



# Extract from the Register of Native Title Claims

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## Application Information

<b>Application Reference:</b>	<b>Federal Court number:</b> NTD4/2023 <b>NNTT number:</b> DC2023/001
<b>Application name:</b>	Daphne Huddleston & Ors on behalf of the Wagiman Group v Northern Territory of Australia (Jindare Pastoral Lease)
<b>Registration History:</b>	Registered from 2/05/2023

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## Register Extract (pursuant to section 186 of the *Native Title Act 1993* (Cth))

<b>Application filed with:</b>	Federal Court of Australia
<b>Date application filed:</b>	01/03/2023
<b>Date claim entered on Register:</b>	02/05/2023
<b>Additional Information:</b>	Not Applicable

### APPLICANT:

**Person/s authorised as applicant:** Daphne Huddleston, Mona Liddy, Melissa Banderson

**Condition/s on authority:** The native title claim group authorised the Applicant to make the Application and deal with matters arising in relation to it, subject to the following conditions:

1. The Applicant cannot undertake any of the following steps without a decision to do so having been made by the native title claim group:
  - (a) Agree the terms of a minute of consent determination;
  - (b) Affect a change to the native title claim group description;
  - (c) Affect a change to the native title claim area;
  - (d) Withdraw or discontinue the native title claim;
  - (e) Appoint a prescribed body corporate to hold the native title rights and interest;
  - (f) Change the solicitor appointed by the native title claim group; or
  - (g) Execute an agreement that has the effect of affecting or surrendering native title rights or interests within the external boundary of the native title claim area.
2. In respect of those matters for which the native title claim group must make a decision as listed at 1(a) to (g) above, the Applicant must act in accordance with the decision of the native title claim group.
3. The Applicant is only able to do a thing which amounts to dealing with a matter arising in relation to the Application where that thing is done by a majority of the authorised persons who are jointly the Applicant.
4. If a member of the Applicant passes away, is incapacitated, uncontactable, resigns, or exceeds their authority, the solicitor for the Applicant is authorised to make an application under s 66B of the Native Title Act to remove that person from the Applicant. If there is a reserve member who has been nominated for that person, the reserve member will replace them in their role as a member of the Applicant.

### Address for service:

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## DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

### 1. The area covered by the application

The Application Area comprises all the land and waters within the external boundary of Northern Territory Portion 709 (Jindare Pastoral Lease) being:  
Northern Territory Portion 709 (Jindare Pastoral Lease); and  
Northern Territory Portions 1028, 1589, 3687, 4652 and 6953.

### 2. Any areas within those boundaries that are not covered by the application:

For the avoidance of any doubt, the application excludes any area subject to:

- Public roads;
- Historic exploration licence applications EL22457, EL22276, EL22226, and EL9913, historic exploration licence EL8230, and historic mineral lease ML22864 that are the subject of Native Title Determination Application NTD6006/2001 Mary River West (DC2001/006) as accepted for registration 18 April 2023;
- Those parts of Northern Territory Portion 1589 forming a 60m wide road corridor - being 30m either side of the Umbrawarra Road centreline as included in DI2023/004 Upper Daly (Repeat) Land Claim No. 128 Settlement ILUA as lodged with the National Native Title Tribunal on 15 November 2023; and
- 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.

## PERSONS CLAIMING TO HOLD NATIVE TITLE:

1. The native title claim group (the **claimants**) 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 interest derive.

3. The Primary Native Title Holders in relation to the Application Area are the members of the Wagiman group.

4. In accordance with their traditional laws and customs, the members of the Wagiman group are those persons who are descended (including through adoption) from the following apical ancestors:

- (a) Jim Yitjengbara and Kitty Kunbirinyan;
- (b) Billy Jariyn;
- (c) Jimmy Kuwarawul;
- (d) Polly Djarrwuk;
- (e) Nganunyuman and Nimuliyn;
- (f) Labarrabalkin and Annie Barrngan;
- (g) Maudie Amaji;
- (h) Yigangjuda and Napfitjan; and
- (i) Kitty Stuart.

5. The Other Native Title Holders are, in accordance with the Primary Native Title Holders' traditional laws and customs, other people who have rights and interests in respect of the Application Area, subject to the rights and interests of the Primary Native Title Holders, such people being:

- (a) members of neighbouring Aboriginal groups; and
- (b) spouses of the Primary Native Title Holders (including any children of those spouses).

## REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:

### The following Native Title Rights & Interests were entered on the Register on 02/05/2023

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

- a. to access, remain on and use the areas;
- b. to access and take for any purpose the resources of the areas; and

c. to protect places, areas and things of traditional significance.

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 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 1058 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 valid laws of the Northern Territory of Australia and the Commonwealth of Australia.

5. 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 5(1) of the *Atomic Energy Act 1953* (Cth).

#### **REGISTER ATTACHMENTS:**

1. DC2023/001 Map of the application, Attachment C of the application, 1 page - A4, 01/07/2024

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