



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: SAD6001/1998
NNTT number: SC1999/001

Application Name: Adnyamathanha Peoples Proceeding (Adnyamathanha No. 1)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 15/01/1999

Current status: Full Approved Determination - 14/12/2018

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: 31/03/1999

Registration decision status: Accepted for registration

Registration history: Registered from 31/03/1999 to 18/12/2018,

Date claim / part of claim determined: 14/12/2018 , 08/12/2015 , 25/02/2014 , 30/03/2009

Applicants: Name withheld for cultural reasons, Stewart Patterson, Gordon Coulthard, Vincent Coulthard, Mark McKenzie, Beverley Patterson, Angelina Stuart, Thathy (Geraldine) Anderson

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Additional Information

The following consent determinations have been made by the Federal Court in relation to SAD6001/1998: Adnyamathanha No 1 Native Title Claim – Angepena Pastoral Station dated 30 March 2009 (Adnyamathanha No 1 Native Title Claim Group v South Australia (No 2) [2009] FCA 359); and Adnyamathanha No 1 Native Title Claim – Stage 1 dated 30 March 2009 (Adnyamathanha No 1 Native Title Claim Group v South Australia (No 2) [2009] FCA 359). The details of the claim made in relation to the determination area are removed from this application area as and from 30 March 2009. Adnyamathanha No 1 Native Title Claim – Stage 2 dated 25 February 2014 (Lander v State of South Australia [2014] FCA 125). The details of the claim made in relation to the determination area are removed from this application area as and from 25 February 2014. Adnyamathanha No 1 Native Title Claim – Stage 3 dated 25 February 2014 (Lander v State of South Australia [2014] FCA 125). The details of the claim made in relation to the determination area are removed from this application area as and from 25 February 2014. Adnyamathanha No 1 Native Title Claim - dated 8 December 2015 (Coulthard v State of South Australia [2015] FCA 1379). The details of the claim made in relation to the determination area are removed from this application area as and from 8 December 2015. The following consent determinations have been made by the Federal Court in relation to SAD6001/1998: Adnyamathanha No 1 Native Title Claim – Angepena Pastoral Station dated 30 March 2009 (Adnyamathanha No 1 Native Title Claim Group v South Australia (No 2) [2009] FCA 359); and Adnyamathanha No 1 Native Title Claim – Stage 1 dated 30 March 2009 (Adnyamathanha No 1 Native Title Claim Group v South Australia (No 2) [2009] FCA 359);. The details of the claim made in relation to the determination area are removed from this application area as and from 15 April 2009. Adnyamathanha No 1 Native Title Claim – Stage 2 dated 25 February 2014 (Lander v State of South Australia [2014] FCA 125); and. The details of the claim made in relation to the determination area are removed from this application area as and from 25 February 2014. Adnyamathanha No 1 Native Title Claim – Stage 3 dated 25 February 2014 (Lander v State of South Australia [2014] FCA 125). The details of the claim made in relation to the determination area are removed from this application area as and from 18 March 2014. Adnyamathanha No 1 Native Title Claim – dated 8 December 2015 (Coulthard v State of South Australia [2015] FCA 1379). The details of the claim made in relation to the determination area are removed from this application area as and from 15 December 2015. The attached NNTT map and external boundary description dated 8 December 2015 is an interpretation by the NNTT of the remaining application area that is yet to be determined. It is for general information only and persons should seek their own independent advice in relation to the correct description of the area.

Persons claiming to hold native title:

Mr Gordon Coulthard

Name withheld for cultural reasons

Mr Stewart Patterson

All those Adnyamathanha people presently alive who are:

-Named in the "Adnyamathanha Genealogy" (Attachment A(1) of the application [enquiries can be made to the Sydney Office - 1800 640 501]; or,

- The descendants, whether biological or adopted, of those so named (including, in the case of those adopted, persons adopted pursuant to traditional laws and customs).

Those whose names appear in Attachment A(2) of the application, [enquiries can be made to the Sydney Office - 1800 640 501.] are non-Adnyamathanha spouses of Adnyamathanha persons. Their names also appear in the "Adnyamathanha Genealogy" as spouses. They are the only non-Adnyamathanha whose names appear in that document. They are not included in the native title claim group.

Those adopted pursuant to traditional laws and customs: all such adopted persons are named in the "Adnyamathanha Genealogy" in the same way as those named in that document who are biological descendants of named apical ancestors. There are accordingly no such adopted descendants who are not named in the "Adnyamathanha Genealogy". (If the applicants become aware at any time of any persons adopted pursuant to traditional laws and customs whose names do not appear in the "Adnyamathanha Genealogy", leave will be sought specifically to amend this application by the addition of their names as members of the native title claim group. For the avoidance of doubt, pending any such leave being obtained, such persons are not part of the claim group).

Mr Vincent Coulthard

Mrs Angelina Stuart

Mrs Beverley Patterson
Mr Mark McKenzie
Mrs Thathy (Geraldine) Anderson

Native title rights and interests claimed:

Description of Native Title Rights and Interests Claimed

Definitions:

In this application:

- (a) all words used in this application which are defined in the Native Title Act 1993 (Cth) ("NTA") bear the same meaning as in that Act, unless the context dictates otherwise;
- (b) "application area" means the area covered by this application as described in Schedule B;
- (c) "Area A" means land and waters within the application area which comprise any of the following:
- (i) areas of unalienated Crown land in respect of which there has been no previous grant by the Crown, reservation by the Crown for a public purpose, or other act effecting extinguishment of any native title rights and interests;
 - (ii) areas to which section 47 of the NTA applies;
 - (iii) areas to which section 47A of the NTA applies;
 - (iv) areas to which section 47B of the NTA applies;
 - (v) other areas to which the non-extinguishment principle set out in section 238 of the NTA applies and in relation to which there had not been any prior extinguishment of native title;
- (d) "Area B" means land or waters within the application area which are not within area A, including:
- (i) land and waters which are subject to a non-exclusive pastoral lease;
 - (ii) areas of Crown land which are reserved for a public purpose; and
 - (iii) land and waters which are subject to a mining lease as defined in section 245 of the NTA;
- (e) "significant" means having social, cultural, religious, spiritual, ceremonial, ritual or cosmological importance or significance to the native title holders connected with the area under traditional laws and customs of the Aboriginal society to which they belong;
- (f) "resources" does not include:
- (i) minerals (as defined in the Mining Act 1971 (SA)) other than, for the purposes only of (16), (23) and (24) below, extractive minerals (as therein defined) recovered for his or her own personal use by a person who holds native title in the land; or
 - (ii) petroleum (as defined in the Petroleum Act 1940 (SA)).

Subject to Laws and Customs

The native title rights and interests claimed in this application are subject to and exercisable in accordance with:

- (i) the laws of the State of South Australia and the Commonwealth of Australia, including the common law;
- (ii) valid interests conferred under those laws; and
- (iii) the body of traditional laws and customs of the Aboriginal society under which rights and interests are possessed in relation to, and by which the members of the native title claim group have a connection with, the application area.

Area A Rights

The native title rights and interests in relation to Area A comprise:

- (1) the right to possess, occupy, use and enjoy the area as against the whole world;
- (2) the right to occupy the area;
- (3) the right to use the area;
- (4) the right to enjoy the area;
- (5) the right to make decisions about the use and enjoyment of the area by Aboriginal people who are governed by the traditional laws and customs acknowledged and observed by the native title holders;
- (6) the right to make decisions about the use and enjoyment of the area by others;
- (7) the right of access to the area;
- (8) the right to be present on or within the area;
- (9) the right to live on or within the area;
- (10) the right to erect shelters on or within the area;
- (11) the right to camp on or within the area;
- (12) the right to move about the area;
- (13) the right to control access to the area of Aboriginal people who are governed by the traditional laws and customs acknowledged and observed by the native title holders;
- (14) the right to control the access of others to the area;
- (15) the right to hunt in the area;
- (16) the right to gather, use and/or enjoy resources from within the area;
- (17) the right to take fauna;
- (18) the right to take flora (including timber);
- (19) the right to take soil;
- (20) the right to take sand, stone, clay, shale and gravel* for personal use;
- (21) the right to take ochre;
- (22) the right to take water from the natural water sources within the area;
- (23) the right to control the use and enjoyment of the claim area and the resources of the claim area by Aboriginal people who are governed by the traditional laws and customs acknowledged and observed by the native title holders;
- (24) the right to control the use and enjoyment of the claim area and the resources of the claim area by others;
- (25) the right to trade in the said resources of the area, upon or within the area;
- (26) the right to receive a portion of the said resources taken by other persons who are Aboriginal people governed by the traditional laws and customs acknowledged and observed by the native title holders;
- (27) the right to receive a portion of the said resources taken by others;
- (28) the right to engage in cultural activities within the area;
- (29) the right to conduct and participate in ceremonies within the area;
- (30) the right to hold and/or participate in meetings within the area;
- (31) the right to teach upon the area as to the significant attributes of locations, sites and objects within the area;
- (32) the right to carry out and maintain burials of deceased native title holders and of their ancestors within the area;

(33) the right to maintain, conserve, and/or protect from desecration, damage, disturbance, or interference, significant locations, sites and objects within the area;

(34) the right to maintain, conserve and/or protect significant ceremonies, artworks, song cycles, narratives, beliefs or practices by preventing (by all reasonable lawful means) any activity occurring on the area which may desecrate, damage, disturb or interfere with any such ceremony, artwork, song cycle, narrative, belief or practice;

(35) the right to prevent (by all reasonable lawful means) any use or activity within the area which under traditional laws and customs is unauthorised or inappropriate in relation to significant locations, sites or objects within the area or ceremonies, artworks, song cycles, narratives, beliefs or practices carried out within the area.

Area B Rights

The native title rights and interests which are claimed in relation to Area B are all the rights claimed above in relation to Area A except the right to possess, occupy, use and enjoy the area as against the whole world and the rights set out at paragraphs (6), (14), (24) and (27).

*to the extent that these are extractive minerals for the purposes of the Mining Act 1971 (SA).

Application Area: **State/Territory:** South Australia
Brief Location: Flinders Ranges
Primary RATSIB Area: Greater South Australia
Approximate size: 16400.0333 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):

LOCATION:

From Orroroo in the south to Cockburn in the east, including Lake Callabonna to Lake Blanche, southwest to the eastern boundary of Lake Torrens, south to Wilmington.

DESCRIPTION:

The area covered by this claim is in South Australia. The claim is in relation to all Adnyamathanha land and waters as identified on the map showing the geographic boundaries of the claim area which is attached to the application in Attachment C. the claim area includes land and waters where the southern boundary is defined as flows; using Orroroo as a starting point, the boundary moves east to Yunta and follows the Barrier Highway to the Wompine Homestead turn off. From there the boundary moves in a north westerly direction to the southern tip of Lake Callabonna following the eastern shore to the northern tip of Lake Callabonna. The boundary then moves west along Lake Callabonna's northern shore line for two thirds of its northern shore. The boundary then moves in a north westerly direction to Lake Blanche following the entire south western shore line to its north western tip. The boundary then moves south west to the northern tip of Lake Torrens and following its eastern shore line to the most southern point. From there the boundary travels in an easterly direction for approximately 30 kms. To a point approximately 6 kms., south of Neuroodla where it moves south westerly to the western edge of the Southern Ranges to a point 5 kms. west of Wilmington. From there it moves in an easterly direction through Willowie, Morchard and meets starting point of Orroroo. This area includes Lake Frome and the Flinders Ranges.

(the claimants wish to state that Lake Torrens is significant to all Adnyamathanha people. However, we also know that the area is also significant to Kokatha people. Since the Kokatha people already have a claim on this area, we believe that the area will be protected by this claim and cared for by the Kokatha people under their custodianship within their native title claim).

The coordinates of the external boundary of the area covered by the application are set out in Attachment B(1). To the extent of any inconsistency between the coordinates and the above description, the coordinates shall prevail.

The areas within the external boundaries that are not covered by the application are described in attachment B(2). - Also excluded are the Flinders Ranges National Park and the Vulkathunha - Gammon Ranges National Park as detailed below.

The whole of the area proclaimed under the National Parks and Wildlife Act as the Flinders Ranges National Park is now excluded from the application. The area proclaimed as the Flinders Ranges National Park includes the following:

Hundred of Parachilna: Section 61;

Hundred of Bunyeroo: Sections 177, 188 and 189;

Hundred of Edeowie: Section 148;

Out of Hundred (Parachilna): Sections 106, 333, 473, 480, 988, 989 and 1137 and Block 670

[For the avoidance of doubt, it is noted that Sections 85, 122 (Hundred of Parachilna) 1527, 1528 (Out of Hundred), 190, 191 (Hundred of Bunyeroo) and 164 (Hundred of Edeowie), although lying within the external boundaries of the Flinders Ranges National Park, do not form part of the proclaimed area of the national park. Accordingly, unless excluded from the claim area by virtue of Attachment B(2), those Sections are covered by this application.]

The whole area proclaimed under the National Parks and Wildlife Act as the Vulkathunha-Gammon Ranges National Park is now excluded from the application. The area proclaimed as the Vulkathunha-Gammon Ranges National Park comprises the following:

Sections 35, 464, 1293, 1313, 1314, 1315 and 1477, North out of Hundreds, Copley and Frome.

The whole of that part of Adnyamathanha #1 Claim Area (SG 6001/98) which is overlapped by the Nukunu native title claim area (SG 6012/98) is now excluded from the application and ceases to form part of the Adnyamathanha #1 Claim Area.

ATTACHMENT B(2)

Areas of land and waters within the external boundaries that are not covered by the application:

(1) Subject to (4), the applicants exclude from the application area any areas in relation to which any of the following acts have taken place:

(a) category A past acts (see section 229 NTA);

(b) category A intermediate period acts (see section 232B NTA);

(c) category B past act that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests (see section 232C NTA);

(d) category B intermediate period acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests (see section 232C NTA).

(2) Subject to (4), the applicants exclude from the application area any areas in relation to which:

(a) a "previous exclusive possession act", as defined in section 23B of the NTA, was done and the act was an act attributable to the Commonwealth; or

(b) a "previous exclusive possession act", as defined in section 23B of the NTA, was done and the act was attributable to the State of South Australia and was not an "excepted act", as defined in section 36F of Native Title (South Australia) Act 1994 (SA).

(3) Subject to (4), the applicants also exclude from the application area areas in relation to which native title rights and interests have otherwise been wholly extinguished.

(4) The application area includes any area in relation to which the non-extinguishment principle (as defined in section 238 of the NTA) applies, including any area to which section 47, 47A or 47B of the NTA applies.

Combination Details

Date of order to combine: 28/01/1999

This application is a combination of the following applications:

Application number(s)	Application name	Date application lodged/filed	Date claim entered on Register*	Registration History
SAD6001/1998, SC1994/001	Adnyamathanha Peoples Proceeding	06/10/1994	N/A	Registered from 08/05/1995 to 31/03/1999
SAD6003/1998, SC1995/003	Stuart & Ors v State of South Australia	01/03/1995	N/A	Registered from 08/09/1995 to 31/03/1999
SAD6006/1998, SC1995/006	Paterson & Ors v State of South Australia	08/11/1995	N/A	Registered from 08/11/1995 to 28/01/1999
SAD6014/1998, SC1997/001	Anderson v State of South Australia	07/02/1997	N/A	Registered from 07/02/1998 to 18/01/1999
SAD6015/1998, SC1997/002	Buzzacott & Ors v State of South Australia	25/07/1997	N/A	Registered from 31/07/1997 to 18/01/1999

*For further information on pre-combined applications, see the Schedule extract for each pre-combined application.

Attachments:

1. List of Co-ordinates of External Boundary, Attachment B1 of the Application, 4 pages - A4, 14/11/2007
2. Map showing External Boundary of Claim Area, Attachment C of the Application, 1 page - A4, 14/11/2007
3. NNTT Map of Remaining Area, 1 page - A4, 08/12/2015
4. NNTT Description of Remaining Area, 3 pages - A4, 08/12/2015

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