



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): NTD39/2011; NTD29/2018
NNTT Number: DCD2013/002

Determination Name: [Napangardi on behalf of the members of the Jiri/Kuyukurlangu, Kumpu, Kunajarrayi, Mikanji, Pikilyi, Pirripirpakarnu, Wantungurru, Wapatali/Mawunji, Warlukurlangu, Yamaparnta, Yarripiri and Yarungkanyi/Murrku Estate Groups v Northern Territory of Australia](#)

Date(s) of Effect: 3/07/2013, 19/08/2020

Determination Outcome: Native title exists in parts of the determination area

Register Extract (pursuant to s. 193 of the *Native Title Act 1993*)

Determination Date: 03/07/2013

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

On 3 July 2013, the Federal Court of Australia (Federal Court) made a determination of native title by consent in *Napangardi on behalf of the members of the Jiri/Kuyukurlangu, Kumpu, Kunajarrayi, Mikanji, Pikilyi, Pirripirpakarnu, Wantungurru, Wapatali/Mawunji, Warlukurlangu, Yamaparnta, Yarripiri and Yarungkanyi/Murrku Estate Groups v Northern Territory of Australia* [2013] FCA 637. Among other things, the Federal Court ordered that:

1. There be a determination of native title in terms of the determination set out below.
2. The native title is not to be held on trust.
3. Ngalyia Aboriginal Corporation (ICN 7631) is:
 - (a) to be the prescribed body corporate for the purposes of s 57(2) of the Act;
 - (b) to perform the functions outlined in s 57(3) of the Act after becoming a registered native title body corporate.
4. The parties have liberty to apply for the following purposes:
 - (a) to establish the precise location and boundaries of any public works and adjacent land and waters identified or otherwise referred to in Schedule C of the determination;
 - (b) to establish the precise location of the boundaries of land on which the pastoral improvements referred to in Schedule C of the determination have been constructed and any adjacent land or waters the exclusive use of which is necessary for the enjoyment of the improvements; and
 - (c) to establish whether any pastoral improvements referred to in Schedule C of the determination have been constructed unlawfully.

Schedule C of the determination provided that native title rights and interests had been wholly extinguished in areas of land and waters affected by pastoral improvements, described more particularly under the heading "**Pastoral improvements**".

On 27 September 2019 the RNTBC registered a change of name with the Office of the Registrar of Indigenous Corporations to correct the spelling of 'Ngalyia' to 'Ngaliya'. Therefore, effective 27 September 2019 the corporation is registered under the new name of Ngaliya Aboriginal Corporation RNTBC.

Following the filing of a revised native title determination application, the Federal Court ordered on 19 August 2020 that the determination be varied so as to delete the clause headed 'Pastoral Improvements' from Schedule C.

The determination of native title as varied took effect from 19 August 2020.

This Register entry contains the details of the determination of native title as varied.

REGISTERED NATIVE TITLE BODY CORPORATE:

Ngalyia Aboriginal Corporation RNTBC
Agent Body Corporate
C/- Central Land Council
27 Stuart Highway
ALICE SPRINGS Northern Territory 0870

Note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations www.oric.gov.au

COMMON LAW HOLDER(S) OF NATIVE TITLE:

The native title holders

4. The determination area comprises twelve estate areas associated with the Jiri/Kuyukurlangu, Kumpu, Kunajarrayi, Mikanji, Pikilyi, Pirripirpakarnu, Wantungurru, Wapatali/Mawunji, Warlukurlangu, Yamaparnta, Yarripiri and Yarungkanyi/Murrku landholding groups.

5. The persons who hold the common or group rights comprising the native title are the Aboriginal persons who are:

(a) members of one or more of the landholding groups referred to in paragraph 4 by virtue of descent (including adoption) through father's father and mother's father;

(b) accepted as members of one or more of the landholding groups referred to in paragraph 4 by senior members of a landholding group, referred to in subparagraph (a), by virtue of non-descent connections to an estate.

MATTERS DETERMINED:

THE COURT ORDERS BY CONSENT THAT:

1. The determination of native title contained in the orders made by Reeves J in *Napangardi on behalf of the members of the Jiri/Kuyukurlangu, Kumpu, Kunajarrayi, Mikanji, Pikilyi, Pirripirpakarnu, Wantungurru, Wapatali/Mawunji, Warlukurlangu, Yamaparnta, Yarripiri and Yarungkanyi/Murrku Estate Groups v Northern Territory of Australia* [2013] FCA 637 (3 July 2013) is varied as follows:

The clause headed "Pastoral improvements" in Schedule C of the determination, as enumerated in paragraph B above, is deleted.

2. On and from the date of these orders the determination of native title as varied is taken to be in the form of the Varied Determination which is Annexure 1 to these orders.

3. The parties have liberty to apply to establish the precise location and boundaries of any public works and adjacent land and waters identified or otherwise referred to in Schedule C of the Varied Determination.

ANNEXURE 1

THE VARIED DETERMINATION

THE COURT DETERMINES THAT:

The determination area

1. The determination area comprises NT Portion 1947 and NT Portion 4264 being the land and waters more particularly described in Schedule A and depicted on the map comprising Schedule B.
2. Native title exists in the determination area.
3. Native title does not exist in those parts of the determination area described in Schedule C.

The native title holders

4. The determination area comprises twelve estate areas associated with the Jiri/Kuyukurlangu, Kumpu, Kunajarrayi, Mikanji, Pikilyi, Pirrpapakarnu, Wantungurru, Wapatali/Mawunji, Warlukurlangu, Yamaparnta, Yarripiri and Yarungkanyi/Murrku landholding groups.
5. The persons who hold the common or group rights comprising the native title are the Aboriginal persons who are:
 - (a) members of one or more of the landholding groups referred to in paragraph 4 by virtue of descent (including adoption) through father's father and mother's father;
 - (b) accepted as members of one or more of the landholding groups referred to in paragraph 4 by senior members of a landholding group, referred to in subparagraph (a), by virtue of non-descent connections to an estate.

Native title rights and interests

6. The native title rights and interests of the native title holders are the rights possessed under and exercisable in accordance with their traditional laws and customs, 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 holders of Perpetual Pastoral Lease 1035;
 - (f) the right to light fires for domestic purposes, but not for the clearance of vegetation;
 - (g) 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;
 - (h) 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,and, subject to the rights of any person arising under the laws in force in the Northern Territory to be present on the land, the right to privacy in the exercise and enjoyment of those activities;
 - (i) the right to speak for and 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;
 - (j) the right to share or exchange natural resources obtained on or from the land and waters, including traditional items made from the natural resources;

(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.

7. The native title rights and interests referred to in paragraph 6 do not confer possession, occupation, use and enjoyment of the land and waters on the native title holders to the exclusion of all others.

8. The native title rights and interests referred to in sub-paragraphs 6(c), (d), (e) and (j) are for the personal or communal needs of the native title holders which are of a domestic or subsistence nature and not for any commercial or business purpose.

9. The native title rights and interests referred to in paragraph 6 hereof are subject to and exercisable in accordance with:

(a) the valid laws of the Northern Territory of Australia and the Commonwealth of Australia;

(b) the traditional laws acknowledged and traditional customs observed by the native title holders.

Other rights and interests

10. The nature and extent of the other interests in the determination area are:

(a) in relation to NT Portion 1947 – the interest of the pastoral lease holder under Perpetual Pastoral Lease No 1035;

(b) in relation to NT Portion 4264 – the valid rights of use for the passage of travelling stock;

(c) the interests of the title holders under the following mining interests:

(i) in relation to EL 24453 – the interest of Energy Metals Ltd;

(ii) in relation to EL 24463 – the interest of Energy Metals Ltd;

(iii) in relation to EL 24533 – the interest of Energy Metals Ltd;

(iv) in relation to EL 27892 – the interest of Bluekebble Pty Ltd;

(v) in relation to EL 27633 – the interest of Royal Resources Limited;

(vi) in relation to EL 27634 – the interest of Royal Resources Limited;

(vii) in relation to EL 27519 – the interest of Kurilpa Uranium Pty Ltd;

(viii) in relation to EL 27373 – the interest of Paradigm Mexico Pty Ltd;

(ix) in relation to EL 24879 – the interest of Hume Mining NL, Strike Resources Limited;

(x) in relation to EL 24807 – the interest of Energy Metals Ltd;

(xi) in relation to EL 24928 – the interest of Hume Mining NL, Strike Resources Limited;

(xii) in relation to EL 24929 – the interest of Hume Mining NL, Strike Resources Limited;

(xiii) in relation to EL 24808 – the interest of Cauldron Energy Limited;

(xiv) in relation to EL 27906 – the interest of ABM Resources NL;

(xv) in relation to EL 24571 – the interest of Aldershot Resources Ltd;

(xvi) in relation to EL 24804 – the interest of Energy Metals Ltd;

(xvii) in relation to EL 24806 – the interest of Energy Metals Ltd;

(xviii) in relation to EL 28701 – the interest of Royal Resources Limited;

- (xix) in relation to EL 28698 – the interest of Element 92 Pty Ltd;
- (xx) in relation to EL 25556 – the interest of Element 92 Pty Ltd;
- (xxi) in relation to EL 29067 – the interest of Royal Resources Limited;
- (xxii) in relation to EL 28700 – the interest of Royal Resources Limited;
- (xxiii) in relation to EL 28694 – the interest of Tierra Rica Pty Ltd;
- (xiv) in relation to EL 28986 – the interest of Royal Resources Limited;
- (xv) in relation to EL 29029 – the interest of Darwin Mining Exploration Pty Ltd;
- (xvi) in relation to EL 29219 – the interest of Enigma Mining Ltd;
- (xxvii) in relation to ELR 46 – the interest of Energy Metals Ltd;
- (xxviii) in relation to ELR 47 – the interest of Energy Metals Ltd;
- (xxix) in relation to ELR 48 – the interest of Energy Metals Ltd;
- (xxx) in relation to ELR 49 – the interest of Energy Metals Ltd;
- (xxxi) in relation to ELR 50 – the interest of Energy Metals Ltd;
- (xxxii) in relation to ELR 51 – the interest of Energy Metals Ltd;
- (xxxiii) in relation to ELR 52 – the interest of Energy Metals Ltd;
- (xxxiv) in relation to ELR 53 – the interest of Energy Metals Ltd;
- (xxxv) in relation to ELR 54 – the interest of Energy Metals Ltd;
- (xxxvi) in relation to ELR 55 – the interest of Energy Metals Ltd;
- (d) the rights and interests of Telstra Corporation Limited:
 - (i) as the owner or operator of telecommunications facilities within the determination area;
 - (ii) created pursuant to the *Post and Telegraph Act 1901 (Cth)*, the *Telecommunications Act 1975 (Cth)*, the *Australian Telecommunications Corporation Acts 1989 (Cth)*, the *Telecommunications Act 1991 (Cth)* and under *Schedule 3 to the Telecommunications Act 1997 (Cth)*, including the right:
 - A. to inspect land for the purpose of determining whether the land is suitable for its purposes;
 - B. to install and operate telecommunication facilities;
 - C. to alter, remove, replace, maintain, repair and ensure the proper functioning of its existing and any new telecommunication facilities; and
 - D. for its employees, agents or contractors to access the determination area for the purpose of exercising the rights in (i), (ii) and (iii) above in respect of telecommunication facilities in and in the vicinity of the determination area; and under any licences or access agreements relating to its telecommunications facilities in the determination area.
 - (e) in relation to NT Portion 1947 – the rights of Aboriginal persons (whether or not native title holders) pursuant to the reservation in favour of Aboriginal people contained in pastoral leases set out in s 38(2) to (6) of the *Pastoral Land Act (NT)*;
 - (f) in relation to NT Portion 1947 – the rights arising under registered Indigenous Land Use Agreement DIA2001/001 between Tanami Exploration NL and the Central Land Council;
 - (g) the rights of Aboriginal persons (whether or not native title holders) by virtue of the *Northern Territory Aboriginal Sacred Sites Act (NT)*;
 - (h) rights of access by an employee, servant, agent or instrumentality of the Northern Territory, Commonwealth or other statutory authority as required in the performance of his or her statutory duties;
 - (i) the interests of persons to whom valid or validated rights and interests have been:

- (i) granted by the Crown pursuant to statute or otherwise in the exercise of its executive power; or
- (ii) conferred by statute.

Relationship between rights and interests

11. To the extent that the continued existence, enjoyment or exercise of the native title rights and interests referred to in paragraph 6 is inconsistent with the existence, enjoyment or exercise of the other rights and interests referred to in paragraph 10, the other rights and interests and the doing of any activity required or permitted to be done by or under the other interests, prevail over, but do not extinguish, the native title rights and interests.

Other matters

12. There are no native title rights and interests in:

- (a) minerals (as defined in s 2 of the *Minerals (Acquisition) Act* (NT));
- (b) petroleum (as defined in s 5 of the *Petroleum Act* (NT));
- (c) prescribed substances (as defined in s 5 of the *Atomic Energy Act 1953* (Cth) and s 3 of the *Atomic Energy (Control of Materials) Act 1946* (Cth)).

13. In this determination the term:

(a) "natural resources" means:

- (i) animals *ferae naturae*, birds, fish and plants, including timber, wax, resin and gum; and
- (ii) surface soils, clays, stone, rocks and ochre,

but does not include minerals, petroleum and prescribed substances;

(b) "natural waters" includes springs and rockholes.

14. Unless the contrary intention appears, a word or expression used in the Act has the same meaning in this determination as it has in the Act.

REGISTER ATTACHMENTS:

1. Schedule A - Determination Area, 1 page - A4, 19/08/2020
2. Schedule B - Map of Determination, 1 page - A4, 19/08/2020
3. Schedule C - Areas where native title does not exist, 1 page - A4, 19/08/2020

Note: The National Native Title Register may, in accordance with s. 195 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.