



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: SAD6011/1998
NNTT number: SC1996/004

Application Name: Barngarla Native Title Claim and The State of South Australia & ors (Barngarla)

Application Type: Claimant

Application filed with: National Native Title Tribunal

Date application filed: 04/04/1996

Current status: Full Approved Determination - 11/02/2022

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

Date claim entered on Register of Native Title Claims: 24/09/2019

Registration decision status: Accepted for registration

Registration history: Registered from 4/04/1996 to 1/05/2018, Registered from 3/05/2018 to 14/02/2022,

Date claim / part of claim determined: 11/02/2022 , 06/04/2018

Applicants: Elliott McNamara, Barry Croft, Howard Richards (Deceased), Lorraine Dare (Deceased)

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Additional Information

On 23 June 2016, the Federal Court of Australia made a determination that native title exists in parts of the application area: see Croft on behalf of the Barngarla Native Title Claim Group v State of South Australia (No 2) [2016] FCA 724. On 6 April 2018, the Federal Court ordered that determination be amended and that the determination to take effect from the date of the orders. On 24 September 2021, the Federal Court made a determination that native title exists in relation to parts of the application area: see Croft on behalf of the Barngarla Native Title Claim Group v State of South Australia (Port Augusta Proceeding) (No 5) [2021] FCA 1132. Order 2 of the determination provides that the 'Determination will take effect upon the ILUA [Barngarla Determination ILUA (No 2)] being registered on the Register of Indigenous Land Use Agreements.' On 11 February 2022, the ILUA was registered on the Register of Indigenous Land Use Agreements, and therefore this determination is in effect from 11 February 2022.

Persons claiming to hold native title:

The Barngarla native title claim group comprises those people who hold in common the body of traditional law and culture governing the area that is the subject of the claim being:

1. People who are related by means of the principle of descent to the following Barngarla apical ancestors:
 - 1.1 The siblings Percy Richards and Susie Richards;
 - 1.2 Maudie Blade, who is the mother of Phyllis Croft, George Glennie and Mary Glennie;
 - 1.3 The siblings Bob Eyles and Harry Croft;
 - 1.4 Jack Stuart;
 - 1.5 Arthur Davis (also known as King Arthur), and his sons, Andrew Davis, Jack Davis, Stanley Davis, and Percy Davis.
2. The Barngarla principles of incorporation into the group according to traditional law and custom also include those persons who:
 - 2.1 are of Aboriginal descent;
 - 2.2 have a connection with the claim area in accordance with the traditional laws and customs of the Barngarla native title claim group following the principle of biological descent from their ancestors.
3. Barngarla principles of incorporation into the group also require that members of the group:
 - 3.1 be specifically of Barngarla biological descent; or
 - 3.2 be adopted into the group by a custom of descent other than biological. (Examples of these persons are:
 - 3.2.1 Melissa Joy McNamara;
 - 3.2.2 Kasilla Sherama Penina Tucker-Richards).
4. The Barngarla native title claim group specifically excludes from membership;
 - 4.1 Any person who is a member of an overlapping claim, listed in Schedule H herein, whilst that claim continues to overlap the Barngarla native title claim. These persons are:
 - 4.1.1 Ada Eyles and her descendants, with the exception of Roma Taylor and her descendants;
 - 4.1.2 The descendants of Mary Glennie and Bill Wingfield, with the exception of Judy Wingfield and her descendants;
 - 4.1.3 The descendants of Norman Davis, the grandson of Arthur Davis;
 - 4.1.4 The following children of Eva Reagan and Harry Dare and their descendants:
 - 4.1.4.1 Sissy Sultan;
 - 4.1.4.2 Rita Joselyn;
 - 4.1.4.3 Stella Ruch;
 - 4.1.4.4 Marina Reid;
 - 4.1.4.5 Beverley Dudley.

Native title rights and interests claimed:

The native title rights and interests in relation to the area covered by the application include:

- (a) the right to possess, occupy, use and enjoy the area;

- (b) the right to make decisions about the use and enjoyment of the area;
- (c) right of access to the area;
- (d) the right to control the access of others to the area;
- (e) the right to use and enjoy resources of the area;
- (f) the right to control the use and enjoyment by others of resources of the area;
- (g) the right to trade in resources of the area;
- (h) the right to receive a portion of any resources taken by others from the area;
- (i) the right to maintain and protect places of importance under traditional laws, customs and practices in the area;
and
- (j) the right to maintain, protect and prevent the misuse of cultural knowledge associated with the area;
- (k) the right to conduct burial ceremonies on the area.

Application Area: **State/Territory:** South Australia
Brief Location: Port Augusta
Primary RATSIB Area: Greater South Australia
Approximate size: 80.0556 sq km
(Note: There may be areas within the external boundary of the application that are not claimed.)
Does Area Include Sea: Yes

Area covered by the claim (as detailed in the application):

STATE
South Australia

ATSIC REGION
Nulla Wimila Kutja Regional council

LOCAL GOVERNMENT AREAS
City of Port Augusta

LOCATION

The area covered by the original application is wholly within the State of South Australia. It includes the land and waters as identified on the map showing the geographic boundaries of the claim area which is attached at Attachment "C".

The Barngarla then received a determination of native title in *Croft v the State of SA (No 3)* [2018] FCA 552.

Post-determination, the remaining area of the Barngarla claim overlapped with the Nukunu claim and was known as the Port Augusta Overlap Proceeding as per the map Attachment "C2".

The Barngarla have now settled the Port Augusta Overlap Proceeding and amend their claim to reduce its boundaries from C2 to the map shown in Attachment "C3".

The co-ordinates of the external Barngarla boundaries of the area covered by C3 are set out in Attachment B2 and where any inconsistency between this description and the co-ordinates occur, then the description provided by the co-ordinates shall apply.

- Attachments:**
1. External Boundary Description, Attachment B2 of the application, 4 pages - A4, 22/08/2019
 2. Map, Attachment C3 of the application, 2 pages - A3, 22/08/2019

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