



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: NTD50/2014  
NNTT number: DC2014/009

**Application Name:** Phillip Creek Pastoral Lease

**Application Type:** Claimant

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

**Date application filed:** 28/11/2014

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**Current status:** Full Approved Determination - 20/04/2018

**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:** 23/02/2015

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 23/02/2015 to 10/05/2018,

**Date claim / part of claim determined:** 20/04/2018

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**Applicants:** Colin Freddie, Geoffrey Taylor, Janice Waistcoat, Lenny Williams, Michael Williams, Ronald Hughes, Sharon Bill, William Stokes

**Address(es) for Service:** Kate O'Brien  
Central Land Council  
P.O. Box 3321  
ALICE SPRINGS NT 0871  
**Phone:** (08) 8951 6358  
**Fax:** (08) 8958 2956

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## Additional Information

On 3 August 2017 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 Freddie v Northern Territory [2017] FCA 867. Order 1 of the determination provides that ‘... The Determination is to take effect immediately upon the making of a determination under s 56(1) or s 57(2) of the Act as the case may be.’ Once in effect, the determination will be entered on the National Native Title Register.

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## Persons claiming to hold native title:

A copy of Schedule A, which sets out information in relation to the Native Title Claim Group is attached to this extract.

## Native title rights and interests claimed:

1. The native title rights and interests of the native title holders are the rights possessed under and exercisable in accordance with their traditional laws and customs, including the right to conduct activities necessary to give effect to them, being:

- (a) the right to access and travel over any part of the land and waters;
- (b) the right to live on the land, and for that purpose, to camp, erect shelters and other structures;
- (c) the right to hunt, gather and fish on the land and waters;
- (d) the right to take and use the natural resources of the land and waters;
- (e) the right to access, take and use natural water on or in the land except water captured by the holder of a pastoral lease;
- (f) the right to light fires for domestic purposes, but not for the clearance of vegetation;
- (g) the right to access and to maintain and protect sites and places on or in the land and waters that are important under traditional laws and customs;
- (h) the right to conduct and participate in the following activities on the land and waters:
  - (i) cultural activities;
  - (ii) ceremonies;
  - (iii) meetings;
  - (iv) cultural practices relating to birth and death including burial rites;
  - (v) teaching the physical and spiritual attributes of sites and places on the land and waters that are important under traditional laws and customs,and, subject to the rights of any person arising under the laws in force in the Northern Territory to be present on the land, the right to privacy in the exercise and enjoyment of those activities;
- (i) the right to speak for country and to make decisions about the use and enjoyment of the land and waters by Aboriginal people who recognise themselves to be governed by the traditional laws and customs acknowledged by the native title holders;
- (j) the right to share or exchange natural resources obtained on or from the land and waters, including traditional items made from the natural resources;
- (k) the right to be accompanied on the land and waters 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 land and waters;
  - (ii) people who have rights in relation to the land and waters according to the traditional laws and customs acknowledged by the native title holders;
  - (iii) people required by the native title holders to assist in, observe, or record traditional activities on the areas.

2. All the rights and interests listed in paragraph 1 existed and continue to exist in relation to the application area as a whole.

3. The native title rights and interests claimed do not confer possession, occupation, use and enjoyment of the application area to the exclusion of all others.

4. The applicant acknowledges that the native title rights and interests are subject to and exercisable in accordance with valid laws of the Northern Territory of Australia and the Commonwealth of Australia.

5. The common or group rights and interests comprising the native title are held by the members of the landholding groups that together comprise the native title claim group over the application area as a whole. However, the distribution of rights and interests within the group and in respect of different parts of the application area is governed by the claimants' system of traditional laws and customs, including:

- (a) the particular association that members of the native title claim group have with one or more of the landholding groups and their respective estate areas; and
- (b) individual circumstances, including age, gender, knowledge, and physical and mental capacity.

6. The activities referred to in Schedules G and M were and are undertaken in the exercise of the native title rights and interests set out in paragraph 1.

**Application Area:****State/Territory:** Northern Territory**Brief Location:** In the vicinity of Tennant Creek, Northern Territory**Primary RATSIB Area:** Southern Northern Territory**Approximate size:** 3678.6275 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. NT Portion 408 comprising an area of 3,624 square kilometres 51 hectares held under Per-petual Pastoral Lease 946 by Charles John Warby and Judy-Anne Warby.
2. NT Portion 5005 comprising an area of 10 square kilometres 80 hectares held for an estate in fee simple by the Yurtuminyi Aboriginal Corporation (Yurtuminyi ILUA DI2004/016 registered on 11 July 2005).
3. NT Portion 5006 comprising an area of 23 square kilometres 69 hectares held for an estate in fee simple by the Jurntu Jungu Aboriginal Corporation (Pingala ILUA DI2004/015 registered on 11 July 2005).
4. NT Portion 5476 comprising an area of 7 square kilometres 26 hectares 9,000 square me-tres held under Crown Lease Term 1880 by the AustraAsia Railway Corporation.
5. The parcel of land formerly identified as NT Portion 7025 comprising an area of 14 square kilometres 44 hectares held under Crown Lease Term 2004 by Global Port Solu-tion Pty Ltd (Phillip Creek PPL Bulk Handling Facility ILUA DI2009/003 registered on 17 November 2009). That title was cancelled on 8 October 2014 but nevertheless describes a part of the area covered by the application. No new title has been issued as at the date of this application.
6. The area covered by the application and its boundaries are shown on the map referred to in Schedule C. Copies of the Indigenous Land Use Agreements are attached and labelled "Attachment A".

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

7. NT Portion 1421 comprising an area of 8,460 square metres held for an estate in fee sim-ple by the Australian Telecommunications Commission.
8. NT Portion 1754 comprising an area of 25 square kilometres 28 hectares held for an estate in fee simple by the Warumungu Aboriginal Land Trust.
9. NT Portion 4848 comprising an area of 3 square kilometres 29 hectares 5,000 square me-tres held for an estate in fee simple by the Pawuwa Aboriginal Corporation.
10. A road 100 and 150 metres wide (Stuart Highway).
11. A road 100 metres wide which traverses NT Portion 408 from the Stuart Highway to NT Portion 1754.
12. A road 100 metres wide (Warrego Road) which traverses NT Portion 408 from the boundary with NT Portion 494 (Tennant Creek) north and east to the boundary with NT Portion 3555 (Karlantijpa North ALT).
13. A road 100 metres wide which traverses NT Portion 408 from the Warrego Road south to the boundary with NT Portion 3556 (Karlantijpa South ALT).
14. A road 100 metres wide (Kalumpuripa Road) which traverses NT Portion 408 from the Warrego Road north to the vicinity of the Alice Springs Darwin Railway.
15. Subject to Schedule L, any area within the boundaries of the area covered by the application in relation to which a previous exclusive possession act under section 23B of the NTA has been done is excluded from the application.

**Attachments:**

1. Map of Claim Area, 1 page - A4, 28/11/2014
2. Schedule A Claim Group Description, 10 pages - A4, 28/11/2014

**NNTT Contact Details****Address:**

National Native Title Tribunal  
Melbourne Office  
Level 10, Commonwealth Law Courts  
305 William Street  
MELBOURNE VIC 3000  
  
GPO Box 9973  
MELBOURNE VIC 3001

**Telephone:** +61 3 9920 3000  
**Freecall:** 1800 640 501  
**Fax:** +61 8 9425 1193  
**Web Page:** [www.nntt.gov.au](http://www.nntt.gov.au)

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