



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: SAD133/2014  
NNTT number: SC2014/001

**Application Name:** Dieri no 3 Native Title Claim (Dieri No. 3)

**Application Type:** Claimant

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

**Date application filed:** 06/06/2014

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**Current status:** Full Approved Determination - 28/09/2017

**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:** 16/01/2015

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 16/01/2015 to 7/11/2017,

**Date claim / part of claim determined:** 28/09/2017

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

**Address(es) for Service:** Camatta Lempens Pty Ltd  
First Floor, 345 King William Street  
Adelaide SA 5000  
**Phone:** 08 8410 0211  
**Fax:** 08 8410 0566

## 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 Maltalilha (also know 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 knwon as Thelma) nee Merrick;

1.6 Florrie wife of Martin Merrick;

1.7 Clara Stewart (nee Murray) mother of Eddie Stewart; and

1.8 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 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 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:** From the centreline of the Warburton River, then southerly to the eastern boundary of Lake Eyre National Park, then N/E along the centreline of Warburton and Mcumber Rivers to the southern boundary of SAD6016/1998, and S/E to the commencement point.

**Primary RATSIB Area:** Greater South Australia

**Approximate size:** 2112.2144 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):**

See Attachment marked "Attachment B"

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 (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 area in relation to which native title rights and interest have otherwise been wholly extinguished.

3. 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 former shall prevail.

- Attachments:**
1. Attachment B description of the claim area, 3 pages - A4, 06/06/2014
  2. Attachment C map, 2 pages - A4, 06/06/2014

**NNTT Contact Details**

**Address:** National Native Title Tribunal  
Sydney Office  
Level 14, Law Courts  
Queens Square  
SYDNEY NSW 2000  
GPO Box 9973  
SYDNEY NSW 2001

**Telephone:** +61 2 9227 4000  
**Freecall:** 1800 640 501  
**Fax:** +61 8 9425 1193  
**Web Page:** [www.nntt.gov.au](http://www.nntt.gov.au)

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