



## Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: NTD21/2013  
NNTT number: DC2013/005

**Application Name:** Ashwood Farrell, Dennis Watson, Esther Wilfred, Peter Ellis and Roy Cresswell obo the Murungun Yunulalda, Budal Lirijal, Mambali Amaling-Gan, Murungun Igalumba And Mambali Lajarirr Estate Groups v Northern Territory of Australia (Hodgson River Pastoral Lease)

**Application Type:** Claimant

**Application filed with:** Federal Court of Australia

**Date application filed:** 12/11/2013

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**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

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**Applicants:** Ashwood Farrell, Dennis Watson, Esther Wilfred, Peter Ellis, Roy Cresswell

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### Additional Information

Not applicable

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### 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; or
- iii. having been adopted or incorporated into the descent relationships referred to in (a) or (b) hereof; and

(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 are comprised of five estate groups:

- (a) the Murungun Yunulalda estate group;
- (b) the Budal Lirijal estate group;
- (c) the Mambali Amaling-Gan estate group;
- (d) the Murungun Igalumba estate group; and
- (e) the Mambali Lajarirr estate group.

3. By definition the Murungun Yunulalda estate group is comprised by all persons descended from one apical person being the late Tommy Grasshopper Madaguru.

4. By definition the Budal Lirijal estate group is comprised by all persons descended from three apical persons being the late Waybuldanya, Ruby Milbala and an unnamed woman.

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 Mambali Lajarirr estate group is comprised by all persons descended from one apical person being the late Biyaji.

8. The descendants from Tommy Grasshopper Madaguru include:

- (a) Warliburru (deceased) who was an Aboriginal man who had the children Chappy Robinson, Gloria Robinson, Rosemary Robinson, Vicky Robinson and Joyce Robinson;
- (b) Hodgson Wilfred (deceased) who was an Aboriginal man who the children David Wilfred, Esther Wilfred (adopted), Naomi Wilfred (adopted) and Josephine Wilfred (adopted);
- (c) Gladys Wilfred (deceased) who was an Aboriginal woman who had no children;
- (d) Priscilla Wilfred (deceased) who was an Aboriginal woman who had the children Lesley Arnold, Marjorie Arnold, Edna Arnold, Billy Arnold, Dennis Arnold and Bruce Arnold;
- (e) Marina Wilfred (deceased) who was an Aboriginal woman who had the children Wilson James and Sarah James.

9. The descendants from Waybuldanya include:

- (a) Charlie Gulgotawarr (deceased) who was an Aboriginal man who had no children;
- (b) Caleb Roberts (deceased) who was an Aboriginal man who had the children Johnny Roberts,

Joseph Roberts, Yuniga, Hagar Nguduru, Emily Roberts, an unnamed daughter, Stephen Roberts (deceased), Tonson Roberts (deceased) and Waratah Ward(deceased);

(c) Norman Wurdulwulyi Wurduwudinji (deceased) who was an Aboriginal man who had no children;

(d) Wallace Dalimbirri (deceased) who was an Aboriginal man who had no children;

(e) Old Agnes (deceased) who was an Aboriginal woman who had the children Maureen Thompson and Frances Hume;

(f) Barnabus Guyanbanji Garbalal (deceased) who was an Aboriginal man who had the children Connie Bush, Philip Waybuldanya, Silas Roberts, Mercy Roberts and Jacob (Anga) Wiyandji;

(g) Ada Gondo (deceased) who was an Aboriginal woman who had the children Walker Wilfred, Gladys Wilfred, Priscilla Wilfred, Marina Wilfred and Hodgson Wilfred (all deceased);

(h) Bessie Bunbar (deceased) who was an Aboriginal woman who had the children Cyril Coaby, Felix Farrell, Ashwood Farrell, Topsy Farrell, Tommy Farrell, Suzanne Farrell and Peter Farrell;

(i) Chicken Hall Bardul (deceased) who was an Aboriginal man.

10. The descendants from Ruby Milbala include:

(a) Andai Mawurranja Limmen (deceased) who was an Aboriginal man who had the child Jackie Vincent;

(b) Harry Limmen Lilyerri (deceased) who was an Aboriginal man who had the children Sammy Limmen Lingjurangu, Gerald Limmen, Marie Limmen, Noel Limmen, Mavis Limmen, Julie Millar and Nelson Limmen.

11. The descendants from the unnamed woman include:

(a) Lansen Jackson Yuwarlarr (deceased) who was an Aboriginal man who had the children Pansy, Peter Jackson and Maurice Lansen.

12. The descendants from Old Hodgson Jerriarmaji include:

(a) Johnny Hodgson (deceased) 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.

13. 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 who is an Aboriginal man who has the children Wilfred Ellis and Stanley Wickham.

14. The descendants from Biyaji include:

(a) Reggie (deceased) who was an Aboriginal man who had no children;

(b) Hitler (deceased) who was an Aboriginal man who had the daughter Eva Swanson;

(c) Una Watson (Hall) (deceased) who was an Aboriginal woman who had the children Franold Hall, Hilda Vincent, Matilda Farrell, Danny Hall, Elma Hall, Rusca Hall, Rhonda Hall, Robin Hall, David Hall and Raymond Hall;

(d) Hughey Watson (deceased) who was an Aboriginal man who had the children Phillip Gabalamarr Watson, Alan Watson, Rhonda Watson, Rhoda Watson, Dennis Watson, Glen Watson and Lena Watson;

(e) Tibby Ellaga (deceased) who was an Aboriginal woman who had the children Roy Farrar, Jack Farrar, Lorraine Farrar and Christine Farrar.

15. 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 members.

**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 No 1010;
- (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 No 1010;
- (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 90km northeast of Daly Waters  
**Primary RATSIB Area:** Northern Northern Territory  
**Approximate size:** 1109.3863 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 Hodgson River Pastoral Lease (Perpetual Pastoral Lease 1010). This includes Northern Territory Portion 700.

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 Portions 3369 and 3709.

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

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