



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): SAD163/2008
NNTT Number: SCD2014/003

Determination Name: [Dieri No. 2 Native Title Claim and State of South Australia](#)

Date(s) of Effect: 26/02/2014

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: 26/02/2014

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

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:

1. The Native Title Holders in relation to the Determination Area are those living Aboriginal persons who are described in Schedule 3 who:

- (a) identify as Dieri; and
- (b) are recognised by other Native Title Holders under the relevant Dieri traditional laws and customs as having maintained an affiliation with, and continuing to hold native title rights and interests

The descendants of Dieri Apical Ancestors

The descendants (whether biologically or by adoption) of:

- a) Ruby Merrick and Tim Maltalina (also known as Tim Merrick), who are the parents of the sibling set comprised of Martin, Gottlieb, Rebecca and Selma (or Thelma);
- b) Kuriputhanha (known as “Queen Annie”), mother of Karla-warru (also known as Annie);
- c) Mary Dixon (born at Killalpaninna), mother of the sibling set comprised of Dear Dear (known as “Tear”), Jack Garret, George Mungerannie, Joe Shaw and Henry;
- d) Bertha, mother of the sibling set comprised of Johannes and Susanna;
- e) Walter Kennedy, husband of Selma (also known as Thelma) nee Merrick;
- f) Florrie, wife of Martin Merrick;
- g) Clara Stewart (nee Murray), mother of Eddie Stewart; and
- h) The man from Pinngipania (born at Lake Hope) and the woman Kulibani (born at Kalamarina) who are the parents of Sam Tintibana (also known as Dindibana Ginjamilina).

MATTERS DETERMINED:

BY CONSENT THE COURT MAKES THE FOLLOWING DETERMINATION OF NATIVE TITLE PURSUANT TO SECTIONS 87A OF THE NATIVE TITLE ACT:

- 1. In this determination including its schedules, 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.
- 2. In this determination:
 - (a) “Determination Area” means that part of the land and waters of the Dieri No 2 Claim and the overlapping part of the Adnyamathanha No 1 claim as is described in Schedule 1 (and shown in the maps forming part of that Schedule), apart from those excluded areas which are described in Paragraph 16 and in Schedule 2 (“excluded areas”);
 - (b) “Adnyamathanha Determination Area” means the area of the consent determination being made in favour of the Adnyamathanha people over the remaining area of the Dieri No 2 claim.
- 3. In this determination including its schedules, in the event of an inconsistency between a description of an area in a schedule and the depiction of that area on the map in Schedule 1, the written description shall prevail.

Existence of Native Title

- 4. Subject to Paragraphs 12 to 16 herein, native title exists in the Determination Area.
- 5. Native title does not exist in relation to the areas and resources described in Paragraphs 12, 15 and 16 herein.

The Native Title Holders

- 6. The Native Title Holders in relation to the Determination Area are those living Aboriginal persons who are described in Schedule 3 who:
 - (a) identify as Dieri; and
 - (b) are recognised by other Native Title Holders under the relevant Dieri traditional laws and customs as having maintained an affiliation with, and continuing to hold native title rights and interests in the Determination Area.

Native title rights and interests

7. Subject to Paragraphs 8, 9 and 10, the nature and extent of the native title rights and interests held by the Native Title Holders are rights to use, stay on and enjoy the land and waters of the Determination Area, being:

- (a) The right to access and move about the Determination Area;
- (b) The right to live, to camp and to erect shelters on the Determination Area;
- (c) The right to hunt and fish on the Determination Area;
- (d) The right to gather and use the natural resources of the Determination Area such as food, plants, timber, resin, ochre and soil;
- (e) The right to cook and to light fires for cooking and camping purposes on the Determination Area;
- (f) The right to use the natural water resources of the Determination Area;
- (g) The right to distribute, trade or exchange the natural resources of the Determination Area;
- (h) The right to conduct ceremonies and hold meetings on the Determination Area;
- (i) The right to engage and participate in cultural activities on the Determination Area including those relating to births and deaths;
- (j) The right to carry out and maintain burials of deceased native title holders and of their ancestors within the Determination Area;
- (k) The right to teach on the Determination Area the physical and spiritual attributes of locations and sites within the Determination Area;
- (l) The right to visit, maintain and preserve sites and places of cultural or spiritual significance to Native Title Holders within the Determination Area;
- (m) The right to speak for and make decisions in relation to the Determination Area about the use and enjoyment of the Determination Area by Aboriginal people who recognise themselves to be governed by the traditional laws and customs acknowledged by the Native Title Holders of the Determination Area;
- (n) 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.

8. The native title rights and interests described in Paragraph 7 do not confer possession, occupation, use and enjoyment of the Determination Area on the Native Title Holders to the exclusion of others.

9. The native title rights and interests are for personal, domestic and non-commercial communal use.

10. The 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 and Commonwealth, including the common law.

For the avoidance of doubt, the native title rights and interests expressed in Paragraph 7(f) are subject to the *Natural Resources Management Act 2004* (SA).

Nature and extent of other rights and interests and Relationship with Native Title

11. The nature and extent of other rights and interests in relation to the Determination Area are:

- (a) The rights and interests within the Determination Area created by the pastoral leases described in Schedule 4;
- (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;
- (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, Commonwealth or other statutory authority as required in the performance of his or her statutory or common law duties (in accordance with any valid legislation);
- (f) the rights and interests of Telstra Corporation Limited:
 - (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:
 - (1) to inspect land;
 - (2) to install and operate existing and new telecommunications facilities;
 - (3) to alter, remove, replace, maintain, repair and ensure the proper functioning of its existing and any new telecommunications facilities, including cabling, customer terminal sites and ancillary facilities; and
 - (iii) for its employees, agents or contractors to enter the Determination Area to access its facilities, in and in the vicinity of, the Determination Area in the performance of their duties;
 - (iv) under any leases, licences, access agreements or easements relating to its telecommunications facilities in the Determination Area;

12. 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 11(a). These areas comprise the land on which the improvements of the kind referred to herein have been constructed prior to the date hereof and include any adjacent land or waters the exclusive use of which is necessary for the enjoyment of the improvements referred to.

13. For the avoidance of doubt, Paragraph 12 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 12 after the date of this determination.

14. Subject to Paragraph 15, the relationship between the native title rights and interests in the Determination Area that are described in Paragraph 7 and the other rights and interests that are referred to in Paragraph 11 ("the Other rights and interests") is that:

- (a) the Other rights and interests co-exist with the native title rights and interests;
- (b) in the event of inconsistency, the Other rights and interests prevail over the native title rights and interests and any exercise of the native title rights and interests, but do not extinguish them; and
- (c) the existence of the native title rights and interests does not prevent the doing of any activity required or permitted to be done by, in accordance with or under the Other rights and interests.

15. 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;

(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 15 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.

16. Native title rights do not exist in the areas covered by public works attributable to the State or Commonwealth (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.

17. Public works constructed, established or situated after 23 December 1996 have had such effect on native title rights and interests as has resulted from Part 2 Division 3 of the Native Title Act.

AND THE COURT MAKES THE FOLLOWING FURTHER ORDERS:

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

19. In respect of the Determination Area, Dieri Aboriginal Corporation RNTBC is to:

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

(b) perform the functions mentioned in section 57(3) of the Native Title Act after becoming the registered native title body corporate in relation to Part 1 of the Determination Area.

20. The Native Title Holders (through Dieri Aboriginal Corporation RNTBC), the State or any other Respondent have liberty to apply on 14 days' notice to a single judge of the Court for the following purposes:

(a) to establish the precise location and boundaries of any public works and adjacent land and waters referred to in Paragraphs 16 and 17 of this Order;

(b) to establish the effect on native title rights and interests of any public works referred to in Paragraph 17 of this Order; or

(c) to determine whether any particular area is included in the description in Paragraph 12 or Schedule 2 of this Order.

(d) to address, if appropriate, any changes to paragraphs 12 and 13 above in light of the decision of the High Court of Australia in *State of Western Australia v Brown & Others* (No P37 of 2012 HCA) as it relates to pastoral improvements.

AND THE COURT MAKES THE FOLLOWING ANCILLARY ORDERS PURSUANT TO SECTION 87A(5) OF THE NATIVE TITLE ACT:

21. The Court notes in relation to the Determination Area as follows:

(a) The Dieri People and the Adnyamathanha People have entered into a Memorandum of Understanding between them in the terms of the document comprising the "Annexure A" to Schedule 5, under which both groups agree in particular that:

- (i) the Adnyamathanha People hold traditional rights and interests in the Determination Area;
- (ii) the Dieri People hold traditional rights and interests in the Adnyamathanha Determination Area;
- (b) The Agreement provides that the traditional rights and interests referred to in sub-paragraph (a):
 - (i) are not native title rights and interests; and
 - (ii) co-exist with the native title rights and interests.
- (c) The State and other Respondent parties are not bound by the Memorandum of Understanding referred to in Paragraph 22(a) but acknowledge that the provisions of relevant State and Commonwealth legislation apply according to their terms from time to time in relation to the Determination Area.
- (d) The consent determination made in relation to the Adnyamathanha Determination Area is in the terms of the document comprising Schedule 6.

SCHEDULE 1 - Description and Map of the Determination Area

External boundary description

The Determination Area is located wholly within and comprises all the land and waters bounded by the following line:

Commencing at the intersection of the western boundary of Wilpoorinna Pastoral Lease - Block 1122, OH (Marree) with Latitude 29.764891 South; then generally north-easterly in straight lines connecting the following coordinate points

Longitude (East)	Latitude (South)
138.594515	29.701424
138.795702	29.581792
138.961899	29.467992
139.189327	29.289997
139.279715	29.196623
139.370103	29.149934
139.375935	29.152852
139.380983	29.156313

Then south-easterly in a straight line to the intersection of the south-western shoreline of Lake Blanche (Deposited Plan 33310 Allotment 2008) with Longitude 139.384583 East; then generally south-easterly along the said shoreline of Lake Blanche to Longitude 139.781381 East; then generally south-westerly and north-westerly in straight lines connecting the following coordinate points

Longitude (East)	Latitude (South)
139.775627	29.447571

139.771817	29.449001
139.759949	29.444512
139.756934	29.442290
139.748206	29.440069
139.740272	29.435784
139.728371	29.426898
139.723899	29.420390
139.720196	29.420072
139.713450	29.419549
139.709740	29.420090

The latter coordinate being an intersection with Petermorra Creek. Generally south-westerly and southerly along the said Petermorra Creek, generally being straight lines connecting the following coordinate points

Longitude (East)	Latitude (South)
139.709240	29.420750
139.708550	29.421410
139.707740	29.422210
139.706900	29.423030
139.705700	29.424800
139.704220	29.425730
139.697380	29.428440
139.696990	29.428600
139.694580	29.429570
139.690840	29.430690
139.689520	29.431120
139.688100	29.431580
139.686420	29.433140
139.684450	29.433980
139.682870	29.434980
139.680660	29.437250
139.679080	29.439610
139.679060	29.439630
139.677290	29.441540

139.676000	29.443200
139.675830	29.443770
139.674440	29.445040
139.673520	29.447610
139.671750	29.449670
139.669680	29.451820
139.668220	29.452070
139.666870	29.451580
139.664970	29.451540
139.662200	29.452160
139.660830	29.452220
139.660360	29.452240
139.658250	29.452750
139.655280	29.454360
139.653070	29.456460
139.650360	29.457520
139.647170	29.458650
139.645780	29.459280
139.644420	29.459900
139.641360	29.461580
139.639990	29.463990
139.639530	29.464800
139.638120	29.466570
139.636630	29.467160
139.634020	29.468390
139.632210	29.469670
139.631320	29.471810
139.630420	29.473010
139.628400	29.473740
139.626270	29.474390
139.624980	29.475730
139.624510	29.475650
139.623050	29.475560
139.621640	29.475940

139.620350	29.477060
139.618700	29.479070
139.617970	29.479680
139.615480	29.481980
139.617210	29.483500
139.617210	29.484180
139.616950	29.484630
139.616810	29.486210
139.615780	29.487340
139.614230	29.488240
139.613450	29.489360
139.611770	29.489700
139.611150	29.489990
139.610020	29.490970
139.609310	29.492620
139.608660	29.495560
139.608010	29.496120
139.606320	29.496500
139.605690	29.497020
139.605300	29.498480
139.604780	29.498930
139.603620	29.499610
139.602750	29.500890
139.602190	29.502760
139.601410	29.504120
139.601360	29.505550
139.601780	29.507610
139.601050	29.509400
139.601000	29.511110
139.602470	29.513550
139.603180	29.514950
139.603040	29.515860
139.602650	29.516530
139.602000	29.519240

139.601730	29.521830
139.601340	29.522850
139.601460	29.524990
139.601200	29.525330
139.601200	29.526570
139.600971	29.527625
139.600890	29.528000
139.601050	29.531870
139.600780	29.536390
139.600260	29.537740
139.600000	29.538040
139.598830	29.539430
139.598440	29.540220
139.598310	29.541120
139.598950	29.541910
139.598820	29.542700
139.598040	29.544280
139.596880	29.545740
139.596490	29.546640
139.595450	29.547880
139.593540	29.549110
139.593110	29.551260
139.591370	29.552960
139.591550	29.554760
139.591160	29.556000
139.591330	29.557610
139.591980	29.557900
139.592700	29.559160
139.592570	29.559950
139.591790	29.561410
139.589710	29.563890
139.589190	29.565130
139.589190	29.566030
139.589570	29.567160

139.589180	29.569980
139.589430	29.571000
139.589040	29.571900
139.588390	29.572580
139.587870	29.573930
139.588230	29.574800
139.588960	29.575870

the latter coordinate being an intersection of the said Petermorra Creek with Wattleowie Creek; then southerly along the said Wattleowie Creek, generally being straight lines connecting the following coordinate points

Longitude (East)	Latitude (South)
139.589150	29.576640
139.589150	29.577540
139.589530	29.578450
139.591070	29.580260
139.591670	29.581470
139.589660	29.585220
139.588340	29.585670
139.587700	29.586230
139.587310	29.587020
139.587300	29.587580
139.586910	29.588370
139.586910	29.590180
139.586390	29.591640
139.586380	29.593000
139.585860	29.593900
139.585990	29.594910
139.585600	29.595590
139.585590	29.598180
139.586350	29.600220
139.586350	29.601460
139.585940	29.603260
139.585430	29.606530

139.584900	29.607550
139.585800	29.609470
139.585680	29.611200
139.585670	29.611390
139.586310	29.611780
139.586310	29.613760
139.586820	29.614940
139.586950	29.615230
139.586550	29.616240
139.586680	29.617590
139.586420	29.618380
139.585800	29.619010
139.583830	29.620860
139.583650	29.622530
139.583940	29.623910
139.583730	29.626190
139.583540	29.627740
139.582370	29.629210
139.582270	29.629860
139.581670	29.630110
139.579780	29.631680
139.578870	29.633480
139.578980	29.640260
139.577940	29.642170
139.576900	29.643520
139.576380	29.644760
139.574820	29.646900
139.574430	29.647920
139.574410	29.649600
139.574250	29.650430
139.573380	29.651750
139.572860	29.653330
139.571560	29.654230
139.570650	29.655470

139.570230	29.657620
139.570120	29.659870
139.569210	29.661330
139.569080	29.662120
139.568810	29.665050
139.568630	29.667230
139.567370	29.669790
139.566780	29.670410
139.565660	29.670340
139.564520	29.671610
139.564320	29.673370
139.565080	29.675190
139.564610	29.676610
139.564960	29.679350
139.565000	29.681060
139.565110	29.684220
139.564850	29.684790
139.564850	29.685350
139.565750	29.687500
139.565740	29.688630
139.564820	29.689730
139.563790	29.691550
139.563790	29.692230
139.563270	29.693360
139.561970	29.694480
139.561580	29.695840
139.560800	29.696740
139.560410	29.697640
139.560400	29.700570
139.559870	29.702380
139.558450	29.704180
139.557920	29.706210
139.558750	29.708180
139.558040	29.709140

139.558030	29.710160
139.559000	29.711700
139.558920	29.713660
139.559180	29.714380
139.560080	29.715920
139.560980	29.716710
139.561630	29.717050
139.562780	29.718180
139.563940	29.719760
139.565230	29.720900
139.566260	29.721460
139.567920	29.722660
139.568320	29.723430
139.570900	29.725540
139.572440	29.727350
139.573860	29.728250
139.574760	29.729270
139.575660	29.730060
139.576820	29.730740
139.577210	29.730740
139.579020	29.731540
139.579660	29.732100
139.581210	29.732790
139.582370	29.734140
139.582750	29.735380
139.583520	29.736970
139.584680	29.738550
139.585580	29.740580
139.586210	29.743970
139.585940	29.746790
139.586031	29.747900
139.586060	29.748260
139.586450	29.748930
139.586450	29.749500

139.587090	29.750850
139.588450	29.752640
139.589410	29.754440
139.590820	29.755940
139.593010	29.757410
139.594560	29.758770
139.595710	29.760940
139.597900	29.765100
139.598540	29.766570
139.599430	29.769840
139.599430	29.771190
139.599170	29.772100
139.598780	29.772430
139.598120	29.773670
139.597860	29.775030
139.597850	29.777510
139.597330	29.778520
139.596290	29.779420
139.596160	29.780330
139.596290	29.780350
139.597580	29.781910
139.597570	29.783940
139.598080	29.785070
139.599110	29.786200
139.599630	29.787440
139.599620	29.789140
139.599360	29.790150
139.598190	29.791840
139.597670	29.793190
139.595330	29.795900
139.593331	29.797535

the latter coordinate being the southern boundary of Murnpeowie Pastoral Lease - Deposited Plan 42203 Allotment 24; then generally westerly along the southern boundary of the said Allotment 24 to a south-eastern corner of the said Wilpoorinna Pastoral Lease; then generally westerly along the eastern boundary of the said

Wilpoorinna Pastoral Lease to its intersection with the centreline of Frome River; then generally westerly along the said centreline of Frome River to its intersection with the western boundary of the said Block 1122, OH (Marree); then northerly along the said western boundary of Block 1122 to the point of commencement.

Map of the Determination Area

[See NNTR attachment 1: "Schedule 1 - Map of the Determination Area"]

Reference datum

Geographical coordinates have been provided by the NNTT Geospatial services and geographical coordinates are referenced to the Geocentric Datum of Australia 1994 (GDA94), in decimal degrees.

Watercourses and water bodies (except Lake Blanche) referenced to 1:250,000 Topographic Mapping Series 3 - sourced from Geoscience Australia.

Use of Coordinates

Where coordinates are used within the description to represent cadastral or topographical boundaries or the intersection with such, they are intended as a guide only. As an outcome of the custodians of cadastral and topographical data continuously recalculating the geographic position of their data based on improved survey and data maintenance procedures, it is not possible to accurately define such a position other than by detailed ground survey.

SCHEDULE 2 - Areas that have been excluded from the Determination Area

1. 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:

1.1. Any areas in relation to which native title has been extinguished by an act attributable to the State of South Australia pursuant to any of the following sections of the *Native Title (South Australia) Act 1994* (SA):

- a) Sections 33 and 34 (Category A past acts);
- b) Section 35 (Category B past acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests);
- c) Sections 36B and 36C (Category A intermediate period acts);
- d) Section 36D (Category B intermediate period acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests);
- e) Sections 36F and 36G (previous exclusive possession acts other than "excepted acts");

1.2. Any areas in relation to which native title has been extinguished by an act attributable to the Commonwealth of Australia pursuant to any of the following sections of the Native Title Act:

- a) Section 15(1)(a), (b) (Category A past acts);
- b) Section 15(1)(c) (Category B past acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests);
- c) Section 22B(a), (b) (Category A intermediate period acts);

- d) Section 22B(c) (Category B intermediate period acts that are wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests);
 - e) Sections 23B and 23C (previous exclusive possession acts).
- 1.3. Any areas in relation to which native title rights and interests have otherwise been wholly extinguished.
2. For the avoidance of doubt and without limiting the above, Native Title has been extinguished in relation to areas in respect of which any of the following acts have been done by the Crown in right of the State of South Australia on or before 23 December 1996:
- 2.1. Freehold grants (other than pursuant to the *Aboriginal Lands Trust Act 1966* (SA));
 - 2.2. Perpetual leases (other than leases which are subject to a reservation or condition expressly for the benefit of Aboriginal people);
 - 2.3. Non-perpetual leases (other than pastoral leases or non-exclusive agricultural leases or leases subject to a reservation or condition expressly for the benefit of Aboriginal people),
- where:
- 2.4. in the case of grants to the Crown or a statutory authority, made prior to 31 October 1975 (or after 1 January 1994, if an “intermediate period act”);
 - 2.5. in the case of grants other than to the Crown or a statutory authority, made prior to 1 January 1994 (or after 1 January 1994, if a “past act” or “intermediate period act”).
3. Native title rights have been extinguished over all roads which have been delineated in a public map pursuant to section 5(d)(II) of the *Crown Lands Act 1929* (SA) or sections 70(3) or (4) of the *Crown Land Management Act 2009* (SA) or which have otherwise been validly established pursuant to South Australian Statute or common law.

SCHEDULE 3 - The descendants of Dieri Apical Ancestors

The descendants (whether biologically or by adoption) of:

- a) Ruby Merrick and Tim Maltalilha (also known as Tim Merrick), who are the parents of the sibling set comprised of Martin, Gottlieb, Rebecca and Selma (or Thelma);
- b) Kuriputhanha (known as “Queen Annie”), mother of Karla-warru (also known as Annie);
- c) Mary Dixon (born at Killalpaninna), mother of the sibling set comprised of Dear Dear (known as “Tear”), Jack Garret, George Mungerannie, Joe Shaw and Henry;
- d) Bertha, mother of the sibling set comprised of Johannes and Susanna;
- e) Walter Kennedy, husband of Selma (also known as Thelma) nee Merrick;
- f) Florrie, wife of Martin Merrick;
- g) Clara Stewart (nee Murray), mother of Eddie Stewart; and
- h) The man from Pinnigipania (born at Lake Hope) and the woman Kulibani (born at Kalamarina) who are the parents of Sam Tintibana (also known as Dindibana Ginjimilina).

SCHEDULE 4 - Pastoral Leases wholly or partially in the Determination Area

Pastoral Lease Name Volume/Folio	Pastoral Lease Number	Crown Lease Number
Murnpeowie (part)	PE 2519	CL 1598/37

SCHEDULE 5 - The Memorandum of Understanding between the Adnyamathanha People and the Dieri People

“Annexure A”: The Memorandum of Understanding between Adnyamathanha native title claim group and Dieri native title claim group dated 29 July 2013 (varying Agreement dated 20 June 2006 - see **“Annexure B”**, as redacted).

[See NNTR attachment 2: “SCHEDULE 5 - The Memorandum of Understanding between the Adnyamathanha People and the Dieri People - Annexure A”]

SCHEDULE 5 - The Memorandum of Understanding between the Adnyamathanha People and the Dieri People

“Annexure B”: Agreement dated 20 June 2006 between Adnyamathanha native title claim group and Dieri native title claim group, with clause 5 redacted.

[See NNTR attachment 3: “SCHEDULE 5 - The Memorandum of Understanding between the Adnyamathanha People and the Dieri People - Annexure B”]

SCHEDULE 6 - The terms of the Consent Determination to be made in favour of the Adnyamathanha People in the remainder of the Dieri No 2 Claim Area - OMITTED**REGISTER ATTACHMENTS:**

1. Schedule 1 - Map of the Determination Area, 3 pages - A3, 26/02/2014
2. Schedule 5 - The Memorandum of Understanding between the Adnyamathanha People and the Dieri People - Annexure A, 7 pages - A4, 26/02/2014
3. Schedule 5 - The Memorandum of Understanding between the Adnyamathanha People and the Dieri People - Annexure B, 24 pages - A4, 26/02/2014

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.