



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: SAD417/2015
NNTT number: SC2015/003

Application Name: Maureen O'Donnell & ors v State of South Australia (Wilyakali #2)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 25/11/2015

Current status: Full Approved Determination - 14/12/2018

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: 02/02/2016

Registration decision status: Accepted for registration

Registration history: Registered from 2/02/2016 to 18/12/2018,

Date claim / part of claim determined: 14/12/2018

Applicants: Maureen O'Donnell, Janet Crowe, Beverley Bates, Richard Edge, Elizabeth Hunter, Brian Bates

Address(es) for Service: South Australian Native Title Services Limited
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Additional Information

Not applicable

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:

- Jack Tyler born in South Australia in 1857
- Outalpa Dick
- Crancey
- Minnie Crozier

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 (including yabbies) 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, although 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; and
 - (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 and present) conferred upon persons pursuant to the law of the Commonwealth and the laws of the State of South Australia.

Application Area: **State/Territory:** South Australia
Brief Location: The application area is located in south eastern South Australia, near the NSW border.
Primary RATSIB Area: Greater South Australia
Approximate size: 9521.9367 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):

Commencing at a point on the northern boundary Mt Victor Pastoral Lease (PE2212-B922H835400) at Longitude 139.719547 degrees East and extending generally north easterly passing through the following coordinate points:

Longitude (East)	Latitude (South)
139.833014	31.824022
140.139892	31.495675
140.574604	31.337067

Then generally south easterly and generally south westerly passing through the following coordinate points:

Longitude (East)	Latitude (South)
140.633846	31.514914
140.662150	31.593447
140.704037	31.721444
140.752229	31.859829
140.781565	32.000311
140.783661	32.056922
140.766900	32.090470

Then southerly to the southern boundary of Barrier Highway at Longitude 140.761034 being in the vicinity of the Wompinie Homestead turn off; then generally south westerly along the southern boundary of the highway to Longitude 139.568233 degrees East; then generally westerly passing through the following coordinate points:

Longitude (East)	Latitude (South)
139.491775	32.586108
139.420760	32.570485
139.376731	32.836398

Then north westerly to the southernmost corner of Crown Lease S267 on H360600; then northerly to a point on the southern boundary of Crown Lease S278 on H360600 at Longitude 139.346575 degrees East, then again northerly to the north eastern corner of Crown Lease S302 on H360600; then north easterly to a eastern corner of Crown

Record S1012 on H835300 at Latitude 32.270269 degrees South; then north easterly to the south eastern corner of Crown Lease B929 on H835400; then again north easterly back to the commencement point.

- Attachments:**
1. Attachment C Map of the application area, 1 page - A4, 25/11/2015
 2. Attachment B External boundary description, 2 pages - A4, 25/11/2015

NNTT Contact Details

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