



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: SAD6016/1998  
NNTT number: SC1997/003

**Application Name:** Wangkangurru/Yarluyandi Native Title Claim and The State of South Australia & ors (Wangkangurru/Yarluyandi)

**Application Type:** Claimant

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

**Date application filed:** 21/08/1997

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**Current status:** Full Approved Determination - 03/10/2014

**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:** 22/08/1997

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 22/08/1997 to 3/10/2014,

**Date claim / part of claim determined:** 11/09/2008

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**Applicants:** Linda Crombie, Name withheld for cultural reasons, Brenda Shields, Sharon Lucas, Haydyn Bromley, Arthur Ah Chee

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**Phone:** (08) 8410 0211

## Additional Information

Not applicable

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## Persons claiming to hold native title:

The Wangkangurru/Yarluyandi native title claim group comprises those people who hold in common the body of traditional law and custom 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 Wangkangurru-Yarluyandi apical ancestors:

1.1 Wiljali;

1.2 The parents of two brothers, Ililji-Danggana and Ililjili-Birbana;

1.3 The parents of the sibling pair Nguramariu (male) and Pungatjuntu (female);

1.4 Judy Dandribilina Trew;

1.5 Sisters, Maggie and Bugagaguna;

1.6 And a woman whose two sons (the name of the first son is unknown, the name of the second son is Yungili) married the two sisters Maggie and Bugagaguna (as per 1.5 above) respectively. (I.e. Unnamed son married Maggie and Yungili married Bugagaguna);

2. The descendants of the apical ancestors at 1.5 and 1.6 above, specifically excludes the following descendants of Yungili and his wife Bugagaguna:

2.1 The following named children of Charles Ah Chee and his wife Ruby Colson Ah Chee: Phillip Ah Chee, Dean Ah Chee, Glynis Ah Chee, Vera Ah Chee, Lorraine Ah Chee, Sharon Ah Chee and their descendants;

2.2 Michael Finn, who is the son of Ross Finn and Kay Minungka;

2.3 The following children of George Macumba and his wife Maudie Macumba: John (who married Ellen Sultan), Kevin (who married Marlene Russell) and Sandra (who has children to a Mr. Dingaman, Bob Parker and to Peter Russell), and their descendants.

3. Wangkangurru/Yarluyandi principles of incorporation into the group according to traditional law and custom also include:

3.1 Being of Aboriginal descent;

3.2 Having a connection with the claim area in accordance with the traditional law and customs of the Wangkangurru/Yarluyandi native title claim group following a principle of descent from their ancestors.

, 4. Where, despite the application of the principles set out in paragraph 3 above, there remains any uncertainty as to whether a person can be identified as a Wangkangurru or Yarluyandi person:

4.1 The Wangkangurru/Yarluyandi Native Title Management Committee have the authority acknowledged by the Wangkangurru/Yarluyandi native title claim group, according to traditional laws and customs, to determine whether a person of Aboriginal descent has a connection to Wangkangurru/Yarluyandi lands and waters.

4.2 The Wangkangurru/Yarluyandi native title claim group assert that the Wangkangurru/Yarluyandi principle of authority, based on traditional laws and customs, incorporates the potential transfer of the authority to appropriate persons in future generations.

PROVIDED HOWEVER that should any person who is eligible to become part of the native title claim group be part of any other native title claim group whose claim overlaps the boundaries of the Wangkangurru/Yarluyandi claim, and that claim has been registered prior to the registration of this claim, then that person shall be specifically excluded from this claim group and in particular any person who is a member of an overlapping claim listed in Schedule H whilst that claim continues to overlap the current claim is excluded.

#### **Native title rights and interests claimed:**

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

. all existing non-native title rights and interests; and

. all laws in South Australia and Queensland made in accordance with sections 19, 22F, 23E or 231 of the Native Title Act;

to the extent these are valid and applicable.

THE APPLICANTS ARE NOT ASSERTING EXCLUSIVE RIGHTS AND INTERESTS OVER THE CLAIMED AREA,

In this Application no claim is being made to any native title rights and interests consisting of or including ownership of minerals, petroleum or gas wholly owned by the Crown under valid laws of the Commonwealth or State.

1. The right to possess, occupy, use and enjoy the area;
2. The right to make decisions about the use and enjoyment of the area;
3. The right of access to the area;
4. The right to control the access of others to the area;
5. The right to use and enjoy the resources of the area;
6. The right to control the use and enjoyment of others of resources of the area (subject to Schedule Q);
7. The right to trade in resources of the area;
8. Right to receive a proportion of any resources taken by others from the area;
9. The right to maintain and protect places of importance under traditional laws, customs and practices in the area;
10. The right to carry out and maintain burials of deceased members of the claim group within the area;
11. The right to control, maintain, protect and prevent the dissemination and misuse of cultural knowledge associated with the area;
12. The right to inherit and bestow native title rights and interests;
13. The right to conduct ceremonies on the area;
14. The right to control the conduct of ceremonies of others on the land;
15. The right to hold, assert and exercise responsibility for the welfare of the country in the area;
16. The right to resolve amongst the claimant group any disputes between themselves about land tenure;

**Application Area:**                    **State/Territory:** South Australia  
**Brief Location:** South Australia & Queensland  
**Primary RATSIB Area:** Greater South Australia  
**Approximate size:** 79612.1947 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.

Three of these determinations were made on 11 September 2008 and were over the Witjira National Park (see 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 area of this application to the extent it was covered by these determinations was removed from the Register of Native Title Claims (RNTC) on 26 August 2009.

The remaining determination was 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). This

determination is a part determination of the remaining application area and was registered on the National Native Title Register on 15 December 2011.

Pursuant to s.190(4)(e) of the Native Title Act 1993 (Cwlth), the areas of the application that were determined on 13 December 2011 are removed from the RNTC on 16 December 2011. This application remains on the RNTC only to the extent that it has not been determined.

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A map showing the external boundaries of the claim area is provided at Schedule C.

The application covers all the land and waters within the external boundary described as:

Commencing at a point on the Queensland / South Australia State Border east of Lake Teetarobie at Longitude 140.001231° East, being also the north western corner of native title determination application SAD6024/98 Yandruwandha/Yawarrawarka Native Title Claim (SC98/1), then generally southwesterly along boundaries of that application passing through the following coordinate points.

Longitude (East) Latitude (South)

139.900728 26.147648

139.800759 26.315911

139.569764 26.693364

139.367244 26.953967

The latter being a north western corner of native title determination application SAD6017/98 Dieri Native Title Claim (SC97/4), then south westerly and westerly along boundaries of that application through Longitude 138.719232° East, Latitude 27.787831° South to the centreline of the Warburton River at Longitude 138.102550° East, Latitude 27.864510° South, then generally north westerly and generally south westerly along boundaries of that native title determination application and the centreline of that river to Longitude 137.266564° East, being also a point on the eastern boundary of Native Title Determination Application SAD6025/98 The Arabunna Peoples Native Title Claim (SC98/2), then continuing along the boundaries of that application to the intersection with the centreline of an unnamed creek at Longitude 137.249911° East, then generally north easterly along the centreline of that creek and again boundaries of SC98/2 to the intersection with the centreline of the Macumba River at Longitude 137.243349° East, then generally north westerly along the centreline of that river and the boundaries of SC98/2 to Longitude 135.716786° East Latitude 27.204628° South, then continuing generally north easterly along the centreline of the Macumba River to the junction with Alberga River and Stevenson Creek, then generally northerly along the centreline of Stevenson Creek to the intersection with the southern boundary of Witjira National Park, being also the southern boundary of Native Title Determination SAD6010/98 Eringa Part A Proceeding, then easterly, northerly and again easterly along boundaries of that determination to the south western corner of Native Title Determination SAD6016/98 Wangkangurru Yarluyandi Part A Proceeding, then easterly and generally northerly along boundaries of that determination and Witjira National Park to the intersection with the Northern Territory / South Australia State Border, then easterly along that border to the junction of the Northern Territory / Queensland / South Australia State Borders, then northerly along the Northern Territory / Queensland State Border to Latitude 24.363085 South, then south easterly passing through Longitude 138.617906° East, Latitude 24.898504° South, to the eastern most corner of Native Title Determination Application QUD6033/02 Mithaka People (QC02/35) at Longitude 138.816582° East, Latitude 24.968954° South, then south easterly along the boundary of that application to Longitude 139.424460° East, then generally south easterly and generally southerly passing through the following coordinate points

Longitude (East) Latitude (South)

139.424000 25.194840

139.426385 25.196843

139.427542 25.199510

139.430352 25.200921

139.431864 25.203727

139.431898 25.205759

139.434121 25.208870

139.433543 25.212141

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139.433615 25.215826  
139.433165 25.218394  
139.433956 25.224037  
139.440537 25.254361  
139.445159 25.265651  
139.449051 25.267405  
139.453068 25.269174  
139.453765 25.272024  
139.454816 25.274582  
139.459344 25.277353  
139.469006 25.288057  
139.470398 25.288721  
139.481918 25.303900  
139.483232 25.306346  
139.483852 25.308850  
139.483546 25.310681  
139.484215 25.313187  
139.478291 25.327048  
139.477201 25.330721  
139.475930 25.337127  
139.474432 25.344858  
139.473543 25.349237  
139.472862 25.351207

Longitude (East) Latitude (South)

139.470521 25.355913  
139.469004 25.359374  
139.466935 25.365040  
139.464295 25.371080  
139.462600 25.375477  
139.461297 25.379445  
139.459138 25.382754  
139.457287 25.387664  
139.456478 25.390310  
139.456264 25.393070

Approved  
Registration

139.455586 25.397153  
139.454439 25.402937  
139.454237 25.404723  
139.453497 25.408995  
139.452778 25.413862  
139.451823 25.418592  
139.451615 25.420947  
139.451077 25.423297  
139.451162 25.440583

Then southerly to the centreline of the Eyre Developmental Road at Latitude 25.453526° South, then south easterly to a point located near Woolmarlie Tank at Longitude 139.548430° East, Latitude 25.506101° South; then southerly to a point located near Annuary Waterhole at Longitude 139.499580° East, Latitude 25.688832° South; then generally south easterly passing through the following coordinate points through Louies Hill and Grahams Bluff;

Longitude (East) Latitude (South)

139.530186 25.750357  
139.587822 25.784827  
139.608415 25.807565  
139.632440 25.829874  
139.646598 25.864625  
139.670194 25.895515  
139.688213 25.919540  
139.707090 25.926833  
139.728970 25.957294  
139.744844 25.968019

Then south easterly to a point on the South Australian / Queensland State Border at Longitude 139.780453° East, then easterly along that State Border back to the commencement point.

BUT EXCLUDING all freehold land, except for freehold land held by or in Trust for Aboriginal people or any freehold land held by the Crown or a Crown instrumentality where Native title has not been extinguished.

AND EXCLUDING the areas referred to in Attachment marked "Attachment B" Internal Boundaries

Notes

Data Reference and source

- Application boundary data compiled by National Native Title Tribunal.
- Native title determination application SAD6024/98 Yandruwandha/Yawarrawarrka Native Title Claim (SC98/1) as accepted for registration on 09/07/1999.
- Native title determination application SAD6025/98 The Arabunna Peoples Native Title Claim (SC98/2) as accepted for registration on 02/10/2008.
- Native title determination application SAD6001/98 Adnyamathanha No. 1 (SC99/1) as accepted for registration on 17/03/2008.
- Native title determinations - Eringa Part A Proceeding & Wangkangurru Yarluayandi Part A Proceeding as

determined 11 /09/2008.

- Cadastral data sourced from Public Sector Mapping Agency (May 2008).
- Rivers based on topographic 1:250 000 vector data © Commonwealth of Australia (Geoscience Australia) 2003.
- Eyre Developmental Road based on casement data sourced from sourced from Dept of Natural Resources and Water, Qld (May 2008).
- State borders data sourced from Geoscience Australia (1998);

#### 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 (12 May 2009).

#### Internal Boundaries

The internal boundaries of this application shall be the boundaries of the areas excluded from this application as set out below.

The applicants exclude from the area covered by this application any area over which native title has been extinguished by Common Law or by Statute save 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 by 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 the State has made provision as mentioned in s23E and s22F of the NTA in relation to those Acts.

For the avoidance of doubt, the following Acts which occurred on or before the 23rd of 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 possession 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 domination where such an act was:
  - authorised by valid legislation; or
  - authorised or required by the creation 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 of interest (see s249C 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 s249);

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

(iv) a lease for the provision of community services or amenities or 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).

#### Witjira National Park

The applicants maintain that the area known as the Witjira National Park being the land the subject of the lease between the Minister for the Environment and Natural Resources in the State of South Australia and Irrwanyere Aboriginal Corporation dated the 5th of October 1995 is included in the area claimed on the basis that the lease did not extinguish native title on the following grounds:-

1. The lease was expressed not to operate as to have any extinguishing effect on the native title rights and interests of Aboriginal people;
2. The lease was granted pursuant to Section 35 of the National Parks and Wildlife Act 1972 and not solely or primarily for any purpose specified in Section 39(11) of Part 5 of Schedule 1 of the Native Title Act;
3. The lease was granted for the purpose of the use and enjoyment by Aboriginal people having traditional association to the Park and other reasons.

**Attachments:** 1. Map of External Boundaries of the Claim Area, Attachment C of the Application, 1 page - A4, 08/10/2009

**NNTT Contact Details**

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