



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: NTD20/2013
NNTT number: DC2013/004

Application Name: Vincent Fulton, Roy Cresswell, Peter Ellis, Barney Ellaga and Nelson Limmen obo the Mambali Amaling-Gan, Murungun Igalumba, Murungun Milgawirri, Budal Yuwaran and Guyal Bardi Bardi Dumnyun-Ngatanyana Estate Groups (NUTWOOD DOWNS P/L) v Northern Territory of Australia

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 12/11/2013

Current status: Full Approved Determination - 09/09/2020

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: 09/09/2020

Applicants: Vincent Fulton, Roy Cresswell, Peter Ellis, Barney Ellaga, Nelson Limmen

Address(es) for Service: Tamara Cole
Northern Land Council
45 Mitchell Street
DARWIN NT 0800
Phone: 08 8920 5199
Fax: 08 8920 5152

Additional Information

Not applicable

Persons claiming to hold native title:

1. The persons who hold the common or group rights comprising the native title are the Aboriginal persons who are:

(a) members of one or more of the estate groups referred to in paragraph 2 by virtue of descent (including adoption) through father's father, father's mother, mother's father and mother's mother;

(b) accepted as members of one or more of the estate groups referred to in paragraph 2 by senior members of an estate group, referred to in subparagraph (a), by virtue of non-descent connections to an estate.

2. The Primary Native Title Holders by definition in relation to the area claimed are comprised of five estate groups:

(a) the Murungun Milgawirri estate group;

(b) the Budal Yuwaran estate group;

(c) the Mambali Amaling-Gan estate group;

(d) the Murungun Igalumba estate group; and

(e) the Guyal Bardi Bardi Dumnyun-Ngatanyana estate group.

3. By definition the Murungun Milgawirri estate group is comprised by all persons descended from one apical person being the late Harry Limmen Lilyerri.

4. By definition the Budal Yuwaran estate group is comprised by all persons descended from one apical person being the late Sandy August Liwidiliwidi.

5. By definition the Mambali Amaling-Gan estate group is comprised by all persons descended from one apical person being the late Old Hodgson Jerriarmaji.

6. By definition the Murungun Igalumba estate group is comprised by all persons descended from one apical person being the late Igalumba.

7. By definition the Guyal Bardi Bardi Dumnyun-Ngatanyana estate group is comprised by all persons descended from two apical persons being the late Wurruruma and Tommy Yananyingu.

8. The descendants from Harry Limmen Lilyerri include:

(a) Marie Limmen (deceased) who was an Aboriginal woman who had the children Barbara Raymond and Tilly Raymond;

(b) Sammy Limmen (deceased) who was an Aboriginal man who had the children Nicole Limmen and Jillian Limmen;

(c) Mavis Limmen who is an Aboriginal woman who has the daughter Wanita Ponto;

(d) Gerald Limmen (deceased) who was an Aboriginal man who had no children;

(e) Noel Limmen who is an Aboriginal man who had the son Brendan Edwards;

(f) Julie Millar (Limmen) who is an Aboriginal woman who has the children Maxie Millar, Jodie Millar, Nancy Millar and Antonella Millar;

(g) Nelson Limmen who is an Aboriginal man who has the children Janelle Limmen, Natalie Limmen, Nikki Limmen and Norm Limmen.

9. The descendants from Sandy August Liwidiliwidi include:

(a) Billy Fullarton (deceased, adopted) who was an Aboriginal man who had the children Allan Fullarton;

(b) Jedda Sandy (deceased) who was an Aboriginal woman who had no children;

- (c) Michelle Sandy (deceased) who was an Aboriginal woman who had no children;
- (d) Vincent Karheli Fulton who is an Aboriginal man who has the children Dennis Fulton, May Fulton and Evelyn Fulton;
- (e) Leslie Sandy who is an Aboriginal man who has the children Loretta Sandy and Michelle Sandy;
- (f) Stephen Sandy who is an Aboriginal man who has the child Stephen August Junior;
- (g) May Sandy who is an Aboriginal woman who has no children.

10. The descendants from Old Hodgson Jerriarmaji include:

- (a) Johnny Hodgson who was an Aboriginal man who had the children Esau Hodgson, Maureen Hodgson, Sebastian Hodgson, Shane Hodgson and Mike Warran;
- (b) Pearl Hodgson who is an Aboriginal woman who has the children Teresa Farrar, May Fulton, Dennis Gungumirr, Evelyn Fulton, Curtis Wilfred, Kate Wilfred, Davidson Frith and Suzan Jackson;

11. The descendants from Igalumba include:

- (a) James Wood (deceased) who was an Aboriginal man who had no children;
- (b) Unis Woods (deceased) who was an Aboriginal woman who had the daughter Rowena Hughes;
- (c) Peter Ellis (adopted) who is an Aboriginal man who has the children Wilfred Ellis and Stanley Wickham;

12. The descendants from Wurruruma include:

- (a) Lizzy George who is an Aboriginal woman who had the children Arnold George, Reggie George, Rabian George and Laurel George;

13. The descendants from Tommy Yananyinginu include:

- (a) Barney Ellaga who is an Aboriginal man]who has the children Roy Farrar, Jack Farrar, Lorraine Farrar and Christine Farrar;
- (b) Jim Farrar who is an Aboriginal man who has the children Teresa Farrar, Edith Farrar, Yvonne Farrar, David Farrar;
- (c) Dorothy Watson who is an Aboriginal woman who has the children Phillip Gabalamarr Watson, Alan Watson, Rhonda Watson, Rhoda Watson, Dennis Watson, Glen Watson and Lena Watson;
- (d) June Marrakin Hodgson (deceased) who was an Aboriginal woman who had the children Esau Hodgson, Maureen Hodgson, Sebastian Hodgson, Shane Hodgson and Mike Warran.
- (e) Brian Farrar who is an Aboriginal man who has the children Rosalyn Farrar, Susan Farrar and Trudy Farrar.
- (f) Gerard (Gareth) King Boy Farrar (deceased) who was an Aboriginal man who had the daughter Celina Farrar.

14. The other Native Title Holders in relation to the area claimed are, in accordance with traditional laws and customs, other Aboriginal people who 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 mem.

Native title rights and interests claimed:

1. The native title rights and interests of the estate group members that are possessed under their traditional laws and customs are, subject to the traditional laws and customs that govern the exercise of the native title rights and interests by the native title holders, non-exclusive rights to use and enjoy those parts of the Determination Area identified in Schedule C being:

- (a) the right to travel over, to move about and to have access to those areas;
- (b) the right to hunt and to fish on the land and waters of those areas;
- (c) the right to gather and to use the natural resources of those areas such as food, medicinal plants, wild tobacco, timber, stone and resin;
- (d) the right to take and to use the natural water on those areas, and for the sake of clarity and the avoidance of doubt this right does not include the right to take or use water captured by the holders of Perpetual Pastoral Lease 1052;
- (e) the right to live, to camp and for that purpose to erect shelters and other structures on those areas;
- (f) the right to light fires on those areas for domestic purposes, but not for the clearance of vegetation;
- (g) the right to conduct and to participate in the following activities on those areas:
 - (i) cultural activities;
 - (ii) cultural practices relating to birth and death, including burial rites;
 - (iii) ceremonies;
 - (iv) meetings;
 - (v) teaching the physical and spiritual attributes of sites and places on those areas that are of significance under their traditional laws and customs;
- (h) the right to maintain and to protect sites and places on those areas that are of significance under their traditional laws and customs;
- (i) the right to share or exchange subsistence and other traditional resources obtained on or from those areas;
- (j) the right to be accompanied on to those areas by persons who, though not native title holders, are:
 - (i) people required by traditional law and custom for the performance of ceremonies or cultural activities on the areas;
 - (ii) people who have rights in relation to the areas according to the traditional laws and customs acknowledged by the estate group members;
 - (iii) people required by the estate group members to assist in, observe, or record traditional activities on the areas;
- (k) the right to conduct activities necessary to give effect to the rights referred to in (a) to (j) hereof.

These native title rights and interests do not confer on the estate group members possession, occupation, use and enjoyment of the Determination Area, to the exclusion of all others.

2. The native title rights and interests of the native title holders referred to in clause 7 hereof that are possessed under their traditional laws and customs are, subject to the traditional laws and customs that govern the exercise of the native title rights and interests by the native title holders, non-exclusive rights to use and enjoy those parts of the Determination Area identified in Schedule C being:

- (a) the right to travel over, to move about and to have access to those areas;
- (b) the right to hunt and to fish on the land and waters of those areas;
- (c) the right to gather and to use the natural resources of those areas such as food, medicinal plants, wild tobacco, timber, stone and resin;
- (d) the right to take and to use the natural water on those areas, and for the sake of clarity and the avoidance of doubt this right does not include the right to take or use water captured by the holders of Perpetual Pastoral Lease 1052;

- (e) the right to camp on those areas;
- (f) the right to light fires on those areas for domestic purposes, but not for the clearance of vegetation;
- (g) the right to conduct activities necessary to give effect to the rights referred to in (a) to (f) hereof.

These native title rights and interests do not confer on the native title holders referred to in clause 7 hereof possession, occupation, use and enjoyment of the Determination Area, to the exclusion of all others.

- 3. The native title rights and interests are subject to and exercisable in accordance with the valid laws of the Northern Territory of Australia and the Commonwealth of Australia.
- 4. The native title rights and interests are for the personal or communal needs of the native title holders which are of a domestic or subsistence nature and not for any commercial or business purpose.

Application Area: **State/Territory:** Northern Territory
Brief Location: About 50km northeast of Daly Waters
Primary RATSIB Area: Northern Northern Territory
Approximate size: 4359.5364 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):

- 1. The Area Covered by the Application

The land and waters subject to this application are within the bounds of the Nutwood Downs Pastoral Lease (Perpetual Pastoral Lease 1052). This includes Northern Territory Portion 1513.

- 2. Any areas within those boundaries that are not covered by the Application

a. 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.

- b. Northern Territory Portion 3545

Attachments: 1. Map of Claim Area, 1 page - A4, 12/11/2013

NNTT Contact Details **Address:** National Native Title Tribunal
Sydney Office
Level 14, Law Courts
Queens Square
SYDNEY NSW 2000
GPO Box 9973
SYDNEY NSW 2001
Telephone: +61 2 9227 4000
Freecall: 1800 640 501
Fax: +61 8 9425 1193
Web Page: www.nntt.gov.au

End of Extract