



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: SAD84/2021
NNTT number: SC2021/003

Application Name: Neville Bilney and Ors & the State of South Australia (Wirangu Sea Claim #2)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 18/05/2021

Current status: Full Approved Determination - 23/02/2024

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: 25/06/2021

Registration decision status: Accepted for registration

Registration history: Registered from 25/06/2021 to 28/02/2024,

Date claim / part of claim determined: 23/02/2024

Applicants: Neville Bilney, Cindy Morrison, Cheryl Saunders, Elizabeth Pool, Harry Miller, Kaylene Kerdel, Keenan Smith, Neville Miller

Address(es) for Service: Bianca Lena
South Australian Native Title Services Ltd
Level 4, 345 King William Street
ADELAIDE SA 5000
Phone: 08 8110 2800
Fax: 08 8110 2811

Additional Information

On 3 June 2021, the Federal Court ordered that the application area be administratively separated into Part A and Part B. On 8 December 2022, the Federal Court made a determination in relation to Part A, that native title exists in parts of the determination area - see *Wilson, on behalf of the Wirangu People v State of South Australia (No 2)* [2022] FCA 1460. That determination is attached to this Extract. Order 2 of the determination provides that '[t]he Determination will take effect upon the Wirangu Part A Settlement ILUA being registered on the Register of Indigenous Land Use Agreements'. On 10 February 2023, the Federal Court made a determination that native title exists in parts of the application area - see *Wilson on behalf of the Wirangu People and Weetra on behalf of the Nauo People v State of South Australia* [2023] FCA 60. That determination is attached to this Extract. Order 2 of the determination provides that '[t]he Determination will take effect upon the Wirangu Part B / Nauo No 3 Settlement ILUA being registered on the Register of Indigenous Land Use Agreements.' The Agreements referred to in Order 2 of each determination was registered on 23 February 2024, and therefore both determinations are in effect from 23 February 2024.

Persons claiming to hold native title:

The Wirangu Sea Claim #2 Native Title Claim Group comprises those Aboriginal people who:

(a) Are the biological descendants of the following ancestors:

- a. Binilya and Kaltyna;
- b. Bobby Wandrooka;
- c. Eliza Ellen;
- d. Eve or Eva Mary;
- e. Imbanga and her spouse Tjeltjinya;
- f. Jack and Annie Wombat.
- g. Kulbula;
- h. Lucy Minjia and her spouse Bob Ware;
- i. Siblings Nellie Louise Gray, Dhulbalgurda Frank Gray and Kwana Ted Gray;
- j. The Wirangu mother of Ada Beagle;
- k. The Wirangu mother of siblings Jimmy and Arthur Richards;
- l. Tjeira and her spouse Yari Wagon Billy;
- m. Wilubi; and
- n. Yaldildi Johnny Gibera.

(b) Are identified and accepted as Wirangu people under traditional law and custom on the basis of descent from a Wirangu person; or

(c) Are accepted by those listed at (a) as being adopted into the Wirangu people under traditional law and custom.

Native title rights and interests claimed:

The members of the native title claim group authorise the Applicant to make the Sea Claim to be called the "Wirangu Sea Claim #2" claiming the following native title rights and interests:

(1) In areas where exclusive possession can be recognised, the native title rights and interests possessed under traditional laws and customs are the rights of possession, occupation, use and enjoyment as against the whole world. Exclusive possession is not claimed over all or part of any waters in an offshore place within the application area.

(2) In areas where non-exclusive rights and interests may be recognised, the native title rights and interests of the members of the Wirangu native title claim group are the rights to:

- a. access, remain on and use the areas;
- b. access and to take for any purpose the resources of the areas; and
- c. protect places, areas and things of traditional significance on the areas.

(3) The native title rights and interests are exercisable in accordance with, and subject to:

- a. the traditional laws and customs of the native title claimants; and
- b. the laws of the State of South Australia and the Commonwealth, including the common law.

Application Area: **State/Territory:** South Australia
Brief Location: The application covers an area in South Australia extending South Easterly from Cape Bauer to Elliston
Primary RATSIB Area: Greater South Australia
Approximate size: 79.3510 sq km
(Note: There may be areas within the external boundary of the application that are not claimed.)
Does Area Include Sea: Yes

Area covered by the claim (as detailed in the application):

- a) Area covered by the application: See Attachment B
b) Areas not covered by the application:

1. The application area excludes any land or waters that is or has been covered by:
 - a. a Scheduled Interest;
 - b. a freehold estate;
 - c. a commercial lease that is neither an agricultural lease nor a pastoral lease;
 - d. an exclusive agricultural lease or an exclusive pastoral lease;
 - e. a residential lease;
 - f. a community purpose lease;
 - g. a lease dissected from a mining lease and referred to in s 23B(2)(c)(vii) of the *Native Title Act 1993* (Cth);
 - h. any lease (other than a mining lease) that confers a right of exclusive possession;
 - i. a "previous exclusive possession act" as defined in s 23B of the NTA which is attributable to the State of South Australia and is not an "excepted act" as defined in s 36F of the *Native Title (South Australia) Act 1994* (SA).
2. Subject to paragraphs 4 and 5, the area covered by the application excludes any land or waters covered by the valid construction or establishment of any public work, where the construction or establishment of the public work commenced on or before 23 December 1996.
3. Subject to paragraphs 4 and 5, exclusive possession is not claimed over areas which are subject to valid previous non-exclusive possession acts done by the Commonwealth or the State of South Australia.
4. Subject to paragraph 5 below, where the act specified in paragraphs 1, 2 and 3 falls within the provisions of:
 - a. s 23B(9) - Exclusion of acts benefitting Aboriginal Peoples of Torres Strait Islanders;
 - b. s 23B(9A) - Establishment of a national park or state park;
 - c. s 23B(9B) - Acts where legislation provides for non-extinguishment;
 - d. s 23B(9C) - Exclusion of Crown to Crown grants; and
 - e. s 23B(10) - Exclusion by regulationthe area covered by the act is not excluded from the application.
5. Where an act specified in paragraphs 1, 2 and 3 affects, or affected, land or waters referred to in:
 - a. s 47 - Pastoral leases etc covered by claimant application;
 - b. s 47A - Reserves etc covered by claimant application;
 - c. s 47B - Vacant Crown Land covered by claimant application;
 - d. s47C - Park areas covered by claimant application.the area covered by the act is not excluded from the application.
6. The area covered by the application excludes land or waters where the native title rights and interests claimed have been otherwise extinguished.

All the words and expressions used have the same meaning as they are given in the *Native Title Act 1993* (Cth), unless otherwise specified.

Attachments:

1. Amended Claim Area Description, Attachment B of the application, 5 pages - A4, 01/03/2022
2. Amended Map of Claim Area, Attachment C of the application, 3 pages - A4, 01/03/2022
3. Wirangu Sea Claim #2 determination, 226 pages - A4, 08/12/2022
4. Wirangu People and Nao People Determination - Part A, 71 pages - A4, 10/02/2023
5. Wirangu People and Nao People Determination - Part B, 70 pages - A4, 10/02/2023
6. Wirangu People and Nao People Determination - Part C, 66 pages - A4, 10/02/2023

End of Extract