



3 The schedules to this application contain the following information:

SCHEDULE A NATIVE TITLE CLAIM GROUP [see Act, s 61]

The names (including Aboriginal names) of the persons (the *native title claim group*) on whose behalf the application is made or a sufficiently clear description of the persons so that it can be ascertained whether any particular person is one of those persons.

1. The native title claim group comprises the Aboriginal persons who are *ngurraritja* for the country—Wartunta (Erlunda), Maratjura (Lyndavale) and Tjulu (Curtin Springs)—covered by the application. *Ngurraritja* for the area described in Schedule B (the ‘application area’), are the persons, according to the traditional laws acknowledged and customs observed by them, who have a spiritual connection to the area and to the *Tjukurpa* associated with it by virtue of one or more of:
 - (a) birth on or near the area or a Dreaming track that crosses the area;
 - (b) close kin or an ancestor having a connection to the area (including through birth or long-term association);
 - (c) adoption by a claimant or a claimant’s ancestor;
 - (d) knowledge of the physical landscape of the area and its sites and Dreamings;
 - (e) caring for the physical and spiritual attributes of the area;
 - (f) long-term association with the area;
 - (g) burial of close kin on or near the area,and they are recognised by other *ngurraritja* as having rights and interests in the area under the traditional laws and customs of the Western Desert.
2. The bases for recognition as *ngurraritja* are cumulative, with individuals possessing multiple heads of connection having stronger grounds for recognition as *ngurraritja*.
3. The application area is located in the eastern Western Desert region. The common body of traditional laws acknowledged and customs observed by members of the native title claim group govern how rights and interests in land are acquired and who holds them in particular parts of this territory, including the application area. The group rights comprising the native title are held by *ngurraritja* in those parts of the application area with which they have a connection in accordance with the traditional laws and customs of the Western Desert.
4. The application area is associated primarily with the Yankunytjatjara dialect. Under the traditional laws acknowledged and customs observed by members of the native title claim group rights in land are not acquired through membership of a language group. Accordingly, linguistic affiliation or language group identity is not necessarily indicative of a person’s connection to particular land and waters.
5. A number of members of the native title claim group are *ngurraritja* for more than one area within the application area.



6. Under the claimants' system of traditional laws and customs the rights and interests in land possessed by *ngurraritja* are differentially distributed amongst the members of the native title claim group according to their local associations to particular country and associated mythical traditions consistent with customary factors such as age, knowledge, gender and initiatory status.
7. Members of the native title claim group have been recognised as traditional Aboriginal owners of other land under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) and as native title holders under the *Native Title Act 1993* (Cth):

Claimants and their ancestors associated with the claim area in the Uluru (Ayers Rock) National Park and Lake Amadeus/Luritja Land Claim (1980):

Uluru (Ayers Rock) National Park and Lake Amadeus/Luritja Land Claim. Report by the Aboriginal Land Commissioner, Mr Justice Toohey, to the Minister for Aboriginal Affairs and to the Minister for Home Affairs, pp 13–16, 19–23.

Claimants and their ancestors associated with Victory Downs, Mount Cavenagh, Umbeara and Mulga Park Stations:

Wikilyiri on behalf of the persons who are ngurraritja for Ananta (Umbeara), Kalka (Kulgera), Watju (Mount Cavenagh), Wapirrka (Victory Downs) and Warnukula (Mulga Park) v Northern Territory of Australia [2017] FCA 446.

8. Members of the native title claim have obtained freehold title to the following areas of land within the application area:

NT Portion 5740 Erldunda Karu Mutu Aboriginal Corporation

Membership of the native title claim group

9. In accordance with the claimants' system of traditional laws and customs in relation to the possession of rights and interests in land the native title claim group comprises all those persons who are recognised as *ngurraritja* for all or part of the application area as described in paragraph 1 above, and include some members of the following groups of kin. To illustrate the operation of the claimants' system of traditional laws and customs, and the multiple avenues of connection for *ngurraritja*, a number of senior members of the native title claim group are identified below.

Bulla/Staines, Pearce, Smith and Murphy Families

Descendants of Marapu and Nyingulta

Margaret Smith: mother's mother Nyingulta, daughter of Polly Kuntjiya – born and grew up on Erldunda, birth on *Kuniya* Dreaming track, close kin and ancestors with connection to the area through birth and/or long-term association, knowledge of country, cares for sites and husband buried on Erldunda.



Wongaway and Brown Families

Descendants of Tjungkitja and Nyingi Nyingi

David Wongaway: father's father Tjungkitja, son of Johnny Wongaway – long-term association with Erldunda, close kin and ancestors with a connection to the area through birth and/or long-term association, father (Johnny Wongaway) initiated at Marutjara (Lyndavale), knowledge of country and cares for sites on Lyndavale and Erldunda.

Jean Forrester, Luckey, Club, Coulthard, Ferguson and Simmonds Families

Descendants of Nellie Ulbolbuna

Kathleen Luckey: mother's mother's mother Nellie Ulbobuna, daughter of Ruby (Club) Luckey – long-term association with Erldunda, close kin and ancestors with a connection to the area through birth and/or long-term association, brother (Peter Luckey) born, grew up and worked on Erldunda and Lyndavale, knowledge of country, cares for sites and father, mother and brother buried on Erldunda.

Sundown, Mingkilyi, Yaltjangki and Baker Families

Descendants of Louie Walpalpa and Namaria

Angkuna Bessie: father Louie Walpalpa – long-term association with Erldunda, close kin and ancestors with a connection to the area through long-term association, knowledge of country and father buried on Erldunda.

Kernan, Armstrong, Mumu, White and Moonlight Families

Descendants of siblings Langalikiyi and Tjangali

Faith White: mother's mother Tjangali, daughter of Topsy White born at Pulkurru (Lyndavale) or Atila (Curtin Springs) – long-term association with Erldunda, close kin and ancestors with a connection to the area through birth and/or long-term association, mother's brother (Yakiti) born c1904 on Lyndavale, mother's brother (Kuntjumini Mumu) born c1919 at Amirriri (Curtin Springs), mother's brother (Yakiti) buried on Erldunda.

McKenzie, Minutjukur and Tapaya family

Descendants of Jack Mutjupi and Nyunatja

Cyril McKenzie: father's father Jack Mutjupi, son of Tiyangu Simon McKenzie – close kin and ancestors with a connection to the area through birth and/or long-term association and knowledge of country.



Clem Toby, Windlass, Stanley and Minyintirri Families

Descendants of Maijangara and Watjara

Wakupi Clem Toby: father's, mother's father Maijangara, son of Witjiti Toby – father's mother (Murika) born at Atila (Curtin Springs), long-term association with Erldunda, close kin and ancestors with connection to the area through birth and/or long-term association and knowledge of country.

Thompson family

Descendants of Nyumpu

Vivian Thompson: father's father's father Nyumpu, son of Kawaki Pantju (Punch) Thompson – father and father's brother born on Curtin Springs and Erldunda respectively and knowledge of country.

Lionel, Minutjukur, Teamay and Lewis families

Descendants of Willy Ngungaltjara and Amanyi

Malya Teamay: father Willy Ngungaltjara – born on Lyndavale on the *Kuniya* Dreaming track, long-term association with Curtin Springs, close kin and ancestors with a connection to the area through birth and/or long-term association, knowledge of and cares for country.

Tjingo, Breadon and Okai families

Descendants of Tjintjawara

Johnny Tiyangu Tjingo: father's mother Tjintjawara, son of Wilyarti Mick – born on Lyndavale on the *Kuniya* Dreaming track, close kin and ancestors with a connection to the area through birth and/or long-term association, knowledge of country and cares for men's *Tjukurpa* sites on Lyndavale and Curting Springs.

Nipper family

Descendants of Unngurrknga and Nyuwala Judy

Dennis Nipper: father's father's father Unngurrknga, son of Nipper Winmati – long-term association, close kin and ancestors with a connection to the area through birth and/or long-term association and knowledge of country.

Miller, Norman, Connelly and Watson families

Descendants of Nyuntjakunu

Roma (Watson) Young: mother's father Nyuntjakunu, daughter of Tjulata – long-term association with Curtin Springs, close kin and ancestors with a connection to Curtin Springs through long-term association and knowledge of country.



Paddy family

Descendants of Tjinga Pukuna

Nyanu (Paddy) Watson: father's father Tjinga Pukuna, daughter of Wilpintja Buddy – long-term association with Curtin Springs, close kin and ancestors with a connection to Curtin Springs through long-term association and knowledge of country.

Burton and Winty family

Descendants of Tommy Nyunanti and his wives Anawari and Kukika

Nyurapaya Burton: mother's father Tommy Nyunanti, daughter of Makinti – born on Curtin Springs on the *Kungkarangkalpa* Dreaming track, close kin and ancestors with a connection to the area through birth and/or long-term association, knowledge of country and senior knowledge holder for *Kungkarangkalpa Tjukurpa* and husband's mother buried on Curtin Springs.

OTHER NGURRARITJA

The following individuals are listed to provide an illustration of *ngurraritja* who are not members of a family/kin group but hold native title rights and interests in the application area by virtue of their connections under the claimants' system of traditional laws and customs outlined in paragraph 1.

Erldunda, Lyndavale and Curtin Springs

Alan Wilson: working history on Erldunda, Lyndavale and Curtin Spring Stations, holds knowledge of and protects men's *Tjukurpa* sites on Erldunda, Lyndavale and Curtin Springs and taught the *Kuniya Tjukurpa* for Erldunda by senior Erldunda *ngurraritja* Ginger Murphy, Old Mumu and Tjapaltjari Francis Bulla. Granddaughter was born on the *Kuniya Tjukurpa* track near Erldunda Roadhouse). Father's father's country connected to an important Dreaming track that traverses the Application Area.

Curtin Springs

Toby Minyintiri Ginger: senior man who holds knowledge of sites and Dreaming across the Application Area. He has lived on and worked within the Application Area. He and his wife grew up Phillip Coombes and Margaret Smith. Taught claimant David Wongaway about sites and Dreamings on Lyndavale and Erldunda stations.