

## **Memorandum of Understanding**

Agreement made at Adelaide on 29 July 2013.

Between

**Adnyamathanha Native Title Claim Group**

And

**Dieri Native Title Claim Group**

The parties agree the following in relation to the Overlap Area:

### **Definition**

Area 1 of the Overlap Area means the area marked 'Area 1' on the map attached to this Memorandum of Understanding; and

Area 2 of the Overlap Area means the area marked 'Area 2' on the map attached to this Memorandum of Understanding.

1. Vary the agreement between them dated 20 June 2006 by deleting clause 5 but otherwise retaining the provisions of that Agreement
2. In relation to Area 1 of the Overlap Area they will pursue a consent determination which:
  - a. Recognises the non-exclusive native title rights and interests of the Dieri claim group as described in paragraph 7 of the draft consent determination filed in the Federal Court on 17 October 2012;
  - b. By way of ancillary orders pursuant to section 87(5) or section 87A(5) of the Native Title Act, recognises for all time that the Adnyamathanha have, and may continue to exercise, traditional rights and interests, being (without native title) the right to carry out the activities set out in paragraph 7 excluding that set out in subparagraph (m).
3. In relation to Area 2 of the Overlap Area they will pursue a consent determination which
  - a. Recognises the non-exclusive native title rights and interests of the Adnyamathanha claim group as described in paragraph 7 of the draft consent determination filed in the Federal Court on 17 October 2012;
  - b. By way of ancillary orders pursuant to section 87(5) or section 87A(5) of the Native Title Act, recognises for all time that the Dieri have, and may continue to exercise, traditional rights and interests, being (without native title) the right to carry out the activities set out in paragraph 7 excluding that set out in subparagraph (m).
4. Each party may from time to time identify to the other party areas which contain sites of significance to that party for the purposes of their better protection and preservation. In the event that any third party wishes to conduct any activity within that area then the party which has native title rights and

interests in that area will notify the other claim group and consult with that claim group as to how to better protect that area.

**Signed for the  
Adnyamathanha  
Claim Group**

M McKenzie (SNR)

M. Boulthard

Mc Brown

R Johnson

**Signed for the  
Dieri Claim Group**

Stan Warren

Kaisie Dodd

Alan Tule

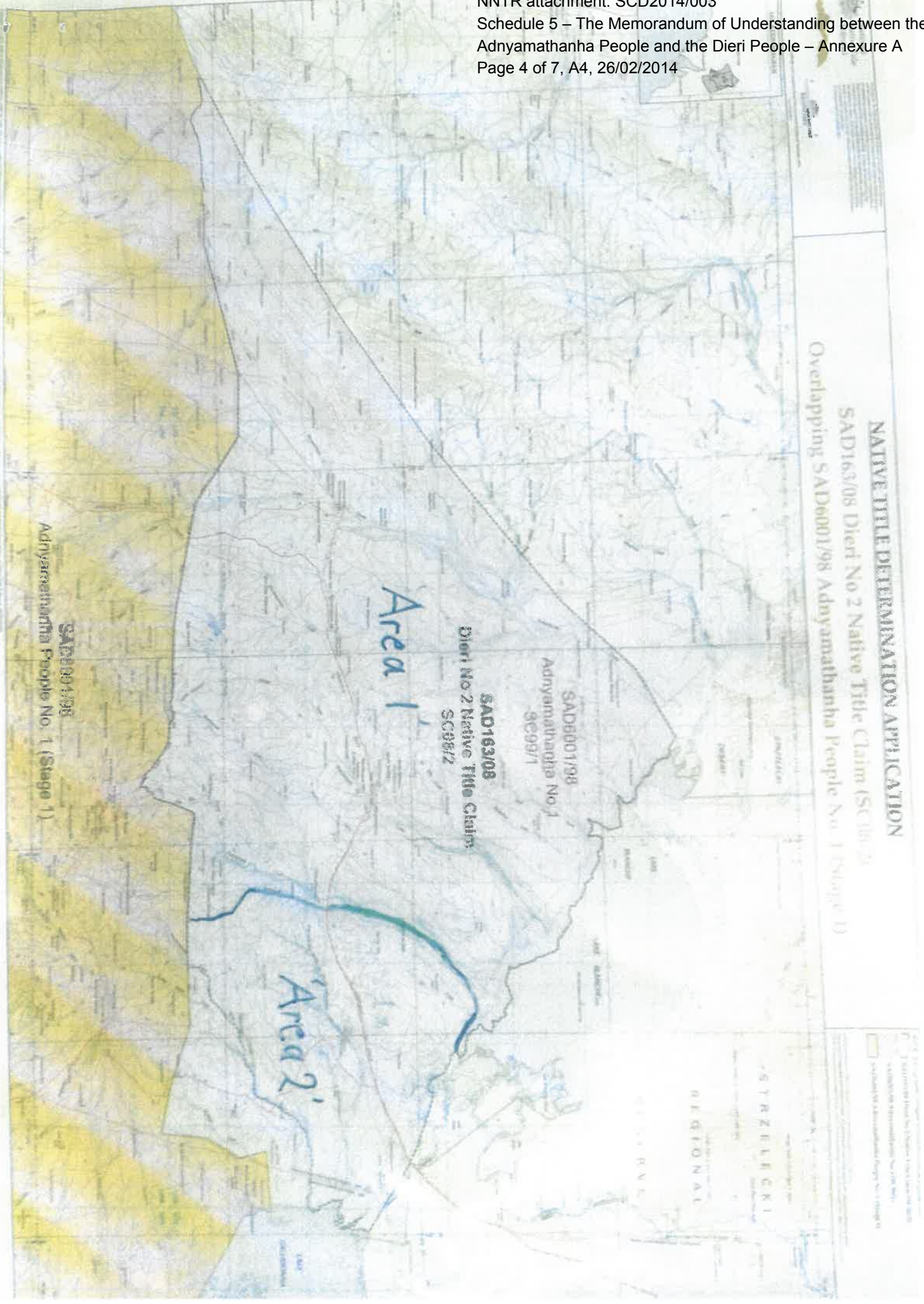
Russ Warren

Willie Dawson

CHRIS Dodd

Extract from the draft consent determination filed in the Federal Court on 17 October 2012, comprising the activities set out in paragraph 7 thereof:

- (a) The right to access and move about the Determination Area;
- (b) The right to live, to camp and to erect shelters on the Determination Area;
- (c) The right to hunt and fish on the Determination Area;
- (d) The right to gather and use the natural resources of the Determination Area such as food, plants, timber, resin, ochre and soil;
- (e) The right to cook and to light fires for cooking and camping purposes on the Determination Area;
- (f) The right to use the natural water resources of the Determination Area;
- (g) The right to distribute, trade or exchange the natural resources of the Determination Area;
- (h) The right to conduct ceremonies and hold meetings on the Determination Area;
- (i) The right to engage and participate in cultural activities on the Determination Area including those relating to births and deaths;
- (j) The right to carry out and maintain burials of deceased native title holders and of their ancestors within the Determination Area;
- (k) The right to teach on the Determination Area the physical and spiritual attributes of locations and sites within the Determination Area;
- (l) The right to visit, maintain and preserve sites and places of cultural or spiritual significance to Native Title Holders within the Determination Area;
- (m) The right to speak for and make decisions in relation to the Determination Area about the use and enjoyment of the Determination Area by Aboriginal people who recognise themselves to be governed by the traditional laws and customs acknowledged by the Native Title Holders;
- (n) The right to be accompanied on to the Determination Area by those people who, though not Native Title Holders, are:
  - (i) spouses of Native Title Holders; or
  - (ii) people required by traditional law and custom for the performance of ceremonies or cultural activities on the Determination Area; or
  - (iii) people who have rights in relation to the Determination Area according to the traditional laws and customs acknowledged by the Native Title Holders; or
  - (iv) people invited by Native Title Holders to assist in, observe, or record traditional activities on the Determination Area.



SAD163/08

Native Title Claim

SC08/2

'Area 2'

