



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: SAD185/2021
NNTT number: SC2021/004

Application Name: Brenton Weetra and Ors and the State of South Australia (Nauo #4 Native Title Claim) (Nauo #4)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 15/10/2021

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.

Registration decision status: Not Accepted for registration

Registration history: -

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

Applicants: Brenton Weetra, Pauline Branson, Cynthia Weetra-Buzza, 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 they comprise a group of those Aboriginal people, who hold in common the traditional laws and customs that are associated with Nauo Country because of their:

- (a) descent from a Nauo apical ancestor; or
- (b) affiliation with Nauo Country through a parent or grandparent; or
- (c) birth on or near Nauo Country;

AND

- (d) long-term association with Nauo Country;
- (e) traditional geographic and spiritual knowledge of the Country;
- (f) identification as a Nauo person; and
- (g) identification as a Nauo person by other members of the claim group.

AND

A person is considered to be descended from a Nauo apical ancestor where that person is 'raised up' by a biologically descended Nauo Person. 'Raising up' includes assuming the responsibilities of a parent and guardian and raising the person in the traditions of Nauo law and culture.

Under Nauo traditional laws and customs, Nauo People are related by means of a traditional principle of descent to the following apical ancestors:

Mary mother of Henry Weetra

Topsy Ahang

Mother of Elizabeth Anderson

Frederick Milera

Native title rights and interests claimed:

A description of the native title rights and interests claimed in relation to particular land or waters (including any activities in exercise of those rights and interests).

- (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.

The native title rights and interests are subject to:

- a) the valid laws of the State of South Australia and the Commonwealth of Australia; and
- b) the rights (past or present) conferred upon persons pursuant to the laws of the Commonwealth and the laws of the State of South Australia.

Application Area: **State/Territory:** South Australia
Brief Location: Eyre Peninsula
Primary RATSIB Area: Greater South Australia
Approximate size: 7.3607 sq km
(Note: There may be areas within the external boundary of the application that are not claimed.)
Does Area Include Sea: No

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

(a) The application area covers all the land and waters within the following land parcels:

No.	DCDBID	HUNDRED NAME	TITLE REF
1	D67503 A51	ULIPA	CR5947/994
2	D68196 A56	ULIPA	CR5983/672
3	D68196 A55	ULIPA	CR5983/672
4	D68196 A54	ULIPA	CR5983/672
5	D68196 A57	ULIPA	CR5983/672
6	D74703 A53	ULIPA	CR6000/881
7	D60745 A410	LAKE WANGARY	CR6102/932
8	H510500 S376	LAKE WANGARY	CR5948/285
9	H550800 S172	KIANA	CR5750/47
10	H510500 S593	LAKE WANGARY	CR5907/596
11	H510500 S594	LAKE WANGARY	CR5910/41
12	H510500 S589	LAKE WANGARY	CR5924/464
13	H510500 S592	LAKE WANGARY	CR5932/21
14	H510500 S595	LAKE WANGARY	CR5941/858
15	H510500 S591	LAKE WANGARY	CR5943/719
16	D68197 A53	WARROW	CR5977/911
17	D68197 A54	WARROW	CR5977/911
18	D77881 A25	WARROW	CR6026/461
19	R491A AA	KIANA	CR6033/480

20	R491A AB	KIANA	CR6033/481
21	H551900 S423	WARD	CR6160/190
22	D57306 Q6	WARD	CR6160/190
23	D57306 Q7	WARD	CR6160/190
24	D74905 A58	KIANA	CR6002/554
25	D92085 A16	WARD	CR6160/192
26	T641401 A36	WANNAMANA	CR6170/762
27	T641401 A37	WANNAMANA	CR6170/762

Note

Data Reference and source

- Application boundary compiled by National Native Title Tribunal based on information or instructions provided by the applicants.
- Cadastral data sourced from Department for Infrastructure and Transport, SA (May 2021).

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 (21 September 2021)

(b) There are no areas within those boundaries that are not covered by the application. There are no other areas covered by the application.

Attachments:

1. Attachment C Map of Claim Area, 2 pages - A4, 19/10/2021
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