



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: NTD18/2020
NNTT number: DC2020/005

Application Name: Banjo Madrill & Ors v Northern Territory of Australia (Huckitta Native Title Determination Application)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 23/10/2020

Current status: Full Approved Determination - 22/05/2024

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: 04/12/2020

Registration decision status: Accepted for registration

Registration history: Registered from 4/12/2020 to 29/05/2024,

Date claim / part of claim determined: 22/05/2024

Applicants: Banjo Madrill, Shirley Neale, Kevin Bloomfield, Raymond Webb, David Blue, Herbie Bloomfield

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Additional Information

Not applicable

Persons claiming to hold native title:

See Schedule A Native Title Claim Group which is an attachment to this extract.

Native title rights and interests claimed:

1. To the extent that any extinguishment of native title rights and interests must be disregarded the native title rights and interests that are claimed in relation to the application area are the right to possession, occupation, use and enjoyment to the exclusion of all others.

2. In relation to all areas where paragraph 1 does not apply, the native title rights and interests claimed are the rights to:

- a) access, remain on and use the land and waters for any purpose;
- b) access, take, and/or use the resources of the land and waters for any purpose; and
- c) maintain and protect places, areas and things of significance under traditional laws and customs, and, to the extent only that the following rights are not encompassed by the rights described in (a), (b) or (c) the rights to:
 - d) live on the land;
 - e) erect shelters and other structures;
 - f) light fires;
 - g) 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;
 - h) 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; and
 - i) 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; or
 - (iii) people required by the native title holders to assist in, observe, or record traditional activities on the areas.

For the avoidance of doubt, nothing in the rights described in (d) to (i) above is to be interpreted as confining or limiting the meaning or scope of the rights set out in (a) to (c).

3. In relation to those areas where paragraph 2 applies, the native title rights and interests claimed do not confer:

- a) possession, occupation, use and enjoyment of the application area to the exclusion of all others; or
- b) any right to control access to, or use of, the application area or its resources.

4. The applicant acknowledges that the native title rights and interests are subject to and exercisable in accordance with:

- a) the traditional laws and customs of the claimants; and
- b) 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 paragraphs 1 and 2.

Application Area: **State/Territory:** Northern Territory
Brief Location: Approx. 160 km northeast of Alice Springs
Primary RATSIB Area: Southern Northern Territory
Approximate size: 1698.1555 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 2454 comprising an area of 1,696 square kilometres 51 hectares held under Perpetual Pastoral Lease No 990 by Huckitta Aboriginal Corporation (ICN 7371).
2. NT Portion 5994 comprising an area of 1 square kilometre 14 hectares 9,000 square metres held as an estate in fee simple by Tyarne Aboriginal Corporation (ICN 3922) as an Aboriginal Community Living Area (Tyarne Indigenous Land Use Agreement DI2003/013 registered on 14 November 2003).
3. 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

4. NT Portion 3402 comprising an area of 2 hectares 2,500 square metres within NT Portion 2454 held for an estate in fee simple by Telstra Corporation Limited (ACN 051 775 556).
5. A road 100 metres wide (Plenty Highway) which traverses NT Portion 2454 from the boundary of NT Portion 3676 (Mt Riddock Station) to the boundary of NT Portion 482 (Jinka Station).
6. A road 100 metres wide (Indiana Road) which traverses NT Portions 2454 from the Plenty Highway to the boundary of NT Portion 746 (Indiana Station).
7. NT Portion 7508 comprising an area of 69 square kilometres 50 hectares which is Crown land being part of the Jervois Stock Route.
8. 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, 1 page - A4, 23/10/2020
2. Schedule A Native title claim group, 4 pages - A4, 23/10/2020

End of Extract