



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: SAD6010/1998  
NNTT number: SC1996/003

**Application Name:** Eringa No 1 Native Title Claim and The State of South Australia & ors (Eringa No 1)

**Application Type:** Claimant

**Application filed with:** National Native Title Tribunal

**Date application filed:** 13/03/1996

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**Current status:** Full Approved Determination - 01/03/2012

**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 13/03/1996 to 01/03/2012

**Date claim / part of claim determined:** 13/12/2011

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**Old Act\* registered native title claimants:** Eringa

**Address(es) for Service:** Richard Bradshaw  
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## Additional Information

Not applicable

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**Persons claiming to hold native title:**

## "ATTACHMENT A"

The Eringa Native Title Claim Group comprises those people (now alive) who hold in common the body of traditional laws and customs governing the area subject of the claim, being the following:

1. Those who are related by means of the principle of descent to:

1.1 Mary Cleanskin (Nyukapinya), who is the daughter of Tom Cleanskin and his wife Puntti who are acknowledged to be apical ancestors associated with the claim area.

Mary Cleanskin (Nyukapinya) married Cooper Bailes, and had two children, namely Billy Bailes and June Bailes. These two children and their biological descendants are members of the native title claim group.

1.2 Upitja and his wife (who is acknowledged by the claim group as the mother of Wintinna Mick) are acknowledged to be apical ancestors associated with the claim area.

1.2.1 Related by the traditional principles of descent to Upitja and the mother of Wintinna Mick are a set of siblings, namely, Wintinna Mick, Mawilya, and Tapi.

1.2.2 The biological descendants of these three siblings are members of

the native title claim group. They include those biological descendants who belong to the families of: Wintinna, Emily Churchill, Betty Wintinna Buzzacott, Mindum (including of Sandra Mindum), Molly Tjulanya Jack Breadon, Mary Inawantji (including Millie Breadon), Mona Ngitji Ngitji Kennedy Tur, Tjalini Gloria Carroll Hayes, Minungka (including Kay Minungka Finn) and Gibson Matasia.

1.3 Frank Pipayi and Rosie Wayi Wayi Anderson who are acknowledged as apical ancestors associated with the claim area.

1.3.1 Related by the traditional principles of descent to these apical ancestors are a set of siblings, namely Paddy Mack and Milly Napi Smith.

, 1.3.2 The biological descendants of these two siblings are members of

the native title claim group. They include those biological descendants who belong to the families of: Gloria Kulani Wonga, Colleen Warren (including Rameth Thomas), Peter "Porky" Smith and Nita Smith Warren.

1.4 The mother and father of Janet Williams, Johnny Williams, Towser Williams and three other (biological) siblings whose names are not known at this time are acknowledged as apical ancestors associated with the claim area.

1.4.1 The biological descendants of these six siblings are members of the native title claim group. They include those biological descendants who belong to the families of Jones and of Charlie Stewart.

1.5 Willy Doolan who is acknowledged as an apical ancestor associated with the claim area.

1.5.1 Related by the traditional principles of descent to this apical ancestor is a set of siblings, namely: Paddy Doolan, Larry Doolan, Mick Doolan, Jimmy Doolan and Kevin Doolan.

1.5.2 The biological descendants of these five siblings are members of the native title claim group.

1.6 Anatjari and Wiltiwa (who are the parents of Lilly) and who are acknowledged as apical ancestors associated with the claim area.

1.6.1 Related by the traditional principles of descent to Lilly is a set of siblings, namely: Edie (Kunmanara) King, Maisie King, Panti King, Eileen King and Emily King.

1.6.2 These five siblings and their biological descendants are members of the native title claim group.

, 1.7 Lilly Summerfield who is acknowledged as an apical ancestor associated with the claim area.

1.7.1 Lilly Summerfield was married to Paddy Punka and also to Binji Lower (see 1.8.2 and 5 below).

1.7.2 Related by the traditional principles of descent to Lilly

Summerfield is Ross Pearce. Ross Pearce and his biological descendants are members of the native title claim group.

1.8 The siblings, Intukurta (Angeline), Kuyarta, and Edie De Rose (the mother of Carlene Thompson), who are acknowledged as apical ancestors associated with the claim area.

1.8.1 The biological descendants of these three siblings are members of

the native title claim group. They include those biological descendants who belong to the families of: Ruth (Molly Lennon) McKenzie, Tom Cramp, Jenny Cramp (Ungkurla) and Carlene Thompson.

1.8.2 Tom Cramp is acknowledged by members of the native title claim

group to have been father to Binji Lowe (see 1.7.1 and 5 below) according to traditional law and custom.

1.9 The brothers Pinta Pinta and Jimmy Amuntari who are acknowledged as apical ancestors associated with the claim area.

1.9.1 The biological descendants of Pinta Pinta are members of the native title claim group.

1.9.2 The biological descendants of Jimmy Amuntari, his wife Betty

(Piti) Anderson and his wife Molly Stewart are members of the native title claim group. They include the biological descendants of Molly Stewart, who belong to the families of: Lucy Lester, Mavis Allan and Emily Amuntan Allan, and the biological descendants of Betty (Piti) Anderson who belong to the families of Barbara Anderson, Julie Anderson and Mary Anderson.

, 1.10 Kitty Terone who is acknowledged as an apical ancestor associated with the claim area.

1.10.1 Kitty Terone was Lower Southern Arrernte (or Southern Arrernte). She and Jack Terone had a daughter, Lorna Terone.

1.10.2 The descendants of Lorna Terone are acknowledged as members of the native title claim group. They include members of the Coombes family (amongst others).

1.11 Mulatjatjara, a Yankunytjatjara man, is acknowledged as an apical ancestor associated with the claim area.

1.11.1 His descendants are acknowledged as members of the claim group.

1.11.2 These include (amongst others) Mona Tur and members of the Kemp, Mintuma, Breaden and Minungka families.

2. Phillip Ah Chee, Dean Ah Chee, Glynis Ah Chee, Vera Ah Chee, Lorraine Ah chee and Sharon Ah Chee (who are some of the children of Ruby Colson Ah Chee). These six siblings and their biological descendants are members of the native title claim group. [Membership of the native title claim group of the above-named siblings and their biological descendants is acknowledged by the claim group to be by virtue of the traditional principles of descent through the mother of Ruby Colson Ah Chee. Additionally membership of the native title claim group of the above-named siblings and their biological descendants is acknowledged by the claim group to be by virtue of the traditional principles of descent from Paddy Doolan (see 1.5.1 above).]

, 3. Marilyn Rose Hull and her children, Hayden Stuart and Phillip Stuart Jnr. And the biological

descendants of those three children.

4. Ian Hodgson and his biological descendants.

[Membership of the claim group of those noted in 3 and 4 above is acknowledged to be by virtue of the principle of descent through the mother of Marilyn Rose Hull and the grandmother of Ian Hodgson who were the sisters, Daisy Hull and Myra Hull, respectively. The sisters, Daisy Hull and Myra Hull were children of Clara (Mudluwada) and William Hull. Clara Hull was the daughter of Lilly and Rang (Baguwida) (Strangways).]

5. Binji Lowe (see 1.7.1 and 1.8.2 above) and his adopted descendants.

[Binji Lowe is acknowledged to be a member of the claim group by virtue of:

- His long term physical association with the claim area;
- His long term family relationships with other members of the native title claim group;
- His extensive experience and knowledge of the geographical and spiritual associations of the claim area; and
- His fluency in both Lower Southern Arrernte and Yankunytjatjara

He adopted four children (being the biological children of Lilly Summerfield - see 1.7), namely Justine, Stewart, Max and Lorna Armstrong.]

6. Hugh Tjami (of Mimili) and his biological descendants.

[Hugh Tjami is acknowledged to be a member of the claim group by virtue of:

- His having been born at Macumba within the Eringa native title claim area; and
- His extensive experience and knowledge of the geographical and spiritual associations of the Eringa native title claim area.]

, 7. Howard Doolan and his biological descendants.

[Howard Doolan is acknowledged to be a member of the claim group by virtue of:

- His long term physical association with the claim area;
- His long term family relationships with other members of the native title claim group;
- His extensive experience and knowledge of the geographical and spiritual associations of the claim area.]

Principles of incorporation into the Eringa native title claim group according to traditional law and custom include:

- Being of Aboriginal descent, and
- Having a connection with the claim area in accordance with the traditional laws and customs of the native title group which includes the principle of descent from their ancestors. The principle of descent includes but is not limited to biological descent. It also includes, for example, the principle of descent by means of claim group members' associations with spiritual ("Dreaming") sites and areas within the claim land;
- Identifying as, and being acknowledged by other members of the native title claim group as being, a person of:

Lower Southern Arrernte descent or

Luritja/Yankunytjatjara/Antakirinja\* descent or

Both of the above by means of parents, grandparents or association with the spiritual ("Dreaming") sites and areas within the claim land.

\*Members of the Eringa native title claim group acknowledge that the terms "Luritja", "Yankunytjatjara" and "Antakirinja" are used interchangeably by them and constitute different means of identifying the same language and the same individuals from whom claim group members are descended or referred to by other.

**NOTES:**

1. Subject to (2) below, all those persons whose names are underlined above or who fall within the descriptions underlined above are members of the claim group. No other persons are members of the claim group.

2. Schedule O below may, however, have the effect of excluding one or more of such persons from membership of the claim group.

**Native title rights and interests claimed:**

The nature and extent of the native title rights and interests in relation to the Claim Area are non-exclusive rights to use and enjoy in accordance with the traditional laws and customs of the Claim Area, being:

- a) the right to access and move about the Claim Area;
- b) the right to hunt and fish on the land and waters of the Claim Area;
- c) the right to gather and use the natural resources of the Claim Area such as food, medicinal plants, wild tobacco, timber, resin, ochre and feathers;
- d) the right to share and exchange the subsistence and other traditional resources of the Claim Area;
- e) the right to use the natural water resources of the Claim Area;
- f) the right to live, to camp and, for the purpose of exercising the native title rights and interests, to erect shelters on the Claim Area;
- g) the right to cook on the Claim Area and to light fires for domestic purposes but not for the clearance of vegetation;
- h) the right to engage and participate in cultural activities on the Claim Area including those relating to births and deaths;
- i) the right to conduct ceremonies and hold meetings on the Claim Area;
- j) the right to teach on the Claim Area the physical and spiritual attributes of locations and sites within the Claim Area;
- k) the right to visit, maintain and protect sites and places of cultural and religious significance to Claim group members under their traditional laws and customs on the Claim Area;
- l) the right to be accompanied on to the Claim Area by those people who, though not Claim group members, are:
  - i) spouses of Claim group members; or
  - ii) people required by traditional law and custom for the performance of ceremonies or cultural activities on the Claim Area; or
  - iii) people who have rights in relation to the Claim Area according to the traditional laws and customs acknowledged by the Claim group members; or
  - iv) people required by Claim group members to assist in, observe, or record traditional activities on the Claim Area; and
- m) in relation to Aboriginal people who recognise themselves to be governed by the traditional laws and customs acknowledged by the Claim group members, the right to speak for country and make decisions about the use and

enjoyment of the Claim Area by those Aboriginal persons.

Examples of current activities carried out in exercise of these rights and interests are set out in Schedule G.

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

- all existing non-native title rights and interests (see for example those referred to in Schedule D);
- all laws in South Australia made in accordance with ss.19, 22F, 23E or 23I of the Native Title Act;

to the extent that these are now valid and applicable.

**Application Area:**                   **State/Territory:** South Australia  
**Brief Location:** Far Nth Sth Australia, Witjira Nat Park  
**Primary RATSIB Area:** Greater South Australia  
**Approximate size:** 14536.3583 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):**

Please note: There have been four determinations of native title that have been made in relation to this application.

Two of these determinations were made on 11 September 2008 and were over the Witjira National Park (see Eringa Part A Proceeding and Irrwanyere Mt Dare Native Title Determination in Eringa, Eringa No.2, Wangkangurru/Yarluyandi and Irrwanyere Mt Dare Native Title Claim Groups v The State of South Australia [2008] FCA 1370). On the determination of the Prescribed Body Corporate for these determinations, the areas of this application covered by these determinations were removed from the Register of Native Title Claims (RNTC) on 26 August 2009.

The remaining two determinations were made on 13 December 2011 (see 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 and King on behalf of the Eringa Native Title Claim Group v State of South Australia [2011] FCA 1386 ). Both these determinations were registered on the National Native Title Register on 15 December 2011.

Those areas of the application that were covered by the 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 determination are removed from the RNTC on 16 December 2011.

Those areas of the application where native title was determined not to exist in the King on behalf of the Eringa Native Title Claim Group v State of South Australia [2011] FCA 1386 determination are also removed from the RNTC on 16 December 2011.

Pursuant to s.190(4)(da) of the Native Title Act 1993 (Cwlth), the only area of the application that now remains on the RNTC are those areas where native title has been determined to exist in the Eringa Native Title Claim Group v State of South Australia [2011] FCA 1386 determination.

The native title holders in relation to this determination have 6 months from the determination date to nominate a Prescribed Body Corporate and the areas where native title has been determined to exist will remain on the RNTC until a Prescribed Body Corporate has been determined.

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State(s): South Australia

ATSIC Region(s) or TSRA: Nulla Wimila Kutja Regional Council

Local Government Area(s): Outback Areas Community Development Trust

Location: Far north of South Australia to the Northern Territory border, northwest of Oodnadatta, west to Tieyon Station, including the eastern portion of Tieyon Station.

The area covered by this application is that part that remains as a result of the Native Title Determination SAD66/05

Irrwanyere Mt Dare and SAD6010/98 Eringa Part A Proceeding as determined by the Federal Court on 11 September and includes all land and waters within the external boundary described below:

#### External Boundary Description

##### AREA A

Commencing at a point on the southern boundary of Pastoral Lease CL1628/19 (Tieyon) at Longitude 133.850000° South, being a point on the northern boundary of Native Title Determination SAD6022/98 Yankunytjatjara Antakirinja and extending northerly to a point on the northern boundary of that pastoral lease at Longitude 133.900000° East; then easterly along the boundary of that pastoral lease and the northern boundary of Pastoral Lease CL1628/20 (Crown Point) to the north eastern corner of that pastoral lease, being the north western corner of Native Title Determination SAD66/05 Irrwanyere Mt Dare; then generally southerly again along boundaries of that pastoral lease and boundaries of that determination to the northern boundary of Native Title Determination SAD6010/98 Eringa Part A Proceeding; then westerly along the southern boundary of again Pastoral Lease CL1628/20 (Crown Point) and that determination to a north eastern corner of Pastoral Lease CL1607/84 (Eringa); then generally southerly and generally easterly along boundaries of that pastoral lease, the northern boundaries of Pastoral Lease CL1334/43 (Stevenson) and Pastoral Lease CL1607/55 (Macumba), being boundaries of Native Title Determination SAD6010/98 Eringa Part A Proceeding to the intersection with a line joining coordinate points Longitude 135.949356° East, Latitude 26.804511° South and Longitude 135.985320° East, Latitude 26.722749° South, being the south western corner of the southern severance of Native Title Determination SAD6016/98 Wangkangurru Yarluyandi Part A Proceeding as determined by the Federal Court on 11 September 2008.

Then generally south westerly passing through the following coordinate points.

Longitude (East) Latitude ° (South)

135.949356	26.804511
135.916947	26.872179
135.892672	26.918087
135.875552	26.946578
135.870287	26.954474
135.856403	26.973775
135.838260	26.996073
135.831607	27.003517
135.792179	27.042261
135.747854	27.080083
135.726690	27.099711
135.698370	27.125812
135.678793	27.142431
135.654319	27.161440
135.597298	27.197951
135.530496	27.235763
135.520410	27.240637
135.510263	27.245433
135.500955	27.251460
135.492701	27.259852

Then south westerly to the northernmost northwestern corner of Pastoral Lease CL1333/25 (Allandale), being a north eastern corner of Native Title Determination SAD6022/98 Yankunytjatjara Antakirinja; then generally westerly,

generally northerly and generally westerly along southern boundaries of Pastoral Lease CL1607/55 (Macumba), southern and western boundaries of Pastoral Lease CL1332/23 (Mt Sarah), southern and western boundaries of Pastoral Lease CL1607/84 (Eringa) and the southern boundaries of Pastoral Lease CL1628/19 (Tieyon), being boundaries of Native Title Determination SAD6022/98 Yankunytjatjara Antakirinja back to the commencement point.

#### AREA B

Commencing at a point on the northern boundary of Pastoral Lease CL1607/55 (Macumba) at Longitude 136.016212° East, being a point on the southern boundary of Native Title Determination SAD6010/98 Eringa Part A Proceeding and extending generally south westerly passing through the following coordinate points.

Longitude ° (East) Latitude 0 (South)

136.013135 26.656665

135.985320 26.722749

Then south westerly along a line to Longitude 135.949356° East, Latitude 26.804511° South to its intersection with a western boundary of Pastoral Lease CL1607/55 (Macumba), being the northernmost point of the southern severance of Native Title Determination SAD6016/98 Wangkangurru Yarluyandi Part A Proceeding and a south eastern corner of Native Title Determination SAD6010/98 Eringa Part A;

then northerly and easterly along boundaries of that pastoral lease and boundaries of Native Title Determination SAD6010/98 Eringa Part A back to the commencement point.

#### NOTE:

Non-Freehold and Pastoral Lease data sourced from Dept of Environment and Heritage, SA (August 2010).

Determination boundary data compiled by the National Native Title Tribunal from data sourced from the Dept of Environment and Heritage (SA) and Geoscience Australia.

- Native Title Determination SAD6022/98 Yankunytjatjara Antakirinja as determined by the Federal Court on 28 August 2006.

- Native Title Determination SAD66/051rrwanyere Mt Dare as determined by the Federal Court on 11 September 2008.

- Native Title Determination SAD6010/98 Eringa Part A Proceeding as determined by the Federal Court on 11 September 2008.

Native Title Determination SAD6016/98 Wangkangurru Yarluyandi Part A Proceeding as determined by the Federal Court on 11 September 2008.

#### Reference datum

Geographical coordinates have been provided by the NNTT Geospatial Services 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 (23 September 2010)

The area covered by the claim includes the whole or a portion of pastoral leases namely: Tieyon, Crown Point, Eringa, Mount Sarah, Stevenson and Macumba. The coordinates of the external boundary of the area covered by the application are set out in amended Attachment B1. To the extent of any inconsistency between the coordinates and the above description, the coordinates shall prevail.

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 provision of either s47, s47A or s47B of the Native Title Act (1993) (NTA).

In particular the following are excluded:

Category A past acts, as defined in s229 of the NTA, 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 NTA) or "Category A intermediate period acts" (as defined in s232B of the NTA) attributable to the Commonwealth and such grants or vestings which are attributable to the State where and to the extent that the State has made provision as mentioned in s23E and s22F of the NTA in relation to these acts.

For the avoidance of doubt, the following acts which occurred on or before 23 December 1996, where valid (including because of Division 2 or 2A of Part 2 of the NTA) are included or, for present purposes, are to be treated as included, in the definition of "previous exclusive acts", unless excluded from the definition by subsection 23B(9), (9A), (9B), (9C) or (10).

1. The creation or establishment of:

I. A permanent public work;

II. A dedicated road;

III. An act of adverse dominion where such an act was:

- Authorised by valid legislation; or

- Authorised or required by the condition of a valid Crown Grant, vesting or other interest;

IV. An unqualified grant of an estate in fee simple.

2. The grant of:

I. A schedule interest (see s.249C of the NTA), 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;

II. A residential lease on which a residence has been constructed in accordance with the terms and conditions of the lease (see s.249);

III. A commercial lease on which permanent works or structures have been constructed in accordance with the terms and conditions of the lease (see s.246);

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

For the avoidance of doubt the Applicants specifically maintain that the land the subject of the lease between the Minister for the Environment and Natural Resources and Irrwanyere Aboriginal Corporation dated 5 October 1995 is included within the area covered by this application (and is not excluded for any of the reasons set out above). The Applicants maintain that the lease did not extinguish Native Title for the following reasons:

- Whilst it was a lease granted pursuant to s.35 of the National parks and Wildlife Act 1972, it was not a lease solely or primarily for any of the purposes specified in s.39(11) of Part 5 of Schedule 1 of the Native Title Act 1993 (as amended);

- The lease was expressly granted:

"for the purposes of the use and occupation by Aboriginal people having traditional association with the Park, the enhancement of the cultural and social aspirations of the said Aboriginal people and to achieve the management objectives of the Park".

- The lease was further expressed not to operate to have any extinguishing effect on the native title rights and interests of the said Aboriginal people.

**Attachments:** 1. Map showing the boundaries of the area covered by the application, 1 page - A4, 21/01/2011

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