



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: SAD6007/1998
NNTT number: SC1995/007

Application Name: Antakirinja Matu-Yankunytjatjara Native Title Claim and The State of South Australia & ors (Antakirinja Matu-Yankunytjatjara)

Application Type: Claimant

Application filed with: National Native Title Tribunal

Date application filed: 14/11/1995

Current status: Full Approved Determination - 11/05/2011

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 15/11/1995 to 12/05/2011

Date claim / part of claim determined: 11/05/2011

Applicants: William Herbert Lennon Snr, Ian Crombie, Keith Smith Snr, David Brown, Herbert Joseph Lennon, Jean Wood

Address(es) for Service: T.J. Wooley
PO Box 10009
Gouger Street Post Office
ADELAIDE SA 5000
Phone: (08) 8231 4464

Additional Information

Not applicable

Persons claiming to hold native title:

The Antakirinja Matu -Yankunytjatjara Native Title Claim Group comprises those people (now living)

who hold in common the body of traditional laws and customs governing the area subject of the claim.

1. The following sets of siblings, together with all their descendants, are members of the native title claim group:

1.1. Barney Lennon, Millie Taylor, Tilly Waye, Emily Austin, William Lennon Snr and Dorothy Lennon Cayton;

1.2. Rose Matjangka Kutiny and her sisters (whose names are not known at this time)

1.3. Linda Austin, Molly Brown, Jessie Lennon, Robert Austin, Willy Austin and Jimmy Austin;

1.4. Alex Kalyiri Crombie, Larry Pilungu Crombie, Billy Tinyima Pepper Crombie, Jack Katatjunti Crombie and Maudie Nyingangka Brown;

1.5. George Tongerie, Nyumitinya Judy Edwards, Bradman Russell, Eileen Ungkari Crombie and Billy Russell;

1.6. Hazel Brown, Ricky Brown and Martha Edwards;

1.7. Edna Williams, Johnny Fatt, Eva Fatt, Beverly Fatt and Ronald Fatt

1.8. Kelly Tjutatja Brown, Tommy Brown, Henry Brown, Jessie Brown and Billy Nungki Brown;

, 1.9. Maude Arkaringa Tongerie, Nora Murray, Phil Arkaringa, Jean Wood and Heather Dare;

1.10. Bidy Lang, Lena Lang, Rita Lang, Lesley Lang, Beverly Lang and Joan Lang;

1.11. Jack Lang, Pompey Lang and Hector Lang;

1.12. Gracie Johns, Johnny Johns, Teddy Johns, Joyce Johns and Pamela Johns;

1.13. Milatjari, Tommy Dodd, Darby Gilbert and William Gilbert;

1.14. David Brown, Bulla Brown, Annabel Lang, Ida Brown, Lucy Brown and Linda Brown;

1.15. Ivy Makinti Stewart and Yuntu Spider;

1.16. Billy Mungi and Mumpi Baker;

1.17. Ngitji Ngitji Mona Kennedy Tur and Tjalin Gloria Carroll Hayes;

2. The following persons, together with all their descendants, are members of the native title claim group:

, 2.1. Eileen Wingfield

2.2. Eileen Kampakuta Brown

2.3. Lallie Lennon

2.4. Sadie Singer

2.5. Monty O'Toole

2.6. Ginger Brown

2.7. Micky Miller

2.8. Ginger Mapulya

2.9. Nellie O'Toole

2.10. Andy Tjanyari

2.11. Ruth McKenzie

- 2.12. Arthur Baker
- 2.13. Warren Tunkin
- 2.14. Nyidaroo Gladys Kite

, 3. Edward Herbert Roberts and the following persons (some of whom are his descendants) and all his other descendants are members of the native title claim group:

- 3.1. Georgina Stockfish
- 3.2. Pauline Roberts
- 3.3. Edward Leslie (Woody) Roberts
- 3.4. Noel Roberts
- 3.5. Kenny Roberts
- 3.6. Kelli Cullingford
- 3.7. Jackson Hunter
- 3.8. Jason Smedley
- 3.9. Jutjara Roberts
- 3.10. Larelle Kite
- 3.11. Stephanie Kite
- 3.12. Malu Roberts
- 3.13. Renee Kite
- 3.14. Deanne Cullingford
- 3.15. Steven Cullingford
- 3.16. Frances Day
- 3.17. Raymond Day
- 3.18. Vikkie Taylor
- 3.19. Naomi Taylor
- 3.20. Christopher Taylor
- 3.21. Yvonne Koolmatrie
- 3.22. Florence Ann Wilson
- 3.23. Norman James Wilson
- 3.24. Trevor William Wilson
- 3.25. Johnathon Desmond Wilson
- 3.26. James Richard Koolmatrie
- 3.27. Rhonda Margaret Koolmatrie
- 3.28. Isaac Coen Lindsay
- 3.29. Tameka Yvonne Lindsay

3.30. Christopher John Koolmatrie

3.31. Yvonne Ruby Koolmatrie

3.32. Cindy Lee Koolmatrie

3.33. Rhiannon Lee Fields

3.34. Narissa Fields

, 4. Principles of incorporation into the Antakirinja Matu - Yankunytjatjara Native Title Claim Group according to traditional laws and customs include:

4.1. being of Aboriginal descent; and

4.2. having a connection with the claim area in accordance with the traditional laws and customs of the native title group including, but not limited to:

4.2.1. the principle of descent from their ancestors;

4.2.2. the principle of descent by means of claim group members' association with spiritual ("Dreaming") sites and areas within the claim land;

4.2.3. biological descent;

4.2.4. classificatory descent, and

4.2.5. by means of adoption

Native title rights and interests claimed:

1. The nature and extent of the native title rights and interests in relation to the determination area are the rights to use and enjoy the land and waters of the determination area in accordance with the traditional laws and customs being:

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 members of the native title claim group, are:

i. spouses of members of the native title claim group,

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 members of the native title claim group,

iv. people required by members of the native title claim group 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 members of the native title claim group.

2. The native title rights and interests claimed are also subject to the effect of:-

a) all existing non-native title rights and interests (see, for example, those referred to in Schedule D); and

b) all laws of South Australia made in accordance with section 19, 22F, 23E or 231 of the Native Title Act;

to the extent that these are valid and applicable.

3. A right of exclusive possession is not claimed in relation to any area over which a previous non-exclusive possession act has been made.

Application Area: **State/Territory:** South Australia
Brief Location: Coober Pedy Area
Primary RATSIB Area: Greater South Australia
Approximate size: 75910.9562 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):

Information identifying the boundaries of:

a) the area covered by the application; and

b) any areas within those boundaries that are not covered by the application.

State: South Australia

External Boundary Description:

Commencing on a western boundary of Native Title Determination Application SAD6011/98 Barngarla Native Title Claim SC96/4 being the north-eastern most corner of Parcel B300 on Plan H833700 (Mt Vivian Pastoral Lease) and extending generally southerly and generally westerly along boundaries of that native title determination application and that parcel to the intersection with a northern boundary of Native Title Determination Application SAD6020/98 Gawler Ranges Native Title Claim SC97/7; then generally westerly along that native title determination application and the southern boundaries of Parcel B300 on Plan H833700 (Mt Vivian Pastoral Lease) and Parcel B850 on Plan H833700 (Bon Bon Pastoral Lease); then onwards along a westerly prolongation of the southern boundary of that parcel to a northern boundary of the Trans Australian Railway (Parcel S169 on Plan H833700); then generally westerly along boundaries of that Railway (being the north boundaries of Parcels S169 and S170 on plan H833700; Parcel A54 on plan F217137; Parcels S172 and S173 on plan H833600; Parcel A10 on Plan D57143; Parcels S175, S176, S178, S179 and S182 on plan H833600; Parcel A51 on plan F217137 and Parcels S186, S187, S188 and S189 on plan H833500) to the prolongation south of the eastern boundary of Parcel Q19 on Plan D31180 (Maralinga Tjarutja Aboriginal Lands); then north along that prolongation and onwards along the eastern boundary of that parcel to a southern boundary of Tallaringa Conservation Park (Parcel A2009 on Plan D33311); then westerly and northerly along boundaries of that Conservation Park to the southern boundary of Parcel S1297 on Plan H830300 (Pitjantjatjara Aboriginal Lands); then easterly, northerly and again easterly along boundaries of that parcel to the south western corner of Native Title Determination SAD6022/98 Yankunytjatjara Antakirinja SC98/7 at Longitude 133.675301 degrees East, Latitude 27.841662 degrees South; then easterly along boundaries of that native title determination to the northern most northwestern corner of Parcel B1242 on Plan H832000 (Mt Willoughby Pastoral Lease), then easterly along that native title determination and the northern boundary of that pastoral lease its northern most north-eastern corner, then again easterly along the boundary of that native title determination

application to an eastern boundary of Parcel B1215 on Plan H831300 (Coorikiana Pastoral Lease) at Latitude 27.839209 degrees South, (being the prolongation easterly of a southern boundary of Parcel Q3 on Plan D45289 (Wintinna West Pastoral Lease)); then southerly along the eastern boundary of that pastoral lease to Latitude 27.846807 degrees South, then westerly, south-westerly, south-easterly and again south-westerly passing through the following coordinate points.

Longitude (East) Latitude (South)

135.193440 27.846677

135.001927 29.093096

135.955450 29.851079

135.936706 29.872461

Then south-easterly to the eastern boundary of Parcel A2042 on Plan D40325 (Millers Creek Pastoral Lease) at Latitude 30.041105 degrees South; then southerly and generally westerly along boundaries of that pastoral lease back to the commencement point.

This application excludes any land and water subject to SAD6020/98 Gawler Ranges Native Title Claim SC97/7 as accepted for registration on 11/08/1999.

Note

Data Reference and source

- SAD6011/98 Barnjarla Native Title Claim SC96/4 as accepted for registration on 21/08/2009.
- SAD6020/98 Gawler Ranges Native Title Claim SC97/7 as accepted for registration on 11/08/1999.
- SAD6022/98 Yankunytjatjara Antakirinja SC98/7 as determined on 28/08/2006.

Reference datum

Geographical coordinates have been provided by the NNTT Geospatial Unit and are referenced to the Geocentric Datum of Australia 1994 (GDA94), in decimal degrees and are based on the spatial reference data acquired from the various custodians at the time

Use of Coordinates

Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection with such, they are intended as a guide only. As an outcome to the custodians of cadastral and topographic data continuously recalculating the geographic position of their data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey.

Prepared by Geospatial Services, National Native Title Tribunal (4 November 2009)

"ATTACHMENT B"

Areas within the external boundaries that are not covered by the Application:

The applicants exclude from the area covered by the Application any area over which native title has been extinguished at Common Law or by statute save and except for those areas of land or waters over which prior extinguishment may be disregarded in accordance with the provisions of either s47, s47A or s47B of the Native Title Act 1993 (as amended).

In particular the following are excluded:

Category A part acts, as defined in s229 of the Act, including any previous non-exclusive possession acts which are also a Category A past act; and

Grants or vestings which are "previous exclusive possession acts" (as defined in s23B of the Act) or "Category A intermediate period acts" (as defined in s232B of the Act) attributable to Commonwealth and such grants or vestings which are attributable to the State where the State has made provision as mentioned in s23E and s22F of the Act in relation to these acts.

For the avoidance of doubt, the following acts which occurred on or before 23 December 1996, where valid (including Division 2 or 2A of Part 2 of the Act) are included or, for present purposes, are to be treated as included in

the definition of "previous exclusive possession acts", unless excluded from the definition by subsections 23B (9), (9A), (9B), (9C) or (10).

1)The creation or establishment of:

a)a permanent public work

b)a dedicated road; and

c)an act of adverse dominion where such an act was:

i)authorised by valid legislation; or

ii)authorised or required by the condition of valid Crown Grant, vesting or other interest

d)an unqualified grant of an estate in fee simple.

2)The grant of:

a)a scheduled interest (see s249C of the Act), including an agricultural lease where intensive cultivation of a permanent nature has been carried out and works or structures of permanent nature have been constructed in accordance with the terms and conditions of the lease;

b)a residential lease on which a residence has been constructed in accordance with the terms and conditions of the lease (see s249);

c)a commercial lease on which permanent works or structures have been constructed in accordance with the terms and conditions of the lease (see s246);

d)a lease for the provision of community services or amenities within a town or city on which works or structures of permanent nature have been constructed in accordance with the terms and conditions of the leave (see s249A).

Attachments:

1. Map showing the external boundaries of the claim area, Attachment C of the Application, 1 page - A3, 12/03/2010

NNTT Contact Details

Address: National Native Title Tribunal
Adelaide Office
Level 10
Chesser House
91 Grenfell Street
ADELAIDE SA 5000

Telephone: (08) 8205 2000

Freecall: 1800 640 501

Fax: (08) 8205 2031

Web Page: www.nntt.gov.au

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