



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: SAD6017/1998
NNTT number: SC1997/004

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

Application Type: Claimant

Application filed with: National Native Title Tribunal

Date application filed: 21/08/1997

Current status: Full Approved Determination - 01/05/2012

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: 25/11/2003

Registration decision status: Accepted for registration

Registration history: Registered from 22/08/1997 to 5/05/2003, Registered from 25/11/2003 to 9/10/2013,

Date claim / part of claim determined: 01/05/2012

Applicants: Edward Landers, Name withheld for cultural reasons, Rhonda Gepp-Kennedy, Sylvia Stewart, Irene Kemp, David Mungerannie

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Additional Information

Not applicable

Persons claiming to hold native title:

The Dieri 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 and who:-

1. Are related by means of the principle of descent to the following apical ancestors:

1.1 Ruby Merrick and Tim Maltalilha (also known as Tim Merrick) who are the parents of the sibling set - Martin, Gottlieb, Rebecca, Selma (or Thelma);

1.2 Kuriputhanha (known as 'Queen Annie') mother of Karla-warru (also known as Annie);

1.3 Mary Dixon (born at Killalpaninna) mother of the sibling set - Dear Dear (known as 'Tear'), Jack Garret, George Mungeranie, Joe Shaw, and Henry;

1.4 Bertha mother of the sibling set - Johannes and Susanna

1.5 Walter Kennedy husband of Selma (also known as Thelma) nee Merrick;

1.6 Florrie wife of Martin Merrick, and;

1.7 The man Pinngipan:a (born at Lake Hope) and the woman Kulibani (born at Kalamarina) who are the parents of Sam Tintibana (or Dindibana Ginjmilina).

2. Dieri principles of incorporation into the group according to traditional law and custom also include:

2.1 being of Aboriginal descent; and;

2.2 having a connection with the claim area in accordance with the traditional law and custom of the Dieri Native Title Claim Group which includes a principle of descent from their ancestors.

3. The Dieri Native Title Claim Group Management Committee (SC97/04) have the authority acknowledged by the Dieri Native Title Claim Group according to the traditional law and custom of the Native Title Claim Group to determine whether a person of Aboriginal descent has a connection to the Dieri lands and waters in accordance with 2.2 above.

4. Note with regard to those named applicants in accordance with 2. and 3. above, that the principle of authority, based on traditional laws and customs, incorporates the potential transfer of this authority to appropriate persons in future generations.

, 5. This native claim group however specifically excludes all of those people listed as being the applicant group in the particulars of claim filed in the Federal Court matter No. SG66 of 1999 being the Dieri People Angas Warren and Others, whilst those people's names appear as members of that applicant group.

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 Dieri claim, and that claim has been registered prior to the registration of this claim, then those persons shall be specifically excluded from this claim group.

Native title rights and interests claimed:

A description of the native title rights and interests claimed in relation to particular land or waters (including any activities in exercise of those rights and interests).

The native title rights and interests claimed are the rights and interests of the common law holders of native title which arise because of the existence of native title, in particular:-

1. The right to possess, occupy, use and enjoy the claim area;

2. The right to make decisions about the use and enjoyment of the claim area;

3. The right of access to the claim area;

4. The right to control the access of others to the claim area;

5. The right to use and enjoy the resources of the claim area;

6. The right to control the use and enjoyment of others of resources of the claim area (subject to Schedule Q);
7. The right to trade in resources of the claim area;
8. The right to receive a proportion of any resources taken by others from the claim area;
9. The right to maintain and protect places of importance under traditional laws, customs and practices in the claim area;
10. The right to carry out and maintain burials of deceased members of the claim group within the claim area;
11. The right to control, maintain, protect and prevent the dissemination and misuse of cultural knowledge associated with the claim area;
12. The right to inherit and bestow native title rights and interests;
13. The right to conduct ceremonies on the claim 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 claim area;
16. The right to resolve amongst the claimant group any disputes between themselves about land tenure;

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

- (a) all existing non native title rights and interests;
- (b) all laws of South Australia made in accordance with s19, 22F, 23E or 231 of the Native Title Act:

To the extent that these are valid and applicable.

Application Area: **State/Territory:** South Australia
Brief Location: Area wholly of South Australia
Primary RATSIB Area: Greater South Australia
Approximate size: 46261.1099 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 amended application area covers all land and waters within the external boundary described as:

Commencing on a western boundary of native title determination application SAD6024/98 Yandruwandha/Yawarrawarrka Native Title Claim (SC98/1), being the western most north western corner of Innaminka Regional Reserve and extending southerly, easterly and generally south easterly along boundaries of that reserve and native title determination application to Longitude 140.185112° East; then southerly and generally south westerly again along boundaries of that native title determination application passing through the following coordinate points.

Longitude (East) Latitude (South)

140.194980 28.108791

139.618635 29.125470

Again south westerly along the boundary of that native title determination application to the intersection with native title determination application SAD6001/98 Adnyamathanha No.1 (SC99/1), being the south western shoreline of Lake Blanche; then generally north westerly along the shoreline of that lake and boundaries of that native title determination application to Longitude 139.384583° East; then generally north westerly and generally south westerly again along boundaries of that native title determination application passing through the following coordinate points.

Longitude (East) Latitude (South)

139.380983 29.156313

139.375935 29.152852

139.370103 29.149934

139.279715 29.196623

139.189327 29.289997

138.961899 29.467992

138.795702 29.581792

138.594515 29.701424

138.442894 29.777290

Then south westerly to the centreline of the Frome River at Longitude 138.390707° East; then north westerly and generally south westerly along the centreline of that river to again intersect native title determination application SAD6001/98 Adnyamathanha No.1 (SC99/1) at Longitude 138.375832° East; then south westerly along boundaries of that native title determination application to again the centreline of the Frome River at Longitude 138.373357° East; then generally north westerly along the centreline of that river to Latitude 29.712754° South; then north westerly to the intersection with native title determination application SAD6025/98 The Arabunna Peoples Native Title Claim (SC98/2) at Latitude 29.693668° South; then generally northerly and generally north westerly along boundaries of that native title determination application passing through the following coordinate points.

Longitude (East) Latitude (South)

138.109497 29.668725

138.070049 29.607993

138.039704 29.535114

138.019786 29.487773

138.001364 29.479046

137.993502 29.461999

137.994812 29.423969

137.988118 29.375693

137.985083 29.343808

137.972946 29.317996

137.954739 29.296741

137.930464 29.267894

137.901636 29.248155

137.895568 29.222344
137.887980 29.193497
137.891015 29.158576
137.900117 29.114544
137.910504 29.092890
137.918423 29.041873
137.918424 29.041867
137.918432 29.038588
137.918432 29.031378
137.918278 29.008523
137.917126 28.955526
137.916817 28.909201
137.915587 28.813484
137.906980 28.653955
137.898376 28.584008
137.881166 28.515289
137.867644 28.469885
137.854123 28.426935
137.835278 28.384300
137.802169 28.328318
137.675058 28.212921
137.620021 28.147353
137.561048 28.058181
137.515186 28.010973
137.464081 27.966385
137.416907 27.927044
137.386075 27.905125
137.352898 27.891359
137.266671 27.874909

Then northerly to the intersection with native title determination application SAD6016/98 The Wangkangurru/Yarluyandi Native Title Claim (SC97/3) at Longitude 137.266564° East, being the centreline of the Warburton River; then generally north easterly, generally south easterly and generally easterly along the centreline of that river and boundaries of that native title determination application to Longitude 138.102550° East, Latitude 27.864510° South; then easterly and north easterly again along boundaries of that native title determination application passing through Longitude 138.719232° East, Latitude 27.787831° South; then north easterly to a south western corner of native title determination application SAD6024/98 Yandruwandha/Yawarrawarrka Native Title Claim (SC98/1); then easterly again along the boundary of that native title determination application back to the commencement point.

Notes

Data Reference and source

- Application / Agreement boundary data compiled by National Native Title Tribunal.
- Native title determination application SAD6016/98 The Wangkangurru/Yarluyandi Native Title Claim (SC97/3) as accepted for registration on 26/10/1999.
- 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.
- 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.

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 (17th October 2008).

The areas within the external boundaries that are excluded from the claim area as follows:

1. The boundaries of the area of land and waters covered by the application are shown on the map attached and marked as Attachment C and are described above.
2. Subject to (3) and (4) below, the areas of land and waters within the boundaries referred to in (1) above that are not covered by the application are:
 - a. Any area that is, or was, subject to any of the following acts as defined in the Native Title Act 1993 (Cwlth) or the Native Title (South Australia) Act 1994 (SA):
 - i. Category A past act;
 - ii. Category A intermediate period act;
 - iii. Category B past act that is wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests;
 - iv. Category B intermediate period act that is wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests;
 - v. Previous exclusive possession act.
 - b. Any other area in relation to which native title rights and interest have otherwise been wholly extinguished.
3. Where there is any discrepancy between the map provided at Attachment C and the written description contained in this schedule and in Attachment B, the former shall prevail.

Attachments: 1. Map depicting the External Boundaries of the Claim Area, Attachment C of the Application, 1 page - A4, 12/03/2009

NNTT Contact Details **Address:** National Native Title Tribunal

National Native Title Tribunal

Extract from Schedule of Native Title Applications

SAD6017/1998

Page 6 of 7

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