



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: SAD163/2008  
NNTT number: SC2008/002

**Application Name:** Dieri No.2 Native Title Claim

**Application Type:** Claimant

**Application filed with:** Federal Court of Australia

**Date application filed:** 26/09/2008

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**Current status:** Full Approved Determination - 26/02/2014

**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:** 04/11/2008

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 4/11/2008 to 18/03/2014,

**Date claim / part of claim determined:** 26/02/2014

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**Applicants:** Edward Landers, Rhonda Gepp-Kennedy, Sylvia Stuart, Irene Kemp, David Mungerannie

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## Additional Information

Not applicable

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## 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 Maltalinha (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 Mungerannie, 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 Pinngipania (born at Lake Hope) and the woman Kulibani (born at Kalamarina) who are the parents of Sam Tintibana (or Dindibana Ginjmilina).

**Native title rights and interests claimed:**

1. The nature and extent of the native title rights claimed and interests in relation to the Claim Area are non-exclusive rights to use and enjoy in accordance with the native title holders' traditional laws and customs, the land and waters of the Claim Area, being:

(a) the right to access and move about in the Claim Area;

(b) the right to hunt and fish on the land and waters of the Claim Area;

(c) the right to gather and use the natural resources of the Claim Area such as food, medicinal plants, wild tobacco, timber, stone, resin, ochre and feathers;

(d) the right to use the natural water resources of the Claim Area;

(e) the right to live, to camp and to erect shelters on the Claim Area;

(f) the right to cook on the Claim Area and to light fires for all purposes other than the clearance of vegetation;

(g) the right to engage and participate in cultural activities on the Claim Area including those relating to births and deaths;

(h) the right to conduct ceremonies and hold meetings on the Claim Area;

(i) the right to teach on the Claim Area the physical and spiritual attributes of locations and sites within the Claim Area;

(j) the right to visit, maintain and protect sites and places of cultural and religious significance to Native Title Holders under their traditional laws and customs on the Claim Area;

(k) the right to distribute, trade or exchange the natural resources of the Claim Area;

(l) the right to be accompanied on to the Claim Area by those people who, though not Native Title Holders, are:

(i) spouses of native title holders; or

(ii) people required by traditional law and custom for the performance of ceremonies or cultural activities on the Claim Area, or;

(iii) people who have rights in relation to the Claim Area according to the traditional laws and customs acknowledged by the native title holders; or

(iv) people required by native title holders to assist in, observe, or record traditional activities on the Claim Area; and

(m) the right to speak for and make decisions about the use and enjoyment of the Claim Area by Aboriginal people

who recognise themselves to be governed by the traditional laws and customs acknowledged by the native title holders.

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

- (a) all existing non native title rights and interests
- (b) all laws of South Australia and the Commonwealth of Australia;
- (c) valid interest conferred under those laws.

**Application Area:**

**State/Territory:** South Australia  
**Brief Location:** Eastern South Australia  
**Primary RATSIB Area:** Greater South Australia  
**Approximate size:** 5366.7290 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 boundaries of the area of land and waters covered by this application are shown on the map attached and marked as Attachment C.

External boundary description

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

Commencing at the intersection of native title determination application SAD6001/98 Adnyamathanha No.1 (SC99/1) and a western boundary of Pastoral Lease CL1287/6 (Wilpoorinna); then generally north easterly along boundaries of that native title determination application passing through the following coordinate points;

Longitude (East) Latitude (South)

138.594515 29.701424

138.795702 29.581792

138.961899 29.467992

139.189327 29.289997

139.279715 29.196623

139.370103 29.149934

139.375935 29.152852

Then generally south easterly again along boundaries of that native title determination application, being the south western shoreline of Lake Blanche; then again generally south easterly again along boundaries of that native title determination application passing through the following coordinate points.

Longitude (East) Latitude (South)

139.775627 29.447571

139.771817 29.449001

139.778008 29.456626

139.786104 29.457580

139.798726 29.466526

139.800913 29.467984

139.803100 29.474550

139.806745 29.481845

139.814763 29.486951

139.822053 29.485491

139.823510 29.480385

139.833677 29.482455

139.888386 29.502268

139.919003 29.518316

139.948160 29.537281

139.972215 29.553329

139.995541 29.567919

Then south easterly to a point on the northern shoreline of Lake Callabonna at Longitude 139.997650 degrees East; then generally south westerly along the shoreline of that lake to the southern bank of Yerila Creek; then generally south westerly along the southern and eastern most banks of that creek to Latitude 29.786090 degrees South; then southerly to a southern boundary of Pastoral Lease CL1598/37 (Murnpeowie) at Longitude 139.659150 degrees East; then generally westerly along boundaries of that pastoral lease to an eastern boundary of Pastoral Lease CL1287/6 (Wilpoorinna); then westerly and southerly along boundaries of that pastoral lease to the centreline of the Frome River; then generally westerly along the centreline of that river to the western boundary of Pastoral Lease CL1287/6 (Wilpoorinna); then generally northerly along the boundary of that pastoral lease back to the commencement point.

#### Notes

##### Data Reference and source

- Application boundary data compiled by National Native Title Tribunal.
- 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) .
- Tracks, lakes, creeks and tributaries based on Topographic 1:250 000 vector data is copyright 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 (24 September 2008).

The areas of land and waters within the boundaries referred to above that are not covered by the application are:

1. 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 are in relation to which native title rights and interest have otherwise been wholly extinguished.

2. Where there is any discrepancy between the map provided at Attachment C and the written description contained in this schedule, the former shall prevail.

**Attachments:** 1. Boundary of Claim Area, Attachment C of the Application, 1 page - A4, 26/09/2008

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End of Extract