



AIATSIS

AUSTRALIAN INSTITUTE OF ABORIGINAL
AND TORRES STRAIT ISLANDER STUDIES

Native Title Information Handbook

South Australia

2016



© Australian Institute of Aboriginal and Torres Strait Islander Studies

AIATSIS acknowledges the funding support of the Department of the Prime Minister and Cabinet.

The Native Title Research Unit (NTRU) acknowledges the generous contributions of peer reviewers and welcomes suggestions and comments about the content of the Native Title Information Handbook (the Handbook). The Handbook seeks to collate publicly available information about native title and related matters. The Handbook is intended as an introductory guide only and is not intended to be, nor should it be, relied upon as a substitute for legal or other professional advice. If you are aware that this publication contains any errors or omissions please contact us. Views expressed in the Handbook are not necessarily those of AIATSIS.

Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS)

GPO Box 553, Canberra ACT 2601

Phone 02 6261 4223

Fax 02 6249 7714

Email research@aiatsis.gov.au

Web www.aiatsis.gov.au

National Library of Australia Cataloguing-in-Publication entry

Title: Native title information handbook : South Australia / Australian Institute of Aboriginal and Torres Strait Islander Studies. Native Title Research Unit.

ISBN: 9781922102546 (ebook)

Subjects: Native title (Australia)--South Australia--Handbooks, manuals, etc.
Aboriginal Australians--Land tenure--South Australia.
Land use--Law and legislation--South Australia.
Aboriginal Australians--South Australia.

Other Creators/Contributors: Australian Institute of Aboriginal and Torres Strait Islander Studies.
Native Title Research Unit.

Dewey Number: 346.94230432

Contents

1. Introduction	3
2. Native title	3
3. Legislation.....	4
4. SA Government agencies: policies and procedures	6
5. Native title representative body.....	7
6. Native title applications	7
7. Native title determinations.....	8
8. Registered native title bodies corporate.....	11
9. Future acts.....	14
10. Indigenous land use agreements.....	15
11. Cultural heritage.....	21
12. Land rights	21
13. ILC land purchases	24
14. Indigenous protected areas	24
15. Aboriginal & Torres Strait Islander population.....	25
16. Sources.....	26

© Australian Institute of Aboriginal and Torres Strait Islander Studies

GPO Box 553 Canberra ACT 2601 P 02 6261 4223 F 02 6249 7714 E research@aiatsis.gov.au

AIATSIS acknowledges the funding support of the Department of the Prime Minister and Cabinet.

The Native Title Research Unit (NTRU) acknowledges the generous contributions of peer reviewers and welcomes suggestions and comments about the content of the Native Title Information Handbook (the Handbook). The Handbook seeks to collate publicly available information about native title and related matters. The Handbook is intended as an introductory guide only and is not intended to be, nor should it be, relied upon as a substitute for legal or other professional advice. If you are aware that this publication contains any errors or omissions please contact us. Views expressed in the Handbook are not necessarily those of AIATSIS.

1. Introduction

South Australia has a significant area of determined native title lands, although this is predominantly non-exclusive. Native title had been recognised over 512,038 km² or approximately 96% of the State with 6,079km² being exclusive possession lands. In December 2015, 15 registered prescribed bodies corporate had been set up to hold on trust or manage that land on behalf of the native title holders. At that time, there had been 26 native title determinations in South Australia, comprising 25 claimant determinations and one compensation determination that was resolved by settlement.

A significant area of the state is also covered by land rights under the [Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981 \(SA\)](#) the [Maralinga Tjarutja Land Rights Act 1984 \(SA\)](#) and the [Aboriginal Lands Trust Act 2013 \(SA\)](#).

The [Crown Solicitor's Office](#) within the [Attorney-General's Department](#) provides legal advice and services relating to native title claims in South Australia. [South Australian Native Title Services](#) is the native title service provider for the state.

2. Native title

Native title is the recognition in Australian law, under the [Native Title Act 1993 \(Cth\)](#) (NTA), that Aboriginal and Torres Strait Islander peoples had a system of law and ownership of their lands before European settlement. The historic High Court decision in [Mabo and Others v State of Queensland \(No 2\) \[1992\] HCA 23; \(1992\) 175 CLR 1](#) (*Mabo*) was the first recognition that native title continues to exist through the common law in Australia. The native title of a particular group is defined by the traditional laws and customs observed by that group of people.

[Section 223](#) of the NTA defines the native title rights and interests that are the subject of a determination of native title under [s 225](#) of the Act. In s 223(1), the term 'native title or native title rights and interests' means the communal, group or individual rights and interests of Aboriginal peoples or Torres Strait Islanders in relation to land or waters, where:

- the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples or Torres Strait Islanders; and
- the Aboriginal peoples or Torres Strait Islanders, by those laws and customs, have a connection with the land or waters; and
- the rights and interests are recognised by the common law of Australia.

The significance of the *Mabo* decision lies in the recognition that native title is a pre-existing right, inherent to Indigenous peoples by virtue of their distinct identity as first owners and occupiers of the land and their continuing systems of law. Native title is not a grant or right that is created by the Australian government nor is it dependent upon the government for its existence, although it is dependent on recognition by the common law in order to be enforceable in the Australian legal system. This distinguishes native title from other legislative land rights systems that operate in Australia whereby the government grants the title. Native title may be recognised in places where Aboriginal and Torres Strait Islander people continue to follow their traditional laws and customs and have maintained a link with their traditional country. Native title in each instance is recognised as having its source in, and deriving its content from, the laws of Aboriginal and Torres Strait Islander people. The rights and interests that are recognised as native title may vary from group to group, from one area to another, and may differ depending on what is claimed and what might be negotiated between all of the parties with an interest in the area under claim. Native title rights may include the exclusive possession, use and occupation of traditional country or non-exclusive native title rights such as the right to access and camp or the right to hunt and fish on traditional country. Native title rights do not extend over minerals or petroleum.

The *Mabo* decision recognised Aboriginal and Torres Strait Islander peoples' rights over their land, and also recognised the system of laws from which those rights are derived. As a result of the *Mabo* decision and the subsequent enactment of the NTA Aboriginal and Torres Strait Islander people can apply to the Federal Court of Australia to have their native title rights recognised under Australian law. Native title may be recognised in relation to vacant Crown land, state forests, national parks, public reserves, pastoral leases, beaches, foreshores and waters, government or other public land and Indigenous held land (under land rights legislation).

For more information refer to the [National Native Title Handbook](#).

3. Legislation

The [Native Title Act 1993 \(Cth\)](#) (NTA) is the Australian Government's legislative response to the High Court decision in *Mabo*, which recognised Indigenous Australians' rights and interests in land and waters according to their own traditional laws and customs under [s 223](#). The NTA provides the legal principles for the recognition of native title, the processes involved in having native title recognised and the role and responsibilities of the different bodies involved in this process.

Since it was introduced the NTA has been the subject of numerous reviews and legislative amendments. The annual native title reports of the Aboriginal and Torres Strait Islander Social Justice Commissioner provide detailed information about these

reviews, reform processes and related legislative amendments, see: [Native Title Reports](#) (1994-2012) and [Social Justice Reports](#) (2013-) on the [Australian Human Rights Commission](#) website for more information. A review of the NTA was undertaken in 2015 by the Australian Law Reform Commission, see below for an overview or read the full report [here](#). A brief overview is also provided below.

South Australian native title legislation

The South Australian (SA) Government implemented the [Native Title \(South Australia\) Act 1994 \(SA\)](#) (NTSAA) to validate past acts (s.32 and ss.32C-36). The South Australian Government later passed the [Native Title \(South Australia\) \(Validation and Confirmation\) Amendment Act 2000 \(SA\)](#) to incorporate provisions into the NTSAA to validate intermediate period acts (s.32A and ss.36A-36E). This Amendment Act also confirms the extinguishment of native title by certain past acts, including some [previous exclusive possession acts](#). Unlike other jurisdictions, certain previous exclusive possession acts in South Australia do not extinguish native title. These acts are: a previous exclusive possession act subject to a reservation or condition expressly in favour of Aboriginal people; any leasehold interests acquired by the Indigenous Land Corporation; and scheduled interests that were no longer in existence as at 23 December 1996, certain leases granted under the [National Parks and Wildlife Act 1972 \(SA\)](#), and other miscellaneous leases for grazing and cultivation.

Section 39 NTSAA confirms Crown ownership of all natural resources; the rights of the Crown to use, control and regulate the flow of water; and all existing fishing access rights as well as, public access to and enjoyment of waterways; beds, banks and foreshores of waterways; coastal waters; beaches; stock routes and areas that were public places as at 31 December 1993.

Under the NTA states and territories may also legislate to establish their own right to negotiate regimes, known as 'alternative procedures' or an [alternative to 'right to negotiate'](#). Such regimes must mirror the NTA regime and gain Commonwealth ministerial approval. SA has implemented an alternative right to negotiate regime under [s 43](#) of the NTA. Subdivision P of the NTA is entirely replaced by Part 9B of the [Mining Act 1971 \(SA\)](#). Other determinations refer to the [Land Acquisition Act 1969 \(SA\)](#) and the [Opal Mining Act 1995 \(SA\)](#), see [State and Territory alternative to 'right to negotiate'](#) on the Attorney-General's Department website for more information. Other acts are still subject to the right to negotiate process under the NTA.

Under [s 5](#) of the NTSAA, both the [Supreme Court of South Australia](#) and the [Environment, Resources and Development \(ERD\) Court](#) have jurisdiction to determine 'native title questions'. In practice, however, all native title applications are filed and prosecuted in the Federal Court. Historically, only matters that relate to

South Australia's alternative regime in the [Mining Act 1971 \(SA\)](#) are determined in the ERD Court or the Supreme Court of South Australia. See [ERD Court \(Native Title\) Rules](#) on the [Courts Administration Authority of South Australia](#) website.

Related legislation

For information about legislation relating to Aboriginal cultural heritage and land rights see sections 10 and 11 below.

4. SA Government agencies: policies and procedures

Attorney-General's Department & Crown Solicitor's Office

The [Crown Solicitor's Office](#) within the [Attorney-General's Department](#) provides legal advice and services relating to native title claims in South Australia. The Crown Solicitor's Office is also involved in the negotiation of Indigenous Land Use Agreements (ILUAs). [Target 44](#) of the [SA Government's Strategic Plan](#) aims to resolve 80% of the State's native title claims by 2020. Since 2002, the SA Government has sought to resolve native title claims by negotiation rather than litigation.

Department for Environment, Water and Natural Resources

The [Department of Environment, Water and Natural Resources](#), in partnership with the [Natural Resources Management \(NRM\) Council](#) and the eight [Natural Resources Management Boards](#), is primarily responsible for the management of natural resources in South Australia. The [Aboriginal Partnerships Unit](#) within the Department co-ordinates the development and implementation of parks and wildlife programs with Aboriginal traditional owners, through ILUAs, protecting and managing Aboriginal cultural heritage and cooperative parks management.

Department of State Development

The [Department of State Development](#) hosts [Aboriginal Affairs and Reconciliation](#) which administers legislation relating to Aboriginal land and cultural heritage. See sections 10 and 11 below for more information. The [Minerals](#) section of the [Department of State Development](#) website also provides information about land access issues relating to exploration and mining on native title lands.

5. Native title representative body

Overview

Since 1 July 2008 native title services in South Australia have been provided by the native title service provider [South Australian Native Title Services \(SANTS\)](#). SANTS is primarily funded by the Department of the Prime Minister and Cabinet (PM&C) under [s 203FE\(1\)](#) of the NTA. The South Australian Government also funds SANTS with respect to ILUAs, consent determinations and other activities associated with its policy to resolve native title claims by consent where possible. See Table 1 below for SANTS' contact details.

Map

The National Native Title Tribunal's (NNTT) [Representative Aboriginal/Torres Strait Islander body areas map \(PDF 661.17KB\)](#) shows the geographic areas covered by native title representative bodies (NTRBs) and native title service providers (often both commonly called NTRBs) across Australia.

Table 1: SANTS contact details

Street Address	Postal Address	Phone	Email
Level 4 345 King William Street Adelaide, SA 5000	345 King William St, Adelaide SA 5000	(08) 8110 2800 1800 010 360	info@nativetitlesa.org

6. Native title applications

Overview

As at 31 December 2015 there had been 77 native title applications in SA comprising 70 claimant applications, three compensation applications and four non-claimant applications, see Table 2 below. For up to date information about native title applications and registered native title claimant applications use the [Search applications and determinations](#) or [Search Register of native title claims](#) tools on the NNTT website.

Table 2: Native title applications in South Australia

Application Status	Claimant	Compensation	Non-Claimant	Total
Active	19	1	1	21
Other	51	2	3	56
All	70	3	4	77

Source: <http://www.nntt.gov.au/searchRegApps/NativeTitleClaims/Pages/default.aspx> at 31 December 2015

Map

The NNTT's [South Australia native title applications & determination areas map \(PDF 10.59MB\)](#) shows claimant applications (as per the native title determinations applications (NTDA) schedule as lodged in the Federal Court) and native title claimant determinations (as per the National Native Title Register). This NNTT map shows applications and determinations to the most recent quarter.

7. Native title determinations

Overview

As at 31 December 2015 there had been 26 native title determinations in South Australia, comprising 25 claimant determinations and one compensation determination.

Claimant determinations

As at 31 December 2015, native title had been found to exist in all or parts of the determination area in all of the 25 claimant determinations in South Australia. Summary Table 3 below provides links to information about these claimant determinations including: determination summaries on the [NNTT](#) website; relevant case law on the [Australasian Legal Information Institute \(Austlii\)](#) website (where available) and determination summaries on the [Agreements, Treaties and Negotiated Settlements \(ATNS\)](#) website (where available) which also provide links to information about the native title claimants/holders and agreements involving them.

Native title claimant determinations map

See Map in section 5 above.

Table 2: Native title claimant determinations

Short name (NNTT hyperlink)	Case name (Austlii hyperlink)	Date	Outcome	Legal Process (ATNS hyperlink)
Yandruwandha/Yawarrawarrka Native Title Claim	Nicholls v State of South Australia [2015] FCA 1407	16/12/2015	Native title exists in parts of the determination area	Consent
Adnyamathanha No. 1	Coulthard v State of South Australia [2015] FCA 1379	08/12/2015	Native title exists in parts of the determination area	Consent
Adnyamathanha People Native Title Claim No. 3	Coulthard v State of South Australia [2015] FCA 1380	08/12/2015	Native title exists in parts of the determination area	Consent
The Wangkangurru/Yarluyandi Native Title Claim	Ah Chee v State of South Australia [2014] FCA 1048	03/10/2014	Native title exists in parts of the determination area	Consent

Short name (NNTT hyperlink)	Case name (Austlii hyperlink)	Date	Outcome	Legal Process (ATNS hyperlink)
Kokatha People (Part A)	Starkey v State of South Australia [2014] FCA 924	01/09/2014	Native title exists in parts of the determination area	Consent
Dieri No.2 Native Title Claim	Dieri No. 2 Native Title Claim and State of South Australia [2014] FCA 125	26/02/2014	Native title exists in parts of the determination area	Consent
Adnyamathanha No 1 - Stage 2	Coulthard v State of South Australia [2014] FCA 124	25/02/2014	Native title exists in parts of the determination area	Consent
Adnyamathanha No 1 - Stage 3	Coulthard v State of South Australia [2014] FCA 124	25/02/2014	Native title exists in parts of the determination area	Consent
Far West Coast	Far West Coast Native Title Claim v State of South Australia (No 7) [2013] FCA 1285	05/12/2013	Native title exists in parts of the determination area	Consent
Tjayiwara Unmuru Native Title Claim	De Rose v State of South Australia [2013] FCA 687	16/07/2013	Native title exists in parts of the determination area	Consent
Arabana People	Dodd v State of South Australia [2012] FCA 519	22/05/2012	Native title exists in parts of the determination area	Consent
Dieri	Lander v State of South Australia [2012] FCA 427	01/05/2012	Native title exists in parts of the determination area	Consent
Gawler Ranges People	McNamara on behalf of the Gawler Ranges People v State of South Australia [2011] FCA 1471	19/12/2011	Native title exists in parts of the determination area	Consent
Eringa No. 2 and Wangkangurru/Yarlu yandi	King on behalf of the Eringa Native Title Claim Group and the Eringa No 2 Native Title Claim Group v State of South Australia [2011] FCA 1387	13/12/2011	Native title exists in parts of the determination area	Consent
Eringa	King on behalf of the Eringa Native Title Claim Group v State of South Australia [2011] FCA 1386	13/12/2011	Native title exists in parts of the determination area	Consent
First Peoples of the River Murray & Mallee Region	Turner v State of South Australia [2011] FCA 1312	18/11/2011	Native title exists in parts of the determination area	Consent
Antakirinja Matu-Yankunytjatjara	Lennon on behalf of the Antakirinja Matu-Yankunytjatjara Native Title Claim Group v The State of South Australia [2011] FCA 474	11/05/2011	Native title exists in parts of the determination area	Consent
Adnyamathanha People No. 2	Adnyamathanha No 1 Native Title Claim Group v The State of South Australia (No 2)	30/03/2009	Native title exists in parts of the determination area	Consent

Short name (NNTT hyperlink)	Case name (Austlii hyperlink)	Date	Outcome	Legal Process (ATNS hyperlink)
	[2009] FCA 359			
Adnyamathanha People No. 1 (Angepena Pastoral Lease)	Adnyamathanha No. 1 Native Title Claim Group v The State of South Australia (No. 2) [2009] FCA 359	30/03/2009	Native title exists in parts of the determination area	Consent
Adnyamathanha People No. 1 (Stage 1)	Adnyamathanha No. 1 Native Title Claim Group v The State of South Australia (No. 2) [2009] FCA 359	30/03/2009	Native title exists in parts of the determination area	Consent
Eringa Part A Proceeding	Eringa, Eringa No.2, Wangkangurru/Yarluyandi and Irrwanyere Mt Dare Native Title Claim Groups v The State of South Australia [2008] FCA 1370	11/09/2008	Native title exists in parts of the determination area	Consent
Wangkangurru/ Yarluyandi Part A Proceeding	Eringa, Eringa No.2, Wangkangurru/Yarluyandi and Irrwanyere Mt Dare Native Title Claim Groups v The State of South Australia [2008] FCA 1370	11/09/2008	Native title exists in parts of the determination area	Consent
Irrwanyere Mt Dare Native Title Determination	Eringa, Eringa No 2, Wangkangurru/ Yarluyandi and Irrwanyere Mt Dare Native Title Claim Groups v The State of South Australia [2008] FCA 1370	11/09/2008	Native title exists in parts of the determination area	Consent
Yankunytjatjara/ Antakirinja	Yankunytjatjara/Antakirinja Native Title Claim Group v The State of South Australia [2006] FCA 1142	28/08/2006	Native title exists in parts of the determination area	Consent
De Rose Hill	De Rose v State of South Australia (No 2) [2005] FCAFC 110 De Rose v State of South Australia [2003] FCAFC 286 De Rose v State of South Australia [2002] FCA 1342	08/06/2005	Native title exists in parts of the determination area	Litigated

Sources: <http://www.atns.net.au/default.asp>, <http://www.austlii.edu.au/>
& <http://www.nntt.gov.au/searchRegApps/NativeTitleClaims/Pages/default.aspx> at 31 December 2015

Compensation determination

As at 31 December 2015, there had been one compensation determination in South Australia. Summary Table 4 below provides links to information about this determination including determination summaries on the [NNTT](#) website; relevant case law on the [Austlii](#) website (where available) and determination summaries on the [ATNS](#) website (where available).

Table 4: Native title compensation determination

Short name (NNTT hyperlink)	Case name (Austlii hyperlink)	Date	Outcome	Legal Process (ATNS hyperlink)
De Rose Hill Compensation Application	De Rose v State of South Australia	19/03/2013	Native title does not exist	Consent

Sources: <http://www.atns.net.au/default.asp>, <http://www.austlii.edu.au/> & <http://www.nntt.gov.au/searchRegApps/NativeTitleClaims/Pages/default.aspx> at December 2015

For up to date information about native title determinations use the [Search applications and determinations](#) or the [Search national native title register](#) tools on the NNTT website. The [NTRU](#) also provides information about native title determinations in its monthly [‘What’s New’](#) service.

More information

The Productivity Commission’s [Overcoming Indigenous Disadvantage: Key Indicators 2014](#) report (using data provided by the NNTT) includes information about the proportion of land where native title has been found to exist wholly or partially; or has been extinguished (as at 30 June for 2004-2013), see [Chapter 9 \(PDF 5.36MB\)](#) (section 9.2 and Table 9A.2.3).

8. Registered native title bodies corporate

Overview

Under ss 55-57 of the [Native Title Act 1993 \(Cth\)](#), native title groups are required to nominate a Prescribed Body Corporate (PBC) to hold (as trustee) or manage (as agent) their native title following a determination that native title exists. A nominated PBC is entered onto the [National Native Title Register](#) and at this point the corporation becomes known as a Registered Native Title Body Corporate (RNTBC). RNTBCs and PBCs are often commonly both referred to as PBCs.

As at 31 December 2015, there were 15 RNTBCs in South Australia. Table 5 below provides links to information about these RNTBCs on the [Native Title Corporations \(NTC\)](#) website, the [Agreements, Treaties and Negotiated Settlements \(ATNS\)](#) website (where available) and native title determination information on the [National Native Title Tribunal \(NNTT\)](#) website.

Table 5: Registered Native Title Bodies Corporate in South Australia (listed in alphabetical order)

RNTBC Name (NTC hyperlink)	Determination/s date	Related determination/s (short name NNTT hyperlink)	Type of RNTBC (ATNS hyperlink)
Adnyamathanha Traditional Lands Association (Aboriginal Corporation) RNTBC	30/03/2009	Adnyamathanha People No. 1 (Stage 1) Adnyamathanha People No. 1 (Angepena Pastoral Lease) Adnyamathanha People No. 2	Agent
	25/02/2014	Adnyamathanha No 1 - Stage 2 Adnyamathanha No 1 - Stage 3	
	08/12/2015	Adnyamathanha No. 1 Adnyamathanha People Native Title Claim No. 3	
Antakiringa Matu-Yankunytjatjara Aboriginal Corporation RNTBC	11/05/2011	Antakirinja Matu-Yankunytjatjara People	Agent
Arabana Aboriginal Corporation RNTBC	22/05/2012	Arabana People	Agent
De Rose Hill – Ilpalka Aboriginal Corporation RNTBC	08/06/2005	De Rose Hill	Agent
The Dieri Aboriginal Corporation RNTBC	26/02/2014	Dieri No.2 Native Title Claim	Agent
	01/05/2012	Dieri	
Far West Coast Aboriginal Corporation RNTBC	05/12/2013	Far West Coast	Agent
Gawler Ranges Aboriginal Corporation RNTBC	19/12/2011	Gawler Ranges People	Agent
Irrwanyere Aboriginal Corporation RNTBC	11/09/2008	Irrwanyere Mt Dare Native Title Determination Wangkangurru/Yarluyandi Part A Proceeding Eringa Part A Proceeding	Agent
	13/12/2011	Eringa No 2 And Wangkangurru/Yarluyandi	
Kokatha Aboriginal Corporation RNTBC	01/09/2014	Kokatha People (Part A)	Agent
The River Murray & Mallee Aboriginal Corporation RNTBC	18/11/2011	First Peoples of the River Murray and Mallee Region	Trustee
Tjayiwara Unmururu Aboriginal Corporation RNTBC	16/07/2013	Tjayiwara Unmururu Native Title Claim	Agent

RNTBC Name (NTC hyperlink)	Determination/s date	Related determination/s (short name NNTT hyperlink)	Type of RNTBC (ATNS hyperlink)
Walka Wani Aboriginal Corporation RNTBC	13/12/2011	Eringa	Agent
Wangkangurru Yarluyandi Aboriginal Corporation RNTBC	03/10/2014	The Wangkangurru/Yarluyandi Native Title Claim	Trustee
Yandruwandha Yawarrawarrka Traditional Land Owners (Aboriginal Corporation)	16/12/2015	Yandruwandha/Yawarrawarrka Native Title Claim	Agent
Yankunytjatjara Native Title Aboriginal Corporation RNTBC	28/08/2006	Yankunytjatjara/ Antakirinja	Agent

Sources: <http://www.nativetitle.org.au/> <http://www.atns.net.au/> & <http://www.nntt.gov.au/searchRegApps/NativeTitleClaims/Pages/default.aspx> at 21 December 2015

For up to date information about native title claimant determinations and PBCs/RNTBCs use the [NNTT Search applications and determinations](#) tool on the NNTT website The [NTRU](#) also provides information about PBC/RNTBCs in its monthly 'What's New' service; its [Registered Native Title Bodies Corporate Summary](#) compiled from data provided by the NNTT; and on the [Native Title Corporations](#) website (see below).

National determinations and PBC map

The NNTT's [Determinations and Native Title Prescribed Bodies Corporate Map \(PDF 2.25MB\)](#) shows determined areas covered by PBCs and also shows where PBCs are still to be nominated over determined areas. This document includes a table of the areas in each state/territory (in square kilometres) covered by native title determinations.

Compliance regime for RNTBCs

The NTA and the [Native Title \(Prescribed Bodies Corporate\) Regulations 1999 \(Cth\)](#) (PBC Regulations) require corporations to register under the [Corporations \(Aboriginal and Torres Strait Islander\) Act 2006 \(Cth\)](#) (CATSI Act) if they are determined by the Federal Court to hold and manage native title rights and interests. The [Office of the Registrar of Indigenous Corporations](#) (ORIC) supports and regulates corporations incorporated under the CATSI Act. ORIC provides advice on how to incorporate, training for corporation members and office holders and corporate governance. For information about RNTBCs use the corporations search tool on the [ORIC](#) website.

Native title corporations website

The NTRU manages the [Native Title Corporations](#) website, a resource for RNTBCs and for those engaging with them. It provides information about legislation and

policies, events, resources and publications, training and running a RNTBC. Information about individual RNTBCs is provided in detailed [PBC profiles](#) (including links to PBC websites where available). The NTRU has also compiled [Funding and Training Guides for RNTBCs and PBCs](#). See: [South Australia Funding and Training Guide for RNTBCs and PBCs \(PDF 434.38 KB\)](#)

9. Future acts

Overview

A [future act](#) is a proposed activity on land or waters that may affect native title rights and interests. [Section 227](#) of the NTA sets out that an act affects native title if it extinguishes the native title rights and interests or if it is otherwise wholly or partly inconsistent with their continued existence, enjoyment or exercise. Examples of future acts include the grant of a mining tenement, building public infrastructure, services or facilities and the compulsory acquisition of land. A future act is invalid to the extent it affects native title unless it complies with certain provisions in the NTA (see Subdivisions D-M of Division 3 of the [NTA](#)). These provisions include that a future act will be valid if parties to an Indigenous Land Use Agreement (ILUA) consent to it being done and details of the agreement are on the NNTT's [Register of ILUAs](#).

The future act process provides registered native title applicants and native title holders with specified rights, known as [procedural rights](#) from the time a claim is registered. The type of procedural rights which the native title group can exercise will vary (from the right to comment, be consulted, object or negotiate) depending on the type of future act that is being proposed. Generally the [right to negotiate](#) applies to future acts such as mining, exploration, prospecting, gas and petroleum exploration or extraction.

The [NNTT](#) administers the future act processes that attract the right to negotiate and provides information and support on future act related questions. The NNTT's role includes mediating between parties, conducting inquiries and making future act determinations when parties cannot reach agreement. Where a proposed future act meets the criteria set out in [s 237](#) of the NTA, it may attract an [expedited procedure](#). This means that the act may be validly done without negotiations if there are no objections to the act. For more information see the [future acts section](#) of the NNTT website.

SA alternative right to negotiate regime

States and territories may also legislate to establish their own right to negotiate regimes, known as 'alternative procedures' or an [alternative to 'right to negotiate'](#). Such regimes must mirror the NTA regime and gain Commonwealth ministerial

approval. As outlined in section 2 above, SA has implemented an alternative right to negotiate regime under [s 43](#) of the NTA. Subdivision P of the NTA is entirely replaced by Part 9B of the [Mining Act 1971 \(SA\)](#). Other determinations refer to the [Land Acquisition Act 1969 \(SA\)](#) and the [Opal Mining Act 1995 \(SA\)](#), see [State and Territory alternative to 'right to negotiate'](#) on the Attorney-General's Department website for more information. Other acts are still subject to the right to negotiate process under the NTA. Matters that relate to mining, opal mining or compulsory acquisition in South Australia are determined in the Environment, Resources and Development (ERD) Court.

There have been multiple determinations made by the ERD Court. For more information see the [ERD Court](#) website and relevant case law on the [Australasian Legal Information Institute](#) website. The SANTS [annual reports](#) also provide summary information about future act activity in SA.

NNTT future act application and determination

As at 31 December 2015 there had been just one future act application in South Australia. On 4 July 2005, [Eagle Bay Resources NL](#) lodged a future act development application with the NNTT over Coongie Lakes North East. A consent determination that the future act may be done was registered with the NNTT on 28 July 2005 (see Tribunal file number [SF2005/0001](#)).

Future act agreements

A future act agreement is an agreement made under [s 31](#) of the NTA with native title parties about an activity that may affect native title. Such agreements are often called section 31 agreements. Once an agreement has been made the parties are required to lodge a copy of the agreement with the NNTT, however in most cases the parties provide only basic agreement information (to satisfy the NTA requirements). In some cases parties may make agreement information public and information about (some of) these public future act agreements are available on the ATNS website, see [Future act agreements \(Native Title Act\)](#).

10. Indigenous land use agreements

Overview

As at 31 December 2015, there were 105 registered Indigenous Land Use Agreements (ILUAs) in South Australia comprising 74 Area Agreements (AA) and 31 Body Corporate Agreements (BCA). Table 6 below provide links to ILUA information on the [ATNS](#) website (where available) and ILUA information (providing access to NNTT ILUA register extracts and maps) on the [National Native Title Tribunal \(NNTT\)](#) website (as at 30 November 2015).

Table 6: Registered Indigenous land use agreements in South Australia

Name (ATNS hyperlink)	File no. (NNTT hyperlink)	Type	Date	Subject
Coober Pedy Renewable Hybrid Project Indigenous Land Use Agreement	SI2015/004	BCA	08/09/2015	Energy
Coober Pedy Precious Stones Field ILUA	SI2015/003	BCA	28/04/2015	Mining, Medium mining
Wangkangurru Yarluyandi Pastoral ILUA - Pandie Pandie	SI2015/001	BCA	26/03/2015	Access, Community, Consultation protocol, Terms of Access
Wangkangurru Yarluyandi Pastoral ILUA - Clifton Hills	SI2015/002	BCA	26/03/2015	Access, Consultation protocol
Wangkangurru Yarluyandi Native Title Claim Settlement ILUA	SI2014/012	BCA	13/01/2015	Native Title Settlement Access Community Consultation protocol
Wangkangurru Yarluyandi Parks ILUA	SI2014/013	BCA	13/01/2015	Co-management
Wangkangurru Yarluyandi Pastoral ILUA - Kalamurina	SI2014/014	BCA	13/01/2015	Access Community Consultation protocol Terms of Access
Wangkangurru Yarluyandi Alton Downs Pastoral ILUA	SI2014/015	BCA	13/01/2015	Access Community Consultation protocol Terms of Access
Wangkangurru Yarluyandi Pastoral ILUA - Macumba	SI2014/016	BCA	13/01/2015	Access Commercial Communication Public Tourism
Wangkangurru Yarluyandi Pastoral ILUA - Cowarie	SI2014/017	BCA	13/01/2015	Pastoral Terms of Access
Kokatha Native Title Claim Settlement ILUA	SI2014/011	BCA	02/12/2014	Native Title Settlement
Adnyamathanha Settlement ILUA	SI2014/005	BCA	10/07/2014	Native Title Settlement Mining
Far West Coast Native Title Settlement ILUA	SI2014/003	BCA	22/04/2014	Consultation protocol Development Native Title Settlement Tourism
Far West Coast Parks ILUA	SI2014/004	BCA	22/04/2014	Co-management Access
Tjajiwara Unmuru -Tieyon Pastoral ILUA	SI2014/001	BCA	25/03/2014	Access Communication Pastoral
Tjajiwara Unmuru – Ayers Range South Pastoral ILUA	SI2014/002	BCA	25/03/2014	Access Communication Consultation protocol Pastoral
Middleback Ranges SA ILUA	SI2013/002	AA	22/11/2013	Consultation protocol

Name (ATNS hyperlink)	File no. (NNTT hyperlink)	Type	Date	Subject
				Mining
Cultana Expansion Area ILUA	SI2013/001	AA	28/06/2013	Government Infrastructure
Arabana Parks ILUA	SI2012/016	AA	04/12/2012	Co-management
The Arabana Native Title Claim Settlement ILUA	SI2012/017	AA	04/12/2012	Access Co-management Mining
Eringa People - Stevenson Pastoral ILUA	SI2012/008	BCA	18/09/2012	Access Terms of Access Pastoral
Eringa People - Mount Sarah Pastoral ILUA	SI2012/009	BCA	18/09/2012	Access Terms of Access Pastoral
Eringa People - Eringa/Hamilton Pastoral ILUA	SI2012/010	BCA	18/09/2012	Access Terms of Access Pastoral
Eringa People - Crown Point Pastoral ILUA	SI2012/011	BCA	18/09/2012	Access Terms of Access Pastoral
Eringa People - Tieyon Pastoral ILUA	SI2012/012	BCA	18/09/2012	Access Terms of Access Pastoral
Eringa People - Macumba Pastoral ILUA	SI2012/013	BCA	18/09/2012	Access Terms of Access Pastoral
Irrwanyere Macumba Pastoral ILUA	SI2012/014	BCA	18/09/2012	Access Terms of Access Pastoral
Irrwanyere Stevenson Pastoral ILUA	SI2012/015	BCA	18/09/2012	Access Terms of Access Pastoral
Tallaringa Conservation Park	SI2012/006	BCA	27/06/2012	Co-management
Breakaways ILUA	SI2012/007	BCA	26/06/2012	Access Pipeline
Adnyamathanha Mineral Exploration ILUA	SI2012/005	BCA	21/06/2012	Mining Exploration
Gawler Ranges National Park ILUA	SI2012/001	AA	15/06/2012	Co-management
Gawler Ranges Native Title Claim Settlement ILUA	SI2012/004	AA	15/06/2012	Consultation protocol
The River Murray and Crown Lands ILUA	SI2011/025	AA	16/05/2012	Access Co-management Consultation protocol
Lake Gilles Conservation Park ILUA	SI2012/003	BCA	19/04/2012	Co-management
Lake Gairdner National Park ILUA	SI2012/002	BCA	13/04/2012	Co-management
Wangkangurru/Yarluyandi Petroleum Conjunctive ILUA	SI2011/023	AA	02/03/2012	Petroleum/Gas

Name (ATNS hyperlink)	File no. (NNTT hyperlink)	Type	Date	Subject
Pt Woorong Downs (PE 2175) Pastoral ILUA	SI2011/003	AA	17/02/2012	Access Terms of Access
Pt Woorong Downs (PE 2178) Pastoral ILUA	SI2011/004	AA	17/02/2012	Access Terms of Access
Part Mulgathing (PE2176) Pastoral ILUA	SI2011/005	AA	17/02/2012	Access Terms of Access
Part McDouall Peak (PE2159) Pastoral ILUA	SI2011/006	AA	17/02/2012	Terms of Access
Part Commonwealth Hill (PE 2169) Pastoral ILUA	SI2011/007	AA	17/02/2012	Access Co-management
Part Commonwealth Hill (PE2424) Pastoral ILUA	SI2011/008	AA	17/02/2012	Access Terms of Access
Mount Christie Pastoral ILUA	SI2011/009	AA	17/02/2012	Access Terms of Access
Mobella Pastoral ILUA	SI2011/010	AA	17/02/2012	Access Terms of Access
Bulgunnia Pastoral ILUA	SI2011/011	AA	17/02/2012	Terms of Access
Wilgena Pastoral ILUA	SI2011/012	AA	17/02/2012	Access Terms of Access
Pinding Pastoral ILUA	SI2011/013	AA	17/02/2012	Terms of Access Pastoral
Carnding Well Pastoral ILUA	SI2011/014	AA	17/02/2012	Access Pastoral
Collading Pastoral ILUA	SI2011/015	AA	17/02/2012	Access Pastoral
Mulgathing (PE2158) Pastoral ILUA	SI2011/016	AA	17/02/2012	Terms of Access Pastoral
Muckanippie Pastoral ILUA	SI2011/017	AA	17/02/2012	Terms of Access Pastoral
Malbooma (Part PE2246) Pastoral ILUA	SI2011/018	AA	17/02/2012	Terms of Access Pastoral
Mount Clarence Pastoral ILUA	SI2011/019	AA	17/02/2012	Access Pastoral
Mount Barry Pastoral ILUA	SI2011/020	AA	17/02/2012	Terms of Access Pastoral
Mount Willoughby Pastoral ILUA	SI2011/021	AA	17/02/2012	Terms of Access Pastoral
McDouall Peak Pastoral ILUA	SI2011/022	AA	17/02/2012	Terms of Access Pastoral
Flinders Ranges National Park	SI2011/024	BCA	17/01/2012	Co-management
Yankaninna/Balparana ILUA	SI2011/001	BCA	01/08/2011	Access
Yandruwandha/Yawarrawarrka Cordillo Downs Pastoral ILUA	SI2010/002	AA	11/08/2010	Access Co-management Community living area
Gawler Ranges - Moonaree Pastoral ILUA	SI2009/003	AA	13/06/2010	Access

Name (ATNS hyperlink)	File no. (NNTT hyperlink)	Type	Date	Subject
Gawler Ranges - Coondambo Pastoral ILUA	SI2009/004	AA	13/06/2010	Access
Gawler Ranges - Kokatha Pastoral ILUA	SI2009/005	AA	13/06/2010	Access
Coongie Lakes National Park ILUA	SI2008/001	AA	05/03/2010	Co-management
Strzelecki Regional Reserve ILUA	SI2008/002	AA	05/03/2010	Consultation protocol
Innamincka Regional Reserve ILUA	SI2008/003	AA	05/03/2010	Access Consultation protocol
Yandruwandha Yawarrarrka Fishing ILUA	SI2008/004	AA	05/03/2010	Fishing
Innamincka Township ILUA	SI2005/008	AA	05/03/2010	Extinguishment
Siam North Pastoral ILUA	SI2008/007	AA	27/05/2009	Access
Hiltaba Pastoral ILUA	SI2008/017	AA	26/05/2009	Access
Wilgena Pastoral ILUA (AJ & PA McBride Pty Ltd)	SI2008/016	AA	26/05/2009	Access
Lockes Claypan Pastoral ILUA	SI2008/015	AA	26/05/2009	Access
Yardea Pastoral ILUA	SI2008/014	AA	26/05/2009	Access
Thurlga Pastoral ILUA	SI2007/003	AA	26/05/2009	Access
Yeltana Pastoral ILUA	SI2008/010	AA	26/05/2009	Access
Part Hiltaba Pastoral ILUA	SI2008/009	AA	26/05/2009	Access
Siam Pastoral ILUA	SI2008/011	AA	26/05/2009	Access
Yarna Pastoral ILUA	SI2008/008	AA	26/05/2009	Access
Koweridda Pastoral ILUA	SI2008/012	AA	26/05/2009	Access
Lake Everard Pastoral ILUA	SI2008/013	AA	26/05/2009	Access
Marla Township ILUA	SI2006/001	AA	26/05/2009	Access
Yandruwandha/Yawarrarrka Petroleum Conjunctive ILUA	SI2006/008	AA	22/08/2008	Petroleum/Gas
Witjira National Park ILUA	SI2006/017	AA	25/03/2008	Co-management
Yandruwandha/Yawarrarrka Merty Merty Pastoral ILUA	SI2006/016	AA	07/03/2008	Access
Yandruwandha/Yawarrarrka Tinga Tingana Pastoral ILUA	SI2006/012	AA	07/03/2008	Access
Yandruwandha/Yawarrarrka White Catch Pastoral ILUA	SI2006/013	AA	07/03/2008	Access
Yandruwandha/Yawarrarrka Innamincka Pastoral ILUA	SI2006/011	AA	07/03/2008	Access
Yandruwandha/Yawarrarrka Gidgealpa Pastoral ILUA	SI2006/015	AA	07/03/2008	Access
Yandruwandha/Yawarrarrka Bollards Lagoon Pastoral ILUA	SI2006/014	AA	07/03/2008	Access
The Evelyn Downs Pastoral ILUA	SI2006/021	AA	18/06/2007	Access
The Arckaringa-Coorikiana	SI2006/022	AA	18/06/2007	Access

Name (ATNS hyperlink)	File no. (NNTT hyperlink)	Type	Date	Subject
<u>Pastoral ILUA</u>				
<u>The Wintinna Pastoral ILUA</u>	<u>SI2006/023</u>	AA	18/06/2007	Access
<u>The Allandale Pastoral ILUA</u>	<u>SI2006/006</u>	AA	04/06/2007	Access
<u>The Welbourn Hill Pastoral ILUA</u>	<u>SI2006/019</u>	AA	04/06/2007	Access
<u>The Lambina Pastoral ILUA</u>	<u>SI2006/020</u>	AA	04/06/2007	Access
<u>Ceduna Keys Marina ILUA</u>	<u>SI2005/007</u>	AA	11/12/2006	Development
<u>Gawler Ranges Mineral Exploration ILUA</u>	<u>SI2004/004</u>	AA	30/06/2006	Mining
<u>Vulkathunha-Gammon Ranges ILUA</u>	<u>SI2005/006</u>	AA	30/06/2006	Co-management
<u>Ngadjuri Faraway Hill Pastoral ILUA</u>	<u>SI2005/005</u>	AA	20/02/2006	Access
<u>Narungga Local Government</u>	<u>SI2003/004</u>	AA	06/10/2005	Consultation protocol
<u>Antakirinja Area Minerals Exploration ILUA</u>	<u>SI2004/003</u>	AA	14/06/2005	Mining
<u>Todmorden Pastoral ILUA</u>	<u>SI2002/002</u>	AA	29/03/2005	Access
<u>Arabunna Area Minerals Exploration ILUA</u>	<u>SI2003/008</u>	AA	13/10/2004	Mining
<u>Antakirinja Area Minerals Exploration ILUA</u>	<u>SI2003/007</u>	AA	18/05/2004	Mining
<u>Port Vincent Marina ILUA</u>	<u>SIA2000/001</u>	AA	18/07/2001	Development

Source <http://www.nntt.gov.au/searchRegApps/NativeTitleRegisters/Pages/Search-Register-of-Indigenous-Land-Use-Agreements.aspx> at 31 January 2015

For up to date ILUA information use the [Register of Indigenous land use agreements](#) search tool on the NNTT website. The [NTRU](#) also provides information about ILUAs in its monthly [‘What’s New’](#) service.

ILUA map

The NNTT [Indigenous Land Use Agreements Map \(PDF 2.02MB\)](#) shows the external boundaries of registered ILUAs (area agreements and body corporate agreements) as well as ILUAs in notification but not yet registered. It also includes a summary table of the area and proportion of land covered by ILUAs in each jurisdiction.

More information

For more information about ILUAs see the ILUA section of the [National Native Title Information Handbook](#) and the [ILUA section](#) of the NNTT website. The Productivity Commission’s [Overcoming Indigenous Disadvantage: Key Indicators 2014](#) report (using data provided by the NNTT) includes information about the total area of registered ILUAs (as at 30 June for 2004-2013), see [Chapter 9 \(PDF 5.5MB\)](#) (section 9.2 and Table 9A.2.5).

11. Cultural heritage

Overview

Aboriginal cultural heritage in South Australia is protected primarily through the [Aboriginal Heritage Act 1988 \(SA\)](#) (AHA). A review of this legislation began in 2008 and is still in progress. The Act is administered by [Aboriginal Affairs and Reconciliation](#) within the [Department of State Development](#). See the [Review of the Aboriginal heritage act](#) section of the [Department of State Development](#) website for more information.

Legislation

Aboriginal Heritage Act 1988 (SA)

The [Aboriginal Heritage Act 1988 \(SA\)](#) establishes a regime for the blanket protection of Aboriginal sites, objects and remains that are significant to Aboriginal tradition or of significance to Aboriginal archaeology, anthropology or history. The Act establishes a state Aboriginal Heritage Committee and includes provisions for Aboriginal heritage agreements. See the [Review of the Aboriginal Heritage Act](#) section of the [Department of State Development](#) website for more information.

More information

The NTRU has compiled a [Native title and Indigenous cultural heritage bibliography \(PDF 772KB\)](#), as part of its [Native title and cultural heritage research project](#). See the NTRU project webpage for more information about Indigenous heritage protection in Australia including links to relevant publications.

12. Land rights

Overview

Following a lengthy review process that commenced in 2008, the [Aboriginal Lands Trust Act 2013 \(SA\)](#) replaced the [Aboriginal Lands Trust Act 1966 \(SA\)](#) (ALTA) which established the [Aboriginal Lands Trust](#) (ALT) for the purpose of holding land in trust for the benefit of the Aboriginal people of South Australia. See the [Review of the Aboriginal Lands Trust Act 1966](#) section of the [Department of State Development](#) website for more information. In addition the South Australian Government has also implemented the [Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981 \(SA\)](#) (APYLRA) and the [Maralinga Tjarutja Land Rights Act 1984 \(SA\)](#) (MLRA). The South Australian Government also introduced the [Aboriginal Lands Parliamentary Standing Committee Act 2003 \(SA\)](#) which establishes the [Aboriginal Lands Parliamentary Standing Committee](#) to review the operations of the ALTA, APYLRA and MLRA.

Legislation

Aboriginal Lands Trust Act 2013 (SA)

The [Aboriginal Lands Trust Act 2013 \(SA\)](#) (ALT) commenced on 1 July 2014. The new Act changes the structure of the [Aboriginal Lands Trust](#) (ALT) enabling it to operate as an independent and professional land holding body. See the [Review of the Aboriginal Lands Trust Act 1966](#) section of the [Department of State Development](#) and the [ALT](#) website for more information about the operation of this new legislation.

Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981 (SA)

The [Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981\(SA\)](#) established the [Anangu Pitjantjatjara Yankunytjatjara](#) (APY) body corporate to hold more than 103,000 square kilometres of land in the far northwest of South Australia. Prior to the commencement of amending legislation in 2005, this Act was known as the *Pitjantjatjara Land Rights Act 1981 (SA)*. The name of the Act was changed to recognise Anangu ownership of the land. In 2013 the Minister for Aboriginal Affairs and Reconciliation announced a review of the Act and appointed a four member panel to conduct the review. At the time of writing the final report of the review panel has been submitted to the Minister for consideration. See the [Review of the APY Land Rights Act 1981](#) section of the [Department of State Development](#) website for more information, including the review terms of reference and final report.

Maralinga Tjarutja Land Rights Act 1984 (SA)

The [Maralinga Tjarutja Land Rights Act 1984 \(SA\)](#) established the [Maralinga Tjarutja](#) body corporate to hold the lands known as the Maralinga lands in central-western part of South Australia. This act includes provisions for the compilation of a register of sacred sites on the Maralinga lands. See the [Maralinga Tjarutja](#) website for more information.

Related legislation

National Parks and Wildlife Act 1972 (Cth)

The [National Parks and Wildlife Act 1972 \(SA\)](#) was amended in 2004 to enable co-operative park management arrangements over national parks and conservation parks in South Australia through statutory co-management agreements between the SA Government and the relevant Aboriginal traditional owners. These amendments also enable national parks or conservation parks to be constituted over Aboriginal-owned lands. The parks management framework created by these amendments is described as a three-tiered scheme whereby the park or conservation area is either: owned by the Aboriginal group and managed by a board; owned by the Crown and managed by a board or owned by the Crown with an advisory structure in place. See the [Managing parks and reserves](#) section of the [Natural Resources SA arid lands](#)

website and the [Aboriginal Partnerships](#) section of the [Department of Environment, Water and Natural Resources](#) for more information.

Indigenous owned or controlled land in South Australia

Information about Indigenous owned or controlled land is compiled by the Productivity Commission as part of its [Overcoming Indigenous Disadvantage](#) reports. The most recent report, [Overcoming Indigenous Disadvantage: Key Indicators 2014](#), was released on 19 November 2014. Chapter 9 (section 9.2 and Table 9A.2.1) of this report provides information about Indigenous owned or controlled land (which includes Indigenous owned or controlled land that is freehold, leasehold, crown, license, Aboriginal Deed of Grant in Trust or not stated tenure). Table 7 below provides a summary of Indigenous owned or controlled land in SA.

Table 7: Estimated Indigenous owned or controlled land in SA (ILC data at 30 April 2014)^(a)

Land tenure type	Unit	Total
Freehold (alienable)	km ²	167.1
Leasehold (Crown Lease)	km ²	14,909.3
Leasehold (other than Crown Lease)	km ²	-
License	km ²	-
Freehold inalienable (listed as tenure not stated in source)	km ²	188,820.3
Total Indigenous land	km ²	203,896.7
Proportion of national total of Indigenous land	%	16.5
Total land area of SA (b)	km ²	983,482
Indigenous land as a proportion of total land area of SA	%	20.7
Number of land parcels (c)	no.	1,485

^(a) The ILC makes no warranties as to the currency or accuracy of this information. Non-ILC land information data date - 2000.

^(b) Total land area figures based on GeoScience Australia's published "Area of Australia - States and Territories" data as calculated from GeoScience Australia's GEODATA Coast 100K 2004 product.

^(c) Parcels are individual geographic features rather than legal entities. That is, a legal parcel may be dissected into two or more parcels by, for example, a road, and are represented in these data as two parcels while being only a single legal land entity.

- Nil or rounded to zero.

Source: <http://www.pc.gov.au/research/ongoing/overcoming-indigenous-disadvantage/key-indicators-2014/09-key-indicators-2014-chapter9.pdf> Table 9A.2.1 Estimated Indigenous owned or controlled land by State/Territory, 2014 Indigenous Land Corporation 2014 (unpublished). See Chapter 9 and related attachment tables.

13. ILC land purchases

Overview

The [Indigenous Land Corporation](#) (ILC) was established in 1995. It is a [Corporate Commonwealth Entity](#) under the [Public Governance, Performance and Accountability Act 2013 \(Cth\)](#) and a portfolio agency of the [Department of Prime Minister and Cabinet](#). Since 2005 the ILC has been administered under the [Aboriginal and Torres Strait Islander Act 2005 \(Cth\)](#) (see part 4A of the Act).

The ILC is accountable to Parliament through the [Minister for Indigenous Affairs](#), and it is this Minister who appoints the [ILC Board](#). The ILC Board is responsible for all policy and land purchase decisions and is not under the direction of the Minister. The ILC's purpose is to assist Indigenous people to acquire and manage land to achieve economic, environmental, social and cultural benefits. The ILC acquires and grants properties to Indigenous organisations and assists Indigenous landholders to sustainably manage land and develop viable and sustainable land uses including developing property management plans, purchasing equipment, or developing infrastructure. The ILC has recently made changes to its program delivery structure, combining its land acquisition and management functions into a single program: [Our Land Our Future](#). See the [Corporate documents](#) section of the ILC website for copies of the ILC's national, state and territory land strategies.

ILC land purchases

As at 30 June 2015, the ILC had purchased 25 properties in SA covering a total area of 834,747.47 hectares. The titles to 22 of these properties had been transferred to Aboriginal organisations. A list of land purchases (including the title holding body) is available on the ILC website: [ILC Lands Purchased](#).

Map

See the [land purchased](#) section of the ILC website to view a map of land purchases.

14. Indigenous protected areas

Overview

An Indigenous Protected Area (IPA) is an area of Indigenous-owned land (or sea) where Indigenous landowners have entered into a voluntary agreement with the Australian Government for the purposes of promoting biodiversity and cultural resource conservation. The declaration of an IPA over Indigenous owned lands results in that land being part of the [National Reserve System](#). The IPA program is administered by the [Indigenous Affairs Group](#) within the Department of the Prime Minister and Cabinet.

Indigenous protected areas in South Australia

As at November 2015, there were 10 [declared IPAs in SA](#). Table 8 below provides links to IPA information (where available). See the [Indigenous Protected Areas](#) website for up to date information. Also see the land management section of the [Anangu Pitjantjatjara Yankunytjatjara](#) website for information about the IPAs marked with an *.

Table 8: Indigenous protected areas in South Australia

IPA name (DoE hyperlink, where available)	Year declared
Antara – Sandy Bore *	2011
Apara – Makiri – Puntji *	2011
Kalka – Pipalyatjara *	2010
Mount Willoughby	2007
Nantawarrina	1998
Walalkara *	2000
Wardang Island	2014
Watarru *	2000
Yalata	1999
Yappala	2013

Source: <https://www.dpmc.gov.au/indigenous-affairs/about/jobs-land-and-economy-programme/indigenous-environment-branch/project-locations> at November 2015

Map of Indigenous protected areas

The [Indigenous Protected Areas Map](#) shows declared IPAs and IPA consultation projects throughout Australia.

15. Aboriginal & Torres Strait Islander population

Overview

The [Australian Bureau of Statistics](#) (ABS) conducts a census of the Australian population every five years. The [Census of Population and Housing](#) collects information about the number and characteristics of people who are in Australia on census night and the dwellings in which they live. The most recent Census was conducted on 9 August 2011. See Table 9 below and the ABS catalogue number 2075.0: [Census of Population and Housing - Counts of Aboriginal and Torres Strait Islander Australians, 2011](#) for more information.

Table 9: Aboriginal & Torres Strait Islander population (Census 2006 and 2011)

	SA 2006		SA 2011		Australia 2011	
	No.	%	No.	%	No.	%
Aboriginal & Torres Strait Islander population	25,556	1.7	30,430	1.9	548,369	2.5
Total population	1,514,338		1,596,569		21,507,719	

Source: <http://www.abs.gov.au/ausstats/abs@.nsf/mf/2075.0> Table 3b: 2011 Census Counts Indigenous Status 2001-2011 (by state and territory) at 19 July 2012

The ABS estimates that the 2011 Census did not count around 17 per cent of Aboriginal and Torres Strait Islander Australians (see ABS Catalogue no. 2940.0: [Census of Population and Housing - Details of Undercount, 2011](#) on the ABS website for details). To address this problem of undercounting the ABS adjusts the Census count to derive the estimated resident Indigenous population (see ABS Catalogue no. 3238.0.55.001: [Estimates of Aboriginal and Torres Strait Islander Australians, June 2011](#) on the ABS website). The estimated resident Aboriginal and Torres Strait Islander population in SA at 30 June 2011 was 37,408.

Further information

The ABS has a number of publications providing further information about Australia's Aboriginal and Torres Strait Islander population including ABS Catalogue no. 4713.0: [Population Characteristics, Aboriginal and Torres Strait Islander Australians, 2006](#). The Centre for Aboriginal Economic Policy Research (CAEPR) at the Australian National University has also published a number of research papers relating to Census data and the Aboriginal and Torres Strait Islander population, see [Census papers](#) on the [CAEPR](#) website.

16. Sources

1. Native title legislation

- AIATSIS - Native Title Research Unit: <http://aiatsis.gov.au/research/research-themes/native-title>
- Attorney-General's Department: <http://www.ag.gov.au/LegalSystem/NativeTitle/Pages/StateAndTerritoryAlternativeToRightToNegotiate.aspx>
- Australasian Legal Information Institute: <http://www.austlii.edu.au/>
- Courts Administration Authority of South Australia: <http://www.courts.sa.gov.au/Pages/default.aspx>

- Environment, Resources and Development Court (SA): <http://www.courts.sa.gov.au/OurCourts/ERDCourt/Pages/default.aspx>
 - National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>
 - Supreme Court of South Australia: <http://www.courts.sa.gov.au/courts/supreme/index.html>
2. SA Government agencies & programs: native title
- AIATSIS - Native Title Research Unit: <http://aiatsis.gov.au/research/research-themes/native-title>
 - Australasian Legal Information Institute: <http://www.austlii.edu.au/>
 - SA Department of State Development, Aboriginal Affairs and Reconciliation: <http://www.statedevelopment.sa.gov.au/aboriginal-affairs/aboriginal-affairs-and-reconciliation/>
 - SA Attorney-General's Department: <http://www.agd.sa.gov.au/>
 - SA Department of Environment, Water and Natural Resources: <http://www.environment.sa.gov.au/Home>
 - SA Department of State Development: <http://www.dmitre.sa.gov.au/>
 - SA Government's Strategic Plan: <http://saplan.org.au/>
3. Native title representative body
- National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>
 - South Australian Native Title Services (SANTS): <http://www.nativetitlesa.org/>
4. Native title applications
- National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>
5. Native title determinations
- Agreements, Treaties and Negotiated Settlements (ATNS): <http://www.atns.net.au/>
 - AIATSIS - Native Title Research Unit: <http://aiatsis.gov.au/research/research-themes/native-title>
 - Australian Productivity Commission: <http://www.pc.gov.au/>
 - Australasian Legal Information Institute: <http://www.austlii.edu.au/>
 - National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>
6. Registered native title body corporate
- Agreements, Treaties and Negotiated Settlements (ATNS): <http://www.atns.net.au/>

- AIATSIS - Native Title Corporations: <http://www.nativetitle.org.au/>
- AIATSIS - Native Title Research Unit: <http://aiatsis.gov.au/research/research-themes/native-title>
- Australasian Legal Information Institute: <http://www.austlii.edu.au/>
- National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>
- Office of the Registrar of Indigenous Corporations (ORIC): <http://www.oric.gov.au/>

7. Future acts

- Agreements, Treaties and Negotiated Settlements (ATNS): <http://www.atns.net.au/>
- Attorney-General's Department: <http://www.ag.gov.au/LegalSystem/NativeTitle/Pages/StateAndTerritoryAlternativeToRightToNegotiate.aspx>
- Australasian Legal Information Institute: <http://www.austlii.edu.au/>
- Environment, Resources and Development Court (SA): <http://www.courts.sa.gov.au/OurCourts/ERDCourt/Pages/default.aspx>
- National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>
- [South Australian Native Title Services \(SANTS\)](http://www.nativetitlesa.org/): <http://www.nativetitlesa.org/>

8. Indigenous land use agreements

- Agreements, Treaties and Negotiated Settlements (ATNS): <http://www.atns.net.au/>
- AIATSIS - Native Title Research Unit: <http://aiatsis.gov.au/research/research-themes/native-title>
- Australian Productivity Commission: <http://www.pc.gov.au/>
- Australasian Legal Information Institute: <http://www.austlii.edu.au/>
- National Native Title Tribunal (NNTT): <http://www.nntt.gov.au/>

9. Cultural heritage

- AIATSIS - Native Title Research Unit: <http://aiatsis.gov.au/research/research-themes/native-title>
- Australasian Legal Information Institute: <http://www.austlii.edu.au/>
- SA Department of State Development, Aboriginal Affairs and Reconciliation: <http://www.statedevelopment.sa.gov.au/aboriginal-affairs/aboriginal-affairs-and-reconciliation/>

10. Land rights

- Aboriginal Lands Trust (SA): <http://www.alt.sa.gov.au/>
- Agreements, Treaties and Negotiated Settlements (ATNS): <http://www.atns.net.au/>
- Anangu Pitjantjatjara Yankunytjatjara: <http://www.anangu.com.au/>
- Australasian Legal Information Institute: <http://www.austlii.edu.au/>
- Australian Productivity Commission: <http://www.austlii.edu.au/>
- Maralinga Tjarutja: <http://maralingatjarutja.com/>
- Natural Resources SA arid lands: <http://www.naturalresources.sa.gov.au/aridlands/home>
- SA Department of Environment, Water and Natural Resources: <http://www.environment.sa.gov.au/Home>
- SA Department of State Development: <http://www.dmitre.sa.gov.au/>
- SA Parliament: Aboriginal Lands Parliamentary Standing Committee: <https://www.parliament.sa.gov.au/Committees/Pages/Committees.aspx?CTId=5&CIId=305>

11. ILC land purchases

- Australasian Legal Information Institute: <http://www.austlii.edu.au/>
- Indigenous Land Corporation (ILC): <http://www.ilc.gov.au/>

12. Indigenous Protected Areas

- Department of the Prime Minister and Cabinet: Indigenous Affairs Group: <https://www.dpmc.gov.au/indigenous-affairs>
- Indigenous Protected Areas Program: <http://www.environment.gov.au/indigenous/ipa/index.html>

13. Aboriginal and Torres Strait Islander population

- Australian Bureau of Statistics: <http://www.abs.gov.au>
- Centre for Aboriginal Economic Policy Research: <http://caepr.anu.edu.au/>