



## HIGH COURT OF AUSTRALIA

### NOTICE OF FILING

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#### Details of Filing

File Number: A1/2024  
File Title: Stuart & Ors v. State of South Australia & Ors  
Registry: Adelaide  
Document filed: Form 27B - Appellant's chronology  
Filing party: Appellants  
Date filed: 28 Mar 2024

#### Important Information

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## Form 27B – Appellant’s chronology

Note: see rule 44.02.3.

A1/2024

IN THE HIGH COURT OF AUSTRALIA  
ADELAIDE REGISTRY

ON APPEAL FROM THE FULL COURT  
OF THE FEDERAL COURT OF AUSTRALIA

BETWEEN:

**Aaron Stuart** and others named in the Schedule  
First Appellant

and

**State of South Australia** and others named in the Schedule  
First Respondent

### APPELLANTS’ CHRONOLOGY

**Part I:** This chronology is in a form suitable for publication on the internet.

**Part II:**

DATE	EVENT	REFERENCE
1872 - 1873	Date of effective sovereignty found to exist in the Overlap Area	<i>Stuart v State of South Australia (Oodnadatta Common Overlap Proceeding) (No 4)</i> [2021] FCA 1282 (TJ)[67],[79], CAB 42, 44
22 May 1993	Arabana lodge Writ of Summons in the High Court of Australia for a native title claim over all of Arabana country, including the Overlap Area (not made under <i>Native Title Act 1993 (Cth) (NTA)</i> )	TJ[42], CAB 30

31 August 1993	Arabana native title claim discontinued in anticipation of the passing of the NTA	TJ[42], CAB 30
1 January 1994	NTA commences operation	
13 March 1996	<p>Eringa 1 and Eringa 2 claims lodged (did not include the Overlap Area).</p> <p>The Eringa 1 determination recognises the NTRI of the Lower Southern Arrernte (LSA) and Yankunytjatjara peoples, who together also comprise the WW applicants in respect of the Overlap Area. The Eringa 2 claim was on behalf of the LSA, Yankunytjatjara and Wangkangurru peoples.</p>	<p><i>King on behalf of the Eringa Native Title Claim Group v South Australia</i> [2011] FCA 1386 at Preamble A</p> <p><i>King on behalf of the Eringa Native Title Claim Group and the Eringa No 2 Native Title Claim Group v South Australia</i> [2011] FCA 1387 at Preamble A; TJ[18], CAB 22; <i>Stuart v State of South Australia</i> [2023] FCAFC 131 (J)[29], CAB 293</p>
May 1996	<p>Meeting of senior Arabana, Lower Southern Arrernte and Yankunytjatjara/Antakarinja (YA) men at Marree to discuss the extent of the Arabana country for the purpose of their Native Title claim, culminating in the 1996 map (Exhibit A23) signed by all participants, which included the Overlap Area within the Arabana country</p>	TJ[698], CAB 184; J[26], CAB 292
21 November 1997	Yankunytjatjara/Antakarinja claim lodged over the area immediately abutting the northern and western boundaries of the Overlap Area (did not include the Overlap Area)	<i>Yankunytjatjara/Antakarinja Native Title Claim Group v South Australia</i> [2006] FCA 1142 at [1]; TJ[16], CAB 22; J[28], CAB 293
16 January 1998	Arabana No 1 claim lodged. Did not include the Overlap Area because the State had previously indicated that it intended to	<i>Dodd v State of South Australia</i> [2012] FCA 519 at p 3 Preamble A

	transfer the Oodnadatta Common to the Aboriginal Lands Trust ( <b>ALT</b> ) with a view to the ALT providing a long term lease of the Common to the local Dunjiba Community Council. Following the determination in <i>Dodd</i> , that transfer did not proceed.	TJ[43], CAB 30; J[27], CAB 292; J[334], CAB 392
28 August 2006	<i>Yankunytjatjara/Antakarinja Native Title Claim Group v South Australia</i> [2006] FCA 1142 ( <b>2006 Yankunytjatjara/Antakarinja Determination</b> ) abutting the Overlap Area on its northern and Western boundaries.	TJ[16], CAB 22; J[28], CAB 293
13 December 2011	<i>King on behalf of the Eringa Native Title Claim Group v South Australia</i> [2011] FCA 1386 ( <b>Eringa 1 Determination</b> ) and <i>King on behalf of the Eringa Native Title Claim Group and the Eringa No 2 Native Title Claim Group v South Australia</i> [2011] FCA 1387 ( <b>Eringa 2 Determination</b> ).	TJ[18], CAB 22; J[29]-[30], CAB 293
22 May 2012	Judgment delivered by Finn J in <i>Dodd v State of South Australia</i> [2012] FCA 519 in respect of the Arabana 1 area.	TJ[17], CAB 22; J[24], CAB 292
1 March 2013	Arabana No 2 Claim (SAD38/2013) filed in respect of the whole of the Overlap Area (Part 2) and an area to the south-east of the area determined in <i>Dodd</i> (Part 1).	TJ[2], CAB 19; J[4], CAB 289
12 April 2013	Walka Wani No 1 Claim (SAD78/2013) filed comprising only that part of the Overlap Area consisting of the Airport.	TJ[5], CAB 19; J[5], CAB 289

14 September 2018	Walka Wani No 2 Claim (SAD220/2018) filed for the remainder of the Overlap Area.	TJ[5], CAB 19-20; J[5], CAB 289
30 September – 3 October 2019	On-Country hearing of lay evidence.	TJ[13], CAB 21-22
8-11 October 2019	Hearing of lay evidence continued in Alice Springs.	TJ[13], CAB 21-22
14-23 October 2019	Hearing of lay evidence continued in Adelaide.	TJ[13], CAB 21-22
19 – 23 October 2020	Hearing of expert evidence in Adelaide.	TJ[13], CAB 21-22
11-12 March 2021	Hearing of final oral submissions.	TJ[13], CAB 21-22
17 March 2021	<i>Stuart v State of South Australia (No 3)</i> [2021] FCA 230 (Consent Determination of Part 1 of the Arabana No 2 claim).	TJ[2], CAB 19; J[4] CAB 289
21 December 2021	Judgment delivered in <i>Stuart v State of South Australia (Oodnadatta Common Overlap Proceeding) (No 4)</i> [2021] FCA 1620	CAB 7

21 December 2021	Final orders made by Justice White in SAD38/2013	CAB 267
10 May 2022	Further Amended Notice of Appeal filed by the Arabana	CAB 270
16-18 November 2022	Hearing in the Full Court of the Federal Court of Australia	
14 August 2023	Judgment delivered in <i>Stuart v State of South Australia</i> [2023] FCAFC 131	CAB 283
14 August 2023	Final orders made by Full Court in SAD16/2022	CAB 407
11 September 2023	Application for special leave filed	
8 February 2024	Order made by the High Court of Australia granting special leave to appeal	CAB 448
22 February 2024	Notice of Appeal filed in the High Court of Australia	CAB 451

Dated 26 March 2024



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## Schedule

### Appellants

Second Appellant	Joanne Warren
Third Appellant	Greg Warren (Snr)
Fourth Appellant	Peter Watts

### Walka Wani Respondents

Second Respondent	Dean Ah Chee
Third Respondent	Audrey Stewart
Fourth Respondent	Huey Tjami
Fifth Respondent	Christine Lennon

### Other Respondents

Sixth Respondent	Airservices Australia
Seventh Respondent	Douglas Gordon Lillecrapp
Eighth Respondent	Telstra Corporation Limited ABN 33 051 775 556