



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: SAD6022/1998
NNTT number: SC1997/009

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

Application Type: Claimant

Application filed with: National Native Title Tribunal

Date application filed: 21/11/1997

Current status: Discontinued - 27/05/2009

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 21/11/1997 to 01/06/2009

Date claim / part of claim determined: 28/08/2006

Applicants: Jean Wood, Sadie Singer, Lallie Lennon, Name withheld for cultural reasons

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Additional Information

Not applicable

Persons claiming to hold native title:

The Yankunytjatjara/Antakarinja Native Title Claim Group comprises those people who hold in common the body of traditional law and custom governing the area the subject of the claim.

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

- 1.1 Nora Singer, including her daughter Sadie Singer
- 1.2 Paddy Jones
- 1.3 Lallie Lennon and her recently deceased husband, Stanley Lennon
- 1.4 Johnny Cullinan and his wife Peggy Tjingilya Cullinan
- 1.5 Billy Cullinan (deceased) and his wife Emily Cullinan
- 1.6 Huey Cullinan
- 1.7 Johnny Williams
- 1.8 Kanytji, including Shannon Kanytji
- 1.9 Yami Lester and his wife Lucy Lester
- 1.10 Ernie Baker and his wife Lilly Yupuna Baker
- 1.11 Cissie Riley
- 1.12 Kunmanara Edie King
- 1.13 Angelina Wangka
- 1.14 Minnie Rosella
- 1.15 Harry Wallatina
- 1.16 Lilly Kukika
- 1.17 David Umula and his wife Lilly Umula
- 1.18 Marinka Burton
- 1.19 Billy Kutatji
- 1.20 Monty O'Toole
- 1.21 Janie Woodford
- 1.22 Judy Edwards
- 1.23 Daisy Brown, including her son, Albert Crombie

, 2. The following sets of siblings and all their biological descendants are members of the native title claim group.

- 2.1 Whiskey Tjukanku and Riley Tjayrany
- 2.2 Harry Giles, Ginger Mapulya, Maxine Stuart and Nelly Coulthard
- 2.3 Huey Tjami and Cathleen Wallatina
- 2.4 Aileen Daniels, Mungkutja Prince and Suzie Presley
- 2.5 Teddy Edwards, Molly Tjami and Murika (deceased)
- 2.6 Wallace Wallatina and Mary (Tuli) Mingkilyi

2.7 Peter Munkuri and Johnny Wangin

2.8 Topsy Campbell and Marlene Campbell

2.9 Barney Lennon, Millie Taylor, Kunmanara (Tilly) Waye (deceased), Emily Austin, William Lennon Snr and Dorothy Lennon Cayton.

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

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

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

2.13 Hazel Brown, Ricky Brown and Martha Edwards.

2.14 [Willy Williams' dec'd wife], Johnny Fatt, Eva Fatt, Beverley Fatt and Ronald Fatt.

2.15 Kelly Tjutatja Brown, Tommy Brown, Henry Brown, Jessie Brown and Billy Nungki Brown.

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

2.17 Bidy Lang, Lena Lang, Lesley Lang, Beverly Lang, Joan Lang and Hector Lang.

2.18 Gracie Johns, Johnny Johns, Teddy Johns, Joyce Johns and Pamela Johns.

2.19 Milatjari, Tommy Dodd, Darby Gilbert and William Gilbert.

2.20 David Brown, Bulla Brown, Annabel Lang, Ida Brown, Lucy Brown and Linda Brown

2.21 Billy Mungi and Mumpi Baker

2.22 Kitty Rouche, Janie Lovegrove and Hilda Lovegrove

2.23 Keith Aitkin, Robert Aitkin, Jimmy Aitkin (deceased), Graham Aitkin, and Deborah Aitkin

2.24 Angelina Crombie and Sadie (deceased)

2.25 Johnny Miller and his siblings whose names are not known at this time

, 2.26 Topsy Bannington and her siblings, all being the children of Lambina Mick (deceased) and Angelina Lambina (deceased)

3. The children of Pompey Everard and their biological descendants are members of the native title claim group

4. Yankunytjatjara/Antakirinja principles of incorporation into the group according to traditional law and custom 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 Yankunytjatjara/Antakirinja Native Title Claim Group which includes the principle of descent from their ancestors.

NOTE: Pursuant to Yankunytjatjara/Antakirinja traditional law and custom the principle of descent includes, but is not limited to, biological descent.

NOTE: Members of the Yankunytjatjara/Antakirinja native title claim group acknowledge that the terms "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 others.

Native title rights and interests claimed:

The native title rights and interests claimed are the rights and interests of common law holders of native title derived from and exercisable by reason of the existence of native title, in particular:

1. The generic aspects of the Yankunytjatjara/Antakirinja proprietary and beneficial rights and interests;
 - 1.1 full beneficial ownership of the claim area including possession, occupation, use and enjoyment as of right;
 - 1.2 carriage of responsibility for the care and maintenance of the claim area;
 - 1.3 the right to hold the claim area as cultural property and source of the native title group and its identity;
 - 1.4 the capacity to transmit ownership of and identification with the claim area, for example, to descendants.

2. Rights which flow from the property and beneficial rights.

2.1 Occupation and economic

- 2.1.1 the right to access and occupy the claim area, including to live on and erect residences on the land;
- 2.1.2 the right to take, use, enjoy and develop the natural resources of the claim area;
- 2.1.3 the right to make a living and derive economic benefit from the claim area, including to dispose of the resources or products of the claim area by commerce or exchange;
- 2.1.4 the right to a share of the benefit of resources taken on the claim area by others.

2.2 Control and Management

- 2.2.1 the right to make decisions over, manage and conserve the claim area and its natural resources;
- 2.2.2 the requirement to be asked for and to control access, occupation, use and enjoyment of the claim area and its resources by others;
- 2.2.3 the right to control the marking and changing of the land of the claim area.

2.3 Cultural Property

- 2.3.1 The right to speak for, protect and control access to the Aboriginal cultural estate pertaining to the claim area including places of special significance, subject to any level of cultural authority shared by elders of neighbouring groups under Aboriginal traditional law and custom;
- 2.3.2 The right to maintain, manage, develop and transmit the cultural estate pertaining to the claim area;
- 2.3.3 The right to conduct social, cultural and religious activities including burials on the claim area.

2.4 Membership and dispute settlement

- 2.4.1 The right to resolve ambiguities or disputes concerning the claim area or the membership of the Yankunytjatjara/Antakirinja native title claim group, subject to any right or authority to participate held by the neighbouring groups under Aboriginal traditional law and custom.

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); and
 - 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.

Application Area: **State/Territory:** South Australia
Brief Location: Central Northern South Australia
Primary RATSIB Area: Greater South Australia
Approximate size: 3.9725 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):

Note: The area covered by this application was determined in part on 28/08/2006 (refer Yankunytjatjara/Antakirinja Native Title Claim Group v The State of South Australia [2006] FCA 1142).

A) a map showing the external boundaries of the area covered by the claim, marked as attachment C.

The area covered is the area to:

1. the east of the boundary of Anangu Pitjantjatjara Lands vested pursuant to the Pitjantjatjara Land Rights Act, 1981 (South Australia) from the most north-eastern point of what was formerly known as Granite Downs Station, now Anangu Pitjantjatjara Lands;
2. south along the eastern boundary of Anangu Pitjantjatjara Lands latitude 27 degrees 51 minutes south, to the most south eastern point of which is adjacent to Wintinna West Pastoral Station, then;
3. due east to the eastern boundary of Arkaringa Station (Coorinkiana), then;
4. north along the eastern most boundaries of Arkaringa (Coorinkiana) and Todmorden Stations to the most north-eastern point of Todmorden Station, then;
5. west along the northern most boundaries of Todmorden and Lambina Stations to where the most north-western point of Lambina Station adjoins the eastern boundary of Anangu Pitjantjatjara Lands.

The claim area covers the whole of Lambina, Welbourne Hill and Todmorden pastoral stations and northern portions of Wintinna West, Evelyn Downs and Arkaringa (including Coorinkiana) pastoral stations. It also includes the township of Marla.

The above area is within the Out of Hundreds Abminga, Wintinna, Dalhousie and Oodnadatta being the whole of the land and waters within this area WITH THE EXCEPTION OF the road corridor where the area is traversed by the Stuart Highway and the railway corridor where the area covered is traversed by the Central Australia Railway.

The Geographical boundaries of the area covered by the application are clearly delineated and marked on the attached map, being Attachment C to this application.

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

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 past 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 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 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:

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- 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 a 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 a permanent nature have been constructed in accordance with the terms and conditions of the lease (see s249A).

Attachments: 1. Map of External Boundary, 1 page - A3, 21/11/1997

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