



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: SAD69/2010
NNTT number: SC2010/001

Application Name: Adnyamathanha Native Title Claim No. 3 (Adnyamathanha People Native Title Claim No. 3)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 18/05/2010

Current status: Full Approved Determination - 08/12/2015

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: 15/03/2011

Registration decision status: Accepted for registration

Registration history: Registered from 15/03/2011 to 17/12/2015,

Date claim / part of claim determined: 08/12/2015

Applicants: Russell Coulthard, Alwyn McKenzie

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Additional Information

Not applicable

Persons claiming to hold native title:

The native title claim group comprises those living Aboriginal people who:

- 1) Are the descendants (whether biologically or by adoption) of the apical ancestors in Attachment A;
- 2) Identify as Adnyamathanha; and
- 3) Are recognised by other Adnyamathanha native title claimants under the relevant Adnyamathanha traditional laws and customs as having maintained an affiliation with, and continuing to hold native title rights and interests in, the claim area.

Attachment A

Apical Ancestors

- 1) Mt Serle Bob;
- 2) Polly, wife of Mt Serle Bob;
- 3) Quartpot Tommy;
- 4) Mt Serle Bob's sister, wife of Quartpot Tommy;
- 5) Willy Austin Snr;
- 6) Nicholas Demell;
- 7) Emily McKenzie, wife of Nicholas Demell;
- 8) Sydney Ryan
- 9) Mary, wife of Sydney Ryan
- 10) The siblings of Angepena Billy or Mary;
- 11) Fanny, wife of Angepena Billy
- 12) The siblings of Sara Johnson, Matilda Johnson, Fred Johnson, Natalie Johnson, Jessie Johnson or Sydney Jackson.

Native title rights and interests claimed:

Description of Native Title Rights and Interests Claimed

Definitions:

In this application:

- (a) all words used in this application which are defined in the Native Title Act 1993 (Cth) ("NTA") bear the same meaning as in that Act, unless the context dictates otherwise;
- (b) "Claim Area" means the area covered by this application as described in Schedule B;
- (c) "resources" does not include:
 - (i) minerals (as defined in the Mining Act 1971(SA); and
 - (ii) petroleum (as defined in the Petroleum and Geothermal Energy Act 2000 (SA)).

Rights

The native title rights and interests claimed comprise:

- 1) Subject to paragraph 2, the nature and extent of the native title rights and interests held by all Native Title Holders in relation to the Claim Area are rights to use, stay on and enjoy the land and waters of the Claim Area being:
 - a) the right to possess, occupy, use and enjoy the claim area as against the whole world;1
 - b) The right to access and move about the Claim area;

- c) The right to live, to camp and to erect shelters on the Claim area;
 - d) The right to hunt and fish on the Claim area;
 - e) The right to gather and use the natural resources of the Claim area such as food, plants, timber, resin, ochre and soil;
 - f) The right to cook and to light fires for cooking and camping purposes on the Claim area;
 - g) The right to use the natural water resources of the Claim area;
 - h) The right to distribute, trade or exchange the natural resources of the Claim area;
 - i) The right to conduct ceremonies and hold meetings on the Claim area;
 - j) The right to engage and participate in cultural activities on the Claim area including those relating to births and deaths;
 - k) The right to carry out and maintain burials of deceased native title holders and of their ancestors within the Claim area;
 - l) The right to teach on the Claim area the physical and spiritual attributes of locations and sites within the Claim area;
 - m) The right to visit, maintain and preserve sites and places of cultural or spiritual significance to Native Title Holders within the Claim area;
 - n) The right to speak for and make decisions in relation to the Claim area 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;
 - o) 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 invited by Native Title Holders to assist in, observe, or record traditional activities on the Claim area.
- 2) The native title rights and interests claimed are for personal, domestic and non-commercial communal use.
- 3) The native title rights and interests are subject to and exercisable in accordance with:
- a) the traditional laws and customs of the native title claim group;
 - b) the valid laws of the State and Commonwealth, including the common law.
- 1 In relation to the land and waters to which sections 47A or 47B apply.

Application Area: **State/Territory:** South Australia
Brief Location: Hawker, Flinders Ranges
Primary RATSIB Area: Greater South Australia
Approximate size: 178.9740 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 area comprises all of the land and waters within:

- 1) section 199, hundred of Barndioota, county of Blatchford (296 acres or thereabouts) contained in crown lease perpetual number 15960 (vol 879 folio 18);
- 2) sections 170 and 196, hundred of Barndioota, county of Blatchford (815 acres or thereabouts) contained in crown lease perpetual number 6935 (vol 489 folio 123);
- 3) Section 141, hundred of Barndioota, county of Blatchford (342 acres or thereabouts) contained in crown lease perpetual number 18137 (vol 1011 folio 20);
- 4) Sections 137, 138, 139 and part of Allotment 1000 on D75556 (formerly section 506) hundred of Wonoka, Blachford (6,049 acres or thereabouts) contained in aboriginal freehold (vol 6033 folio 228);
- 5) Sections 12,13,14 and 15, hundred of Cotabena, Blachford (16,658 acres or thereabouts) contained in crown lease perpetual number 5581 (vol 1198 folio 18);
- 6) Section 148, hundred of Wonoka, Blachford (471 acres or thereabouts) contained in aboriginal freehold (vol 6033 folio 111);
- 7) Section 156, hundred of Barndioota, Blachford (707 acres or thereabouts) contained in crown lease perpetual number 1189 (vol 131 folio 16);
- 8) Sections 133 and 144, hundred of Wonoka, Blachford (713 acres or thereabouts) contained in aboriginal freehold (vol 6033 folio 111);
- 9) Sections 197 and 198, hundred of Barndioota, Blachford (773 acres or thereabouts) contained in crown lease perpetual number 535 (vol 174 folio 59);
- 10) Section 159, hundred of Barndioota, Blachford (261 acres or thereabouts) contained in crown lease perpetual number 1478 (vol 175 folio 2);
- 11) Section 158, hundred of Barndioota, Blachford (730 acres or thereabouts) contained in crown lease perpetual number 1477 (vol 184 folio 57);
- 12) Sections 152 and 153, hundred of Wonoka, Blachford (884 acres or thereabouts) contained in crown lease perpetual number 2087 (vol 6033 folio 110);
- 13) Section 154, hundred of Barndioota, Blachford (267 acres or thereabouts) contained in crown lease perpetual number 4443 (vol 401 folio 25);
- 14) Sections 76, 149, 101 and 102, hundred of Barndioota, Blachford (1155 acres or thereabouts) contained in crown lease perpetual number 7112 (vol 489 folio 43);
- 15) Sections 140, 141, 142, 557 and 558, hundred of Wonoka, Blachford (1200 acres or thereabouts) contained in aboriginal freehold (vol 6034 folio 494);
- 16) Sections 164,165,166 and 169, hundred of Barndioota, Blachford (1296 acres or thereabouts) contained in crown lease perpetual number 8216 (vol 506 folio 83);
- 17) Sections 149, 150, 151, hundred of Wonoka and 167, Barndioota, Blachford (1080 acres or thereabouts) contained in crown lease perpetual number 8253 (vol 508 folio 66);
- 18) Sections 577 and 84, hundred of Wonoka, Blachford (421 acres or thereabouts) contained in aboriginal freehold (vol 6033 folio 228);
- 19) Section 263, hundred of Barndioota, Blachford (4,777 acres or thereabouts) contained in crown lease perpetual number 11445 (vol 570 folio 38);
- 20) Section 265, hundred of Bamdioota, Blachford (2144 acres or thereabouts) contained in crown lease perpetual number 11447 (vol 570 folio 79);
- 21) Sections 81, 82 and 549, hundred of Wonoka, Blachford (641 acres or thereabouts) contained in aboriginal freehold (vol 6033 folio 228);
- 22) Sections 78, 79 and 80, hundred of Wonoka, Blachford (684 acres or thereabouts) contained in aboriginal freehold (vol 6033 folio 228);
- 23) Sections 230 and 163, hundred of Bamdioota, Blachford (459 acres or thereabouts) contained in crown lease perpetual number I190A (vol 616 folio 8);

24) Part of Allotment 1000 on D75556 (formerly section 475), hundred of Wonoka, Blachford (178 acres or thereabouts) contained in aboriginal freehold (vol 6033 folio 228);

25) Sections 106 and 155, hundred of Bamdioota, Blachford (706 acres or thereabouts) contained in crown lease perpetual number 15820 (vol 864 folio 10);

26) All of the other land and waters which lie within the external boundaries of the above sections (as referred to in 1) to 25) above), subject to attachment B(2), including:

(a) Section 114, hundred of Bamdioota (330.9 acres or thereabouts) contained in Crown Record volume 5761 folio 426;

(b) Section 115, hundred of Bamdioota (91.38 acres or thereabouts) contained in Crown Record volume 5761 folio 427;

(c) Section 116, hundred of Bamdioota (2.498 acres or thereabouts) contained in Crown Record volume 5761 folio 428;

(d) Section 117, hundred of Bamdioota (13.27 acres or thereabouts) contained in Crown Record volume 5761 folio 429;

(e) Section 118, hundred of Bamdioota (32.30 acres or thereabouts) contained in Crown Record volume 5761 folio 430;

(f) Section 119, hundred of Bamdioota (2.995 acres or thereabouts) contained in Crown Record volume 5761 folio 431;

(g) Section 121, hundred of Bamdioota (12.10 acres or thereabouts) contained in Crown Record volume 5756 folio 553;

(h) Section 135, hundred of Bamdioota (147.0 acres or thereabouts) contained in Crown Record volume 5766 folio 199;

(i) Section 136, hundred of Bamdioota (4.08 acres or thereabouts) contained in Crown Record volume 5761 folio 435;

(j) Allotment 21, town of Hookina, hundred of Bamdioota (2.30 acres or thereabouts) contained in Crown Record volume 5766 folio 200;

(k) Allotment 39, town of Hookina, hundred of Bamdioota (1 acre or thereabouts) contained in Crown Record volume 5766 folio 201;

(l) Allotment 40, town of Hookina, hundred of Bamdioota, (1 acre or thereabouts) contained in Crown Record volume 5766 folio 202;

(m) Allotment 41, town of Hookina, hundred of Bamdioota (1 acre or thereabouts) contained in Crown Record volume 5975 folio 729;

(n) Allotment 45, town of Hookina, hundred of Bamdioota (1 acre or thereabouts) contained in Crown Record volume 5750 folio 8;

(o) Allotment 46, town of Hookina, hundred of Bamdioota (1 acre or thereabouts) contained in Crown Record volume 5766 folio 203;

(p) Allotment 47, town of Hookina, hundred of Bamdioota (1.175 acres or thereabouts) contained in Crown Record volume 5766 folio 204;

(q) Allotment 48, town of Hookina, hundred of Bamdioota (1.088 acres or thereabouts) contained in Crown Record volume 5766 folio 205.

Each of the leases and freehold areas referred to above, in 1) to 25), is held by Viliwarinha Yura Aboriginal Corporation, an Aboriginal Association incorporated on 13 July 1998 under the Aboriginal Councils and Associations Act 1976 (now replaced by the Corporations (Aboriginal and Torres Strait Islander) Act 2006).

Excluded from the Claim Area are all those areas referred to in Attachment B(2). However, for the avoidance of doubt, the land and waters within the Crown leases referred to in 1) to 25) above are not excluded by reason of Attachment B(2), on the grounds that Section 47A of the Native Title Act 1993 applies.

This Claimant application is, in respect of the land and waters in 1) to 25) above, made pursuant to Section 47A

Native Title Act 1993 and, in relation to the land and waters in 26) pursuant to section 47B (to the extent that such land and waters comprise Crown Land that is not excluded by virtue of sub-section (1)(b).

For the avoidance of doubt "Public Works" (if any) which may otherwise form part of the Claim Area (including any additional area under s251D of the Native Title Act) are not included in the Claim Area.

Note:

Data Reference and source

Application data compiled by National Native Title Tribunal.

Cadastre data sourced from Department of Environment and Heritage, SA (February 2010)

Prepared by Geospatial Services, National Native Title Tribunal (16 June 2010)

Attachments: 1. Adnyamathanha Native Title Claim #3 - Map Attachment C, Attachment C of the Application, 1 page - A4, 02/12/2010

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