



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: SAD6024/1998
NNTT number: SC1998/001

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

Application Type: Claimant

Application filed with: National Native Title Tribunal

Date application filed: 08/01/1998

Current status: Full Approved Determination - 16/12/2015

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: 08/01/1998

Registration decision status: Accepted for registration

Registration history: Registered from 8/01/1998 to 17/12/2015,

Date claim / part of claim determined: 16/12/2015

Applicants: Leslie Harris, Aaron Paterson, Name withheld for cultural reasons, Fredrick Brown, Name withheld for cultural reasons, Anita Paterson, Fay Nicholls, Theresa Bottrell

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Additional Information

Not applicable

Persons claiming to hold native title:

The Yandruwandha/Yawarrawarrka 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 Yandruwandha/Yawarrawarrka apical ancestors:

1.1 Annie (born at Cordillo Downs) who is the mother of Archie Guttie;

1.2 Maggie, who is the mother of Annie King.

1.3 Tiniwa Clara, mother of Frank Booth and Alice Miller (nee Booth);

1.4 The parents of Punbili Bob Parker (Senior);

1.5 Flash Ted Bikehandle and his wife Topsy;

1.6 Kimi (born at Innamincka) and his wife;

1.7 Maramundu Jack "The Ripper" Parker;

1.8 The woman (born at Cordillo Downs) who is the mother of the sibling set - Mary Stafford (nee Moore), Jack Moore, Charlie Moore (Senior), and female twins whose names are unknown;

1.9 The parents of Albert Moore;

1.10 Brothers Walter Harris(on) and Dick Harrison;

1.11 The parents of Lilly (whose married name is Parker) and her sister Kathlene (whose married name is George);

1.12 Annie and her husband, who are the parents of Coongie Maggie (born at Coongie Lakes in South Australia);

1.13 The parents of the sibling set - Billy Parker, Jessy Parker, Peter "Petekin" Parker, and Paddy Parker;

1.14 Flash Tommy and his wife Sarah, who are the parents of the sibling set - Colin Flash, George Flash (also known as George Murray), Ted "Chippie" Flash and Albert "Bully" Flash. Sarah is also the mother of John Murray (also known as "Chunder" Williams) and Roger Murray;

1.15 The parents of sibling set - Merty George and Merty Johnny and Merty Mick; and

1.16 Larrikin Mick.,

2 The Yandruwandha/Yawarrawarrka principles of incorporation into the group according to traditional law and custom also include:

2.1 Being of Aboriginal descent;

2.2 Having a connection with the claim area in accordance with the traditional laws and customs of the Yandruwandha/Yawarrawarrka native title claim group following the principle of biological descent from their ancestors.

3 Yandruwandha/Yawarrawarrka principles of incorporation into the group also require:

3.1 Being specifically of Yandruwandha or Yawarrawarrka biological descent or specifically of both Yandruwandha and Yawarrawarrka biological descent.,

4 Where, despite the application of the principles set out in paragraphs 2 and 3 above, there remains any uncertainty as to whether a person can be identified as a Yandruwandha or Yawarrawarrka person:

4.1 The applicants Jack Guttie (deceased) and Aaron Paterson have the authority to determine whether or not a person of Aboriginal descent has a connection to the Yandruwandha lands and waters in accordance with the Yandruwandha traditional laws and customs (see paragraph 2.1 and

2.2 above);

4.2 Hector Harrison and his brothers Willie Harrison and Alfie Harrison have the authority to determine whether or not a person of Aboriginal descent has a connection to the Yawarrawarrka lands and waters in accordance with the Yawarrawarrka traditional laws and customs (see paragraphs 2.1 and 2.2 above);

4.3 The Yandruwandha/Yawarrawarrka native title claim group acknowledges the authority of Jack Guttie (deceased), Aaron Paterson, Hector Harrison, Willie Harrison and Alfie Harrison for the purposes set out in paragraphs 4.1 and 4.2 herein and assert that the principle of authority, based on traditional laws and customs, incorporates the potential transfer of the authority to appropriate persons in future generations.,

5 The Yandruwandha/Yawarrawarrka native title claim group specifically excludes from membership any person who is a member of an overlapping claim, listed in Schedule H herein, whilst that claim continues to overlap the Yandruwandha/Yawarrawarrka native title claim.

Native title rights and interests claimed:

The native title rights and interests claimed are subject to the effect of the rights validly granted by the Crown to others pursuant to statute to possess, occupy, use and enjoy all or part of the Yandruwandha/Yawarrawarrka land and waters.

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

1 The right to have access to, and reside on Yandruwandha/Yawarrawarrka land and waters.

2 The right to enjoy the resources of the Yandruwandha/Yawarrawarrka land and waters.

3 The right to control the access and conduct of others with respect to Yandruwandha/Yawarrawarrka land and waters.

4 The right to control the use and enjoyment of others of the resources arising from Yandruwandha/Yawarrawarrka land and waters.

5 The right to maintain and protect Yandruwandha/Yawarrawarrka land and waters, in particular, sites and areas of importance.

6 The right to control, maintain, protect and prevent the dissemination and misuse of cultural knowledge of the Yandruwandha/Yawarrawarrka native title claim group.

7 The right to transmit knowledge and information concerning Yandruwandha/Yawarrawarrka land and waters and related customs and social practices to younger generations of Yandruwandha/Yawarrawarrka peoples who inherit this right

8 The right to conduct and maintain mortuary practices according to Yandruwandha/Yawarrawarrka traditional laws and customs.

9 The right to conduct and maintain ceremonial practices according to Yandruwandha/Yawarrawarrka traditional laws and customs.

10 The right to trade in the resources of Yandruwandha/Yawarrawarrka land and waters (which include, but are not limited to birds, animals, plants, fish, marine animals, shellfish, timber, ochre, stone, minerals and subsurface minerals).

11 The right to inherit and bestow native title rights and interests.

Application Area: **State/Territory:** South Australia
Brief Location: North East SA
Primary RATSIB Area: Greater South Australia
Approximate size: 40259.4200 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 external boundaries of the area of land and waters covered by the claim are described in attached documents:

- A) a map showing the external boundaries of the area covered by the claim, marked as Attachment C
- B) a technical description of the external boundary, marked as Attachment C1.

1. The Yandruwandha/Yawarrawarrka native title claim area is in relation to all land and inland waters identified by the mid point of the blue line on the map (attachment C) showing the geographical boundaries of the claim area subject to:

1.1 The co-ordinates of the external boundaries of the Yandruwandha/Yawarrawarrka claim area are shown in attachment C;

1.2 The waters claimed include the bed and banks of all waterways including rivers, tributaries and creeks as far as they have not been alienated;

1.3 To the extent of any inconsistencies between attachment C and the co-ordinates with the following description, attachment C and the co-ordinates shall prevail;

1.4 The Yandruwandha/Yawarrawarrka claim area boundary extends in a northerly direction from the northern most point of Lake Blanche in a straight line to the centre of the township of Moomba. The boundary then extends north in a straight line to the edge of the Innamincka Regional Reserve at a point 5 kms southeast of the Gidgealpa Homestead. The boundary then extends along the Innamincka Regional Reserve boundary initially in a north-westerly direction and then due west to the western side of the Reserve. The boundary then extends in a northerly direction along the western side of the Reserve to its northwest corner. The boundary then continues due west for 50 kms. The boundary then extends in a northeasterly direction for 45.5 kms to Geakes Hill, then extends northeasterly for 30.5 kms to Koornoo Hill, then extends in a northeasterly direction to a point on the

Queensland/South Australia border 1 kms due west of Lake Teetarobie. The boundary then follows the Queensland/South Australia border east to the point where it meets the Queensland/South Australia border at Haddon Corner. The claim boundary then extends south along the line of the South Australia/Queensland border to the border of South Australia/Queensland and New South Wales at Cameron Corner. The boundary then extends in a westerly/southwesterly direction in a straight line to Lake Blanche and then along the southerly edge of Lake Blanche until it reaches a point where Lake Blanche narrows at its western side at a point approximately 2.5 kms east of Mound Spring and then in a generally north, northeast direction along the edge of Lake Blanche to its most northerly point.

The coordinates of the external boundary of the area covered by the application are set out in Attachment C1. To the extent of any consistency between the map and the coordinates, and the above description the coordinates shall prevail.

The areas within the external boundaries that are not covered by the application are as follows:

The applicants exclude from the area covered by the application any area over which native title has been extinguished save and except for those areas of land or waters over which prior extinguishment may be disregarded in accordance with the provisions of either section 47, section 47A or section 47B of the Native Title Act 1993.

In particular the following are excluded:

Category A past Acts as defined in section 229 of the NTA, including any previous non exclusion possession acts which are also a category A past Act; and

Grants or vestings which are previous exclusion possession acts or valid Category A intermediate period acts (as defined in section 23B and section 23A 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 section 23E and section 22F of the Native Title Act.

It is not intended that exclusive rights and interests are claimed in relation to areas subject to valid previous non exclusive possession acts, as defined by s. 23F of the Native Title Act 1993 .

- Attachments:**
1. Map showing External Boundaries, Attachment C of the Application, 1 page - A3, 03/06/1999
 2. Technical description of external boundary, Attachment C1 of the Application, 1 page - A4, 03/06/1999

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