



Extract from the Register of Native Title Claims

Application Information

Application Reference: Federal Court number: NTD35/2019
NNTT number: DC2019/005

Application name: Aaron Banderson & Anor v Northern Territory of Australia (Wagiman ML 32105 Claim)

Registration History: Registered from 29/11/2019

Register Extract (pursuant to s. 186 of the *Native Title Act 1993*)

Application filed with: Federal Court of Australia

Date application filed: 29/10/2019

Date claim entered on Register: 29/11/2019

Applicants: Aaron Banderson, Jennet Noakes

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Additional Information:

Not Applicable

DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

a) The Area Covered by the Application

The application area covers all the land and waters within the area of land subject to Mineral Lease Application 32105.

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.

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 persons 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 the Wagiman People.

4. The Wagiman People are those persons who are:

(a) Descended from any of the following ancestors:

(i) Jim Yitjengbara and Kitty Kunbirinyan;

(ii) Billy Jariyn;

(iii) Jimmy Kuwarawul;

(iv) Polly Djarwuk;

(v) Nganunyumman and Nimuliyn;

(vi) Labarrabalkin and Annie Barrngan;

(vii) Maudie Amaji;

(viii) Yigangjuda and Napfitjan; and

(ix) Kitty Stuart.

(b) Recruited by adoption in accordance with the traditional laws and customs of the Wagiman People.

5. The Other Native Title Holders are other Aboriginal persons who, in accordance with the Primary Native Title Holders' 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.

6. 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.

REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

The following Native Title Rights & Interests were entered on the Register on 29/11/2019

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 Primary 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)).

REGISTER ATTACHMENTS:

1. Attachment C Map of the application area, 2 pages - A4, 29/10/2019

Note: The Register of Native Title Claims may, in accordance with s. 188 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.