



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: SAD189/2010
NNTT number: SC2010/004

Application Name: Eringa 3 (Eringa #3)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 22/11/2010

Current status: Full Approved Determination - 01/03/2012

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: Not Accepted for registration

Registration history: -

Date claim / part of claim determined: 13/12/2011

Applicants: Hughie Tjami, Keith Minungka

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Additional Information

Not applicable

Persons claiming to hold native title:

The Native Title Claimants are those Aboriginal people who are:

(a) all those Lower Southern Arrernte persons who have a traditional connection to the Determination

Area, being all of those described below who:

(i) identify as Lower Southern Arrernte; and

(ii) are recognised by other Native Title Claimants under the relevant Lower Southern Arrernte traditional laws and customs as having rights and interests in the Determination Area;

- the descendants of Willie Doolan
- the descendants of Yungili and Yungili's brother and their wives, being the sisters of Maggie and Bugagaguna
- the descendants of Lalayi
- the descendants Jimmy Arrerte
- the descendants of Lilly Summerfield (Summerville)
- Marilyn Rose Hull Ah Chee and her descendants
- Ian Hodgson and his descendants
- the descendants of Angeline (including Ruth McKenzie, Tom Cramp and Jenny Stewart)
- the descendants of Mary Cleanskin (Nyukapinya) (including Billy Bailes and June Bailes)
- the descendants of Anatjara and Wiltiwa (the parents of Lilly, the Arrernte mother of Edie King)
- the descendants of Harry Taylor
- the descendants of Lorna Terone; and

, (b) all those Yankunytjatjara and Luritja persons who

(i) have a spiritual connection to the Determination Area and the Tjukurpa associated with it because in the case of each of them:

- the Area is his or her country of birth (also reckoned by the area where his or her mother lived during the pregnancy); or
- he or she has had a long term association with the Area such that he or she has traditional geographical and religious knowledge of that country; or
- he or she has an affiliation to the Area through a parent or grandparent with a connection to the Area as specified in sub-paragraphs (i) or (ii) above, including all of those described below who identify as Yankunytjatjara or Luritja; and

(ii) are recognised by other Native Title Claimants under the relevant Western Desert traditional laws and customs as having rights and interests in the Determination Area.

- the descendants of Willie Doolan
- the descendants of Lalayi
- the descendants of Angeline (including Ruth McKenzie, Tom Cramp and Jenny Stewart)
- the descendants of Mary Cleanskin (Nyukapinya) (including Billy Bailes and June Bailes)
- the descendants of Anatjara and Wiltiwa (the parents of Lilly, the Arrernte mother of Edie King)
- the descendants of Harry Taylor
- the descendants of Mulatjatjara
- the descendants of Lorna Terone
- the descendants of Emily Churchill

- Hughie Tjami and his descendants
- Keith Minungka and his descendants

Native title rights and interests claimed:

- 1) Over areas where a claim to exclusive possession can be recognised (such as areas where there has been no prior extinguishment of native title or where s.238 and/or ss.47, 47A and 47B apply), members of the native title claim group claim the right to possess, occupy, use and enjoy the lands and waters of the application area as against the whole world, pursuant to their traditional laws and customs.
- 2) Over areas where a claim to exclusive possession cannot be recognised, the nature and extent of the native title rights and interests claimed in relation to the application area are the non-exclusive rights to use and enjoy the land and waters in accordance with traditional laws and customs being:
 - a) the right to access and move about the Determination Area;
 - b) the right to hunt and fish on the land and waters of the Determination Area;
 - c) the right to gather and use the natural resources of the Determination Area such as food, medicinal plants, wild tobacco, timber, resin, ochre and feathers;
 - d) the right to share and exchange the subsistence and other traditional resources of the Determination Area;
 - e) the right to use and trade the natural resources of the Determination Area ;
 - f) the right to live, to camp and, for the purposes of exercising the native title rights and interests, to erect shelters on the Determination Area;
 - g) the right to cook on the Determination Area and to light fires for domestic purposes but not for the clearance of vegetation;
 - h) the right to engage and participate in cultural activities on the Determination Area;
 - i) the right to conduct ceremonies and hold meetings on the Determination Area;
 - j) the right to teach on the Determination Area the physical and spiritual attributes of locations and sites within the Determination Area;
 - k) the right to visit, maintain and protect sites and places of cultural and religious significance of Native Title Holders under their traditional laws and customs on the Determination Area; and,
 - l) the right to be accompanied on the Determination 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 Determination Area; or
 - iii) people who have rights in relation to the Determination 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 Determination Area.
- 3) The rights described in paragraphs 2(b), (c), (d), and (e) are traditional rights exercised in order to satisfy personal, domestic, or communal needs.
- 4) The native title rights and interests are subject to:
 - a) the valid laws of the State of South Australia and the Commonwealth of Australia; and
 - b) the rights (past or present) conferred upon persons pursuant to the laws of the Commonwealth and the laws of the State of South Australia.

The native title claim group does not claim ownership of minerals, petroleum or gas wholly owned by the Crown.

Application Area: **State/Territory:** South Australia
Brief Location: Far north of South Australia.
Primary RATSIB Area: Greater South Australia
Approximate size: 181.2144 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 covered by the application are described as follows:

Commencing at a corner of native title determination SAD6022/98 Yankunytjatjara Antakirinja (SC97/9) as determined in the Federal Court on 28 August 2006 being the intersection of Allandale, Macumba and Todmorden pastoral lease boundaries and extending generally north easterly along the south eastern boundaries of native title determination application SAD6010/98 Eringa (SC96/3) as accepted for registration on 8 October 1999; through the following coordinate points;

Longitude (East) Latitude (South)

135.492701 27.259852

135.500955 27.251460

135.510263 27.245433

135.520410 27.240637

135.530496 27.235763

135.597298 27.197951

then north easterly to the centreline of the Macumba River at Longitude 135.630862° East, being a point on the south western boundary of native title determination application SAD6016/98 The Wangkangurru/Yarluyandi Native Title Claim (SC97/3) as accepted for registration on 13 November 2009 and native title determination application SAD6002/99 Eringa 2 (SC99/4) as accepted for registration on 21 May 2003; then generally south easterly along the centreline of that river and those applications to where it intersects the northern boundary of native title determination application boundary SAD6025/98 The Arabunna Peoples Native Title Claim (SC98/2) as accepted for registration on 23 June 2010 at Longitude 135.716786° East; then generally south westerly along the boundaries of that application through Longitude 135.687164° East, Latitude 27.214986° South to a point on the eastern boundary of native title determination SAD6022/98 Yankunytjatjara Antakirinja (SC97/9) at Latitude 27.369452° South; then northerly along that determination boundary back to the commencement point.

This application excludes the land and waters subject to:

- Native title determination SAD6022/98 Yankunytjatjara Antakirinja (SC97/9) as determined in the Federal Court on 28 August 2006;

and native title determination applications:

- SAD6010/98 Eringa (SC96/3) as accepted for registration on 8 October 1999;

- SAD6002/99 Eringa 2 (SC99/4) as accepted for registration on 21 May 2003;

- SAD6016/98 The Wangkangurru/Yarluyandi Native Title Claim (SC97/3) as accepted for registration on 13 November 2009;

- SAD6025/98 The Arabunna Peoples Native Title Claim (SC98/2) as accepted for registration on 23 June 2010.

NOTE:

Data Reference and source

- Application boundary data compiled by National Native Title Tribunal

- Macumba River based on topographic vector data © Commonwealth of Australia (Geoscience Australia) 2001.

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 (02 August 2010).

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 230 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.

Attachments: 1. Map showing the boundaries of the area covered by the application, 1 page - A4, 22/11/2010

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