



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: SAD84/2022  
NNTT number: SC2011/002

**Application Name:** Vincent Branson and Ors on behalf of the Ngadjuri Nation #2 Native Title Claim and the State of South Australia (Ngadjuri Nation #2)

**Application Type:** Claimant

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

**Date application filed:** 21/11/2011

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**Current stage(s):** Notification Complete

**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:** 20/01/2012

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 20/01/2012

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**Applicants:** Josie Agius, Quentin Agius, Vincent Branson, Vincent Copely

**Address(es) for Service:** Daniel Webb  
South Australian Native Title Services  
Level 4, 345 King William Street  
ADELAIDE SA 5000  
**Phone:** 08 8110 2800  
**Fax:** 08 8110 2811

## Additional Information

On 6 July 2023, the Federal Court made a determination that native title exists in parts of the application area - see Branson on behalf of Ngadjuri Nation #2 Native Title Claim v State of South Australia [2023] FCA 715. That determination is attached to this Extract. Order 2 of the determination provides that '[t]he Determination take effect upon the [Ngadjuri Nation #2 Settlement] ILUA being registered on the Register of Indigenous Land Use Agreements.' Once that agreement has been registered, the determination will be entered on the National Native Title Register (NNTR).

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### **Persons claiming to hold native title:**

The individuals who comprise the Ngadjuri Nation #2 native title claim group are the biological descendants of the following apical ancestors:

- (1) Fanny Winnininnie, who was born at Winnininnie and her spouse Gudjari;
- (2) Richard (Dick) Warrior;
- (3) The un-named mother of Ned Edwards;
- (4) The un-named mother of the Armstrong siblings;
- (5) The un-named mother of Alice Morris;
- (6) The un-named mother of William John Miller and Amelia Miller;
- (7) Eliza McGrath, antecedent of the McGrath family.

Refer to "Attachment A"

### **Native title rights and interests claimed:**

- (1) Over areas where a claim to exclusive possession can be recognised (such areas where there has been no prior extinguishment of native title or where section 238 and/or sections 47, 47A or 47B apply) members of the native title claim group claim the right to possess, occupy, use and enjoy the lands and waters covered by the application (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 purpose 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 to 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 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;
  - (c) the traditional laws and customs of the native title claim group.

**Application Area:** **State/Territory:** South Australia  
**Brief Location:** 35km north of Adelaide, SA.  
**Primary RATSIB Area:** Greater South Australia  
**Approximate size:** 15367.9224 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):**

- (1) The boundaries of the area of land and waters covered by the application are shown on the map attached and marked as "Attachment C" and are as described in the document entitled 'Description of Boundaries' which is annexed as "Attachment B."
- (2) Subject to (3) and (4) below, the areas of land and waters within the boundaries referred to in (1) above that are not covered by the application are:
- (a) Any area that is, or was, subject to any of the following acts as defined in the Native Title Act 1993 (Cth) 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 and 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) All areas in relation to which a previous exclusive possession act has been done, other than an act that is an 'excepted act' as defined in the Native Title (South Australia) Act 1994 (SA).
- (3) Notwithstanding anything contained elsewhere in this application, the area covered by the application includes any area in relation to which the non-extinguishment principle (as defined in section 238 of the Native Title Act) applies, including any area to which section 47, 47A or 47B of the Native Title Act applies. Particulars of these areas will be provided prior to the hearing but any area as may be listed in Schedule L is included in the area covered by the application.
- (4) Where there is any discrepancy between the map provided at Attachment C and the written description contained in this schedule and in Attachment B, the latter prevail.

Refer to "Attachment B"

**Attachments:**

1. Native title claim group description, Attachment A of the application, 2 pages - A4, 04/05/2021
2. External boundary description, Attachment B of the application, 6 pages - A4, 04/05/2021
3. Map of boundaries covered by the application, Attachment C of the application, 1 page - A4, 04/05/2021
4. SC2011\_002 Ngadjuri Nation 2 Determination Orders, 14 pages - A4, 06/07/2023
5. SC2011\_002 Ngadjuri Nation 2 Determination - Schedule 1 External Boundary Description, 6 pages - A4, 06/07/2023
6. SC2011\_002 Ngadjuri Nation 2 Determination - Schedule 2 Part A, 29 pages - A4, 06/07/2023
7. SC2011\_002 Ngadjuri Nation 2 Determination - Schedule 2 Part B (1 of 6), 145 pages - A4, 06/07/2023
8. SC2011\_002 Ngadjuri Nation 2 Determination - Schedule 2 Part B (2 of 6), 145 pages - A4, 06/07/2023
9. SC2011\_002 Ngadjuri Nation 2 Determination - Schedule 2 Part B (3 of 6), 145 pages - A4, 06/07/2023
10. SC2011\_002 Ngadjuri Nation 2 Determination - Schedule 2 Part B (4 of 6), 145 pages - A4, 06/07/2023
11. SC2011\_002 Ngadjuri Nation 2 Determination - Schedule 2 Part B (5 of 6), 145 pages - A4, 06/07/2023
12. SC2011\_002 Ngadjuri Nation 2 Determination - Schedule 2 Part B (6 of 6), 142 pages - A4, 06/07/2023
13. SC2011\_002 Ngadjuri Nation 2 Determination - Schedule 3, 68 pages - A4, 06/07/2023
14. SC2011\_002 Ngadjuri Nation 2 Determination - Schedule 4, 4 pages - A4, 06/10/2023
15. SC2011\_002 Ngadjuri Nation 2 Determination - Schedule 5 , 4 pages - A4, 06/07/2023
16. SC2011\_002 Ngadjuri Nation 2 Determination - Schedule 6, 1 page - A4, 06/07/2023
17. SC2011\_002 Ngadjuri Nation 2 Determination - Schedule 7, 14 pages - A4, 06/07/2023
18. SC2011/002 Ngadjuri Nation 2 Determination - Schedule 8, 2 pages - A4, 06/07/2023

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End of Extract