



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: NTD26/2019
NNTT number: DC2019/002

Application Name: Colin Saltmere & Anor v Northern Territory of Australia (Austral Downs Pastoral Lease)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 26/07/2019

Current stage(s): Notification Complete

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: -

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Additional Information

Not applicable

Persons claiming to hold native title:

1. The native title claim group in relation to the claim area described in Schedule B (the **application**)

area) is comprised of the Primary Native Title Holders and the Other Native Title Holders.

2. The Primary Native Title Holders are those groups who, in accordance with their traditional laws and customs, have a connection with the land and waters of the application area; and who hold communal native title in this application area, from which rights and interests derive.

3. The Primary Native Title Holders are:

- (a) The Indjalandji-Dhidhanu People; and
- (b) The Ipperrelhelam estate group.

4. The Indjalandji-Dhidhanu People are those persons who are:

- (a) Descended from any of the following ancestors:
 - (i) Idaya, including through his son Dijeru;
 - (ii) Kaduka (also known as Annie), including through her son Frank Monkhouse; or
 - (iii) Georgina Jackson and her partner Burketown Willy, including through their son Tom Fraser;
- (b) Recruited by adoption in accordance with the traditional laws and customs of the Indjalandji-Dhidhanu People.

5. The Ipperrelhelam estate group comprises of those persons:

- (a) Who are patrilineal descendants of any of the following ancestors:
 - (i) Pipakarinya (also known as Bandy Charlie), including through his daughter Violet Kngwarrey (also known as Violet Coop);
 - (ii) Ngeyntew Kngwarrey and her sister Yapenh;
 - (iii) Tommy Turner; or
 - (iv) Nugget Smith; or
- (b) Whose mother or father's mother or mother's mother is or was a patrilineal descendant of the ancestors listed at (a) above; or
- (c) Who have been adopted or incorporated into the descent based relationships referred to in (a) and (b) above in accordance with the traditional laws and customs of the Ipperrelhelam estate group; or
- (d) Who are accepted as members of the Ipperrelhelam estate group by the senior descent based members of the group on the basis of non-descent based connections, including their:
 - (i) Birthplace and conception sites;
 - (ii) Acquisition of ceremonial and ritual knowledge;
 - (iii) Long term residence and historical associate with the area;
 - (iv) Seniority in traditional matters concerning the Ipperrelhelam estate;
 - (v) Kinship ties;
 - (vi) Shared subsection and/or moiety affiliation; and
 - (vii) Responsibility for shared Dreaming tracks and/or sacred sites connected with the area.

6. The Other Native Title Holders are other Aboriginal persons who, in accordance with their traditional laws and customs, have rights and interests in respect of the application area, subject to the rights and interests of the Primary Native Title Holders.

7. The Other Native Title Holders are:

- (a) Members of neighbouring native title holding groups or estate groups; and
- (b) Spouses of the Primary Native Title Holders.

Native title rights and interests claimed:

1. The native title rights and interests of the Primary Native Title Holders are rights in relation to the application area to:

- (a) Access, remain on and use the area;
- (b) Access and take for any purpose the resources of the area; and
- (c) Protect places, areas and things of traditional significance.

2. The native title rights and interests of the Other Native Title Holders are rights in relation to the application area to:

- (a) Access, remain on and use the area; and
- (b) Access the resources of the area.

3. The native title rights and interests do not confer on the native title holders:

- (a) Possession, occupation, use and enjoyment of the application area to the exclusion of all others;
- (b) Any right to control access to or use of the land and waters of the application area or its resources; or

- (c) Any right to access or take:
- (i) water captured by the holders of Perpetual Pastoral Lease 922; or
 - (ii) resources that are the private or personal property of another, including but not limited to:
 - A. infrastructure or fixtures;
 - B. chattels, equipment, machinery or supplies;
 - C. animals that are the private or personal property of another, including stock within the meaning of the *Pastoral Land Act 1992* (NT) and the progeny of any such animal that are the private or personal property of another; and
 - D. plants, crops and grasses that are the private or personal property of another.
4. The native title rights and interests are subject to and exercisable in accordance with:
- (a) The traditional laws and customs of the native title holders; and
 - (b) The laws of the Northern Territory of Australia and the Commonwealth of Australia.
5. In the application area, there are no native title rights and interests in:
- (a) Minerals (as defined in s 2 of the *Minerals (Acquisition) Act 1953* (NT));
 - (b) Petroleum (as defined in s 5 of the *Petroleum Act 1984* (NT)); or
 - (c) Prescribed substances (as defined in s 3 of the *Atomic Energy (Control of Materials) Act 1946* (Cth) and/or s 5(1) of the *Atomic Energy Act 1953* (Cth)).

Application Area: **State/Territory:** Northern Territory
Brief Location: Austral Downs Pastoral Lease, NT
Primary RATSIB Area: Northern Northern Territory
Approximate size: 1976.2841 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

The application area covers all the land and waters within Northern Territory Portion 1605 on Survey Plan CP5053 (Austral Downs).

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

Subject to Schedule L of this application, any area in relation to which a previous exclusive possession act under section 23B of the Act has been done, is excluded from this application.

Attachments: 1. Map showing the boundaries of the application, Attachment C of the application, 1 page - A4, 26/07/2019

End of Extract