



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: NTD25/2014  
NNTT number: DC2014/005

**Application Name:** CALVERT HILLS PASTORAL LEASE - Betty Jack & Ors on behalf of the Bidida Wuyaliya & other Estate Groups v Northern Territory of Australia (Calvert Hills Pastoral Lease)

**Application Type:** Claimant

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

**Date application filed:** 30/07/2014

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**Current status:** Full Approved Determination - 26/11/2015

**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:** 26/11/2015

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**Applicants:** Betty Jack, Katie Seccin, Tommy Ellis, John Clarke, Daisy Smart, Rodney Smart, Christopher Seccin, Anthony Lansen, Archie Seccin

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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 eight estate groups:
  - (i) Bidida Wuyaliya estate group;
  - (ii) Welgutjara Wuyaliya/Wurdaliya estate group;
  - (iii) Julaganyi Wurdaliya estate group;
  - (iv) Binanda Wurdaliya estate group;
  - (v) Burragalinya Wurdaliya/Wuyaliya estate group;
  - (vi) Barrgaj ina Rrumburriya estate group;
  - (vii) Jajinguji Wurdaliya estate group; and
  - (viii) Judujina Rrumburriya estate group.
3. By definition the Bidida Wuyaliya estate group is comprised by all persons descended from six apical persons being the late Tommy Nyibirri, Dick Gawardalagayi, Murdering Tommy Mayarwagu, Mandirri, Yiliwagu, and Dixon Yiliwagu.
4. By definition the Welgutjara Wuyaliya/Wurdaliya estate group is comprised by all persons descended from one apical person being the late Ngarandiya.
5. By definition the Julaganyi Wurdaliya estate group is comprised by all persons descended from seven apical persons being the late Ngarandiya, Tommy Nyibirri, Dick Gawardalagayi, Murdering Tommy Mayarwagu, Mandirri, Yiliwagu, and Dixon Yiliwagu.
6. (sic)
7. By definition the Binanda Wurdaliya estate group is comprised by all persons descended from one apical person being the late George Wuragaga Jininja.
8. By definition the Burragalinya Wurdaliya/Wuyaliya estate group is comprised by all persons descended from two apical persons being the late Ngulyayamaji and Janggali.
9. By definition the Barrgaj ina Rrumburriya estate group is comprised by all persons descended from one apical person being the late Budumunguji.
10. By definition the Jajinguji Wurdaliya estate group is comprised by all persons descended from one apical person being the late Jarrayarra.
11. By definition the Judujina Rrumburriya estate group is comprised by all persons descended from five apical persons being the late Old Smiler Diamond Min-irigba, Budumunguji, Dunmujungu, Bindi Clark and Duncan Guludumadji.
12. Tommy Nyibirri had no descendants.
13. The descendants from Dick Gawardalagayi include:
  - (a) Nellie Keighran I Echo who was an Aboriginal woman who had the children Robert Keighran, Beverley Keighran, Billy Jack Keighran, Daphne Keighran Echo, and Bradaline Keighran Echo;
  - (b) Rita Anderson who was an Aboriginal woman who had the children Romany Anderson, Percy Anderson, David Anderson, Barry Anderson and Sweeney Anderson.
14. The descendants from Murdering Tommy Mayarwagu include:
  - (a) Doris Bob Banbingalana who was an Aboriginal woman who had no children.
15. Mandirri had no descendants.
16. Yiliwagu had no descendants.
17. The descendants from Dixon Yiliwagu include:
  - (a) George Dixon Yadiyadiya who was an Aboriginal man who had the children Victor George, Danny George, Allan George Duduba, Jeanie George, Rosie Pott Mayingamara, Hazel Godfrey Ganjigabana, Florine Bathern Ngirrinbina, Maria/Mavis George Burrajala, Billy Kidd, Irene Clarke Gugajuru, and Kelly George Garawulu;
  - (b) Dick Dixon Magurayara who was an Aboriginal man who had the children Wallaby Roy Dixon Mandirri, Kathleen Shadforth Majundu, Don Dixon Mandirri, and Sissy Johnson Marrbarranmanya.
18. The descendants from Ngarandiya include:
  - (a) Jerry Bangkuwa who was an Aboriginal man who had the children Quamby Ellis

- Ngarandiya, Bambi Ellis, Janey Ellis, Simon Ellis and Mary;
- (b) Eileen Mirrijibina who was an Aboriginal woman who had no children;
- (c) Charlotte Dashwood Dujugalina who was an Aboriginal woman who had the children Peter Ellis, July Dashwood, Mindy Dashwood, Poppi Dashwood, Josie Dashwood and Geoffrey Dash wood;
- (d) Lucy Garrganbinda who was an Aboriginal woman who had no children;
- (e) Pudding Jabudu who was an Aboriginal man 'vwho had no children.
19. The descendants from George Wuragaga Jininja include:
- (a) Unnamed who was an Aboriginal man who had the child Olive Charles;
- (b) Charlie Waldon Jambanabarrgu who was an Aboriginal man who had the children Freddie Charles, Johnson Charles, Amy Lorraine, Joan Waldon, Roberta Johnny, Beverley Jack, Betty Jack and Charley Jack 'Ringo';
- (c) Toby Daly Bilingumaji who was an Aboriginal man who had the children Albert Daly Jan-alga, Ivy Mercer, and Lidi-Anne Albe11;
- (d) Alec Doyle who was an Aboriginal man who had the child Mary Doyle;
- (e) Rosie Duginyi who was an Aboriginal woman who had the children Limmerick Peter Rurumburinya, Lina Ngajagurru, Johhny Price Wagundumaji/Wayargardi, Lesley, Roy, Louie Mick Wirduga, Norris King, Edna Adams Nyanguwamaji, Beth and Barbara;
- (f) Lilly Gargamanda who was an Aboriginal woman who had the children Danny, Gracie Pamthunda Mirinbirinya!Nyanguwamanya, and Eric King Wayardumaji;
- (g) Birraganyi who was an Aboriginal man who had no children;
- (h) Mary Guwaguna who was an Aboriginal woman who had the children, Lesley Bartle, Violet, Barney King Wagundumaji, and David Escott Snr;
- (i) George Learyan Wurumagula who was an Aboriginal man who had the children George Digger, Ella Douglas, Betty Walsh, Doreen Hayes, Doreen Arthur and Iris;
- (j) Sally ' China' who was an Aboriginal woman who had no children.
20. The descendants from Ngulyayamaji include:
- (a) Jack Riversleigh who was an Aborginal man who had the children Doris Aplin, Vera Johnny, Elaine Cairns and Annie King.
21. The descendants from Janggali include:
- (a) Arrgala who was an Aboriginal woman who had the child Harriet Campbell;
- (b) Murrnji who was an Aboriginal woman who had the children Harry Callaghan and Liddy Wayawarinya;
- (c) Gamalagi who was an Aboriginal woman who had the child Joe Walajumaji;
- (d) Darby Yarribija who was an Aboriginal man who had the children Arthur Peterson Gunmi/Jangall i/Bibiyalanguna, Frank Darby Ganaydanganu, Clare Darby Mangura, Dan Darby Bidingurangji, Julie Darby and Duncan Hogan Jagurri;
- (e) Ngilali who was an Aboriginal woman who had the child Sandy Wanjirrigama;
- (f) Carara Gararamaja who was an Aboriginal man who had the children Peter Gungarndu, Minnie Bates Nyingudu, Edna Fulton, and Henry Wallace Mundidungunu;
- (g) Lilwayi who was an Aboriginal woman who had two unnamed children;
- (h) Polly Nganduyu who was an Aboriginal woman who had the children 'Bubi' Dick Magurrnganji, Sally O'Keefe, Nancy Carlton, Ned George, 'Nuts' Logan and Netty;
- (i) May Nijirijbina who was an Aboriginal woman who had the children Dora Biriwil iba, Carl, Nancy Wilson, Nora, Robert Hart and Archie Black Dugurandi;
- U) Ruby Gijaya who was an Aboriginal woman who had the children Junie Clay, Marina Dick. Maurice Carlton, Murray Donaldson and Micky Miller;
- (k) Maggie Friday Ngayaya who was an Aboriginal woman who had no children;
- (l) Left Hand Dick who was an Aboriginal man who had the children Charlie Dick, Daisy Smart, Tommy Dick, Henry Dick and Archie Dick;
- (m) ' King'Darby Dalyirimaji who was an Aboriginal man who had the children Joseph Moreland, Jimmy, Mavis Darby, Vera Darby, Annie Darby, Bessie Darby, Fauna, and Roy Seccin (Second) Munjurludbi;
- (n) Frank Ginmayamaji who was an Aboriginal man who had the children Dora Wadlarbina, Linda Ngamburina, and Johnny;
- (o) Dick ' Mailman' Gungayamaji who was an Aboriginal man who had the children Ivy George and Long Johnny Barangu.
22. The descendants from Budumunguji include:
- (a) Shivering Charlie Gadjbibuba who was an Aboriginal man who had the children Johnny Frakleton, Limerick, Elsie Moreland, Daisy Bungurrimara, Tommy and Pincher;
- (b) Unnamed who was an Aboriginal woman who had the children Charlie Waldon Jambanabarrgu and Father of Olive Charles;
- (c) Minnie McArthur Walumbarinya who was an Aboriginal woman who had no children.
23. The descendants from Jarrayarra include:

(a) Gandiyarri who was an Aboriginal man who had the children Joe Robinson Nyibiriri, Winnie, Nina, Frank Gabilil ingunu Malgalalungunu, and Bill Ngamagu.

24. The descendants from Old Smiler Diamond Mirrigrigba include:

(a) Jack Diamond who was an Aboriginal man who had the children Percy Diamond, Wesley Diamond, Michael Diamond, Jervi Diamond, Jackson Diamond, Anthony Diamond, Beris George, Ducie Waldon, and Doris Doomadgee;

(b) Mick Diamond who was an Aboriginal man who had the children Muriel Douglas, Rupert Diamond, Clive Diamond, Margaret Daylight and Kevin Diamond.

25. The descendants from Dunmujungu include:

(a) Old Nipper Ngarrwalangun who was an Aboriginal man who had no children.

26. The descendants from Bindi Clark include:

(a) Jessie who was an Aboriginal woman who had no children;

(b) Ivy who was an Aboriginal woman who had the child Daisy Jingkudunmarra;

(c) Johnson Bunumarri who was an Aboriginal man who had the child Danny Johnson.

27. Duncan Guludumaji whose descendants are unknown.

28. 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:**

I. 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 1169;

(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(sic) 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-exclus

ive 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 1169;
- (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(sic) 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:** Within the bounds of the Calvert Hills Pastoral Lease (PPL1169) in the Northern Territory  
**Primary RATSIB Area:** Northern Northern Territory  
**Approximate size:** 4944.0630 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 Calvert Hills Pastoral Lease (Perpetual Pastoral Lease 1169). This includes Northern Territory Portion 668.

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 3553 and 4248

**Attachments:** 1. Map of Claim Area, 1 page - A4, 30/07/2014

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