



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: SAD6002/1998
NNTT number: SC1995/001

Application Name: Adnyamathanha No. 2

Application Type: Claimant

Application filed with: National Native Title Tribunal

Date application filed: 09/01/1995

Current status: Full Approved Determination - 30/03/2009

Registration information: Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.

Registration decision status: Accepted for registration

Registration history: Registered from 08/09/1995 to 02/07/2009

Date claim / part of claim determined: 30/03/2009

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Additional Information

Not applicable

Persons claiming to hold native title:

All those Adnyamathanha people presently alive who are -
. named in the "Adnyamathanha Genealogy" (Attachment A(1)); or

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. the descendants, whether biological or adopted, of those so named (including, in the case of those adopted, persons adopted pursuant to traditional laws and customs).

Those whose names appear in Attachment A(2) are non-Adnyamathanha spouses of Adnyamathanha persons. Their names also appear in the "Adnyamathanha Genealogy" as spouses. They are the only non- Adnyamathanha whose names appear in that document. They are not included in the native title claim group.

Those adopted pursuant to traditional laws and customs: all such adopted persons are named in the "Adnyamathanha Genealogy" in the same way as those named in that document who are biological descendants of named apical ancestors. There are accordingly no such adopted descendants who are not named in the "Adnyamathanha Genealogy". [If the applicants become aware at any time of any persons adopted pursuant to traditional laws and customs whose names do not appear in the "Adnyamathanha Genealogy", leave will be sought specifically to amend this application by the addition of their names as members of the native title claim group. For the avoidance of doubt, pending any such leave being obtained, such persons are not part of the claim group.]

These attachments are available for viewing in the Adelaide Registry of the National Native Title Tribunal.

Native title rights and interests claimed:

Description of Native Title Rights and Interests Claimed

Definitions:

In this application:

(a) all words used in this application which are defined in the Native Title Act 1993 (Cth) ("NTA") bear the same meaning as in that Act, unless the context dictates otherwise;

(b) "application area" means the area covered by this application as described in Schedule B;

(c) "significant" means having social, cultural, religious, spiritual, ceremonial, ritual or cosmological importance or significance to the native title holders connected with the area under traditional laws and customs of the Aboriginal society to which they belong;

(d) "resources" does not include:

(i) minerals (as defined in the Mining Act 1971 (SA)) other than, for the purposes only of (13) and (20) below, extractive minerals (as therein defined) recovered for his or her own personal use by a person who holds native title in the land; or;

(ii) petroleum (as defined in the Petroleum Act 1940 (SA)).

Subject to Laws and Customs

The native title rights and interests claimed in this application are subject to and exercisable in accordance with:

(i) the laws of the State of South Australia and the Commonwealth of Australia, including the common law;

(ii) valid interests conferred under those laws; and

(iii) the body of traditional laws and customs of the Aboriginal society under which rights and interests are possessed in relation to, and by which the members of the native title claim group have a connection with, the application area.

Rights

The native title rights and interests in relation to the application area comprise:

(1) the right to occupy the area;

(2) the right to use the area;

- (3) the right to enjoy the area;
- (4) the right to make decisions about the use and enjoyment of the area by Aboriginal people who are governed by the traditional laws and customs acknowledged and observed by the native title holders;
- (5) the right of access to the area;
- (6) the right to be present on or within the area;
- (7) the right to live on or within the area;
- (8) the right to erect shelters on or within the area;
- (9) the right to camp on or within the area;
- (10) the right to move about the area;
- (11) the right to control access to the area of Aboriginal people who are governed by the traditional laws and customs acknowledged and observed by the native title holders;
- (12) the right to hunt in the area;
- (13) the right to gather, use and/or enjoy resources from within the area;
- (14) the right to take fauna;
- (15) the right to take flora (including timber);
- (16) the right to take soil;
- (17) the right to take sand, stone, clay, shale and gravel* for personal use;
- (18) the right to take ochre;
- (19) the right to take water from the natural water sources within the area;
- (20) the right to control the use and enjoyment of the claim area and the resources of the claim area by Aboriginal people who are governed by the traditional laws and customs acknowledged and observed by the native title holders;
- (21) the right to trade in the said resources of the area, upon or within the area;
- (22) the right to receive a portion of the said resources taken by other persons who are Aboriginal people governed by the traditional laws and customs acknowledged and observed by the native title holders;
- (23) the right to engage in cultural activities within the area;
- (24) the right to conduct and participate in ceremonies within the area;
- (25) the right to hold and/or participate in meetings within the area;
- (26) the right to teach upon the area as to the significant attributes of locations, sites and objects within the area;
- (27) the right to carry out and maintain burials of deceased native title holders and of their ancestors within the area;
- (28) the right to maintain, conserve, and/or protect from desecration, damage, disturbance, or interference; significant locations, sites and objects within the area;
- (29) the right to maintain, conserve and/or protect significant ceremonies, artworks, song cycles, narratives, beliefs or practices by preventing (by all reasonable lawful means) any activity occurring on the area which may desecrate, damage, disturb or interfere with any such ceremony, artwork, song cycle, narrative, belief or practice;
- (30) the right to prevent (by all reasonable lawful means) any use or activity within the area which under traditional laws and customs is unauthorised or inappropriate in relation to significant locations, sites or objects within the area or ceremonies, artworks, song cycles, narratives, beliefs or practices carried out within the area.

*to the extent that these are extractive minerals for the purposes of the Mining Act 1971(SA).

Application Area:**State/Territory:** South Australia**Brief Location:** Flinders Ranges National Park**Primary RATSIB Area:** Greater South Australia**Approximate size:** 917.6304 sq km

(Note: There may be areas within the external boundary of the application that are not claimed.)

Does Area Include Sea: No**Area covered by the claim (as detailed in the application):**

The area covered by this claim is in South Australia. It comprises the whole of the land proclaimed under the National Parks and Wildlife Act 1972 as the Flinders Ranges National Park. The land proclaimed as the Flinders Ranges National Park includes:

Hundred of Parachilna: Sec 61

Hundred of Bunyeroo: Sections 177, 188 and 189

Hundred of Edeowie: Section 148

Out of Hundreds (Parachilna): Sections 106, 333, 473, 480, 988, 989 and 1137 and Block 670.

For the avoidance of doubt, it is noted that Sections 85, 122 (Hundred of Parachilna), 1527, 1528 (out of Hundreds), 190, 191 (Hundred of Bunyeroo) and 164 (Hundred of Edeowie), although lying within the external boundaries of the Flinders Ranges National Park, do not form part of the proclaimed land of the National Park. Accordingly, those Sections are not covered by this application.

The other areas within the external boundaries that are not covered by the application are described in Attachment B.

ATTACHMENT B: -

Areas of land and waters within the external boundaries that are not covered by the application:

(1) Subject to (4), the applicants exclude from the application area any areas in relation to which any of the following acts have taken place:

(a) category A past acts (see section 229 NTA) which are not previous exclusive possession acts;

(b) category A intermediate period acts (see section 232B NTA);

(c) category B past act that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests (see section 230NTA);

(d) category B intermediate period acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests (see section 232C NTA).

(2) Subject to (4), the applicants exclude from the application area any areas in relation to which:

(a) a "previous exclusive possession act", as defined in section 23B of the NTA, was done and the act was an act attributable to the Commonwealth; or

(b) a "previous exclusive possession act" as defined in section 23B of the NTA, was done and the act was attributable to the State of South Australia and was not an "excepted act", as defined in section 36F of Native Title (South Australia) Act 1994 (SA).

(3) Subject to (4), the applicants also exclude from the application area areas in relation to which native title rights and interests have otherwise been wholly extinguished.

(4) The application area includes any area in relation to which the non-extinguishment principle (as defined in section 238 of the NTA) applies, including any area to which section 47, 47A or 47B of the NTA applies.

Attachments: 1. Map of Claim Area, 1 page - A4, 11/08/1995

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