



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: NTD49/2011
NNTT number: DC2011/030

Application Name: Jimmy Wavehill (On Behalf Of The Wubalawun Group) v Northern Territory Of Australia

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 19/10/2011

Current status: Full Approved Determination - 12/06/2019

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

Registration decision status: Not Accepted for registration

Registration history: -

Date claim / part of claim determined: 24/10/2018

Applicants: Jimmy Wavehill

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Additional Information

On 24 October 2018, the Federal Court of Australia made a determination in respect of the application area that native title exists in parts of the determination area – see Wavehill (on behalf of the Wubalawun Group) v Northern Territory of Australia [2018] FCA 1602. Order 3 of the determination provides that “[a]n Aboriginal corporation whose name is to be provided within 12 months, or such further time as the Court may allow, is: to be the prescribed body corporate for the purposes of s 57 (2) of the Native Title Act 1993 (Cth)”. On 12 June 2019, the Top End (Default PBC/CLA) Aboriginal Corporation RNTBC was nominated as the prescribed body corporate for this determination.

Persons claiming to hold native title:

1. The native title claim group ("the claimants") in relation to the area claimed is comprised of the Primary Native Title Holders and Other Native Title Holders who, according to traditional laws acknowledged, and customs observed:
 - (a) are traditionally connected with the area described in schedule B ("the area claimed") by reason of:
 - i. patrilineal descent;
 - ii. his or her mother, father's mother or mother's mother being or having been a member of the group by reason of patrilineal descent;
 - iii. having been adopted or incorporated into the descent relationships referred to in (a) or (b) hereof;
 - (b) have a communal native title in the application area, from which rights and interests derive.
2. The Primary Native Title Holders by definition in relation to the area claimed is the Wubalawun estate group:

By definition the **Wubalawun** estate group is comprised by all persons descended from two apical persons being the late Mirripuwa and the late Charlie Mulyankarni.

The descendants from Mirripuwa include:

- (a) Tommy Birdum (deceased) who was an Aboriginal man whose children include Rankin (deceased), Robin (deceased), Riley (deceased) and Rexie Birdum (deceased);
- (b) Doris/Dottie Hotlze Nalyirri (deceased) who was an Aboriginal woman whose children include Leslie (deceased), George (Jnr), Kevin, Daphney, Maxie, Billy (adopted), Allan (adopted) Moronie.

The descendants from Charlie Mulyankarni include:

- (a) Jimmy Wavehill who is an Aboriginal man whose children include Derek, Patrick, Phillip, Warren, Colin, Carol, Caroline, Gary and Daniel Jimmy.

3. Other Native Title Holders

In accordance with traditional laws and customs, other Aboriginal people have rights and interests in respect of the determination area, subject to the rights and interests of the estate group members, such people being:

- (a) members of estate groups from neighbouring estates; and
- (b) spouses of the estate group members.

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: Northern Territory
Primary RATSIB Area: Northern Northern Territory
Approximate size: 0.9365 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 within the Larrimah town boundary as gazetted on 31 October 1984.

(b) Any areas within those boundaries that are not covered by the Application

1. 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.

Attachments: 1. Map of claim area, Attachment A4 of the Application, 1 page - A4, 19/10/2011
2. Wavehill (on behalf of the Wubalawun Group) v Northern Territory of Australia [2018] FCA 1602, 18 pages - A4, 24/10/2018

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