



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: NTD6030/2001
NNTT number: DC2001/030

Application Name: Tony Willy and Susan Limmerick obo the Wakaya Peoples (Dalmore Downs) v Northern Territory of Australia & Ors

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 08/05/2001

Current stage(s): Notification complete, Part Determination

Registration information: Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.

Date claim entered on Register of Native Title Claims: 07/06/2001

Registration decision status: Accepted for registration

Registration history: Registered from 7/06/2001

Date claim / part of claim determined: 06/03/2024 , 08/09/2022

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Additional Information

On 5 August 2022, the Federal Court ordered that the application be split into three parts: A, B and C. Part B was dismissed with the consent of the parties. On 8 September 2022, the Federal Court made a determination in relation to Part A, that native title exists in parts of the application area - see (Saltmere on behalf of the Indjalandji-Dhidhanu People v Northern Territory of Australia (Rocklands Pastoral Lease Proceeding)). That determination was registered on the National Native Title Register (NNTR) on 15 September 2022. On 8 November 2023, the Federal Court ordered that Part C of the application be further split into two parts: Part C and D. On 6 March 2024, the Federal Court made a determination in relation to Part C, that native title exists in parts of the application area - see (Karkdoo on behalf of the Purrukwarra Estate Group and the Arruwarra Estate Group v Northern Territory of Australia). That determination was registered on the National Native Title Register (NNTR) on 15/03/2024. Pursuant to s 190(4)(e) the application remains on the Register of Native Title Claims only to the extent that it relates to the undetermined area.

Persons claiming to hold native title:

1. The native title claim group ("the claimants") is comprised by the Wakaya People who, according to traditional laws acknowledged, and customs observed:

(a) are traditionally connected with the area described in schedule B ("the area claimed") through:

- spiritual, religious, physical, and historical associations;
- biological, classificatory or adoptive descent through one of the four grandparental lines of father's father, mother's father, father's mother, and mother's mother; and
- processes of succession.

(b) have a communal native title in the application area, from which rights and interests derive.

2. By definition the Wakaya People, in relation to the area claimed, are comprised by all persons descended from the six apical Wakaya persons identified below.

3. Members of the Wakaya People were successful claimants in the Wakaya-Alyawerre Land Claim under the Aboriginal Land Rights (Northern Territory) Act 1976. The land subject to this claim is in proximity to the area subject to the land claim.

4. Anthropologically, the Wakaya People are all descended from six Wakaya People. These apical ancestors are Bill Gamarangi, Paralangi, Nemo Nyiterantere, Bangarintji, Larralarra, and an unnamed man, and are more particularly identified as follows:

(A) Perrukwarra

(a) Bill Gamarangi was an Aboriginal person whose children include Carghetty Kurkajan;

(b) Paralangi was an Aboriginal person whose children include Avon Willy, Left Hand Leo, and Rosie Pilkalaab.

(B) Arruwurra

(a) Nemo Nyiterantere was an Aboriginal person whose siblings include Jack Punch, Long George Nemo, George Bubbler, Bob Nemo, and Eadie Hart.

(C) Kulapuul

(a) Bangarintji was an Aboriginal person whose children include Bob Limpimararngunu, and Molly.

(D) Kuntupulangu

(a) Larralarra was an Aboriginal person whose children include Violet Koop.

(E) Arrawajin

(a) An unnamed man was an Aboriginal person whose children include Johnson, Blanchie Pityangali, Lame Tommy Ilpathik, and Pilinanta.

Native title rights and interests claimed:

1. The claimants are entitled, under traditional laws acknowledged and customs observed, to exercise native title rights and interests in relation to the area claimed which include as follows:

(a) to possess, occupy, use and enjoy the area claimed to the exclusion of all others;

(b) to speak for and to make decisions about the use and enjoyment of the application area;

(c) to reside upon and otherwise to have access to and within the application area;

(d) to control the access of others to the application area;

(e) to use and enjoy the resources of the application area;

(f) to control the use and enjoyment of others of the resources of the application area;

(g) to share, exchange and/or trade resources derived on and from the application area;

(h) to maintain and protect places of importance under traditional laws, customs and practices in the application area;

(i) to maintain, protect, prevent the misuse of and transmit to others their cultural knowledge, customs and practices associated with the application area;

(j) to determine and regulate membership of, and recruitment to, the landholding group.

2. The claimants acknowledge that:

(a) their native title rights and interests are subject to all valid and current laws of the Commonwealth and the Northern Territory; and

(b) the exercise of their native title rights and interests might be regulated, controlled, curtailed, restricted, suspended or postponed by reason of the existence of valid concurrent rights and interests in others by or under such laws.

3. Subject to schedule L, this application does not claim that the native title rights and interests confer possession, occupation, use and enjoyment to the exclusion of all others in relation to any area regarding which a previous non-exclusive possession act under s 23F of the NTA has been done.

4. All rights and interests listed in paragraph 1 above exist (and existed) throughout the whole of the area claimed.

5. The native title rights and interests are held communally by the claimants, albeit that:

(a) the capacity of individuals to exercise these rights and interests will vary according to a variety of circumstances, for example age, gender, and physical and mental capacity;

(b) by traditional laws and customs, responsibility for the area claimed is exercised by different individuals in different ways.

6. The activities referred to in schedule G are enjoyed by the claimants, and derive from their native title and are consistent with their native title rights and interests.

Application Area: **State/Territory:** Northern Territory
Brief Location: Locality of Dalmore Downs, NT
Primary RATSIB Area: Northern Northern Territory
Approximate size: 18210.5780 sq km
(Note: There may be areas within the external boundary of the application that are not claimed.)
Does Area Include Sea: No

Area covered by the claim (as detailed in the application):

(a) The Area Covered by the Application

1. The land and waters subject to this application are in the locality of Dalmore Downs in the Northern Territory. The area claimed is all land and waters within the area as symbolised on the map referred to in Schedule C and "hatched" in Attachment B, including land and waters subject to:

(a) an application for an exploration licence under the Mining Act (NT), numbered 9978 (in respect of which a notice has been issued under section 29 of the Act, dated 7 February 2001);

(b) an application for an exploration licence under the Mining Act (NT), numbered 22939 (in respect of which a notice has not been issued under section 29 of the Act, at the date of this application), excluding that area that is within the Central Land Council Region;

(c) an application for an exploration licence under the Mining Act (NT), numbered 22971 (in respect of which a notice has not been issued under section 29 of the Act, at the date of this application);

(d) an application for an exploration licence under the Mining Act (NT), numbered 22972 (in respect of which a notice has not been issued under section 29 of the Act, at the date of this application);

(e) an application for an exploration licence under the Mining Act (NT), numbered 22973 (in respect of which a notice has not been issued under section 29 of the Act, at the date of this application);

(f) an application for an exploration licence under the Mining Act (NT), numbered 22974 (in respect of which a notice has not been issued under section 29 of the Act, at the date of this application);

(g) an application for an exploration licence under the Mining Act (NT), numbered 22975 (in respect of which a notice has not been issued under section 29 of the Act, at the date of this application);

(h) an application for an exploration licence under the Mining Act (NT), numbered 22976 (in respect of which a notice has not been issued under section 29 of the Act, at the date of this application);

(i) an application for an exploration licence under the Mining Act (NT), numbered 22977 (in respect of which a notice has not been issued under section 29 of the Act, at the date of this application);

(j) an application for an exploration licence under the Mining Act (NT), numbered 22978 (in respect of which a notice has not been issued under section 29 of the Act, at the date of this application);

(k) an application for an exploration licence under the Mining Act (NT), numbered 22979 (in respect of which a notice has not been issued under section 29 of the Act, at the date of this application);

(l) an application for an exploration licence under the Mining Act (NT), numbered 22980 (in respect of which a notice has not been issued under section 29 of the Act, at the date of this application);

(m) an application for an exploration licence under the Mining Act (NT), numbered 22981 (in respect of which a notice has not been issued under section 29 of the Act, at the date of this application);

(n) an application for an exploration licence under the Mining Act (NT), numbered 22982 (in respect of which a notice has not been issued under section 29 of the Act, at the date of this application);

(o) an application for an exploration licence under the Mining Act (NT), numbered 22983 (in respect of which a notice has not been issued under section 29 of the Act, at the date of this application);

(p) an application for an exploration licence under the Mining Act (NT), numbered 22809 (in respect of which a notice has not been issued under section 29 of the Act, at the date of this application);

(q) an application for an exploration licence under the Mining Act (NT), numbered 22551 (in respect of which a notice has not been issued under section 29 of the Act, at the date of this application), excluding that area that is within the Central Land Council Region;

(r) an application for an exploration licence under the Mining Act (NT), numbered 22552 (in respect of which a notice has not been issued under section 29 of the Act, at the date of this application), excluding that area that is within the Central Land Council Region.

A copy of the notice under section 29 of the NTA, published in the Northern Territory News, including the notice referred to in paragraph 1 above, to which this application relates in part, is contained at Attachment A.

(b) Any Areas Within Those Boundaries That Are Not Covered By The Application

2. Subject to Schedule L of this application, any area in relation to which a previous exclusive possession act under section 23B of the NTA has been done, is excluded from this application.

3. Excluding that area as covered by the Neade v The Territory of Australia (as filed 15 February 2001) (D6012/01) (DC01/12) ("Mt Drummond").

4. Excluding that area as covered by the Central Land Council Region;

5. NT Portion 1483 being Brunette Downs Pastoral Lease (Perpetual Pastoral Lease No. 925);

6. NT Portion 651 being Alroy Downs Pastoral Lease (Perpetual Pastoral Lease No. 985).

Attachments: 1. Attachment B of the Application, 1 page - A4, 05/08/2013

End of Extract