



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: SAD6027/1998  
NNTT number: SC1998/004

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

**Application Type:** Claimant

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

**Date application filed:** 06/07/1998

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**Current stage(s):** Notification Complete, Part Determination

**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:** 13/01/2000

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 6/07/1998 to 6/10/1999, Registered from 13/01/2000

**Date claim / part of claim determined:** 14/12/2017

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**Applicants:** Laura Agius, Peter Rigney, Basil Sumner, Darrell Phillip Sumner, Luke Trevorrow, Daryle Rigney, Grant Rigney, Laurie Rankine Jnr, Eunice Aston, Rita Lindsay Jnr, Marshall Carter, Major Sumner, David Crompton, Owen Love, Gordon Rigney Jnr, Lewis Rigney, Jordan Sumner, Cyril Trevorrow, Donald Roberts

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## Additional Information

A consent determination of native title in respect of part of the application area was made by Justice White on 14 December 2017 - see *Sumner v State of South Australia (Ngarrindjeri Native Title Claim Part A)* [2017] FCA 1514. That determination was registered on the National Native Title Register on 4 January 2018 – see SCD2017/002. Pursuant to s 190(4)(e), details of the claim made in relation to the determination area are removed from the application area as and from 4 January 2018. Attached to this extract are a map and technical description produced by the National Native Title Tribunal which is an interpretation of the area that remains part of the application following the determination on 14 December 2017 referred to above. These attachments do not form part of the application and are provided for general information only. Persons should seek their own independent advice in relation to the correct description of the area.

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## Persons claiming to hold native title:

The Native Title Claim Group (the claim group) comprises those people, Ngarrindjeri and others, 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 a traditional principle of descent to the following apical ancestors:

- 1.1 Jim Gibson and his wife Katherine (also known as Caroline);
- 1.2 Kitty Russell who is the mother of Amy Russell;
- 1.3 Turtaminyeri and her husband Whympie (also written as Wirimpie);
- 1.4 Maggie Dixon who is the mother of Jack, Harry and Alf Watson;
- 1.5 Louisa Karpany, nee Kontinyeri (also known as 'Queen' Louisa, Louisa Ngewatainindjeri);
- 1.8 Dick Dath (also known as Old Jack Fisherman and Fisherman Jack - also written as Death and Dat) and his wife Mutinda (also known as Maltinda);
- 1.9 The man Wiwat-tateri (also known as Old Bull) and his wife;
- 1.10 The woman who is the mother of George Walker and Joe Walker;
- 1.11 Joe Walker and his wife Emily (also known as Emma Yriandinyeri);
- 1.12 Kini and her husband;
- 1.13 Reuben Walker (also known as Reuben Rankine);
- 1.14 Mary Cameron and her husband;
- 1.15 The sibling set Elizabeth (Libby), Charlotte, Mary, Tom, Lucy and Christina;
- 1.16 Old Gollan;
- 1.17 Bill Hunter;
- 1.18 Sandy (also known as Old Sandy) and his wife;
- 1.19 John Hodgkiss;
- 1.20 John Davison;
- 1.21 Minora and his wife Mary Ann;
- 1.22 Jim Felix (also known as Charlie) and his wife;
- 1.23 Grote (also written as Groot) and his wife who are parents of Albert Kartinyeri;
- 1.24 Benjamin Sumner who is the father of Eva (also known as Darpung), John and Ellen Sumner;
- 1.25 Kinduruwar who is the mother of Eva (also known as Darpung), John and Ellen Sumner;
- 1.26 Mulparini who is the mother of Phillip Sumner and Isabella Sumner;
- 1.27 John Rankine;
- 1.28 George Harris;
- 1.29 Jack Liliwar and his wife;
- 1.35 Minkuluti;
- 1.36 Tripp husband of Kundiwe;
- 1.37 Eliza Tripp who is the mother of Bertie Tripp;
- 1.38 The mother of Charlotte Varcoe;
- 1.39 Pi:wi:ngangke (also known as Jumbo Campbell and Yulukipald) and his wife Renungi;
- 1.40 Ngakun who is the father of Pulami (also known as King Peter or King Pullum) and his wives;
- 1.41 Nangowane;
- 1.42 James Jackson and his wife;
- 1.43 Old Kropinyeri and his wife;
- 1.44 Old Giles (also known as James Giles and Old Henry Giles) and his wife Nyaikinyeri;
- 1.45 Donald Gollan (also known as Dan Gollan);
- 1.46 The woman who is the mother of Alf Gollan;
- 1.47 Old man Stephens;
- 1.48 Ada Stephens wife of Bob Stephens;
- 1.49 Old Carter;

- 1.50 George Spender;
- 1.51 James Spender and his wife Betty Campbell;
- 1.52 Long Billy;
- 1.53 The woman Li:wuni (also known as Lewinne) who is the mother of Dorothy and Emily Lewinne;
- 1.54 Fanny (also known as Cockeyed Fan);
- 1.55 Bewes (also known as Willie and Eli);
- 1.56 George Taylor;
- 1.57 The man Wasa and his wife Petembetepiri;
- 1.58 Priscilla Wasa, mother of Fred Wasa and others;
- 1.59 Old Dick Martin (also known as Jack Martin and Ku:jap) and his wife;
- 1.60 Old Paddy Smith and his wife Louisa;
- 1.61 Fred Long and his wife Matilda (also known as Lena Weyantali);
- 1.62 George Beck and wife Mary Jane;
- 1.63 Ngunaitponi (also known as Unaipon) and his wife;
- 1.64 Dodd and his wife Margaret;
- 1.65 The mother of Hannah Lawson;
- 1.66 Tommy Lawson;
- 1.67 Old Mary Lampard;
- 1.68 Crofton Boothby and his wife Euphemia;
- 1.69 Wanditinyeri (also known as Jenny Ponggi, Nelly Muldugine and Paleliwal; also written as Pongge and Pondji);
- 1.70 Edward and his wife Maggie;
- 1.71 Bill Rollison;
- 1.72 The man Pinkie and his wife;
- 1.73 John Dunn;
- 1.74 George Pantoni and his wife Amelia (nee Rankine);
- 1.75 Monarta (also known as Queen Monarta) and her husband 'King' John;
- 1.76 Buffalo and his wife;
- 1.77 Old Makeri, father of George Makeri (also known as Muckray, Mukary); and
- 1.78 William Poole (also written Pool) and his wife Lizzie.

2. The principles of incorporation into the claim 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 claim group which includes a principle of descent from their ancestors.

Note: The traditional laws and customs include the adoption of persons of Aboriginal descent.

3. 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 part of the claim group:

- 3.1 The Ngarrindjeri and others Native Title Claim Group Management Committee have the authority acknowledged by the claim group to determine, in accordance with the traditional laws and customs of the claim group, whether a person of Aboriginal descent has a connection to the claim area in accordance with 2.2 above;
- 3.2 The principle of authority set out in paragraph 3.1, acknowledged by the claim group according to traditional law and custom, incorporates the potential transfer of this authority to appropriate persons in the claim group.

4. The following individuals, namely Allan Bell Campbell jnr and his brother John Campbell and their children who are descendants of Ngakun (see point 1.40 above) have specifically requested that they be excluded from the claim group description.

#### **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 claim group's 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 and responsibility for the care and maintenance of the claim area;
- 1.3 the right to hold the claim area as cultural property and the 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 The right to access and occupy the claim area, including to live on and erect residences on the land;
- 2.2 The right to take, use, enjoy and develop the natural resources of the claim area;
- 2.3 The right to make a living and derive economic benefit from the claim area, including to dispose of resources or products of the claim area by commerce or exchange;
- 2.4 The right to a share of the benefit of resources taken on the claim area by others;
- 2.5 The right to make decisions over, manage and conserve the claim area and its natural resources;
- 2.6 The right to control access, occupation, use and enjoyment of the claim area and its resources by others;
- 2.7 The right to obtain, control, maintain, transmit to others, protect and prevent the dissemination and misuse of cultural knowledge associated with the claim area;
- 2.8 The right to conduct social, cultural and religious activities including burials on the claim area;
- 2.9 The right to speak and teach the languages associated with the claim area;
- 2.10 The right to inherit and bestow native title rights and interests;
- 2.11 The right to resolve ambiguities or disputes concerning the claim area or membership of the 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 in South Australia made in accordance with sections 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:** River Murray, Lakes and Coorong region

**Primary RATSIB Area:** Greater South Australia

**Approximate size:** 2428.6086 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):**

The Native Title claim area is located approximately 100kms east of Adelaide, commencing at a point just north of the township of Murray Bridge, heading west to Cape Jervis and going east along the coast to a point just north of the township of Kingston in the South East, then east, north-east and then north to the Dukes Highway just north-west of the township of Tintinara. The boundary then follows the western side of the Dukes Highway to Coomandook, then north over Moorlands to Wy-not. The boundary then travels in north-westerly direction passing Fenley Downs before heading north and then due west to the commencement point just north of Murray Bridge.

The area covered by this application is wholly within the state of South Australia. It includes the land and waters as identified on the map showing the external geographic boundaries of the claim area, which is attached to this application as Attachment C.

The areas within the external boundaries that are not covered by the application are described in Attachment B3.

The external boundaries of the area covered by this application are described as follows:

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

Commencing at a point at the intersection of the Mean Low Water Mark (in vicinity of Morgans Beach - Cape Jervis - Fleurieu Peninsula) and a line, between Longitude 138.077914° East, Latitude 35.579998° South and Longitude 138.501370° East, Latitude 35.565221° South, and extending easterly to Longitude 138.501370° East, Latitude 35.565221° South; then north easterly westernmost corner of Parcel ID H170400 S266 (CT Vol 5772 Fol 492 - Ferries-McDonald Conservation Park), then north easterly along that land parcel and Parcel ID on H170400 S267 (CT Vol 5772 Fol 49 -Ferries-McDonald Conservation Park) to a northern corner at Longitude 139.127844° East; then northerly and easterly, passing through Longitude 139.127841° East, Latitude 35.048551° South, to the north eastern corner of Parcel ID F3571 A20 (CT Vol 5692 Fol 462 - also being the western boundary of Boundary Road); then generally southerly along western boundaries of that road to the Karoonda Highway; then south easterly to the north western corner of Lot Parcel ID H750500 S38 (CT Vol 5706 Fol 952); then generally south easterly along the southern boundary of Karoonda Highway to Longitude 139.556736° East (in the vicinity of Wy-Not Homestead); then again generally south easterly passing through the following coordinate points.

Longitude ° (East)	Latitude ° (South)
139.557880	35.131220
139.586190	35.198898
139.637445	35.288289

Then south easterly to the southern corner of Parcel ID D44226 A59 (CT Vol 5324 Fol 496) ; then again south easterly to an eastern corner of Parcel ID 041784 A501 (CT Vol 5531 Fol 17) also being the western boundary of the Old Dukes Highway at Latitude 35.296244° South; then generally southerly and south easterly along the western boundary of that Highway and the southern boundary of Dukes Highway to Longitude 140.022289° East (approximately 4km north west of Tintinara); then generally southerly and generally south westerly passing through the following coordinate points.

Longitude ° (East)	Latitude ° (South)
140.117230	36.021610
140.159130	36.113120
140.164274	36.296800
140.119324	36.403713
140.048879	36.550574
140.016500	36.588020
140.005063	36.595616
139.962572	36.625652

Then along a line towards Longitude 139.824546° East, Latitude 36.668962° South to its intersection with the Mean Low Water Mark of Long Beach (in the vicinity of The Granites); then generally north westerly, generally westerly and generally north easterly along the mean low water mark, across the mouths of any waterways flowing into the Southern Ocean between the seaward extremities at Low Water Mark of each of the opposite banks of each such waterway back to the commencement point.

- Attachments:**
1. Attachment B1 Description of the amended application area, 2 pages - A4, 30/09/2016
  2. Attachment B3 Areas not included in the amended application, 1 page - A4, 30/09/2016
  3. Attachment C Map of the amended application area, 1 page - A4, 30/09/2016
  4. NNTT Description of Remaining Area, 2 pages - A4, 17/01/2018
  5. NNTT Map of Remaining Area, 1 page - A3, 17/01/2018

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End of Extract