



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: SAD38/2013
NNTT number: SC2013/001

Application Name: Arabana no 2 Native Title Claim (Arabana No 2)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 01/03/2013

Current status: Dismissed - 09/08/2022

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: 10/05/2013

Registration decision status: Accepted for registration

Registration history: Registered from 13/05/2013 to 16/08/2022,

Date claim / part of claim determined: 17/03/2021

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Additional Information

This application comprises Part 1 and Part 2. On 17 March 2021, the Federal Court made a determination in relation to Part 1 - see *Stuart v State of South Australia (No 3)* [2021] FCA 230. That determination is attached to this Extract. On 9 August 2022, the Federal Court ordered that the Arabana Aboriginal Corporation RNTBC be the prescribed body corporate for this determination and the National Native Title Register (NNTT) has been updated accordingly. Part 2 of this application was dismissed on 21 December 2021 and those orders are attached to this Extract.

Persons claiming to hold native title:

The Native Title Claim Group comprises those Aboriginal People who both self-identify as Arabana and are recognised as being Arabana by other Arabana people based on:

1. Filiation, including by adoption, from an Arabana parent or grandparent; or
2. Long term co-residence with Arabana people on Arabana country;

and who satisfy one or more of the following criteria:

- (a) Being raised in Arabana country and being bound by its system of law and custom;
- (b) Living and behaving appropriately with Arabana people in accordance with Arabana laws and customs;
- (c) Having knowledge of Arabana country and its stories and taking appropriate responsibility, under Arabana custom and law, for that knowledge;
- (d) Having knowledge of Arabana society and the relationships of people within it and seeking to maintain proper relationships amongst Arabana people;
- (e) Having knowledge of Arabana language;
- (f) Displaying an active interest and engagement in Arabana affairs.

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 the claim area;
- (b) the right to live, to camp and, for the purpose of exercising their native title rights and interests, to erect shelters and other structures on the claim area;
- (c) the right to hunt and fish on the land and waters of the claim area;
- (d) the right to gather and use the natural resources of the claim area such as food, medicinal plants, wild tobacco, timber, resin, ochre and feathers, but excluding those resources referred to in Paragraph 12;
- (e) the right to share and exchange the subsistence and other traditional resources of the claim area;
- (f) the right to use the natural water resources of the claim area;
- (g) the right to cook on the claim 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 claim area including those relating to births and deaths;
- (i) the right to conduct ceremonies and hold meetings on the claim area;
- (j) the right to teach on the claim area the physical and spiritual attributes of locations and sites within the claim 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 claim area; and
- (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.

The native title rights and interest 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: The application area consists of two parts. Part A is an area located south south-east of Maree. Part B is an area around and including Oodnadatta.
Primary RATSIB Area: Greater South Australia
Approximate size: 304.0341 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 application area consists of two parts and covers all the lands and waters within the external boundaries described below:

Part 1 - External Boundary

Commencing at a point of the western boundary of native title determination SAD6017/98 Dieri Native Title Claim (SC1997/004) at Longitude 138.128406 degrees East Latitude 29.693668 degrees South and extending south westerly along that native title determination boundary to the centreline of the Frome River at Latitude 29.712754 degrees South; then generally south easterly along that centreline, also a boundary of that determination to it's intersection with a line joining Longitude 138.442894 degrees East, Latitude 29.777290 degrees South and Longitude 138.250455 degrees East, Latitude 29.844403 degrees South, being a point on the northern boundary of native title determination SAD6001/98 Adnyamathanha No. 1 (SC99/1); then generally south westerly along that native title determination boundary, passing through the following coordinate points.

Longitude (East)	Latitude (South)
138.250455	29.844403
138.101751	29.891091
137.932636	29.937779

Then again south westerly along that native title determination boundary to Longitude 137.862798 degrees East, Latitude 29.956059 degrees South, being a point on the southern boundary of native title determination SAD6025/98 Arabana People (SC1998/002); then generally north easterly along that native title determination boundary back to the commencement point passing through the following coordinate points.

Longitude (East)	Latitude (South)
138.115372	29.797709
138.143748	29.743720
138.144200	29.734763

Part 2 - External Boundary

Commencing at the south western corner of S1188 on H831300 and extending northerly and generally easterly along western and northern boundaries of that lot and S1187 on H831300 to the northern corner of S1193 H831300; then south easterly and westerly along boundaries of that lot to an eastern boundary of S1184 on H831300; then westerly, generally south westerly, again westerly, generally northerly and again westerly along the southern boundaries of that land parcel, southern boundaries of A2018 on D34373, S1192 on H831300, eastern, southern and western boundaries of S372 on H8331300, western boundary of S1192 on H831300 and the southern boundary

of S1188 on H831300, back to the commencement point.

Exclusions

This application excludes any land and waters subject to native title determinations:

SAD6017/98 Dieri Native Title Claim (SC1997/004)

SAD 6025/98 Arabana People (SC1998/002)

SAD6001/98 Adnyamathanha No. 1 (Stage 1) (SC1999/001)

SAD6022/98 Yankunytjatjara Antakirinja (SC1997/009)

Attachments:

1. Profiles of Antecedents of the Claim Group, 1 page - A4, 01/03/2013
2. Attachment B1 - Technical Description, 4 pages - A4, 01/03/2013
3. Attachment B2 - Areas not covered by the claim, 1 page - A4, 01/03/2013
4. Attachment C - Map of Claim Area, 2 pages - A4, 01/03/2013
5. Arabana No 2 Native Title Claim (Part 1) determination, 22 pages - A4, 17/03/2021
6. Arabana No 2 Federal Court Orders, 3 pages - A4, 21/12/2021

End of Extract