



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: SAD6025/1998
NNTT number: SC1998/002

Application Name: Arabana Peoples Native Title Claim and The State of South Australia & ors (Arabana)

Application Type: Claimant

Application filed with: National Native Title Tribunal

Date application filed: 16/01/1998

Current status: Full Approved Determination - 22/05/2012

Registration information: Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.

Registration decision status: Accepted for registration

Registration history: Registered from 22/01/1998 to 25/05/2012

Date claim / part of claim determined: 22/05/2012

Applicants: Reginald Dodd, Millie Warren, Name withheld for cultural reasons

Address(es) for Service: Stephen Kenny
Camatta Lempens Pty Ltd
First Floor, 345 King William Street
ADELAIDE SA 5000
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Additional Information

Not applicable

Persons claiming to hold native title:

The native title claim group comprises the biological descendants of the following persons who hold in common the body of Traditional Law and culture governing the area the subject of this application:

Claim group ancestors:

1. Lily and Rang (Buguwide) Strangways;
2. Gina Adams;
3. Jacob, father of Millie Amos and her husband Stanley Amos;
4. Barralda Bunda;
5. Aggie Conway;
6. Johnny Wirrina;
7. Frank Allen;
8. Topsy and Allen Samuels;
9. Louise Stuart (nee Ferguson)

PROVIDED HOWEVER that should any person who is eligible to become part of the native title claim group be part of any other native title claim group whose claim overlaps the boundaries of this claim, and that claim has been registered prior to the registration of this claim, then those persons shall be specifically excluded from this claim group, while such overlaps continue to exist.

Other Exclusions from the claim group are included at Attachment A & Schedule H

(available for viewing from NNTT Adelaide Registry 1800 640 501).

Native title rights and interests claimed:

The native title rights and interests claimed are also subject to the effect of:

- . all existing non-native title rights and interests; and
- . all laws in South Australia made in accordance with sections 19, 22F, 23E or 231 of the Native Title Act:

to the extent that these are valid and applicable.

The applicants are not asserting exclusive rights and interests over the claimed area,

In this Application no claim is being made to any native title rights and interests consisting of or including ownership of minerals, petroleum or gas wholly owned by the Crown under valid laws of the Commonwealth or State.

1. The right to possess, occupy, use and enjoy the claim area;
2. The right to make decisions about the use and enjoyment of the claim area;
3. The right of access to the claim area;
4. The right to control the access of others to the claim area;
5. The right to use and enjoy the resources of the claim area;
6. The right to control the use and enjoyment of others of resources of the claim area (subject to Schedule Q);
7. The right to trade in resources of the claim area;
8. The right to receive a proportion of any resources taken by others from the claim area;
9. The right to maintain and protect places of importance under traditional laws, customs and practices in the claim area;
10. The right to carry out and maintain burials of deceased members of the claim group within the claim area;
11. The right to control, maintain, protect and prevent the dissemination and misuse of cultural knowledge

associated with the claim area;

12. The right to inherit and bestow native title rights and interests;

13. The right to conduct ceremonies on the claim area;

14. The right to control the conduct of ceremonies of others on the claim area;

15. The right to hold, assert and exercise responsibility for the welfare of the country in the claim area;

16. The right to resolve amongst the claimant group any disputes between themselves about land tenure within the claim area;

Application Area:

State/Territory: South Australia

Brief Location: Central South Australia

Primary RATSIB Area: Greater South Australia

Approximate size: 70928.3478 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):

External Boundary Description

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

Commencing on the western boundary of Native Title Determination Application SAD6017/98 Dieri Native Title Claim (SC97/4) at Latitude 29.693668 degrees South and extending generally south westerly passing through the following coordinate points.

Longitude (East) Latitude (South)

138.128406 29.693668

138.144200 29.734763

138.143748 29.743720

138.115372 29.797709

Then south westerly to the northern boundary of Native Title Determination SAD6001/98 Adnyamathanha No.1 (SC99/1) (Stage 1) at Longitude 137.862798 degrees East; then generally south westerly along northern boundaries of that native title determination to the intersection with the northern boundary of SAD90/09 Kokatha Uwankara Native Title Claim (SC09/1), being a point on the eastern shoreline of Lake Torrens at Latitude 30.163922 degrees South; then generally westerly along northern boundaries of that native title determination application passing through Longitude 137.234649 degrees East, Latitude 30.165197 degrees South to the intersection with the north eastern corner of the northern severance of SAD6011/98 Barngarla Native Title Claim (SC96/4) at Longitude 136.869937 degrees East; then westerly and north westerly along northern boundaries of that native title determination application passing through Longitude 136.201326 degrees East, Latitude 30.065208 degrees South to the northern most corner of that application, being a point on the western boundary of Pastoral Lease CL1323/10 (Billa Kalina) at Latitude 30.041105 degrees South; then generally north westerly and generally northerly passing through the following coordinate points.

Longitude (East) Latitude (South)

135.936706 29.872461

135.955450 29.851079

135.001927 29.093096

135.193440 27.846677

Then easterly to the eastern boundary of Parcel B1215 on Plan H831300 (Coorikiana Pastoral Lease) at Latitude

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27.846807 degrees South, then northerly along the eastern boundary of that Pastoral Lease to the southernmost southeast corner of Native Title Determination SAD6022/98 Yankunytjatjara Antakirinja (SC97/9) at Latitude 27.839209 degrees South, being the prolongation easterly of a southern boundary of Parcel Q3 on Plan D45289 and a point on the western boundary of Parcel B749 on Plan H831300 (Toondina Pastoral Lease); then northerly and easterly along boundaries of that native title determination and western and northern boundaries of that Pastoral Lease to the western boundary of Parcel A2019 on Plan D34373 (Allandale Pastoral Lease), then northerly, generally easterly and north westerly along boundaries of that pastoral lease to an eastern boundary of again Native Title Determination SAD6022/98 Yankunytjatjara Antakirinja (SC97/9); then northerly again along the boundary of that native title determination and that Pastoral Lease to Latitude 27.369452 degrees S; then generally north easterly passing through Longitude 135.687164 degrees East Latitude 27.214986 degrees South to a south western boundary of Native title Determination Application SAD6016/98 The Wangkangurru/Yarluyandi Native Title Claim (SC97/3) at Longitude 135.716786 degrees East, Latitude 27.204628 degrees South; being a point on the centreline of the Macumba River; then generally easterly and generally south easterly along the centreline of that river and boundaries of that native title determination application to the intersection with the centreline of an unnamed creek at 137.243349 degrees East; then generally south easterly along the centreline of that creek and again boundaries of that native title determination application to the intersection with the centreline of the Warburton River at Longitude 137.249911 degrees East; then generally south easterly along the centreline of that river and again boundaries of that native title determination application to the intersection with Native Title Determination Application SAD6017/98 Dieri Native Title Claim (SC97/4) at Longitude 137.266564 degrees East; then generally south easterly and generally southerly along boundaries of that native title determination application back to the commencement point.

Note

Data Reference and source

- Application boundary data compiled by the National Native Title Tribunal from data sourced from the Dept of Environment and Heritage (SA) and Geoscience Australia.
- Non-Freehold data sourced from Dept of Environment and Heritage, SA (February 2009).
- SAD6017/98 Dieri Native Title Claim (SC97/4) as accepted for registration on 12 June 2009.
- SAD6001/98 Adnyamathanha No.1 (SC99/1) as determined on 30 March 2009.
- SAD90/09 Kokatha Uwankara Native Title Claim (SC09/1) as accepted for registration on 21 August 2009.
- SAD6011/98 Barngarla Native Title Claim (SC96/4) as accepted for registration on 21 August 2009.
- SAD6016/98 The Wangkangurru/Yarluyandi Native Title Claim (SC97/3) as accepted for registration on 26 October 1999.

Prepared by Geospatial Services, National Native Title Tribunal (4 November 2009)

BUT EXCLUDING all freehold land, except for freehold land held by or in Trust for Aboriginal people or any freehold land held by the Crown or a Crown instrumentality where Native title has not been extinguished.

AND EXCLUDING the land known as the Oodnadatta Common being the lots marked 1188, 1193 and 1 on the attached map marked Attachment B1.

And excluding any of the land covered by the pastoral lease known as Todmorden Station as this area was specifically excluded pursuant to an agreement reached between the applicants and the claimants of the Yankunytjatjara being application SC97/09 which occurred at Coober Pedy on 16th of march 1999 and which was organised as a bilateral meeting between the two groups by the Aboriginal Legal Rights Movement Inc.

Internal Boundaries:

The internal boundaries of this application shall be the boundaries of the areas excluded from this application as set out below.

The applicants exclude from the area covered by this application any area over which native title has been extinguished by Common Law or by Statute save and except for those areas of land or waters over which prior extinguishment may be disregarded in accordance with the provision of either s47, s47A or s47B of the Native Title Act 1993 ("NTA").

In particular the following are excluded:

Category A:

Past acts, as defined in s229 of the NTA including any previous non exclusive possession Acts which are also a category A past Act; and

Grants or vestings which are "previous exclusive possession Acts" (as defined by s23B of the NTA) or "category A intermediate period Acts" (as defined in s232B of the NTA) attributable to the Commonwealth and such grants or vestings which are attributable to the State where the State has made provision as mentioned in s23E and s22F of the NTA in relation to those Acts.

For the avoidance of doubt, the following Acts which occurred on or before the 23rd of December 1996, where valid (including because of division 2 or 2A of Part 2 of the NTA) are included or, for present purposes, are to be treated as included in the definition of "previous exclusive possession Acts", unless excluded from the definition by subsection 23B(9), (9A), (9B), (9C) or (10).

1. The creation or establishment of :

(i) a permanent public work;

(ii) a dedicated road;

(iii) an act of adverse domination where such an act was:

- authorised by valid legislation; or

- authorised or required by the creation of a Crown grant,

- vesting or other interest;

(iv) an unqualified grant of an estate in fee simple.

2. The grant of:-

(i) a schedule interest (see s249C of the NTA) including an agricultural lease where

intensive cultivation of a permanent nature has been carried out and works or

structures of permanent nature have been constructed in accordance with the

terms and conditions of the lease:

(ii) a residential lease on which a residence has been constructed in accordance with the terms and conditions of the lease (see s249);

(iii) a commercial lease on which permanent works or structures have been constructed in accordance with the terms and conditions of the lease (see s246);

(iv) a lease for the provision of community services or amenities or a town or city on which works or structures of a permanent nature have been constructed in accordance with the terms and conditions of the lease (see s249A).

Attachments:

1. Map of Claim Area, Map Schedule B of the Application, 1 page - A4, 04/05/2010

2. Map of Oodnadatta Common, 1 page - A4, 07/09/1999

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