



# Extract from the National Native Title Register

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## Determination Information:

**Determination Reference:** Federal Court Number(s): SAD188/2016  
NNTT Number: SCD2024/001

**Determination Name:** [Weetra on behalf of the Nauo People v State of South Australia \(No 2\)](#)

**Date(s) of Effect:** 31/07/2025

**Determination Outcome:** Native title exists in parts of the determination area

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## Register Extract (pursuant to s. 193 of the *Native Title Act 1993*)

**Determination Date:** 23/09/2024

**Determining Body:** Federal Court of Australia

### ADDITIONAL INFORMATION:

Order 2 of the determination provides that '[t]he Determination will take effect upon the Nauo #2 Settlement ILUA being registered on the Register of Indigenous Land Use Agreements.' The agreement referred to in Order 2 was registered on 31 July 2025, and therefore this determination is in effect from 31 July 2025.

### REGISTERED NATIVE TITLE BODY CORPORATE:

Nauo Aboriginal Corporation RNTBC  
Trustee Body Corporate  
Level 6  
27 Currie Street  
ADELAIDE South Australia 5000

*Note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations [www.oric.gov.au](http://www.oric.gov.au)*

### COMMON LAW HOLDER(S) OF NATIVE TITLE:

11. 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:

- (a) Topsy Ahang;
- (b) Mother of Elizabeth Anderson;
- (c) Mary, mother of Henry Weetra; and
- (d) 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**).

## **MATTERS DETERMINED:**

### **THE COURT ORDERS THAT:**

1. There be a determination of native title in the Nauo #2 Application in the terms set out at paragraphs 5 to 19 below (the **Determination**).
2. The Determination will take effect upon the Nauo #2 Settlement ILUA being registered on the Register of Indigenous Land Use Agreements.
3. In the event that the Nauo #2 Settlement ILUA is not registered on the Register of Indigenous Land Use Agreement [sic] within eight months of the date of this Order, or such other later time as the Court may order, the matter is to be listed for further directions.
4. The Applicant, the State or any other respondent have liberty to apply on 14 days' notice to a single judge of the Court:
  - (a) if that party considers it unlikely that the Nauo #2 Settlement ILUA will be registered on the Register of Indigenous Land Use Agreements within eight months of the date of this Order;
  - (b) to establish the precise location and boundaries of any Public Works and adjacent land and waters referred to in item 2 of Schedule 6; and
  - (c) to determine the effect on native title rights and interests of any Public Works referred to in item 2 of Schedule 6.

### **THE COURT DETERMINES THAT:**

#### **Interpretation & Declaration**

5. In this Determination, including its schedules:
  - (a) unless the contrary intention appears, the words and expressions used have the same meaning as they are given in Pt 15 of the NTA;
  - (b) **adjacent land** and **subjacent land** have the meaning given to them in the *Harbors and Navigation Act 1993* (SA);
  - (c) **Native Title Holders** has the meaning given in paragraph 11 of these orders;
  - (d) **Native Title Land** means the land and waters referred to in paragraphs 7, 8 and 9 of these orders; and
  - (e) **'Natural Resources'** means:
    - (i) any animal, plant, fish and bird life found on or in the land and waters of the Native Title Land, including but not limited to medicinal plants, wild tobacco, feathers and resin; and
    - (ii) any clays, soil, sand, gravel, rock or ochre found on or below the surface of the Native Title Land; that have traditionally been taken and used by the Native Title Holders, but does not include:
    - (iii) animals that are the private personal property of another;
    - (iv) crops that are the private personal property of another; and
    - (v) minerals as defined in the *Mining Act 1971* (SA) and petroleum as defined in the *Petroleum and Geothermal Energy Act 2000* (SA);
  - (f) in the event of an inconsistency between a description of an area in a schedule and the depiction of that area on the maps in Schedule 2, the written description shall prevail.

#### **Determination Area**

6. The **Determination Area** comprises all of the land and waters within the external boundary of the Nauo #2 Application as described in Schedule 1.

#### **Areas within Determination Area where native title exists (Native Title Land)**

7. Subject to Schedule 6, native title exists in the land and waters described in Schedules 3, 4 and 5.
8. Section 47B of the NTA applies to those parcels or parts of parcels described in Schedule 4. The prior extinguishment of native title over those areas is disregarded for the purpose of this Determination and native title exists in those parcels or parts of parcels in accordance with the terms of these orders.
9. In accordance with the agreement recorded in the Nauo #2 Settlement ILUA, native title exists, subject to the terms of these orders, in adjacent land and subjacent land within the Determination Area that is vested in the Minister under s 15(1)(a) of the *Harbors and Navigation Act 1993* (SA), including the areas identified in Schedule 5 but excluding those areas identified in Schedule 6.

#### **Areas within Determination Area where native title does not exist by virtue of extinguishment**

10. Native title has been extinguished in those areas described in Schedule 6.

#### **Native Title Holders**

11. 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:
  - (a) Topsy Ahang;
  - (b) Mother of Elizabeth Anderson;
  - (c) Mary, mother of Henry Weetra; and
  - (d) Frederick Milerahand 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**).

#### **Rights and Interests**

12. Subject to paragraphs 13, 14 and 15, 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.

### General Limitations

13. The native title rights and interests described in paragraph 12 do not confer possession, occupation, use and enjoyment of the land and waters on the Native Title Holders to the exclusion of others.

14. The native title rights and interests set out at paragraph 12 are subject to and exercisable in accordance with:

- (a) the traditional laws acknowledged and traditional customs observed by the Native Title Holders; and
- (b) the laws of the State and Commonwealth.

15. For the avoidance of doubt, the native title interest expressed in paragraph 12(c) (the right to use natural water resources) is subject to the *Landscapes South Australia Act 2019* (SA).

### Other Interests and Relationship with Native Title

16. The nature and extent of other interests in the Native Title Land are:

- (a) the interests of the Crown in right of the State of South Australia;
- (b) the interests of the Crown in right of the Commonwealth of Australia;
- (c) in relation to reserves as defined in the *National Parks and Wildlife Act 1972* (SA) and wilderness protection areas and wilderness protection zones as defined in the *Wilderness Protection Act 1992* (SA):
  - (i) the rights and interests of the Crown in right of the State of South Australia pursuant to the *National Parks and Wildlife Act 1972* (SA) and the *Wilderness Protection Act 1992* (SA);
  - (ii) the rights and interests of any person or persons validly granted or created in accordance with the *National Parks and Wildlife Act 1972* (SA) and the *Wilderness Protection Act 1992* (SA); and
  - (iii) the rights and interests of the public to use and enjoy those reserves, wilderness protection areas and wilderness protection zones consistent with the *National Parks and Wildlife Act 1972* (SA) and the *Wilderness Protection Act 1992* (SA);
- (d) the rights and interests of the Crown in right of the State of South Australia pursuant to the *Harbors and Navigation Act 1993* (SA);
- (e) the interests of the Aboriginal Lands Trust in the lands set out in Schedule 4 pursuant to the *Aboriginal Lands Trust Act 1966* (SA);
- (f) interests of persons to whom valid or validated rights and interests have been granted or recognised by the Crown in right of the State of South Australia or by the Commonwealth of Australia pursuant to statute or otherwise in the exercise of executive power including, but not limited to, rights and interests granted or recognised pursuant to the *Crown Land Management Act 2009* (SA), the *Crown Lands Act 1929* (SA), the *Native Vegetation Act 1991* (SA), the *Fisheries Management Act 2007* (SA), the *Marine Parks Act 2007* (SA), the *Coast Protection Act 1972* (SA), the *Landscape South Australia Act 2019* (SA), the *Mining Act 1971* (SA) and the *Petroleum and Geothermal Energy Act 2000* (SA), all as amended from time to time;
- (g) rights or interests held by reason of the force and operation of the laws of the State or of the Commonwealth;
- (h) the rights to access land by an employee or agent or instrumentality of the State, Commonwealth or other statutory authority as required in the performance of his or her statutory or common law duties where such access would be permitted to private land;
- (i) the rights and interests of the Australian Fisheries Management Authority in relation to plans of management made under the *Fisheries Management Act 1991* (Cth), including for the Southern Bluefin Tuna Fishery, the Western Tuna and Billfish Fishery, and permits issued for the Western Skipjack Tuna Fishery;
- (j) the rights and interests of the State and the Native Title Holders pursuant to the Nao #2 Settlement ILUA;
- (k) the rights and interests of Telstra Corporation Limited (ACN 051 775 556), Amplitel Pty Ltd (ACN 648 133 073), any related bodies corporate and successors in title:
  - (i) as the owner or operator of telecommunications facilities within the Determination Area;
  - (ii) created pursuant to the *Post and Telegraph Act 1901* (Cth), the *Telecommunications Act 1975* (Cth), the *Australian Telecommunications Corporation Act 1989* (Cth), the *Telecommunications Act 1991* (Cth) and the *Telecommunications Act 1997* (Cth), including rights:
    - A. to inspect land;
    - B. to install, occupy and operate telecommunications facilities; and
    - C. to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunications facilities;
  - (iii) for its employees, agents or contractors to access its telecommunications facilities in and in the vicinity of the

Determination Area in performance of their duties; and  
(iv) under any lease, licence, permit, access agreement or easement relating to its telecommunications facilities within the Determination Area;  
(l) the rights and interests of each of the District Council of Lower Eyre Peninsula and the City of Port Lincoln in their relevant local government areas in the Native Title Land:  
(i) under the *Local Government Act 1934* (SA) and the *Local Government Act 1999* (SA);  
(ii) as an entity exercising statutory powers in respect of land and waters within the Native Title Land; and  
(iii) in relation to dedicated land placed under its care, control and management pursuant to the *Crown Lands Act 1929* (SA) or the *Crown Land Management Act 2009* (SA).  
(m) the interests of persons to whom valid or validated interests have been granted by a Council under the *Local Government Act 1934* (SA) or the *Local Government Act 1999* (SA).

17. The relationship between the native title rights and interests in the Native Title Land that are described in paragraph 12 and the other rights and interests that are described in paragraph 16 (**Other Interests**) is that:  
(a) to the extent that any of the Other Interests are inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests, the native title rights and interests continue to exist in their entirety, but the native title rights and interests have no effect in relation to the Other Interests to the extent of the inconsistency during the currency of the Other Interests;  
(b) the existence and exercise of the native title rights and interests do not prevent the doing of any activity required or permitted to be done by or under the Other Interests, and the Other Interests, and the doing of any activity required or permitted to be done by or under the Other Interests, prevail over the native title rights and interests and any exercise of the native title rights and interests, but, subject to any application of the NTA or the *Native Title (South Australia) Act 1994* (SA), do not extinguish them;  
(c) in relation to the land and waters set out in Schedule 4, the non-extinguishment principle applies in relation to the grant or vesting of the land or the creation of any other prior interest in the land.

**AND THE COURT MAKES THE FOLLOWING FURTHER ORDERS:**

18. The native title is to be held on trust.

19. The Nauo Aboriginal Corporation RNTBC (ICN 9948) is to:

- (a) be the prescribed body corporate for the purposes of ss 56(2) and 56(3) of the NTA; and
- (b) perform the functions mentioned in s 57(1) of the NTA after becoming the registered native title body corporate in relation to the Native Title Land.

**REGISTER ATTACHMENTS:**

1. Schedule 1 - External Boundary description of the Determination Area, 3 pages - A4, 23/09/2024
2. Schedule 2 - Part A: Map of the External Boundaries of the Determination Area, 23 pages - A4, 23/09/2024
3. Schedule 2 - Part B-1: Maps depicting Native Title Land, 34 pages - A4, 23/09/2024
4. Schedule 2 - Part B-2: Maps depicting Native Title Land, 31 pages - A4, 23/09/2024
5. Schedule 3 - Land and waters where native title exists (Native Title Land), 2 pages - A4, 23/09/2024
6. Schedule 4 - Areas where extinguishment of native title is to be disregarded due to the operation of s 47B of the Native Title Act 1993, 1 page - A4, 23/09/2024
7. Schedule 5 - Areas where native title exists pursuant to the Nauo Settlement ILUA, 1 page - A4, 23/09/2024
8. Schedule 6 - Areas where native title does not exist, 6 pages - A4, 23/09/2024

*Note: The National Native Title Register may, in accordance with s. 195 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.*