



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): SAD6017/1998
NNTT Number: SCD2012/001

Determination Name: [Lander v State of South Australia](#)

Date(s) of Effect: 1/05/2012

Determination Outcome: Native title exists in parts of the determination area

Register Extract (pursuant to s. 193 of the *Native Title Act 1993*)

Determination Date: 01/05/2012

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

REGISTERED NATIVE TITLE BODY CORPORATE:

The Dieri Aboriginal Corporation RNTBC
Agent Body Corporate
c/- Camatta Lempens
Level 1, 345 King William street
Adelaide South Australia 5000

Note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations www.oric.gov.au

COMMON LAW HOLDER(S) OF NATIVE TITLE:

3. Under the relevant traditional laws and customs of the Dieri people, the native title holders comprise those living Aboriginal people who:

(a) are the descendants of the following apical ancestors:-

(i) Ruby Merrick and Tim Maltalilha (also known as Tim Merrick) who are the parents of the sibling set - Martin, Gottlieb, Rebecca, Selma (or Thelma);

(ii) Kuriputhanha (known as 'Queen Annie') mother of Karla-warru (also known as Annie);

(iii) Mary Dixon (born at Killalpaninna) mother of the sibling set - Dear Dear (known as 'Tear'), Jack Garret, George Mungerannie, Joe Shaw, and Henry;

(iv) Bertha mother of the sibling set - Johannes and Susanna;

(v) Walter Kennedy husband of Selma (also known as Thelma) nee Merrick;

(vi) Florrie wife of Martin Merrick;

(vii) Clara Stewart (nee Murray), the mother of Eddie Stewart, and;

(viii) The man Pinngipania (born at Lake Hope) and the woman Kulibani (born at Kalamarina) who are the parents of Sam Tintibab (or Dindibana Ginjmilina); and

(b) identify as Dieri; and

(c) are recognised by the other Native Title Holders under the relevant Dieri traditional laws and customs as holding native title rights and interests in the Determination Area.

MATTERS DETERMINED:

THE COURT ORDERS, DECLARES AND DETERMINES BY CONSENT THAT:

Interpretation & Declaration

1. In this determination, including its schedules:

(a) unless the contrary intention appears, the words and expressions used have the same meaning as they are given in Part 15 of the Native Title Act;

(b) "the Vesting" means the vesting of a Park or Reserve in the Crown pursuant to the NPWA as listed in Schedule 4; and

(c) in the event of an inconsistency between a description of an area and the depiction of that area on the map in Schedule 2, the written description shall prevail.

2. Native title exists in the areas described in Schedule 1 with the exception of those areas described in paragraphs 9, 11, 12, and 14 ("the Determination Area").

Native Title Holders

3. Under the relevant traditional laws and customs of the Dieri people, the native title holders comprise those living Aboriginal people who:

(a) are the descendants of the following apical ancestors:-

(i) Ruby Merrick and Tim Maltalinha (also known as Tim Merrick) who are the parents of the sibling set - Martin, Gottlieb, Rebecca, Selma (or Thelma);

(ii) Kuriputhanha (known as 'Queen Annie') mother of Karla-warru (also known as Annie);

(iii) Mary Dixon (born at Killalpaninna) mother of the sibling set - Dear Dear (known as 'Tear'), Jack Garret, George Mungerannie, Joe Shaw, and Henry;

(iv) Bertha mother of the sibling set - Johannes and Susanna;

(v) Walter Kennedy husband of Selma (also known as Thelma) nee Merrick;

(vi) Florrie wife of Martin Merrick;

(vii) Clara Stewart (nee Murray), the mother of Eddie Stewart, and;

(viii) The man Pinngipania (born at Lake Hope) and the woman Kulibani (born at Kalamarina) who are the parents of Sam Tintibab (or Dindibana Ginjmilina); and

(b) identify as Dieri; and

(c) are recognised by the other Native Title Holders under the relevant Dieri traditional laws and customs as

holding native title rights and interests in the Determination Area.

Rights And Interests

4. Subject to Paragraphs 5, 6 and 7, the nature and extent of the native title rights and interests in relation to the Determination Area are non-exclusive rights to use and enjoy in accordance with the native title holders' traditional laws and customs the land and waters of the Determination Area, being:

- (a) the right to access and move about the Determination Area;
- (b) the right to hunt and fish on the land and waters of the Determination Area;
- (c) the right to gather and use the natural resources of the Determination Area such as food, medicinal plants, wild tobacco, timber, resin, ochre and feathers but excluding those resources referred to in Paragraph 11;
- (d) the right to share and exchange the subsistence and other traditional resources of the Determination Area;
- (e) the right to use the natural water resources of the Determination Area;
- (f) the right to live, to camp and, for the purpose of exercising the native title rights and interests, to erect shelters on the Determination Area;
- (g) the right to cook on the Determination Area and to light fires for domestic purposes but not for the clearance of vegetation;
- (h) the right to engage and participate in cultural activities on the Determination Area including those relating to births and deaths;
- (i) the right to conduct ceremonies and hold meetings on the Determination Area;
- (j) the right to teach on the Determination Area the physical and spiritual attributes of locations and sites within the Determination Area;
- (k) the right to visit, maintain and protect sites and places of cultural and religious significance to Native Title Holders under their traditional laws and customs on the Determination Area; and
- (l) the right to be accompanied on to the Determination 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 Determination Area; or
 - (iii) people who have rights in relation to the Determination Area according to the traditional laws and customs acknowledged by the native title holders.

General Limitations

5. The native title rights and interests are for personal, domestic and communal use but do not include commercial use of the Determination Area or the resources from it.

6. The native title rights and interests described in paragraph 4 do not confer possession, occupation, use and enjoyment of the Determination Area on the native title holders to the exclusion of others.

7. Native title rights and interests are subject to and exercisable in accordance with:

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

For the avoidance of doubt, the native title interest expressed in Paragraph 4(e) (the right to use the natural water resources of the Determination Area) is subject to the Natural Resources Management Act 2004 (SA).

8. Native title does not exist in the areas and resources described in Paragraphs 9, 11, 12 and 14 herein.

9. Native title rights and interests do not exist in respect of those parts of the Determination Area being any house, shed or other building or airstrip or any dam or other stock watering point constructed pursuant to the pastoral leases referred to in Paragraph 15(a) below constructed prior to the date of this determination. These areas include any

adjacent land or waters the exclusive use of which is necessary for the enjoyment of the improvements referred to.

10. To be clear, Paragraph 9 does not preclude the possibility of further extinguishment, according to law, of native title over other limited parts of the Determination Area by reason of the construction of new pastoral improvements of the kind referred to in Paragraph 9 after the date of this determination.

11. Native title rights and interests do not exist in:

- (a) Minerals, as defined in section 6 of the Mining Act 1971 (SA); or
- (b) Petroleum, as defined in section 4 of the Petroleum and Geothermal Energy Act 2000 (SA); or
- (c) a naturally occurring underground accumulation of a regulated substance as defined in section 4 of the Petroleum and Geothermal Energy Act 2000 (SA), below a depth of 100 metres from the surface of the earth; or
- (d) a natural reservoir, as defined in section 4 of the Petroleum and Geothermal Energy Act 2000 (SA), below a depth of 100 metres from the surface of the earth; or
- (e) geothermal energy, as defined in section 4 of the Petroleum and Geothermal Energy Act 2000 (SA) the source of which is below a depth of 100 metres from the surface of the earth.

For the purposes of this paragraph 11 and the avoidance of doubt:

- (i) a geological structure (in whole or in part) on or at the earth's surface or a natural cavity which can be accessed or entered by a person through a natural opening in the earth's surface, is not a natural reservoir;
- (ii) thermal energy contained in a hot or natural spring is not geothermal energy as defined in section 4 of the Petroleum and Geothermal Energy Act 2000 (SA);
- (iii) the absence from this order of any reference to a natural reservoir or a naturally occurring accumulation of a regulated substance, as those terms are defined in section 4 of the Petroleum and Geothermal Energy Act 2000 (SA), above a depth 100 metres below the surface of the earth or geothermal energy the source of which is above a depth of 100 metres below the surface of the earth is not, of itself, to be taken as an indication of the existence or otherwise of native title rights or interests in such natural reservoir, naturally occurring accumulation of a regulated substance or geothermal energy.

12. Native title rights do not exist in the areas covered by Public Works (including the land defined in section 251D of the Native Title Act) which were constructed, established or situated prior to 23 December 1996 or commenced to be constructed or established on or before that date.

13. Public Works constructed, established or situated after 23 December 1996 have had such effect as has resulted from Part 2, Division 3, of the Native Title Act.

14. Those areas described in Schedule 3 have been excluded from the Determination Area because native title has been extinguished over them.

Other Interests & Relationship with Native Title

15. The nature and extent of other interests to the Determination Area are:

- (a) the interests within the Determination Area created by the following pastoral leases:

Lease name	Pastoral Lease No	Crown Lease
Cannatalkaninna	2188	Volume 1239 Folio 4
Clayton	2397	Volume 1323 Folio 19
Clifton Hills	2387	Volume 1597 Folio 90
Cooryanna	2517	Volume 1595 Folio 43
Cowarie	2389	Volume 1311 Folio 41
Dulkaninna	2135	Volume 1135 Folio 1
Etadunna	2437	Volume 1340 Folio 29
Gidgealpa	2425	Volume 1333 Folio 38

Goyder Lagoon	2385	Volume 1323 Folio 47
Kalamurina	2412	Volume 1323 Folio 22
Kallakoopah West	2534	Volume 1628 Folio 21
Kanowana	2386	Volume 1323 Folio 48
Kirrakirrinna	2438	Volume 1340 Folio 30
Lake Henry	2401	Volume 1323 Folio 9
Lake Hope	2447	Volume 1353 Folio 13
Lake Letty	2402	Volume 1607 Folio 55
Mulka	2399	Volume 1323 Folio 20
Muloorina	2400	Volume 1319 Folio 15
Mundowdna	2298	Volume 1294 Folio 15
Mungeranie	2407	Volume 1323 Folio 21
Murnpeowie	2519	Volume 1598 Folio 37
Part Clifton Hills	2421	Volume 1597 Folio 92
Peachawarinna	2143	Volume 1257 Folio 18
Saltaparuna	2516	Volume 1595 Folio 79
St Stephens Pond	2256	Volume 1287 Folio 9
Waukatana	2449	Volume 1355 Folio 33
Wilpoorinna	2210	Volume 1287 Folio 6

(b) the interests of the Crown in right of the State of South Australia;

(c) the interests of persons to whom valid or validated rights and interests have been granted or recognised by the Crown in right of the State of South Australia or by the Commonwealth of Australia pursuant to statute or otherwise in the exercise of executive power including, but not limited to, rights and interests granted or recognised pursuant to the Crown Land Management Act 2009 (SA), Crown Lands Act 1929 (SA), Mining Act 1971 (SA), Petroleum and Geothermal Energy Act 2000 (SA) and Opal Mining Act 1995 (SA), all as amended from time to time;

(d) rights or interests held by reason of the force and operation of the laws of the State or of the Commonwealth;

(e) the rights to access land by an employee or agent or instrumentality of the State of South Australia, Commonwealth or other statutory authority as required in the performance of his or her statutory or common law duties where such access would be permitted to private land;

(f) the rights and interests of Telstra Corporation Limited (or its corporate successor):

(i) as the owner or operator of telecommunications facilities within the Determination Area;

(ii) created pursuant to the Post and Telegraph Act 1901 (Cth), the Telecommunications Act 1975 (Cth), the Australian Telecommunications Corporation Act 1989 (Cth), the Telecommunications Act 1991 (Cth) and the Telecommunications Act 1997 (Cth) including rights;

(1) to inspect land;

(2) to install and operate telecommunication facilities within the Determination Area;

(3) to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunications facilities, including cabling, customer terminal sites and ancillary facilities; and

(4) for its employees, agents or contractors to access its telecommunications facilities in and in the vicinity of the Determination Area in performance of their duties;

(iii) under or arising from section 18 of the Crown Land Management Act 2009 (SA) or section 5 of the Crown Lands Act 1929 (SA);

(iv) under any lease, licences, access agreements or easements relating to its telecommunications facilities in the Determination Area.

(g) The rights and interests of BHP Billiton Olympic Dam Corporation Pty Ltd:

(i) in the Indenture (as amended) and ratified by the Roxby Downs (Indenture Ratification) Act 1982 (SA), and rights, powers, privileges and interests comprised in, conferred under or in accordance with or pursuant to that Indenture and the Roxby Downs (Indenture Ratification) Act 1982 (SA);

(ii) as the holder of a Special Water Licence over Borefield B (SWL Borefield B) granted pursuant to the Indenture ratified by the Roxby Downs (Indenture Ratification) Act 1982 (SA);

(iii) as the owner of easement CT 5514/452; and

(iv) for BHP Billiton Olympic Dam Corporation Pty Ltd's employees, agents or contractors to enter the Determination Area to access BHP Billiton Olympic Dam Corporation Pty Ltd's rights and interests and to do all things necessary to exercise those rights and interests in the vicinity of the Determination Area in performance of their duties.

(h) The rights and interests of the "Producers" as defined by the Cooper Basin (Ratification) Act 1975 (SA):

(i) as holders of Petroleum Production Licences PPL6, PPL7, PPL8, PPL10, PPL17, PPL18, PPL19, PPL20, PPL29, PPL32, PPL35, PPL37, PPL45, PPL46, PPL47, PPL48, PPL51, PPL52, PPL53, PPL54, PPL55, PPL56, PPL57, PPL60, PPL61, PPL63, PPL64, PPL65, PPL66, PPL67, PPL68, PPL70, PPL75, PPL80, PPL81, PPL83, PPL84, PPL91, PPL94, PPL95, PPL101, PPL107, PPL124, PPL126, PPL127, PPL129, PPL137, PPL140, PPL143, PPL144, PPL145, PPL148, PPL150, PPL153, PPL154, PPL160, PPL161, PPL162, PPL165, PPL175, PPL176, PPL177, PPL178, PPL180, PPL196, PPL230, PPL233 and PPL 238 ("the Producers Petroleum Production Licences") granted pursuant to the Cooper Basin (Ratification) Act 1975 (SA), the Petroleum Act 1940 (SA) (repealed) and the Petroleum and Geothermal Energy Act 2000 (SA);

(ii) as the owners and operators of flow-lines and other infrastructure reasonably necessary for and incidental to the Producers' Petroleum Production Licences pursuant to the Cooper Basin (Ratification) Act 1975 (SA), the Petroleum Act 1940 (SA) (repealed) and the Petroleum and Geothermal Energy Act 2000 (SA);

(iii) created pursuant to the Cooper Basin (Ratification) Act 1975 (SA), the Petroleum Act 1940 (SA) (repealed) and the Petroleum and Geothermal Energy Act 2000 (SA);

(iv) for the Producers' employees, agents or contractors to enter the Determination Area to access the Producers' rights and interests and to do all things necessary to exercise those rights and interests in the vicinity of the Determination Area in performance of their duties.

(i) The rights and interests of Geodynamics Limited (ACN 095 006 090) ("Geodynamics") and Origin Energy Geothermal Pty Ltd (ACN 128 159 277) ("Origin"):

(i) as holders of Geothermal Retention Licences GRL 20; GRL 21; GRL 22; GRL 23; and GRL 24 granted pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);

(ii) created pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);

(iii) for the employees, agents and contractors of Geodynamics and/or Origin to enter the Determination Area to access the rights and interests of Geodynamics and/or Origin and to do all things necessary to exercise those rights and interests in the vicinity of the Determination Area in performance of their duties.

(j) The rights and interests of Beach Energy Limited (ACN 007 617 969) ("Beach"):

(i) as holder of Petroleum Production Licences PPL 204; PPL 205; PPL 212; PPL 220; PPL 224 and PPL 239 ("Beach Production Licences") granted pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);

(ii) as the holder of Petroleum Exploration Licences PEL 91; PEL 92; PEL 94; and PEL 107 granted pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);

(iii) as the holder of Associated Activities Licences AAL 18; AAL 82; AAL 98; AAL 128; AAL 146; AAL 157; and AAL 162 granted pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);

(iv) as the owner and operator of flow-lines and other infrastructure reasonably necessary for and incidental to the Beach Production Licences pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);

- (v) as a party to farm in agreements under which Beach has acquired an interest, or has contracted to acquire
 - A. an interest in licences granted pursuant to the Petroleum and Geothermal Energy Act 2000 (SA); and/or
 - B. an interest in resources discovered, utilised or recovered under licences granted pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);
- (vi) created pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);
- (vii) for the employees, agents or contractors of Beach to enter the Determination Area to access the rights and interests of Beach and to do all things necessary or appropriate to exercise those rights and interests in, or in the vicinity of, the Determination Area in performance of their duties;
- (viii) of access and ingress to and egress from the area of a licence held under the Petroleum and Geothermal Energy Act 2000 (SA) by authorisation of the licence holder.
- (k) The rights and interests of Permian Oil Pty Ltd (ACN 104 456 386) ("Permian"):
 - (i) as one of the holders of Petroleum Production Licences PPL 213 and PPL 214 (Permian Production Licences) granted pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);
 - (ii) as one of the holders of Petroleum Retention Licence PRL 15 granted pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);
 - (iii) as one of the holders of Petroleum Exploration Licences PEL 87, PEL 104, PEL 111 and PEL 424 granted pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);
 - (iv) as the owner or operator of flow-lines and other infrastructure reasonably necessary for and incidental to the Permian Production Licences pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);
 - (v) created pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);
 - (vi) for the employees, agents or contractors of Permian to enter the Determination Area to access the rights and interests of Permian and to do all things necessary or appropriate to exercise those rights and interests in, or in the vicinity of, the Determination Area in performance of their duties;
 - (vii) of access and ingress to and egress from the area of a licence held under the Petroleum and Geothermal Energy Act 2000 (SA) by authorisation of the licence holder.
- (l) The rights and interests of Victoria Oil Exploration (1977) Pty Ltd (ACN 008 898 431) ("Victoria Oil"):
 - (i) as one of the holders of Petroleum Production Licences PPL 213, PPL 214 and PPL 237 (Victoria Oil Production Licences) granted pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);
 - (ii) as one of the holders of Petroleum Retention Licence PRL 15 granted pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);
 - (iii) as the holder of Petroleum Exploration Licence PEL 88 and as one of the holders of Petroleum Exploration Licences PEL 87, PEL 94, PEL 104, PEL 111, PEL 115, PEL 182 and PEL 424 granted pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);
 - (iv) as the owner or operator of flow-lines and other infrastructure reasonably necessary for and incidental to the Victoria Oil Production Licences pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);
 - (v) created pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);
 - (vi) for the employees, agents or contractors of Victoria Oil to enter the Determination Area to access the rights and interests of Victoria Oil and to do all things necessary or appropriate to exercise those rights and interests in, or in the vicinity of, the Determination Area in performance of their duties;
 - (vii) of access and ingress to and egress from the area of a licence held under the Petroleum and Geothermal Energy Act 2000 (SA) by authorisation of the licence holder.
- (m) The rights and interests of Stuart Petroleum Pty Ltd (ACN 059 146 226) ("Stuart Petroleum"):
 - (i) as one of the holders of Petroleum Production Licences PPL 203, PPL 207, PPL 208, PPL 211 and PPL 215 and as the holder of Petroleum Production Licences PPL 209, PPL 217, PPL 218 and PPL 221 (Stuart Production Licences) granted pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);

- (ii) as the holder of Petroleum Retention Licence PRL 16 granted pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);
- (iii) as the holder of Petroleum Exploration Licence PEL 102, PEL 113 and PEL 516 and as one of the holders of Petroleum Exploration Licences PEL 90 and PEL 93, granted pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);
- (iv) as the applicant for, and when granted, holder of Petroleum Exploration Licences PEL 288, PEL 289, PEL 290, PEL 331 and PEL 516 to be granted under the Petroleum and Geothermal Energy Act 2000 (SA);
- (v) as the holder of Geothermal Exploration Licences GEL 378, GEL 379, GEL 380, GEL 381, GEL 382, GEL 383, GEL 384, GEL 385, GEL 386, GEL 387, GEL 388 and GEL 389 granted pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);
- (vi) as the applicant for, and when granted, holder of Geothermal Exploration Licences GEL 393, GEL 394, GEL 395, GEL 396, GEL 397, GEL 398, GEL 399, GEL 400, GEL 401, GEL 402, GEL 403, GEL 404, GEL 405 and GEL 406 to be granted under the Petroleum and Geothermal Energy Act 2000 (SA);
- (vii) as the owner and operator of flow lines and other infrastructure reasonably necessary for and incidental to the Stuart Production Licences pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);
- (viii) created pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);
- (ix) the employees, agents or contractors of Stuart Petroleum to enter the Determination Area to access the rights and interests of Stuart Petroleum and to do all things necessary and appropriate to exercise those rights and interests in, in the vicinity of, the Determination Area in performance of their duties;
- (x) of access and ingress to and egress from the area of a licence held under the Petroleum and Geothermal Energy Act 2000 (SA) by authorisation of the licence holder.
- (n) The rights and interests of Stuart Petroleum Cooper Basin Oil Pty Ltd (ACN 130 588 019) ("Stuart Cooper"):
 - (i) as defined under the farm in and joint operating agreement with Planet Cooper Basin Pty Limited ACN 139 986 324 (Planet Gas) in Petroleum Exploration Licence PEL 514, which is granted pursuant to the Petroleum and Geothermal Energy Act 2000 (SA) and held by Planet Gas;
 - (ii) created pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);
 - (iii) the employees, agents or contractors of Stuart Cooper to enter the Determination Area to access the rights and interests of Stuart Cooper and to do all things necessary and appropriate to exercise those rights and interests in, in the vicinity of, the Determination Area in performance of their duties;
 - (iv) of access and ingress to and egress from the area of a licence held under the Petroleum and Geothermal Energy Act 2000 (SA) by authorisation of the licence holder.
- (o) The rights and interests of Impress (Cooper Basin) Pty Ltd (ACN 101 503 780) ("Impress") and Springfield Oil and Gas Limited (ACN 096 163 594) ("Springfield"):
 - (i) as the holders of Petroleum Exploration Licences PEL 104 and PEL 111 granted pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);
 - (ii) as the holders of Associated Activities Licences AAL 99; AAL 100; AAL 151; AAL 156; AAL 165 and AAL 169 granted pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);
 - (iii) created pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);
 - (iv) for the employees, agents or contractors of Impress and/or Springfield to enter the Determination Area to access the rights and interests of Impress and/or Springfield and to do all things necessary or appropriate to exercise those rights and interests in, or in the vicinity of, the Determination Area in performance of their duties;
 - (v) of access and ingress to and egress from the area of a licence held under the Petroleum and Geothermal Energy Act 2000 (SA) by authorisation of the licence holder.
- (p) The rights and interests of Cooper Energy Ltd:
 - (i) as the holder of Petroleum Exploration Licences PEL 92 and PEL 93 granted pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);
 - (ii) as the holder of Petroleum Production Licences PPL 204, PPL 205, PPL 207, PPL 220 and PPL 224

("Cooper Production Licences") granted pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);

(iii) as the holder of Associated Activities Licences AAL 18, AAL 82, AAL 98, AAL 128, AAL 146, AAL 157 and AAL 171 granted pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);

(iv) created pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);

(v) as the owner and operator of flow-lines and other infrastructure reasonably necessary for and incidental to the Cooper Production Licences pursuant to the Petroleum and Geothermal Energy Act 2000 (SA);

(vi) for the employees, agents or contractors of Cooper Energy Ltd to enter the Determination Area to access the rights and interests of Cooper Energy Ltd and to do all things necessary to exercise those rights and interests in the vicinity of the Determination Area in performance of their duties; and

(vii) of access and ingress to and egress from the area of a licence held under the Petroleum and Geothermal Energy Act 2000 (SA) by authorisation of the licence holder.

16. Subject to Paragraph 5, the relationship between the native title rights and interests in the Determination Area that are described in Paragraph 4 and the other rights and interests described in Paragraph 15 ("the Other Interests") is that:

(a) to the extent that any of the Other Interests are inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests, the native title rights and interests continue to exist in their entirety, but the native title rights and interests have no effect in relation to the Other Interests to the extent of the inconsistency during the currency of the Other Interests; and otherwise,

(b) the existence and exercise of the native title rights and interests do not prevent the doing of any activity required or permitted to be done by or under the Other Interests, and the Other Interests, and the doing of any activity required or permitted to be done by or under the Other Interests, prevail over the native title rights and interests and any exercise of the native title rights and interests, but, subject to any application of sections 24IB, 24JA and 24JB of the Native Title Act, do not extinguish them.

(c) in the Schedule 4 Areas, the native title rights and interests continue to exist but have no effect in relation to the Vesting.

(d) the native title is subject to extinguishment by:

(i) the lawful powers of the Commonwealth and of the State of South Australia; and/or

(ii) the lawful grant or creation of interests pursuant to the Laws of the Commonwealth and the State of South Australia

AND THE COURT MAKES THE FOLLOWING FURTHER ORDERS:

17. The native title is not to be held in trust.

18. An Aboriginal corporation, the name of which must be provided to the Court within 6 months of the date of this Order, is to:

(a) be the prescribed body corporate for the purposes of s 57(2) of the Native Title Act 1993 (Cth); and

(b) perform the functions mentioned in s 57(3) of the Native Title Act 1993 (Cth) after becoming a registered native title body corporate.

19. The parties have liberty to apply on 14 days notice to a single judge of the Court for the following purposes:

(a) as to the identification of the Aboriginal corporation referred to in the preceding paragraph;

(b) to establish the precise location and boundaries of any public works and adjacent land and waters referred to in Paragraph 12 and 13 of this Order;

(c) to establish the effect on native title rights and interests of any public works referred to in Paragraph 13 of this Order; or

(d) to determine whether a particular area is included in the description in Paragraph 9 or Schedule 3 of this Order.

Schedules

SCHEDULE 1 - Location of areas comprising the Determination Area (see NNTR Attachment 1)

SCHEDULE 2 - Map of the Determination Area (see NNTR Attachment 2)

SCHEDULE 3 - Areas within the external boundaries of the Determination Area which are excluded from the Determination Area because native title has been extinguished

The following areas are agreed to have been excluded from the Determination Area by reason of the fact that native title has been extinguished in those areas:

1. All roads which have been delineated in a public map pursuant to section 5(d)(ii) of the Crown Lands Act 1929 (SA) or s70(3) or (4) of the Crown Land Management Act 2009 or which have otherwise been validly established pursuant to South Australian Statute or common law as shown in red on the map at Schedule 2.

2. The following listed land parcels:

Pastoral and Crown Land subject to prior extinguishing tenure

Parcel Identifier	Hundred	Current Tenure
D35805A216	OH(Gason)	CR 5335/422, Digital Radio Reserve
H832300S362	OH(Kopperamanna)	CR 5758/134, Fossil Reserve (Gazette dated 17/06/1954)
H832300S103	OH(Kopperamanna)	CL 1323/20 PE 2399
H832300S266	OH(Kopperamanna)	CL 1323/20 PE 2399
D35801A213	OH(Kopperamanna)	CR 5753/156, Land dedicated for Digital Radio Reserve
D35806A214	OH(Kopperamanna)	CR 5753/158, Land dedicated for Digital Radio Reserve
D35807A215	OH(Kopperamanna)	CR 5753/159, Land dedicated for Digital Radio Reserve
H833100B1040	OH(Marree)	CR 5771/763
D35804A107	OH(Marree)	CL 1323/9 PE 2401
D35804A212	OH(Marree)	CR 5753/157, Land dedicated for Digital Radio Reserve

Land within Claim area held under Certificate of Title

Parcel Identifier	Hundred	Current Tenure
D30724A10	OH(Kopperamanna)	CT 5344/830
H832400S1478	OH(Strzelecki)	CT 5437/995
H832400S1479	OH(Strzelecki)	CT 6068/400
H832400S717	OH(Strzelecki)	CT 5710/608

SCHEDULE 3 - Map detailing where Native Title exists, Native Title exists but is fully suppressed, and where Native Title does not exist (see Attachment 3)

SCHEDULE 4 - Areas where the non-extinguishment principle applies by reason of a Vesting

Legislation

Park name	proclaimed under	Instrument
Strzelecki Regional Reserve	National Parks & Wildlife Act 1972	Gazettal 19.12.1991
Lake Eyre National Park (Part)	National Parks & Wildlife Act 1972	Gazettal 31.10.1988 and 19.12.1991

REGISTER ATTACHMENTS:

1. Attachment 1 SCHEDULE 1 - Location of areas comprising the Determination Area, 3 pages - A4, 01/05/2012
2. Attachment 2 SCHEDULE 2 - Map of the Determination Area, 2 pages - A4, 01/05/2012
3. Attachment 3 SCHEDULE 3 - Map detailing where Native Title exists, Native Title exists but is full, 1 page - A4, 01/05/2012

Note: The National Native Title Register may, in accordance with s. 195 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.