



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): SAD6027/1998; SAD180/2017
NNTT Number: SCD2025/001

Determination Name: [Sumner on behalf of the Ngarrindjeri People and Birtwistle-Smith on behalf of the First Nations of the South East #2 v State of South Australia](#)

Date(s) of Effect: 24/10/2025

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: 24/10/2025

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Nori Native Title Aboriginal Corporation RNTBC
Agent Body Corporate
Level 6, 27 Currie 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

ORIGINAL REGISTERED NATIVE TITLE BODY CORPORATE(S):

Nori Native Title Aboriginal Corporation

Note: details of the Corporation name change can be found on the Office of the Registrar of Indigenous Corporations website www.oric.gov.au

COMMON LAW HOLDER(S) OF NATIVE TITLE:

Native Title Holders (s 225(a) NTA)

12. The native title in the Native Title Land is held by the Native Title Holders as identified in Schedule 6.

SCHEDULE 6 - NATIVE TITLE HOLDERS

The Native Title Holders are those living Aboriginal people who from time to time satisfy all three of the following

criteria:

(a) are descended (including by adoption in accordance with traditional law and customs) from one or more of the following identified ancestors;

- (i) Harry Carter;
- (ii) John Dunn;
- (iii) Jim Gibson and Catherine (a.k.a. Catharine, Caroline or Katherine) Gibson;
- (iv) Elizabeth (Lizzie) Maratinyeri;
- (v) George Harris and Eliza Petembitepin;
- (vi) Mary Lampard;
- (vii) Maggie (the mother of Jack, Harry and Alf Watson);
- (viii) Matilda a.k.a. Lena Weyantali, the mother of Milerum;
- (ix) Pinkie;
- (x) Peter Pulame / Pullen;
- (xi) Kitty Russell;
- (xii) Emily (Emma) Yriandinyeri (wife of Joe Walker and mother of Emily Walker);
- (xiii) Whympie (a.k.a. Wirimpie) and Turtaminyeri; and

(b) identify themselves as having rights and interests in the Determination Area under the traditional laws and customs applicable to the Determination Area, as:

- (i) a Tanganekald, Meintang (Moandik) or Potaruwutj person; and/or
 - (ii) a member of the Ngarrindjeri Nation, or the First Nations of the South East or Bunganditj (Boandik) Nation; and
- (c) are recognised by a substantial number of other Native Title Holders as having rights and interests in the Determination Area under the traditional laws and customs applicable to the Determination Area, as:

- (i) a Tanganekald, Meintang (Moandik) or Potaruwutj person; and/or
 - (ii) a member of the Ngarrindjeri Nation, or the First Nations of the South East or Bunganditj (Boandik) Nation.
- (collectively, **Native Title Holders**).

For the avoidance of doubt, a person who satisfies criteria (b) and (c) also needs to satisfy the criteria in (a) in order to be a Native Title Holder.

MATTERS DETERMINED:

THE COURT ORDERS, DECLARES AND DETERMINES THAT:

1. There be a determination of native title in the Determination Area in the terms set out at paragraphs 6 to 19 below (Determination).

2. The Applicants, the State or any other respondent have liberty to apply on 14 days' notice to a single judge of the Court:

- (a) to establish the precise location and boundaries of any Public Works (and any adjacent land and waters for the purposes of s 251D of the NTA) identified or otherwise referred to in item 3 of Schedule 5;
- (b) to determine the effect on native title rights and interests of any Public Works referred to in item 3 of Schedule 5.

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

4. Nori Native Title Aboriginal Corporation (ICN: 10324) is to:

- (a) be the prescribed body corporate for the purposes of s 57(2) of the NTA; and
- (b) perform the functions mentioned in s 57(3) of the NTA after becoming the registered native title body corporate in relation to the Native Title Land.

Interpretation

6. 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 Pt 15 of the NTA;
- (b) "Adjacent land" and "Subjacent land" have the meaning given to them in the *Harbors and Navigation Act 1993* (SA);
- (c) "Native Title Holders" means those persons described in paragraph 12;
- (d) "Native Title Land" means the land and waters within the Determination Area referred to in paragraphs 8 to 10;
- (e) in the event of an inconsistency between a written description of an area in a schedule and the depiction of that area on the maps in Schedule 2, the written description shall prevail.

Determination Area

7. The **Determination Area** means the area described in Schedule 1.

Areas within Determination Area where native title exists (Native Title Land) (s 225 NTA)

8. Subject to items 1, 2, 3 and 4 of Schedule 5, native title exists in the land and waters described in Schedules 3 and 4, to the extent that the land and/or waters are within the Determination Area.

9. Sections 47A, 47B and 47C of the NTA apply to those parcels or parts of parcels described in Schedule 4. Save for

public works in areas subject to s 47A or s 47B of the NTA and subject to the terms of the Section 47C Agreement, any prior extinguishment of native title rights and interests over those areas is disregarded and native title exists in those parcels or parts of parcels in accordance with the terms of this Determination.

10. In accordance with the agreement recorded in the ILUA (referred to in Note F [Ngarrindjeri Part B & First Nations of the South East #2 Indigenous Land Use Agreement between the State and the Applicants]), native title exists, subject to the terms of these Orders, in the Adjacent land and Subjacent land within the Determination Area that is vested in the Minister under s 15(1)(a) of the *Harbors and Navigation Act 1993* (SA), including the areas identified in Schedule 8 (Part A) but excluding those areas, if any, identified in Schedule 8 (Part B).

Areas within Determination Area where native title does not exist (s 225 NTA)

11. Native title has been wholly extinguished and therefore does not exist in the land and waters comprised in those areas described in Schedule 5. However, Schedule 5 does not include public works constructed, established or situated after 23 December 1996, which have had such effect as has resulted from Pt 2, Div 3, of the NTA or as agreed pursuant to the ILUA or the Section 47C Agreement.

Native Title Holders (s 225(a) NTA)

12. The native title in the Native Title Land is held by the Native Title Holders as identified in Schedule 6.

Rights and Interests

13. The nature and extent of native title rights and interests in relation to the land set out in Schedule 4 Part A (being areas where extinguishment of native title rights and interests is to be disregarded in accordance with s 47A of the NTA) is the right to possess, occupy, use and enjoy the land and waters to the exclusion of all others.

14. The nature and extent of the native title rights and interests in the Native Title Land other than the land set out in Schedule 4 Part A, are the non-exclusive rights being:

- (a) a right of access to the land and waters;
- (b) a right to live on, use and enjoy the land and waters;
- (c) a right to take, use, share and exchange the resources of the land and waters including by fishing, hunting and gathering;
- (d) a right to use the natural water resources;
- (e) a right to conduct cultural activities including births, funerals, and burials;
- (f) a right to visit, maintain and protect places of importance under traditional laws, customs and practices on the land and waters;
- (g) a right to teach traditional laws and customs to each other on the land and waters; and
- (h) a right to be accompanied on the land and waters by those people who, though not Native Title Holders, are:
 - (i) spouses or partners of Native Title Holders; or
 - (ii) people required or permitted by traditional law and custom for the performance of ceremonies or cultural activities.

Qualifications on the native title rights and interests (ss 225(b), (e) NTA)

15. The native title rights and interests described in paragraph 14 do not confer possession, occupation, use and enjoyment of the land and waters on the Native Title Holders to the exclusion of others.

16. 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; and
- (b) the valid laws of the State and Commonwealth, including the common law.

The nature and extent of any other interests (s 225(c) NTA)

17. The nature and extent of other interests in the Native Title Land are set out in Schedule 7 (Other Interests).

The relationship between native title rights and other interests (s 225(d) NTA)

18. Except as otherwise provided by law including, where applicable, subject to the operation of s 34B of the *National Parks and Wildlife Act 1972* (SA), the relationship between the native title rights and interests in the Native Title Land that are described in paragraphs 13 and 14 and the Other Interests described in paragraph 17 is that:

- (a) the determination does not affect the validity of the Other Interests;
- (b) 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 they have no effect in relation to the Other Interests to the extent of the inconsistency during the currency of the Other Interests; and
- (c) 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 the NTA or the *Native Title (South Australia) Act 1994* (SA), does not extinguish them.

19. For the avoidance of doubt, the relationship between:

(a) the Aboriginal-held interests listed in Part A of Schedule 4 and the native title rights and interests in the Determination Area that are described in paragraph 13; and

(b) the Other Interests that exist in the areas listed in Part C of Schedule 4 and the native title rights and interests that are described in paragraph 14.

is governed by the non-extinguishment principle as defined in s 238 of the NTA.

REGISTER ATTACHMENTS:

1. SCD2025/001 Schedule 1 - Location of and areas comprising the Determination Area, 3 pages - A4, 24/10/2025
2. SCD2025/001 Schedule 2 - Maps of the Determination Area, 25 pages - A4, 24/10/2025
3. SCD2025/001 Schedule 3 - Land and waters where native title exists (Native Title Land), 2 pages - A4, 24/10/2025
4. SCD2025/001 Schedule 4 - Areas where extinguishment of native title is to be disregarded due to the operation of ss 47A, 47B or 47C of the Native Title Act 1993 (Cth), 3 pages - A4, 24/10/2025
5. SCD2025/001 Schedule 5 - Areas where native title is wholly extinguished, 25 pages - A4, 24/10/2025
6. SCD2025/001 Schedule 7 - Other interests, 3 pages - A4, 24/10/2025
7. SCD2025/001 Schedule 8 - Harbors and Navigation Act Land, 1 page - A4, 24/10/2025
8. SCD2025/001 Schedule 9 - Existing infrastructure and easements, 1 page - A4, 24/10/2025

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.