



Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: SAD184/2019
NNTT number: SC2019/001

Application name: Christine Abdulla & Ors on behalf of the First Peoples of the River Murray and Mallee Region #2 and the State of South Australia and Ors (First Peoples of the River Murray and Mallee Region #2)

Registration History: Registered from 1/11/2019

Register Extract (pursuant to section 186 of the *Native Title Act 1993* (Cth))

Application filed with: Federal Court of Australia

Date application filed: 20/08/2019

Date claim entered on Register: 01/11/2019

Additional Information: Not Applicable

APPLICANT:

Person/s authorised as applicant: Christine Abdulla, Robert Agius, Phillip Appleton, Jenny Grace-Giles, Mavis Campbell, Frances Varcoe, Elizabeth Rodgers, Marjorie Rodgers, Loretta Smith, Sheila Dunne, Beatrice Wilson

Condition/s on authority: Not Applicable

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DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

(a)

External boundary description
Refer to "Attachment B"

(b)

1. The application area excludes any land or waters that is or has been covered by:
 - a) a Scheduled Interest
 - b) a freehold estate
 - c) a commercial lease that is neither an agricultural lease nor a pastoral lease;

- d) an exclusive agricultural lease or an exclusive pastoral lease
- e) a residential lease
- f) a community purpose lease
- g) a lease dissected from a mining lease and referred to in s 23B(2)(c)(vii) of the Native Title Act 1993 (Cth)
- h) any lease (other than a mining lease) that confers a right of exclusive possession
- i) a "previous exclusive possession act" as defined in s 23B of the NTA which is attributable to the State of South Australia and is not an "excepted act" as defined in s 36F of the Native Title (South Australia) Act 1994 (SA) over particular land or waters.

2. Subject to paragraphs 4 and 5, the area covered by the application excludes any land or waters covered by the valid construction or establishment of any public work, where the construction or establishment of the public work commenced on or before 23 December 1996.

3. Subject to paragraphs 4 and 5, exclusive possession is not claimed over areas which are subject to valid previous non-exclusive possession acts done by the Commonwealth or the State of South Australia.

4. Subject to paragraph 5 below, where the act specified in paragraphs 1, 2 and 3 falls within the provisions of:

- a. s 23B(9) - Exclusion of acts benefitting Aboriginal Peoples or Torres Strait Islanders
- b. s 23B(9A) - Establishment of a national park or state park
- c. s 23B(9B) - Acts where legislation provides for non-extinguishment
- d. s 23B(9C) - Exclusion of Crown to Crown grants, and
- e. s 23B(10) - Exclusion by regulation

the area covered by the act is not excluded from the application.

5. Where an act specified in paragraphs 1, 2 and 3 affects or affected land or waters referred to in:

- a. s 47 - Pastoral leases etc covered by claimant application
 - b. s 47A - Reserves etc covered by claimant application
 - c. s 47B - Vacant Crown Land covered by claimant application
- the area covered by the act is not excluded from the application.

6. The area covered by the application excludes land or waters where the native title rights and interests claimed have been otherwise extinguished.

7. All the words expressions used have the same meaning as they are given in the *Native Title Act* 1993, unless otherwise specified.

PERSONS CLAIMING TO HOLD NATIVE TITLE:

The Native Title Claimants are those Aboriginal people who:

- (a) Are the biological descendants of the following ancestors:
 - "King" John and his wife "Queen" Monarta. Children of this union include Jerry Mason (also known as King Jerry Mason) whose wife was Jinny Christmas (also known as Jenny Christmas);
 - The unnamed mother of Jinny Christmas
 - Charles Nattoon (also written Netoon, Natoon) whose wife was Lizzie;
 - Annie Disher, the mother of Sam and Richard Disher, including:
 - i. The children of Sam Disher and Annie Perry; and
 - ii. The children of Richard Disher and Annie McLean, who was the sister of Jack McLean, and together were the children of John McLean;
 - Tommy Bookmark (also known as Bookmark Tommy) whose known wife was Ellen Bookmark. Children of this union include Mary Jane, who is known to have married George Beck;
 - The unnamed mother of George Lindsay, Bella Lindsay and Ted Lindsay;
 - John Perry;
 - Nelly Perry;

- Willie Robinson/Scrubber, whose partner was Emily Turvy;
 - The children of John Mack;
 - The unnamed mother and father of Fanny Pennyfather (also known as Halfpenny);
 - Frank Fletcher and his wife Esther;
 - The children of Winnie Murray (nee Reed);
- (b) Are identified and accepted as First Peoples of the River Murray and Mallee Region under traditional law and custom on the basis of descent from a First Peoples of the River Murray and Mallee Region person; or
 - (c) Are accepted by those listed at (a) as being adopted into First Peoples of the River Murray and Mallee Region community under traditional law and custom.

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 30/04/2024

2) Over areas where a claim to exclusive possession cannot be recognised, the nature and extent of the native title rights and interests claimed in relation to the application area are the non-exclusive rights to use and enjoy the land and waters in accordance with traditional laws and customs being:

- a) The right to access and move about the Application Area.
- b) The right to live, to camp and, for the purpose of exercising the native title rights and interests, to erect shelters and other structures on the Application Area.
- c) The right to hunt and fish on the land and waters of the Application Area without the limitation of what purpose.
- d) The right to gather and use the natural resources of the Application Area such as food, medicinal plants, wild tobacco, timber, resin, rock, ochre and feathers.
- e) The right to share and exchange the subsistence and other traditional resources of the Application Area.
- f) The right to use and take the natural water resources of the Application Area.
- g) The right to cook on the Application 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 Application Area including those relating to births and deaths.
- i) The right to conduct ceremonies and hold meetings on the Application Area.
- j) The right to teach on the Application Area the physical and spiritual attributes of locations and sites within the Application 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 Application Area.
- l) The right to be accompanied on the Application Area by those people who, though not native title holders are:
 - a. Spouses of native title holders, or
 - b. People required by traditional law and custom for the performance of ceremonies or cultural activities on the Application Area; or
 - c. People who have rights in relation to the Application Area according to the traditional laws and customs acknowledged by native title holders; or
 - d. People required by native title holders to assist in, observe, or record traditional activities on the Application Area.

REGISTER ATTACHMENTS:

1. External Boundary Description, Attachment B of the Application, 5 pages - A4, 15/03/2024
2. Map, Attachment C of the application, 2 pages - A4, 15/03/2024

Note: The Register of Native Title Claims may, in accordance with section 188 of the Native Title Act 1993 (Cth), contain confidential information that will not appear on the Extract.