



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: SAD65/2022
NNTT number: SC1997/008

Application Name: Marlene Joy-Weetra-Height on behalf of the Nauo Claim Group and the State of South Australia (Nauo)

Application Type: Claimant

Application filed with: National Native Title Tribunal

Date application filed: 17/11/1997

Current status: Full Approved Determination - 23/02/2024

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

Date claim entered on Register of Native Title Claims: 18/11/1997

Registration decision status: Accepted for registration

Registration history: Registered from 18/11/1997 to 28/02/2024,

Date claim / part of claim determined: 23/02/2024

Applicants: Marlene Height, Lavinia Heron, Jody Miller

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Additional Information

On 15 May 2023, the Federal Court made a determination that native title exists in parts of the application area - see *Weetra-Height on behalf of the Nauo People v State of South Australia* [2023] FCA 454. That determination is attached to this Extract. Order 2 of the determination provides that '[t]he Determination will take effect upon the Nauo Settlement ILUA being registered on the Register of Indigenous Land Use Agreements.' The Agreement referred to in Order 2 was registered on 23 February 2024, and therefore the determination is in effect from 23 February 2024.

Persons claiming to hold native title:

Under the traditional laws and customs of the Nauo People the Native Title Holders are those living Aboriginal people who are the descendants whether by birth or traditional adoption from any of the following Nauo antecedents:

- i. Topsy Ahang;
- ii. Mother of Elizabeth Anderson;
- iii. Mary, mother of Henry Weetra; and
- iv. Frederick Milerah

and who identify as Nauo and are recognised by the other Native Title Holders under those traditional laws and customs as having rights and interests in the Determination Area (together the Native Title Holders).

Native title rights and interests claimed:

The nature and extent of the native title rights and interests of the Native Title Holders in the Native Title Land are the non-exclusive rights to use and enjoy those lands and waters, being:

- (a) the right of access, to be present on, move about on and travel over the Native Title Land;
- (b) the right to take, enjoy, share and exchange the Natural Resources of the Native Title Land for traditional purposes;
- (c) the right to use the natural water resources of the Native Title Land for traditional purposes;
- (d) the right to conduct ceremonies on the Native Title Land;
- (e) the right to maintain and protect sites and places of cultural significance under the traditional laws and customs of the Native Title Holders on the Native Title Land;
- (f) the right to teach on the Native Title Land the physical and spiritual attributes of the Native Title Land;
- (g) the right to hold meetings on the Native Title Land;
- (h) the right to light fires on the Native Title Land for domestic purposes including cooking, but not for the purpose of hunting or clearing vegetation; and
- (i) the right to be accompanied onto the Native Title Land by those people who, although not Native Title Holders, recognise and are bound by the traditional laws and customs of the Native Title Holders and who are:
 - i) spouses of Native Title Holders; or
 - ii) people required by traditional law and custom for the performance of cultural activities on the Native Title Land.

Application Area:

State/Territory: South Australia
Brief Location: Eyre Peninsula
Primary RATSIB Area: Greater South Australia
Approximate size: 7416.1056 sq km
(Note: There may be areas within the external boundary of the application that are not claimed.)
Does Area Include Sea: Yes

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

External boundary description

The application area covers all the land and waters within the external boundary described as:

Commencing at a point on the Lowest Astronomical Tide (LAT) at Longitude 134.891566° East and extending north-easterly to the intersection of the centerlines of the Flinders Highway and Birdseye Highway; then generally north easterly along the centerline of the Birdseye Highway and Kyancutta-Mount Wedge Road to the southern boundary of the Cocata Conservation Reserve; then generally easterly, northerly, easterly, generally northerly and generally north-westerly along boundaries of that reserve to again Mount Wedge Road; then generally north-easterly along the centreline of that road and Elliston Stock Route to the Eyre Highway, also being the western boundary of native title determination SAD6011/1998 - Barnarla Native Title Claim (SCD2016/001); then generally southerly along the western boundaries of that native title determination to the south-western boundary of the north-eastern portion of Parcel ID H511200 S39 at approximately Longitude 135.644865° East, Latitude 34.747856° South; then south-westerly to Longitude 135.643266° East, Latitude 34.748119° South; then southerly and south-westerly passing through the following coordinate points:

Longitude ° East	Latitude ° South
135.643121	34.770049
135.642908	34.802285
135.627920	34.812759

Then westerly along a line towards Longitude 135.400967° East, Latitude 34.817477° South to its intersection with a 10 metre buffer seaward of the Lowest Astronomical Tide (LAT); then generally north-westerly along a coastal boundary that includes areas:

- Seaward 10 metres from the Lowest Astronomical Tide (LAT);
- All islands and waters of Coffin Bay enclosed by a line that extends from Longitude 135.358070° East, Latitude 34.528230° South to Longitude 135.376706° East, Latitude 34.523967° South; and
- Seaward 50 metres from the Lowest Astronomical Tide (LAT) of all easily accessible beaches as defined in the table below.

To its intersection with a line extending north easterly from Longitude 134.802539° East, Latitude 33.755822° South and the commencement point; then north easterly back to the commencement point.

Table of easily accessible beaches:

As identified by the State and applicants, coordinates are approximate and subject to survey:

Longitude ° (East)	Latitude ° (South)	Longitude ° (East)	Latitude ° (South)
1 135.470633	34.741832	135.329907	34.689554
2 135.325624	34.679085	135.303208	34.602101
3 135.257402	34.555679	135.195176	34.557002
4 135.175780	34.555254	135.172400	34.556030
5 135.160190	34.561900	135.157384	34.563457
6 135.154609	34.566250	135.150920	34.569468
7 135.148131	34.571308	135.147298	34.572624
8 135.126177	34.556136	135.133523	34.539889
9 135.139963	34.502463	135.140641	34.501929
10 135.144353	34.502284	135.169797	34.470923
11 135.179191	34.464114	135.180796	34.462647
12 135.183517	34.461554	135.190619	34.442120
13 135.208266	34.431157	135.216580	34.432700
14 includes Coffin Bay			
135.215176	34.437249	135.394911	34.493452

15	135.389320	34.467017	135.385224	34.437845
16	135.380365	34.436762	135.374203	34.430606
17	135.360182	34.418221	135.363238	34.410980
18	135.363223	34.391597	135.363693	34.380336
19	135.361918	34.378053	135.357731	34.376483
20	135.354143	34.367946	135.357344	34.356348
21	135.358342	34.354595	135.357596	34.349724
22	135.358958	34.344684	135.355809	34.320406
23	135.344266	34.264228	135.270959	34.171049
24	135.266611	34.123757	135.268312	34.126847
25	135.273225	34.047431	135.267374	34.034618
26	135.191747	33.898374	135.168752	33.873614
27	135.154011	33.863565	135.142959	33.850351
28	135.131358	33.840920	135.123721	33.833846
29	135.044806	33.760543	135.017662	33.739043

Exclusions

The application area excludes all land and waters within:

- Native title determination SAD6011/1998 Barngarla Native Title Claim (SCD2016/001).
- Native title determination application SAD6019/1998 - Wirangu No. 2 Native Title Claim (SC1997/006) - as accepted for registration 15 May 2020.

Note

Data Reference and source

- Application boundary compiled by National Native Title Tribunal based on information or instructions provided by the State and applicants.
- Native title determination SAD6011/1998 Barngarla Native Title Claim (SCD2016/001) as determined by the Federal Court of Australia on 23 June 2016.
- Territorial sea baseline sourced from Maritime boundaries data © Commonwealth of Australia (Geoscience Australia) 2006. AMB 6th Edition released in February 2006.
- Road names sourced from the Department for Infrastructure and Transport, SA (May 2021).
- Ellison Stock Route at Kyancutta is as that road existed pre 2000.
- Cadastral data sourced from Department for Infrastructure and Transport, SA (May 2021).
- Coastal areas identified as easily accessible beaches are as agreed by the State and Applicants and are subject to survey.

Reference datum

Geographical coordinates have been provided by the NNTT Geospatial Services and are referenced to the Geocentric Datum of Australia 2020 (GDA2020), in decimal degrees and are based on the spatial reference data acquired from the various custodians at the time.

Use of Coordinates

Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection

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

Prepared by Geospatial Services, National Native Title Tribunal (26 October 2021)

Attachments:

1. Attachment C - Map of Claim Area, 2 pages - A4, 08/12/2021
2. Nauo People Determination - Part 1 of 4, 80 pages - A4, 15/05/2023
3. Nauo People Determination - Part 2 of 4, 70 pages - A4, 15/05/2023
4. Nauo People Determination - Part 3 of 4, 60 pages - A4, 15/05/2023
5. Nauo People Determination - Part 4 of 4, 173 pages - A4, 15/05/2023

End of Extract