



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: SAD89/2022
NNTT number: SC2012/001

Application Name: Maureen O'Donnell and Ors on behalf of the Wilyakali Native Title Claim and the State of South Australia (Wilyakali)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 08/02/2012

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: 30/03/2012

Registration decision status: Accepted for registration

Registration history: Registered from 30/03/2012

Applicants: Maureen O'Donnell, Dulcie O'Donnell, Glen O'Donnell

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Additional Information

On 28 August 2023, the Federal Court made a determination that native title exists in parts of the application area - see O'Donnell on behalf of the Wilyakali Native Title Claim v State of South Australia [2023] FCA 1000. That determination is attached to this Extract. Order 2 of the determination provides that '[t]he Determination take effect upon the 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 (NNTT).

Persons claiming to hold native title:

The individuals who comprise the Wilyakali native title claim group are the biological descendants of the following apical ancestors:

1. Jack Tyler born in South Australia in 1857
2. Outalpa Dick and his wife Mary Bone
3. Crancey
4. Minnie Williams

See Attachment "A"

Native title rights and interests claimed:

A description of the native title rights and interests claimed in relation to particular land or waters (including any activities in exercise of those rights and interests).

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 application area;
- (b) the right to hunt on the application area;
- (c) the right to fish on the application area;
- (d) the right to gather and use the natural resources of the application area such as food, medicinal plants, wild tobacco, timber, stone and resin;
- (e) the right to use the natural water resources on the application area;
- (f) the right to live, to camp and to erect shelters on the application area;
- (g) the right to cook on the application area and to light fires for all purposes other than the clearance of vegetation;
- (h) the right to share or exchange subsistence resources or other traditional resources obtained from the application area;
- (i) the right to engage and participate in cultural activities and conduct traditional pursuits on the application area;
- (j) the right to teach on the application area the physical and spiritual attributes of locations and sites within the application area;
- (k) the right to maintain and protect sites and places of significance under traditional laws and customs on the application area;
- (l) the right to maintain, conserve and/or protect significant artworks, song cycles, narratives, beliefs or practices by preventing (by all lawful means) any activity occurring on the application area which may desecrate, damage, disturb or interfere with any such artwork, song cycle, narrative, belief or practice;
- (m) the right to be accompanied on to the application area by those people who, though not members of the native title claim group, are:
 - (i) spouses of members of the native title claim group;
 - (ii) people required by traditional law and custom for the performance of ceremonies or cultural activities on the application area;
 - (iii) people required by members of the native title claim group to assist in, observe, or record traditional activities on the application area.

3) The rights described in paragraphs 2(b), (c), (d), (e), (f) and (i) 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.

Application Area: **State/Territory:** South Australia
Brief Location: South Australia
Primary RATSIB Area: Greater South Australia
Approximate size: 9230.6679 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):

See Attachment B1

See Attachment B3

- Attachments:**
1. SC2012/001 Attachment A Native title claim group description, 3 pages - A4, 28/05/2021
 2. SC2012/001 Attachment B1 Areas within those boundaries that are not covered by the application, 3 pages - A4, 28/05/2021
 3. SC2012/001 Attachment B3 External boundary description, 3 pages - A4, 28/05/2021
 4. SC2012/001 Attachment C2 Map of the application area, 2 pages - A4, 28/05/2021
 5. SC2012/001 Wilyakali Determination , 78 pages - A4, 28/08/2023

End of Extract