



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: SAD90/2009
NNTT number: SC2014/002

Application Name: Kokatha Native Title Claim and The State of South Australia (Kokatha Native Title Claim)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 08/08/2014

Current status: Dismissed - 09/08/2016

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: 17/11/2014

Registration decision status: Accepted for registration

Registration history: Registered from 17/11/2014 to 10/08/2016,

Date claim / part of claim determined: 01/09/2014

Applicants: Andrew Starkey, Joyleen Thomas

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Additional Information

A consent determination of native title in respect of part of the application area was made by Chief Justice Allsop on 1 September 2014, see *Starkey v State of South Australia* [2014] FCA 924 (1 September 2014). That determination was registered on the National Native Title Register on 1 September 2014. A copy of that determination is attached to this Schedule extract. Pursuant to s 190(4)(e), details of the claim made in relation to the determination area are removed from the application area as and from 1 September 2014. Attached to this Schedule extract is a map and description that has been produced by the National Native Title Tribunal which is an interpretation of the area that remains part of the application following the determination on 1 September 2014 referred to above. These attachments do not form part of the application.

Persons claiming to hold native title:

The Native Title Claimants are those Aboriginal people who:

(a) are the following named individuals (where living) and their biological descendants:

- i) Alma Allen;
- ii) Arthur Baker;
- iii) Hilda Captain;
- iv) Susie Captain;
- v) Andrew Davis;
- vi) Percy Davis;
- vii) Stanley Davis;
- viii) Ted Egan;
- ix) Micky Fatt;
- x) Gladys Kite;
- xi) Ted Larkins;
- xii) Mick Reid;
- xiii) George Reid;
- xiv) William Smith;
- xv) Dick Thomas;
- xvi) Edie Thomas;
- xvii) George Turner;
- xviii) Wild Mary;
- xix) Eileen Wingfield; and

(b) are included as native title claimants because of their spiritual connection to and responsibility for specific sites in the determination area, being:

- (i) Lee Brady;
- (ii) Tony Clark; and
- (iii) Mark McKenzie.

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 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 or other traditional resources obtained from the application area;
- (i) the right to engage and participate in cultural activities on the application area including those relating to births and deaths;
- (j) the right to conduct ceremonies and to hold meetings on the application area;
- (k) the right to teach on the application area the physical and spiritual attributes of locations and sites within the application area;
- (l) the right to maintain and protect sites and places of significance under traditional laws and customs on the application area;
- (m) the right to maintain, conserve and/or protect significant ceremonies, artworks, song cycles, narratives, beliefs or practices by preventing (by all reasonable lawful means) any activity occurring on the application area which may desecrate, damage, disturb or interfere with any such ceremony, artwork, song cycle, narrative, belief or practice;
- (n) the right to prevent (by all reasonable lawful means) any use or activity within the area which under traditional laws and customs is unauthorised or inappropriate in relation to significant locations, sites or objects within the area or ceremonies, artworks, song cycles, narratives, beliefs or practices carried out within the area;
- (o) 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; or
- (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: Lake Torrens region in central South Australia
Primary RATSIB Area: Greater South Australia
Approximate size: 5916.8019 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 does not include any area that has not previously been claimed.

External boundary description

The application area covers all the lands and waters within the external boundary described as:

Commencing at Longitude 136.835243° East, Latitude 32.168841° South, a north eastern corner of native title determination SAD6020/98 Gawler Rangers People; then generally westerly and generally north westerly passing through the following coordinate points.

Longitude (East)	Latitude (South)
136.792632	32.170340
136.713918	32.169675

Then north westerly along a line to Longitude 136.601602° East, Latitude 32.146534° South to its intersection with the northern boundary of Pastoral Lease CL1433/2 (Siam North); then generally westerly along that northern boundary of that pastoral lease to its intersection with again that line to Longitude 136.601602° East Latitude 32.146534° South at approximately 2.5 kilometres from the north westernmost corner of that Pastoral Lease CL1433/2 (Siam North); then generally north westerly passing through the following coordinate points.

Longitude (East)	Latitude (South)
136.601602	32.146534
136.485980	32.110170
136.406697	32.070499
136.363752	32.017604
136.314199	31.858918
136.274559	31.687008

136.244827	31.561381
136.201882	31.445673
136.165543	31.353106
136.145722	31.280375
136.125901	31.220867
136.102776	31.121688
136.088497	31.047859
136.082954	31.019205
136.056526	30.943165

Then northerly to the intersection with Pastoral Lease CL1603/24(Parakylia South) at Longitude 136.053067° East; then westerly and northerly along the boundaries of that pastoral lease to the intersection with native title determination SAD6007/1998 Antakirinja Matu-Yankunyjtjara (SCD2011/001), also being a boundary of Pastoral Lease CL1285/36 (Mt Vivian); then easterly and northerly along boundaries of that native title determination and that pastoral lease to the intersection with Pastoral Lease CL 1286/42 (Millers Creek); then generally easterly and northerly along boundaries of that pastoral lease and again that native title determination to the intersection with native title determination SAD6025/1998 Arabunna People (SCD2012/002); then generally south easterly along boundaries of that native title determination passing through Longitude 136.201326° East, Latitude 30.065208° South and Longitude 137.234649° East, Latitude 30.165197° to the intersection with the shoreline of Lake Torrens at Latitude 30.163922° South, also being a point on the western boundary of native title determination SAD6001/98 Adnyamathanha No.1 (SCD2009/003 & SCD2014/001); then generally south easterly and generally south westerly along the shoreline of that lake and boundaries of that native title determination to Latitude 31.859577° South, an intersection with native title determination application SAD1996/004 Barngarla Native Title Claim ((SC1996/004); then generally southerly again along the shoreline of that lake and boundaries of that native title determination application to Latitude 31.941163° South; then generally south westerly and generally westerly along boundaries of that native title determination application back to the commencement point, passing through the following coordinate points.

Longitude (East)	Latitude (South)
137.679131	32.002183
137.583916	32.075484
137.556617	32.090812
137.499022	32.111969
137.495486	32.112898
137.439429	32.127630
137.388492	32.135959
137.323811	32.145360
137.249660	32.151069
137.114193	32.159633
136.991407	32.163061

Combination Details

Date of order to combine: 08/08/2014

This application is a combination of the following applications:

Application number(s)	Application name	Date application lodged/filed	Date claim entered on Register*	Registration History
SAD90/2009,SC 2009/001	Kokatha Native Title Claim and The State of South Australia	18/06/2009	N/A	Registered from 21/08/2009 to 17/11/2014
SAD270/2012,S C2012/003	Kokatha Uwankara No. 2 Native Title Claim	30/10/2012	N/A	Registered from 17/06/2013 to 9/09/2014

*For further information on pre-combined applications, see the Schedule extract for each pre-combined application.

Attachments:

1. Starkey v State of South Australia, 183 pages - A4, 10/09/2014
2. Attachment B Area covered by the application, 3 pages - A4, 08/08/2014
3. Attachment C Map of the application area, 1 page - A4, 08/08/2014
4. NNTT Map of Remaining Area, 1 page - A4, 03/10/2014
5. NNTT Description of Remaining Area, 2 pages - A4, 03/10/2014

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