



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: NTD20/2015
NNTT number: DC2015/002

Application Name: Victory Downs, Mt Cavenagh, Mulga Park and Umbeara Pastoral Leases

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 19/05/2015

Current status: Full Approved Determination - 04/05/2017

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: 04/08/2015

Registration decision status: Accepted for registration

Registration history: Registered from 4/08/2015 to 10/05/2017,

Date claim / part of claim determined: 04/05/2017

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Additional Information

Not applicable

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 above 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: Approximately 300km south of Alice Springs

Primary RATSIB Area: Southern Northern Territory

Approximate size: 10194.6514 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 2869 comprising an area of 3,557 square kilometres 48 hectares held under Perpetual Pastoral Lease 999 (Umbeara) by Umbeara Holdings Pty Ltd.
2. NT Portion 4007 comprising an area of 9 square kilometres 7 hectares 3,000 square metres held under Perpetual Pastoral Lease 999 (Umbeara) by Umbeara Holdings Pty Ltd.
3. NT Portion 4017 comprising an area of 3 square kilometres 55 hectares held under Perpetual Pastoral Lease 999 (Umbeara) by Umbeara Holdings Pty Ltd.
4. NT Portion 4018 comprising an area of 4 square kilometres 57 hectares 4,000 square metres held under Perpetual Pastoral Lease 999 (Umbeara) by Umbeara Holdings Pty Ltd.
5. NT Portion 4020 comprising an area of 7 hectares 6,000 square metres held under Perpetual Pastoral Lease 999 (Umbeara) by Umbeara Holdings Pty Ltd.
6. NT Portion 4471 comprising an area of 913 square kilometres 37 hectares held under Perpetual Pastoral Lease 1146 (Mount Cavenagh) by Colin Bruce Morton as Trustee of the Morton Family Trust of Victory Downs Station.
7. NT Portion 324 comprising an area of 3,038 square kilometres held under Perpetual Pastoral Lease 1055 by Colin Bruce Morton of Victory Downs Station.
8. NT Portion 898 comprising an area of 7,830 square metres held under Perpetual Pastoral Lease 1055 by Colin Bruce Morton of Victory Downs Station.
9. NT Portion 325 comprising an area of 2,391 square kilometres held under Perpetual Pastoral Lease 1079 by Riverside Holdings Pty Ltd.
10. NT Portion 1091 comprising an area of 256 square kilometres held under Perpetual Pastoral Lease 1079 by Riverside Holdings Pty Ltd.
11. NT Portion 2054 comprising an area of 4 square kilometres 40 hectares 3,000 square metres held under Crown Lease Perpetual 1119 by the Northern Territory Land Corporation.
12. NT Portion 2185 comprising an area of 2,500 square metres located within NT Portion 2869 and held for an estate in fee simple by Australian Telecommunications Commission.
13. NT Portion 3154 comprising an area of 2 hectares 2,500 square metres located with NT Portion 325 and held for an estate in fee simple by the Australian Telecommunications Commission.
14. NT Portion 4975 comprising an area of 16 hectares 7,100 square metres held under Crown Lease Perpetual 1174 by the Northern Territory Land Corporation.
15. NT Portion 611 comprising an area of 8,093 square metres is Crown land.
16. NT Portion 1816 comprising an area of 8,040 square metres is Crown land.
17. The area covered by the application and its boundaries are shown on the map referred to in Schedule C.

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

18. NT Portion 808 comprising an area of 404 square metres.
19. NT Portion 809 comprising an area of 404 square metres.
20. NT Portion 1181 comprising an area of 1,200 square metres located within NT Portion 2869 and held for an estate in fee simple by LR & JF Smith Pty Ltd (CAN 134 255 084) as Trustee for L & J Smith Family Trust.
21. NT Portion 1214 comprising an area of 84 hectares 1,800 square metres located within NT Portion 2869 and held under Crown Lease Perpetual 52 by Kulgera Gymkhana Club Incorporated.
22. NT Portion 1221 comprising an area of 3 square kilometres 17 hectares 6,000 square kilometres located within NT Portions 4018 and 4471 and held for an estate in fee simple by Australian Rail Track Corporation Limited.
23. NT Portion 1222 comprising an area of 4 square kilometres 787 hectares 3,000 square kilometres located within NT Portion 2869 and held for an estate in fee simple by Australian Rail Track Corporation Limited.
24. NT Portion 1804 comprising an area of 4 hectares 2,100 square metres located within NT Portion 2869 and held for an estate in fee simple by LR & JF Smith Pty Ltd (CAN 134 255 084) as Trustee for L & J Smith Family Trust.
25. NT Portion 1919 comprising an area of 4 hectares located with NT Portion 4471 and held for an estate in fee simple by LR & JF Smith Pty Ltd (CAN 134 255 084) as Trustee for L & J Smith Family Trust.
26. NT Portion 1941 comprising an area of 107 square metres located within NT Portion 4007 and held under Crown Lease Perpetual 1120 by Northern Territory Land Corporation.
27. NT Portion 1954 comprising an area of 2 hectares 6,300 square metres located within NT Portion 2869 and held for an estate in fee simple by LR & JF Smith Pty Ltd (CAN 134 255 084) as Trustee for L & J Smith Family Trust.
28. NT Portion 2050 comprising an area of 33 hectares 1,700 square metres located within NT Portions 2869, 4007 and 4018 and held for an estate in fee simple by Australian Rail Track Corporation Limited.
29. NT Portion 2055 comprising an area of 8 hectares 4,300 square metres held for an estate in fee simple by Australian National Railways Commission.
30. NT Portion 3319 comprising an area of 6 square kilometres 42 hectares 2,000 square metres held for an estate in fee simple by the Wirrmalyanya Aboriginal Corporation.
31. NT Portion 3521 comprising an area of 1 square kilometre held for an estate in fee simple by the Ulbulla Aboriginal Corporation.
32. NT Portion 3880 comprising an area of 99 hectares 9,900 square metres held for an estate in fee simple by the Wanarkula Aboriginal Corporation.

33. NT Portion 4408 comprising an area of 3 square kilometres 62 hectares 8,000 square metres held for an estate in fee simple by the Waju Aboriginal Corporation.
34. NT Portion 4629 comprising an area of 79 hectares 8,300 square metres located within NT Portion 4471 and held for an estate in fee simple by Australian Rail Track Corporation Limited.
35. NT Portion 4698 comprising an area of 5 square kilometres 99 hectares 5,000 square metres held for an estate in fee simple by Wapirka Aboriginal Corporation.
36. A road 100 metres wide (Finke Road) which traverses NT Portion 2869 (Umbeara Station) from the boundary of NT Portion 261 to the eastern boundary of NT Portion 4471 (Mt Cavenagh) and from the northern boundary of NT Portion 4471 to where it ends on the northern boundary of NT Portion 1214.
37. A road 100 metres wide which traverses NT Portion 2869 (Umbeara Station) from the Finke Road to the South Australian border.
38. A road 100 metres wide (Stuart Highway) which traverses NT Portions 4471 and 2869 from the South Australian border to the boundary of NT Portion 3351 (Erlunda Station).
39. A road 30 metres wide (Kulgera Crescent) which is located within NT Portion 2869.
40. Coulthard Road which is located within NT Portion 2869.
41. A road 100 metres wide (Mulga Park Road) which traverses NT Portions 4471, 324 and 325 from the junction with the Stuart Highway on NT Portion 4471 to the junction with the Amata Road and Curtin Springs Road on NT Portion 325.
42. A road 100 metres wide (SA Border-Kenmore Park Road) which traverses NT Portion 324 from the Mulga Park Road to the South Australian border.
43. A road 100 metres wide which traverses NT Portion 324 from the Mulga Park Road to the South Australian border.
44. A road 100 metres wide (Victory Downs Homestead Road) which traverses NT Portion 324 from the Mulga Park Road to the Victory Downs Station Homestead.
45. A road 100 metres wide (Curtin Springs Road) which traverses NT Portion 325 from the junction with the Mulga Park Road and Amata Road to the boundary of NT Portion 326.
46. A road 100 metres wide (Amata Road) which traverses NT Portion 325 from the junction with the Mulga Park Road and Curtin Springs road to the South Australian border.
47. A road 100 metres wide which traverses NT Portion 325 from the Amata Road to NT Portion 3880.
48. Subject to Schedule L, any other 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, 2 pages - A4, 19/05/2015
 2. Schedule A Native Title Claim Group, 9 pages - A4, 19/05/2015

NNTT Contact Details

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