

De Rose Hill – Ilpalka Aboriginal Corporation

OVERVIEW

The De Rose Hill – Ilpalka Aboriginal Corporation administers land on behalf of the Nguraritja people of the Western Desert in north-west South Australia. Their ownership over the land was recognised in the *De Rose Hill* native title determination of 2005.

This determination arose from a native title claim filed in 1994 by 12 people on behalf of the Nguraritja over three pastoral leases known as De Rose Hill station. De Rose Hill is adjacent to the Anangu Pitjantjatjara Aboriginal freehold lands in the far north west of South Australia.

At trial the Nguraritja were found not to possess native title because they lacked sufficient connection to the claimed land. On appeal, however, that decision was overturned as the Full Federal Court of Australia held that the wrong test for connection had been applied at trial. They held that the trial judge had placed too much importance upon the claimant's physical absence from the area as it had been caused by their need to seek work and pastoralists active attempts to exclude them through intimidation.

In addition to the determination, the De Rose Hill – Ilpalka Aboriginal Corporation also administers six Indigenous Land Use Agreements that cover access to various pastoral stations in the region.

RNTBC PROFILE

NAME OF RNTBC ORIC HYPERLINK	DE ROSE HILL – ILPALKA ABORIGINAL CORPORATION
TYPE OF RNTBC ATNS HYPERLINK	TRUSTEE
STATE/TERRITORY	QLD
MAP NNTT HYPERLINK	http://www.nntt.gov.au/Publications-And-Research/Maps-and-Spatial-Reports/Documents/Quarterly%20Maps/Determinations_PBCs_A4.pdf
CONTACT DETAILS ORIC HYPERLINK	http://www.orac.gov.au/Search.aspx?Search=de+rose+hill+-+ilpalka+aboriginal+corporation&Type=Name

RNTBC ADMINISTRATION

INDIGENOUS CORPORATION NUMBER	4712
DATE OF INCORPORATION	13/12/2006
CERTIFICATE OF INCORPORATION ORIC HYPERLINK	http://www.orac.gov.au/document.aspx?concernID=104712
CORPORATION OBJECTS & RULES ORIC HYPERLINK	http://www.orac.gov.au/document.aspx?concernID=104712
LIST & NAMES OF MEMBERS ORIC HYPERLINK	http://www.orac.gov.au/document.aspx?concernID=104712

NATIVE TITLE DETERMINATION INFORMATION

NNTT SHORT NAME NNTT HYPERLINK	DE ROSE HILL
CASE LAW AUSTLII HYPERLINK	De Rose v State of South Australia (No 2) [2005] FCAFC 110
DATE OF DETERMINATION	08/06/2005
TYPE OF DETERMINATION ATNS HYPERLINK	LITIGATED DETERMINATION
DETERMINATION OUTCOME	Native title exists in parts of the determination area
TRIBUNAL FILE NO	SC94/2
FEDERAL COURT FILE NO	SAD6001/96
NATIVE TITLE RIGHTS AND INTERESTS ¹	<p>The nature and extent of the native title rights and interests in relation to the determination area are the non-exclusive rights to use and enjoy the land and waters of the determination area in accordance with the Nguraritjas' traditional laws and customs being:</p> <ul style="list-style-type: none"> (a) the right to access and move about the determination area; (b) the right to hunt on the determination area; (c) the right to gather and use the natural resources of the determination area such as food, medicinal plants, wild tobacco, timber, stone and resin; (d) the right to use the natural water resources on the determination area; (e) the right to live, to camp and to erect shelters on the determination area; (f) the right to cook on the determination area and to light fires for all purposes other than the clearance of vegetation; (g) the right to engage and participate in cultural activities on the determination area including those relating to births and deaths; (h) the right to conduct ceremonies and to hold meetings on the determination area; (i) the right to teach on the determination area the physical and spiritual attributes of locations and sites within the determination area; (j) the right to maintain and protect sites and places of significance to Nguraritja under their traditional laws and customs on the determination area; (k) the right to be accompanied on to the determination area by those people who, though not Nguraritja, are: <ul style="list-style-type: none"> (i) spouses of Nguraritja, (ii) people required by traditional law and custom for the performance of ceremonies or cultural activities on the determination area; (iii) people who have rights in relation to the determination area according to the traditional laws and customs acknowledged by Nguraritja; or (iv) people required by Nguraritja to assist in, observe, or record traditional activities on the determination area; and (l) the right to make decisions 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 Nguraritja.

¹ These native title rights and interests are subject to the laws of the Commonwealth and STATE. They may also be subject to particular interests specified in the determination.

	<p>The rights recognised by paragraphs (b), (c) and (d) above are traditional rights exercised in order to satisfy personal, domestic, or communal needs, but do not include any commercial use of the determination area.</p> <p>The native title rights and interests do not confer possession, occupation, use and enjoyment of those lands and waters on the native title holders to the exclusion of others.</p>
AREA OF LAND	1,865 SqKm
LOCATION OF DETERMINATION AREA	THREE PASTORAL LEASES IN THE WESTERN DESERT, FAR NORTH-WEST CORNER OF SOUTH AUSTRALIA
NTRB REGION NTRB HYPERLINK	SOUTH AUSTRALIAN NATIVE TITLE SERVICES LTD

AGREEMENTS

AGREEMENT NAME ATNS HYPERLINK	NNTT FILE NO. NNTT HYPERLINK	TYPE OF AGREEMENT	SUBJECT MATTER (NNTT)	SUBJECT MATTER (ATNS) ATNS HYPERLINK
The Allandale Pastoral Indigenous Land Use Agreement (ILUA)	SI2006/006	Area agreement	Access	Access Native Title Recognition of Traditional Rights and Interests
The Lambina Pastoral Indigenous Land Use Agreement (ILUA)	SI2006/020	Area agreement	Access	Access Native Title Recognition of Traditional Rights and Interests
The Welbourn Hill Pastoral Indigenous Land Use Agreement (ILUA)	SI2006/019	Area agreement	Access	Access Native Title Recognition of Traditional Rights and Interests
The Arckaringa-Coorikiana Pastoral Indigenous Land Use Agreement (ILUA)	SI2006/022	Area agreement	Access	Access Native Title Recognition of Traditional Rights and Interests
The Evelyn Downs Pastoral Indigenous Land Use Agreement (ILUA)	SI2006/021	Area agreement	Access	Access Native Title Recognition of Traditional Rights and Interests
The Wintinna Pastoral Indigenous Land Use Agreement (ILUA)	SI2006/023	Area agreement	Access	Access Native Title Recognition of Traditional Rights and Interests

ADDITIONAL ELECTRONIC RESOURCES

Case note	<p>'De Rose v South Australia (No 2)' <i>Australian Indigenous Law Reporter</i> vol 42 issue 9(3) page 32 [2005]. Available at http://www.austlii.edu.au/cgi-bin/sinodisp/au/journals/AILR/2005/42.html?query=FCAFC%202005%20110%20or%202005%20FCAFC%20110</p> <p>Native Title Research Unit, <i>De Rose v State of South Australia</i>, Research Resource Pages, NTRU Website. Available at http://ntru.aiatsis.gov.au/research/derose/derose.html</p>
Media releases	<p>National Native Title Tribunal, <i>De Rose Hill marks native title first for SA</i> (08/06/2005) Available at http://www.nntt.gov.au/News-and-Communications/Media-Releases/Pages/De_Rose_Hill_marks_native_title_first_fo.aspx</p>