



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: NTD48/2017
NNTT number: DC2017/003

Application Name: Colin Freddie and Ors On Behalf Of The Kankawarla, Kanturrpa, Kurtinja, Patta, Pirrtangu, Purrurtu & Warupunju Landholding Groups and Northern Territory Of Australia (Tennant Creek Pastoral Lease)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 03/10/2017

Current status: Full Approved Determination - 22/05/2020

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: 24/11/2017

Registration decision status: Accepted for registration

Registration history: Registered from 24/11/2017 to 26/05/2020,

Date claim / part of claim determined: 22/05/2020

Applicants: Colin Freddie, Ian Waistcoat, Jeffrey Foster, Michael Jones, Mick Murphy, Norman Frank, Ronald Brown, Rose Graham

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Additional Information

On 4 July 2019 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 on behalf of the Kankawarla, Kanturrpa, Kurtinja, Patta, Pirrtangu, Purrurtu and Warupunju landholding groups v Northern Territory of Australia* [2019] FCA 1024. Order 2 of the determination provides that 'Subject to the order in [3], the Determination is to take effect immediately upon the making of a determination under s 56(2)(b) or s 57(2) of the Act.' On 22 May 2020 further orders were made which stated the following: 1. Ngurramarla Aboriginal Corporation (ICN: 9256) is: (a) to be the prescribed body corporate for the purposes of s 57(2) of the Native Title Act 1993 (Cth) ("the Act"); and (b) to perform the functions outlined in s 57(3) of the Act after becoming a registered native title body corporate. Therefore, this determination is in effect from 22 May 2020.

Persons claiming to hold native title:

See Schedule A Attachment - Native Title Claim Group

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 share or exchange natural resources obtained on or from the land and waters, including traditional items made from the natural resources.
 - (h) 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;
 - (i) 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;
 - (j) 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 determination area;
 - (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: Tennant Creek, Northern Territory
Primary RATSIB Area: Southern Northern Territory
Approximate size: 3691.7581 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 494 comprising an area of 2,468 square kilometres held under Perpetual Pastoral Lease No 1142 by Gordon Ford, Joan Suzanne Ford, Gregory Joseph Ford and Ken Gerard Ford.
2. NT Portion 1075 comprising an area of 1,178 square kilometres 47 hectares held under Perpetual Pastoral Lease No 1142 by Gordon Ford, Joan Suzanne Ford, Gregory Joseph Ford and Ken Gerard Ford.
3. NT Portion 5843 comprising an area of 1 hectare, 4,400 square metres held under Perpetual Pastoral Lease No 1142 by Gordon Ford, Joan Suzanne Ford, Gregory Joseph Ford and Ken Gerard Ford.
4. NT Portion 5845 comprising an area of 1 square metre held under Perpetual Pastoral Lease No 1142 by Gordon Ford, Joan Suzanne Ford, Gregory Joseph Ford and Ken Gerard Ford.
5. NT Portion 5847 comprising an area of 4,070 square metres held under Perpetual Pastoral Lease No 1142 by Gordon Ford, Joan Suzanne Ford, Gregory Joseph Ford and Ken Gerard Ford.
6. NT Portion 5849 comprising an area of 4 hectares, 300 square metres held under Perpetual Pastoral Lease No 1142 by Gordon Ford, Joan Suzanne Ford, Gregory Joseph Ford and Ken Gerard Ford.
7. NT Portion 5851 comprising an area of 1 square kilometre, 2 hectares, 6,000 square metres held under Perpetual Pastoral Lease No 1142 by Gordon Ford, Joan Suzanne Ford, Gregory Joseph Ford and Ken Gerard Ford.
8. NT Portion 5688 comprising an area of 3 square kilometres, 95 hectares, 4,000 held under Crown Lease Term 1902 by the AustralAsia Railway Corporation.
9. NT Portion 5691 comprising an area of 58 hectares, 7,000 held under Crown Lease Term 1880 by the AustralAsia Railway Corporation.
10. 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

11. NT Portion 1105 comprising an area of 1,049 square metres which is Crown land.
12. NT Portion 1106 comprising an area of 910 square metres which is Crown land.
13. NT Portion 1548 comprising an area of 1 hectare, 4,400 square metres held for an estate in fee simple by the Australian Telecommunications Commission.
14. A road 100 metres wide (Kunayungka Road) which traverses NT Portion 494 from the boundary with the Warumungu Aboriginal Land Trust (NT Portion 4115) to the boundary of Karlantijpa South Aboriginal Land Trust (NT Portion 3556).
15. A road 100 metres wide (Warrego Road) which traverses NT Portion 494 in a north westerly direction from its junction with Stuart Highway to the boundary of the Philip Creek Station (NT Portion 408) and NT Portion 4449.
16. A road 100 metres wide (Gosse River Road) which traverses NT Portion 1075 from the boundary with the Warumungu Aboriginal Land Trust (NT Portion 4068) to the boundary with the Warumungu Aboriginal land Trust (NT Portion 3735).
17. 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. Schedule A Native title claim group, 28 pages - A4, 03/10/2017
 2. Attachment A - Map of claim area, 1 page - A4, 03/10/2017
 3. Determination - Freddie on behalf of the Kankawarla, Kanturrpa, Kurtinja, Patta, Pirrtangu, Purrurtu and Warupunju landholding groups v Northern Territory of Australia [2019] FCA 1024, 22 pages - A4, 04/07/2019

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