the dissemination and misuse of cultural knowledge of the Yandruwandha/Yawarrawarrka native title claim group.*
The affidavits provide evidence of members of the native title claim group asserting these rights, some of which is detailed below.
- **[name deleted]** (Affidavit 1), paras 4, 5, 7, 8, 11, 12, 15, 16 & 22-24
 - **[name deleted]** (Affidavit 2), paras 4, 7, 9, 10, 12-15, 17, 18, 20 & 21
 - **[name deleted]** (Affidavit 3), para 12
 - **[name deleted]** (Affidavit 4), paras 4, 5 & 8-11
 - **[name deleted]** (Affidavit 5), paras 5, 6, 7, 12-14, 18 & 20
7. *Right to transmit knowledge and information concerning Yandruwandha/Yawarrawarrka land and waters and related customs and social practices to younger generations of Yandruwandha/Yawarrawarrka peoples who inherit this right.*
The affidavits provide evidence of the members of the native title claim group exercising this right:
- **[name deleted]** (Affidavit 1), paras 6 & 22
 - **[name deleted]** (Affidavit 2), paras 13 & 21
 - **[name deleted]** (Affidavit 4), paras 8 & 14
 - **[name deleted]** (Affidavit 5), para 17
8. *Right to conduct and maintain mortuary practices according to Yandruwandha/Yawarrawarrka traditional laws and customs.*
The affidavits provide evidence of the members of the native title claim group exercising this right:
- **[name deleted]** (Affidavit 1), para 22
 - **[name deleted]** (Affidavit 2), para 18
 - **[name deleted]** (Affidavit 4), paras 14, 21 & 22

- **[name deleted]** (Affidavit 5), para 22
9. *Right to conduct and maintain ceremonial practices according to Yandruwandha/Yawarrawarrka traditional laws and customs.*
The affidavits provide evidence of the members of the native title claim group exercising this right:
- **[name deleted]** (Affidavit 1), paras 11 & 19
 - **[name deleted]** (Affidavit 2), paras 9 & 15
 - **[name deleted]** (Affidavit 5), paras 9 & 13
10. *Right to trade in the resources of Yandruwandha/Yawarrawarrka land and waters (which include, but are not limited to birds, animals, plants, fish, marine animals, shellfish, timber, ochre, stone, minerals and subsurface minerals).*
The affidavits provide evidence of the members of the native title claim group exercising this right:
- **[name deleted]** (Affidavit 1), paras 17 & 18
 - **[name deleted]** (Affidavit 2), para 16
 - **[name deleted]** (Affidavit 4), para 9
 - **[name deleted]** (Affidavit 5), paras 9 & 12
11. *Right to inherit and bestow native title rights and interests.*
The affidavits provide evidence of the members of the native title claim group exercising this right:
- **[name deleted]** (Affidavit 1), paras 2-6, 11, 12, 15, 16, 22 & 23
 - **[name deleted]** (Affidavit 2), paras 7, 9, 10, 13-15 & 21
 - **[name deleted]** (Affidavit 3), paras 2 & 11
 - **[name deleted]** (Affidavit 4), paras 1, 4, 5, 8, 10, 11 & 14
 - **[name deleted]** (Affidavit 5), paras 2, 5-7, 9-14, 17, 18 & 20

The application **passes** the condition.

| | |
|--------------|--|
| 190B7 | <p><i>Traditional physical connection:</i></p> <p><i>The Registrar must be satisfied that at least one member of the native title claim group:</i></p> <p>(a) <i>currently has or previously had a traditional physical connection with any part of the land or waters covered by the application; or</i></p> <p>(b) <i>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></p> <p style="padding-left: 20px;">(i) <i>the Crown in any capacity; or</i></p> <p style="padding-left: 20px;">(ii) <i>a statutory authority of the Crown in any capacity; or</i></p> <p style="padding-left: 20px;">(iii) <i>any holder of a lease over any of the land or waters, or any person acting on behalf of such holder of a lease.</i></p> |
|--------------|--|

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.

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]** (Affidavit 1), paras 1, 7, 8, 10, 12, 14, 16, 17, 19, 20, 22 & 23
- **[name deleted]** (Affidavit 2), paras 2, 15, 18 & 21
- **[name deleted]** (Affidavit 3), paras 3-5, 8 & 10
- **[name deleted]** (Affidavit 4), paras 11 & 13
- **[name deleted]** (Affidavit 5), paras 10-13,15-17 & 20

The application **passes** this condition

| | |
|--------------|--|
| 190B8 | <p><i>No failure to comply with s61A:</i></p> <p><i>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.</i></p> |
|--------------|--|

Reasons for the Decision

For the reasons that follow I have formed the conclusion that there has been compliance with s61A and that the provisions of this section are met.

s61A(1) – Native Title Determination

A search of the Native Title Register has revealed that there is no approved determination of native title in relation to the area claimed in this application

S61A(2) – Previous Exclusive Possession Acts

Schedule J confirms that the application does not include any lands subject to a Category A past act (as defined in s229) or a previous exclusive possession act as defined under s23B of the Act save where the Act allows those lands to be part of a native title determination application. Refer also to my reasons under s. 190B2.

This exclusion clause meets the requirement of this subsection.

S61A(3) – Previous Non-Exclusive Possession Acts

Schedule E confirms that native title rights and interests claimed are also subject to the effect of the rights validly granted by the Crown to others pursuant to statute to possess,

occupy, use and enjoy all or part of the Yandruwandha/Yawarrawarrka land and waters.
. Refer also to my reasons under s. 190B2.

The application **passes** this condition.



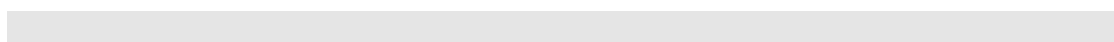
| | |
|----------------------------|--|
| 190B9 (a) | <i>Ownership of minerals, petroleum or gas wholly owned by the Crown:</i> |
| | <i>The application and accompanying documents must not disclose, and the Registrar must not otherwise be aware, that:</i> <i>(a) to the extent that the native title rights and interests claimed consist or include ownership of minerals, petroleum or gas - the Crown in right of the Commonwealth, a State or Territory wholly owns the minerals, petroleum or gas;</i> |

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 of the 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 made for ownership of minerals, petroleum or gas wholly owned by the Crown.

The application **passes** this condition.



| | |
|----------------------------|---|
| 190B9 (b) | <i>Exclusive possession of an offshore place:</i> |
| | <i>The application and accompanying documents must not disclose, and the Registrar must not otherwise be aware, that:</i> <i>(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;</i> |

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.

The application **passes** this condition.

| | |
|----------------------------|--|
| 190B9 (c) | <i>Other extinguishment:</i> <i>The application and accompanying documents must not disclose, and the Registrar must not otherwise be aware, that:</i> <i>(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)).</i> |
|----------------------------|--|

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 s190B(9)(c).

The application **passes** this condition.

End of Document

ATTACHMENT 1

THE FOLLOWING IS TO BE ENTERED AS CONTENTS OF THE REGISTER OF NATIVE TITLE CLAIMS PURSUANT TO S186

S186 (1)

- (a) whether the application was filed in the Federal Court or lodged with a recognised State/Territory body.**

The application was lodged with the National Native Title Tribunal, taken to have been filed in the Federal Court.

- (b) if the application was lodged with a recognised State/Territory body – the name of that body.**

Not applicable

- (c) the date on which the application was filed or lodged.**

The application was lodged on 8th January 1998.

- (ca) the date on which the claim is entered on the Register.**

8th January 1998

- (d) the name and address for service of the applicant.**

Applicants: Jack Guttie, Charlie Moore, Leslie Harris, Fay Nicholls, Theresa Bottrell, Aaron Paterson, Anita Paterson and Fredrick Brown

Address for service: C/- Ward & Partners, 12th Floor, 26 Flinders Street,
ADELAIDE SA 5000

- (e) the area of land or waters covered by the claim.**

State or Territory: SA

Description of area:

The external boundaries of the area of land and waters covered by the claim are described in attached documents:

- A) a map showing the external boundaries of the area covered by the claim, marked as Attachment C.
- B) a technical description of the external boundary, marked as Attachment C1.

Description:

1. The Yandruwandha/Yawarrawarrka native title claim area is in relation to all land and inland waters identified by the mid point of the blue line on the map (attachment C) showing the geographical boundaries of the claim area subject to:

1.1 The co-ordinates of the external boundaries of the Yandruwandha/Yawarrawarrka claim area are shown in attachment C;

1.2 The waters claimed include the bed and banks of all waterways including rivers, tributaries and creeks as far as they have not been alienated;

1.3 To the extent of any inconsistencies between attachment C and the co-ordinates with the following description, attachment C and the co-ordinates shall prevail;

1.4 The Yandruwandha/Yawarrawarrka claim area boundary extends in a northerly direction from the northern most point of Lake Blanche in a straight line to the centre of the township of Moomba. The boundary then extends north in a straight line to the edge of the Innamincka Regional Reserve at a point 5 kms southeast of the Gidgealpa Homestead. The boundary then extends along the Innamincka Regional Reserve boundary initially in a north-westerly direction and then due west to the western side of the Reserve. The boundary then extends in a northerly direction along the western side of the Reserve to its northwest corner. The boundary then continues due west for 50 kms. The boundary then extends in a northeasterly direction for 45.5 kms to Geakes Hill, then extends northeasterly for 30.5 kms to Koornoo Hill, then extends in a northeasterly direction to a point on the Queensland/South Australia border 1 kms due west of Lake Teetarobie. The boundary then follows the Queensland/South Australia border east to the point where it meets the Queensland/South Australia border at Haddon Corner. The claim boundary then extends south along the line of the South Australia/Queensland border to the border of South Australia/Queensland and New South Wales at Cameron Corner. The boundary then extends in a westerly/southwesterly direction in a straight line to Lake Blanche and then along the southerly edge of Lake Blanche until it reaches a point where Lake Blanche narrows at its western side at a point approximately 2.5 kms east of Mound Spring and then in a generally north, northeast direction along the edge of Lake Blanche to its most northerly point.

The coordinates of the external boundary of the area covered by the application are set out in Attachment C1. To the extent of any inconsistency between the map and the coordinates, and the above description, the coordinates shall prevail.

Areas within the external boundaries that are not covered by the Application:

The applicants exclude from the area covered by the application any area over which native title has been extinguished save and except for those areas of land or waters over which prior extinguishment may be disregarded in accordance with the provisions of either section 47, section 47A or section 47B of the *Native Title Act 1993*.

In particular the following are excluded:

Category A past Acts as defined in section 229 of the NTA, including any previous non exclusion possession acts which are also a category A past Act; and

Grants or vestings which are previous exclusion possession acts or valid Category A intermediate period acts (as defined in section 23B and section 23A of the NTA) attributable to the Commonwealth and such grants or vestings which are attributable to the State where the State has made provision as mentioned in section 23E and section 22F of the Native Title Act 1993.

It is not intended that exclusive rights and interests are claimed in relation to areas subject to valid previous non exclusive possession acts, as defined by s. 23F of the Native Title Act 1993 .

(f) a description of the persons who it is claimed hold the native title.

The Yandruwandha/Yawarrawarrka Native Title claim group comprises those people who hold in common the body of traditional law and culture governing the area that is the subject of the claim being:

- 1 People who are related by means of the principle of descent to the following Yandruwandha/Yawarrawarrka apical ancestors:
 - 1.1 Annie (born at Cordillo Downs) who is the mother of Archie Guttie;
 - 1.2 Maggie, who is the mother of Annie King;
 - 1.3 Tiniwa Clara, mother of Frank Booth and Alice Miller (nee Booth);
 - 1.4 The parents of Punbili Bob Parker (Senior);
 - 1.5 Flash Ted Bikehandle and his wife Topsy;
 - 1.6 Kimi (born at Innamincka) and his wife;
 - 1.7 Maramundu Jack "*The Ripper*" Parker;
 - 1.8 The woman (born at Cordillo Downs) who is the mother of the sibling set - Mary Stafford (nee Moore), Jack Moore, Charlie Moore (Senior), and female twins whose names are unknown;
 - 1.9 The parents of Albert Moore;
 - 1.10 Brothers Walter Harris(on) and Dick Harrison;
 - 1.11 The parents of Lilly (whose married name is Parker) and her sister Kathlene (whose married name is George);
 - 1.12 Annie and her husband, who are the parents of Coongie Maggie (born at Coongie Lakes in South Australia);

- 1.13 The parents of the sibling set - Billy Parker, Jessy Parker, Peter "*Petekin*" Parker, and Paddy Parker;
 - 1.14 Flash Tommy and his wife Sarah, who are the parents of the sibling set - Colin Flash, George Flash (also known as George Murray), Ted "*Chippie*" Flash and Albert "*Bully*" Flash. Sarah is also the mother of John Murray (also known as "*Chunder*" Williams) and Roger Murray;
 - 1.15 The parents of sibling set - Mertzy George and Mertzy Johnny and Mertzy Mick; and
 - 1.16 Larrikin Mick.
- 2 The Yandruwandha/Yawarrawarrka principles of incorporation into the group according to traditional law and custom also include:
 - 2.1 Being of Aboriginal descent;
 - 2.2 Having a connection with the claim area in accordance with the traditional laws and customs of the Yandruwandha/Yawarrawarrka native title claim group following the principle of biological descent from their ancestors.
 - 3 Yandruwandha/Yawarrawarrka principles of incorporation into the group also require:
 - 3.1 Being specifically of Yandruwandha or Yawarrawarrka biological descent or specifically of both Yandruwandha and Yawarrawarrka biological descent.
 - 4 Where, despite the application of the principles set out in paragraphs 2 and 3 above, there remains any uncertainty as to whether a person can be identified as a Yandruwandha or Yawarrawarrka person:
 - 4.1 The applicants Jack Guttie and Aaron Paterson have the authority to determine whether or not a person of Aboriginal descent has a connection to the Yandruwandha lands and waters in accordance with the Yandruwandha traditional laws and customs (see paragraph 2.1 and 2.2 above);
 - 4.2 Hector Harrison and his brothers Willie Harrison and Alfie Harrison have the authority to determine whether or not a person of Aboriginal descent has a connection to the Yawarrawarrka lands and waters in accordance with the Yawarrawarrka traditional laws and customs (see paragraphs 2.1 and 2.2 above);
 - 4.3 The Yandruwandha/Yawarrawarrka native title claim group acknowledges the authority of Jack Guttie, Aaron Paterson, Hector

Harrison, Willie Harrison and Alfie Harrison for the purposes set out in paragraphs 4.1 and 4.2 herein and assert that the principle of authority, based on traditional laws and customs, incorporates the potential transfer of the authority to appropriate persons in future generations.

- 5 The Yandruwandha/Yawarrawarrka native title claim group specifically excludes from membership any person who is a member of an overlapping claim, listed in Schedule H herein, whilst that claim continues to overlap the Yandruwandha/Yawarrawarrka native title claim.

(Schedule H is available for viewing from NNTT Adelaide Registry 1800 640 501).

(g) a description of the native title rights and interests in the claim that the Registrar in applying the subsection 190B(6); considered, prima facie, could be established.

The native title rights and interests claimed are also subject to the effect of the rights validly granted by the Crown to others pursuant to statute to possess, occupy, use and enjoy all or part of the Yandruwandha/Yawarrawarrka land and waters.

In this Application no claim is being made on any native title rights and interests consisting of or including ownership of minerals, petroleum or gas wholly owned by the Crown.

- 1 The right to have access to, and reside on Yandruwandha/Yawarrawarrka land and waters (9/7/99).
- 2 The right to enjoy the resources of the Yandruwandha/Yawarrawarrka land and waters (9/7/99).
- 3 The right to control the access and conduct of others with respect to Yandruwandha/Yawarrawarrka land and waters (9/7/99).
- 4 The right to control the use and enjoyment of others of the resources arising from Yandruwandha/Yawarrawarrka land and waters (9/7/99).
- 5 The right to maintain and protect Yandruwandha/Yawarrawarrka land and waters, in particular, sites and areas of importance (9/7/99).
- 6 The right to control, maintain, protect and prevent the dissemination and misuse of cultural knowledge of the Yandruwandha/Yawarrawarrka native title claim group (9/7/99).
- 7 The right to transmit knowledge and information concerning Yandruwandha/Yawarrawarrka land and waters and related customs and social practices to younger generations of Yandruwandha/Yawarrawarrka peoples who inherit this right (9/7/99).

- 8 The right to conduct and maintain mortuary practices according to Yandruwandha/Yawarrawarrka traditional laws and customs (9/7/99).
- 9 The right to conduct and maintain ceremonial practices according to Yandruwandha/Yawarrawarrka traditional laws and customs (9/7/99).
- 10 The right to trade in the resources of Yandruwandha/Yawarrawarrka land and waters (which include, but are not limited to birds, animals, plants, fish, marine animals, shellfish, timber, ochre, stone, minerals and subsurface minerals) (9/7/99).
- 11 The right to inherit and bestow native title rights and interests (9/7/99)

(NB: The date in brackets next to each right or interest is the date on which the particular right or interest was registered)

S182 (2)

The Registrar may include in the Register such other details about the claim as the Registrar thinks appropriate.

OTHER DETAILS:

This application was found to comply with the requirements of s190A on 9/7/99.

Leave to amend the application was granted by the Federal Court on 15th June 1999. The amendments to the application included the following:

- The Yandruwandha Native Title claim SG6024/98 (SC98/01) be amended to:
 - a) include as named applicants people specifically authorised by the Yandruwandha/Yawarrawarrka people to make the application on their behalf
 - b) change the external boundary of the application and/including withdraw the area previously subject to claim in the States of New South Wales and Queensland
- The Yandruwandha Native Title claim henceforth be called the Yandruwandha/Yawarrawarrka Native Title Claim.

ATTACHMENTS:

Attachment C: map depicting the external boundaries of the native title claim area.

Attachment C(1): list of coordinates (latitude and longitude in decimal degrees) of the external boundary of the native title claim area.

(Attachments are available from all NNTT registries. Call 1800 640 501.)

National Native Title Tribunal

DELEGATE DECISION SUMMARY

| | |
|-------------------|---------------|
| TO DELEGATE | Simon Nish |
| FROM CASE MANAGER | Monica Khouri |
| DATE | 9/7/99 |

| | | | |
|-------------------------|--|--------------|------------|
| Application Name | Yandruwandha/Yawarrawarrka Native Title Claim | | |
| Name(s) of Applicant(s) | Jack Guttie, Charlie Moore, Leslie Harris, Fay Nicholls, Theresa Bottrell, Aaron Paterson, Anita Paterson and Fredrick Brown | | |
| Region | SA | NNTT No | SC98/1 |
| Date Application Made | 8 th January 1998 | Fed Court No | SG 6024/98 |

Procedural Conditions

| | | Delegate's Decision |
|--------------|---|----------------------------|
| 190C2 | <i>Information etc required by section 61 and section 62</i> | <i>PASS</i> |

| | | |
|---------------|--|-----------------------------|
| s61(3) | <i>Names of applicant(s) and address for service</i> | <i>Requirements are met</i> |
| s61(4) | <i>Description of persons in native title claim group</i> | <i>Requirements are met</i> |
| s61(5) | <i>Application in prescribed form, lodged in Federal Court, contains prescribed information and is accompanied by documents and any fees applicable³</i> | <i>Requirements are met</i> |

³ Note that in relation to pre 30.09.98 applications, the application does not need to be in the prescribed form as required by the amended *Act*. Note also that pre 30.09.98 applications are deemed to have been filed in the Federal Court.

Note that "prescribed information" is that which is required by s62(2) as set out in the text of this minute document.

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| s62(1)(a) | Affidavit(s) | <i>Requirements are met</i> |
|------------------|---------------------|-----------------------------|

Details required in section 62(2)

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|---------------|---|------------------------------------|
| 62(2)(a)(i) | Information which identifies the boundaries of the area covered by the application | <i>Details provided</i> |
| 62(2)(a)(ii) | Information which identifies any areas within those boundaries that are not covered | <i>Details provided</i> |
| 62(2)(b) | A map showing the external boundaries of the area covered by the application Map(s) and textual or other information are consistent in their description of the area | <i>Details provided</i> YES |
| 62(2)(c) | IF there is information alerting the CM about searches to determine existence of any non- native title interests, are details provided? | <i>Not applicable</i> |
| 62(2)(d) | A description of the native title rights and interests claimed in relation to particular land or waters (and see below) Is the description more than a claim to all those native title rights and interests that have not been extinguished at law? | <i>Details provided</i> YES |
| 62(2)(e) | | |
| 62(2)(e)(i) | claim group have, and their predecessors had, an association with the area; | <i>Details provided</i> |
| 62(2)(e)(ii) | traditional laws and customs exist that give rise to the claimed native title; | <i>Details provided</i> |
| 62(2)(e)(iii) | claim group has continued to hold native title in accordance with laws and customs | <i>Details provided</i> |
| 62(2)(f) | IF there is information alerting the CM that activities are carried on, are details of those activities provided? | <i>Details provided</i> |

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| 62(2)(g) | IF there is information alerting the CM that the applicant is aware of other applications to the High Court etc, are details provided? | <i>Details provided</i> |
| 62(2)(h) | IF there is information alerting the CM that the applicant is aware of any Future Act Notices over the area, are details | <i>Details provided</i> |

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| provided? |
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| S62(1)(b) | <i>Details required in s62(2) above</i> | <i>Requirements Met</i> |
| S62(1)(c) | <i>Details of physical connection</i> | <i>Provided (not mandatory)</i> |

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| Decision of Delegate (whole of s190C2) | PASS |
|---|-------------|

Delegate's decision

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| 190C3 | <i>No previous overlapping native title claim group</i> | PASS |
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Delegate's decision

Either

| | | |
|-----------------|--|-------------|
| 190C4(a) | <i>Application has been certified by relevant Representative Body</i> | PASS |
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Or

| | | |
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| 190C4(b) | <i>Applicants have been authorised by the native title claim group</i> | PASS |
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| 190C5 | <i>Statement about authorisation and grounds to consider provided</i> | PASS |
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Merits Conditions

Delegate's decision

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| 190B2 | <i>Identification of area subject to native title</i> | PASS |
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Delegate's decision

| | | |
|--------------|--|-------------|
| 190B3 | <i>Identification of native title claim group</i> | PASS |
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Delegate's decision

| | | |
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| 190B4 | <i>Identification of claimed native title</i> | PASS |
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Delegate's decision

| | | |
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| 190B5 | <i>Factual basis for claimed native title</i> | PASS |
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Delegate's decision

| | | |
|--------------|--------------------------------|-------------|
| 190B6 | <i>Prima facie case</i> | PASS |
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Delegate's decision

| | | |
|--------------|-----------------------------------|-------------|
| 190B7 | <i>Physical connection</i> | PASS |
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Delegate's decision

| | | |
|--------------|---|-------------|
| 190B8 | <i>No failure to comply with section 61A</i> | PASS |
|--------------|---|-------------|

| | | |
|--------|---|------------|
| 61A(1) | Approved determination of native title in claim area | <i>No</i> |
| 61A(2) | A previous exclusive possession act has been done in relation to the area [by the Commonwealth, or the State pursuant to s.23E] and claimed | <i>No</i> |
| 61A(3) | 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>No</i> |
| 61A(4) | The application states that section 47, 47A or 47B applies to it | <i>Yes</i> |

Delegate's decision

| | | |
|-----------------|--|-------------|
| 190B9(a) | <i>Native title rights and interests claimed do not include ownership of minerals, petroleum or gas wholly owned by the Crown</i> | PASS |
|-----------------|--|-------------|

Delegate' decision

| | | |
|-----------------|---|-------------|
| 190B9(b) | <i>No claim to exclusive possession of waters in an offshore place</i> | PASS |
|-----------------|---|-------------|

Delegate's decision

| | | |
|-----------------|--|-------------|
| 190B9(c) | <i>No other extinguishment (except that to be disregarded under s47, s47A, or s47B)</i> | PASS |
|-----------------|--|-------------|

Decision of Delegate

1. The application **IS ACCEPTED** for registration pursuant to s190A of the *Native Title Act 1993*

If the claim is not accepted for registration, written notice of the decision and the reasons for the decision, are to be provided to the applicant and to the Federal Court, in accordance with s190D of the *Native Title Act*.

The Registrar is to give notice of the decision, as required by s66(3) of the *Native Title Act*, whether or not the claim has been accepted for registration.

Simon Nish
DELEGATE

DATE