



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: NTD35/2015
NNTT number: DC2015/005

Application Name: Maryvale Pastoral Lease Desmond Jack, Reggie Kenny & Jeanette Ungwanaka
Obo The Members Of The Imarnte Landholding Group (Maryvale Pastoral Lease)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 24/06/2015

Current status: Full Approved Determination - 23/05/2018

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: 09/09/2015

Registration decision status: Accepted for registration

Registration history: Registered from 9/09/2015 to 31/05/2018,

Date claim / part of claim determined: 23/05/2018

Applicants: Desmond Jack, Reggie Kenny, Jeanette Ungwanaka, Eric Braedon

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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 non-exclusive native title rights and interests possessed under and exercisable in accordance with the traditional laws acknowledged and traditional customs observed, 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;

(i) the right 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 provided that the right does not extend to making any decision that purports to control the access of such persons to the land and waters;

(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. 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: South of Alice Springs, Northern Territory.
Primary RATSIB Area: Southern Northern Territory
Approximate size: 3177.9270 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 810 comprising an area of 3,224 square kilometres held under Perpetual Pastoral Lease No 1063 by Samuel Les Goldsworthy and Heather Jessie Goldsworthy.
2. NT Portion 1229 (part) comprising an area of 7 hectares, 4,003 square metres which is Crown land allocated to the Department of Education.
3. The area covered by the application and its boundaries are shown on the map referred to in Schedule C and labelled "Attachment A".

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

4. NT Portion 843 comprising an area of 3 square kilometres, 40 hectares, 2,000 metres located within NT Portion 810 held for an estate in fee simple by the Irterrekwarre Aboriginal Land Trust.
5. That part of NT Portion 1229 comprising an area of 1 hectare 2,330 square metres that was covered by Miscellaneous Lease No. 51 granted on 15 March 1919 for the purpose of supplying water to the public.
6. NT Portion 1475 comprising an area of 2 square kilometres, 1 hectare, 1,000 square metres located within NT Portion 810 held for an estate in fee simple by the Titjikala Social Club Incorporated.
7. NT Portion 3830 comprising an area of 10 square kilometres 13 hectares located within NT Portion 810 and held for an estate in fee simple by the Inarnme Aboriginal Land Trust.
8. NT Portion 4258 comprising an area of 1 square kilometre, 71 hectares which is Crown land.
9. NT Portion 4514 comprising an area of 7 square kilometres, 67 hectares, 3,000 square metres located within NT Portion 810 being the former Central Australia Railway Corridor.
10. NT Portion 4852 comprising an area of 11 hectares, 6,100 square metres located within NT Portion 810 held for an estate in fee simple by Samuel Les Goldsworthy and Heather Jessie Goldsworthy.
11. A road 100 metres wide (Chambers Pillar/Maryvale Access Road) from the northern boundary of NT Portion 810 (Maryvale Station) to the boundary of NT Portion 843 (Irterrekwarre Aboriginal Land Trust).
12. A road reserve 100 metres wide from the western boundary of NT Portion 4258 (Crown Land) to the Chambers Pillar/Maryvale Access Road, as shown on the map in Schedule C.
13. A road reserve that is the 100 metres wide prolongation of the southern and south-western boundaries of NT Portion 4852 to the Chambers Pillar/Maryvale Access Road, as depicted on the map in Schedule C.
14. 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. Native Title Claim Group, Schedule A of the application, 9 pages - A4, 11/07/2017
 2. Map of Claim Area, Attachment A of the application, 2 pages - A4, 11/07/2017

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