



## Extract from the National Native Title Register

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### Determination Information:

**Determination Reference:** Federal Court Number(s): NTD16/2018  
NNTT Number: DCD2021/001

**Determination Name:** [Andrew Reiff and Others named in the Schedule on behalf of the Ankerente, Arntinarre, Arraperre, Artwele, Atnwarle, Ilparle, Immarkwe, Ltye and Thipatherre Landholding Groups \(Jinka Jervois\)](#)

**Date(s) of Effect:** 5/05/2021

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

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

**Determination Date:** 05/05/2021

**Determining Body:** Federal Court of Australia

#### ADDITIONAL INFORMATION:

Not Applicable

#### REGISTERED NATIVE TITLE BODY CORPORATE:

Ingkekure Aboriginal Corporation  
Agent Body Corporate  
PO Box 3321  
Alice Springs Northern Territory 0871

*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](http://www.oric.gov.au)*

#### COMMON LAW HOLDER(S) OF NATIVE TITLE:

##### The native title holders

4. The Determination Area comprises nine estate areas associated with the Ankerente, Arntinarre, Arraperre, Artwele, Atnwarle, Ilparle, Immarkwe, Ltye and Thipatherre 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, mother's father, father's mother and mother's mother; or
  - (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 5(a), by virtue of the following non-descent connections to an estate:

- (i) conception and/or birthplace affiliation with an estate;
- (ii) long-term residence in an estate;
- (iii) ties that enjoy broad recognition and acceptance amongst the members of a landholding group including by virtue of adoption and intermarriage;
- (iv) possession of secular and traditional spiritual knowledge, authority and responsibility for an estate or surrounding country, in particular, knowledge of sites and their mythology and associated rites;
- (v) authority and responsibility for shared Dreaming tracks and/or places of significance connected with an estate.

## **MATTERS DETERMINED:**

### **THE COURT ORDERS 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. Ingkekure Aboriginal Corporation (ICN: 9068) 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 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.

### **THE COURT DETERMINES THAT:**

#### **The Determination Area**

1. The Determination Area comprises NT Portions 366, 482, 3803, 4267, 7443, 7509, 7510, 7511 and 7558 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 nine estate areas associated with the Ankerente, Arntinarre, Arraperre, Artwele, Atnwarle, Ilparle, Immarkwe, Ltye and Thipatherre 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, mother's father, father's mother and mother's mother; or
  - (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 5(a), by virtue of the following non-descent connections to an estate:
    - (i) conception and/or birthplace affiliation with an estate;
    - (ii) long-term residence in an estate;
    - (iii) ties that enjoy broad recognition and acceptance amongst the members of a landholding group including by virtue of adoption and intermarriage;
    - (iv) possession of secular and traditional spiritual knowledge, authority and responsibility for an estate or surrounding country, in particular, knowledge of sites and their mythology and associated rites;
    - (v) authority and responsibility for shared Dreaming tracks and/or places of significance connected with an estate.

#### **Native title rights and interests**

6. The native title rights and interests in relation to the Determination Area comprise:
  - (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 No. 962 and Perpetual Pastoral Lease No. 1119 respectively;
- (f) the right to light fires for domestic purposes, but not for the clearance of vegetation;
- (g) the right to share or exchange natural resources obtained on or from the land and waters, including traditional items made from the natural resources;
- (h) 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;
- (i) 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,
- (j) the right to 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 provided that the right does not extend to making any decision that purports to control the access of such persons to the Determination Area;
- (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 do not confer:

- (a) possession, occupation, use and enjoyment of the land and waters on the native title holders to the exclusion of all others;
- (b) any right to control access to, or the use of, the Determination Area or its resources.

8. The native title rights and interests 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 and customs of the native title holders for personal or communal needs which are of a domestic or subsistence nature and not for any commercial or business purpose.

### **Other rights and interests**

9. The nature and extent of the other interests in the Determination Area are:

- (a) NT Portions 366 and 7511 (PPL 962):
  - (i) the rights and interests of Jervois Pastoral Co. Pty Ltd under Perpetual Pastoral Lease No. 962 over NT Portions 366 and 7511, subject to the Heritage Place declared pursuant to Pt 2.2 of the *Heritage Act 2011* (NT), described as Jervois ELDO Rocket Shelters and located on NT Portions 6656(A) and 6657(A);
  - (ii) the rights and interests of the Power and Water Authority as the grantee of Water Supply Easement Dealing 320757;
  - (iii) the rights and interests of the proprietor of NT Portion 4450 as the beneficiary of the rights and interests under Right of Way Easement Dealing 347484;
  - (iv) the rights and interests of the Northern Territory of Australia as the grantee of survey infrastructure easement Dealing 805693;
  - (v) the rights and interests of the parties under the Olympia Resources Limited ILUA (DI2003/008) entered on the Register of Indigenous Land Use Agreement on 20 November 2003;
  - (vi) the rights and interests of the parties under the Sandover Petroleum ILUA (DI2006/002) entered on the Register of Indigenous Land Use Agreement on 31 January 2007;
  - (vii) the rights and interests of the parties under the NT Oil Ltd: EP 127 and 128 ILUA (DI2007/002) entered on the Register of Indigenous Land Use Agreement on 15 April 2008;
  - (viii) the rights and interests of the parties under the Jervois Project ILUA (DI2016/003) entered on the Register of

Indigenous Land Use Agreement on 3 May 2017.

(b) NT Portion 7511 (Jervois Stock Route) – the rights of use of the stock route that extends over NT Portion 7511 and specified in Schedule 19 of the declaration dated 24 November 1986, published in the Gazette on 26 November 1986, for the passage of travelling stock made pursuant to s 113 of the *Crown Lands Act 1931* (NT) and continued as if made under s 96 the *Crown Lands Act 1992* (NT);

(c) NT Portion 482 – the rights and interests of Michael John Broad under Perpetual Pastoral Lease No. 1119:  
(i) the rights and interests of the parties under the Imperial Granites & Minerals Pty Ltd ILUA (DI2002/004) entered on the Register of Indigenous Land Use Agreement on 11 November 2002;  
(ii) the rights and interests of the parties under the NT Oil Ltd: EP 127 and 128 ILUA (DI2007/002) entered on the Register of Indigenous Land Use Agreement on 15 April 2008.

(d) NT Portion 3803 – the rights and interests of the Ilparle Aboriginal Land Trust;

(e) NT Portion 4267 – the rights and interests of the Northern Territory (Crown land);

(f) NT Portion 7443 – valid rights of use for the passage of travelling stock (Phillipson Stock Route);

(g) NT Portion 7509 – valid rights of use for the passage of travelling stock (Jervois Stock Route);

(h) NT Portion 7510 – valid rights of use for the passage of travelling stock (Jervois Stock Route);

(i) NT Portion 7558:

(i) valid rights of use for the passage of travelling stock (Jervois Stock Route);

(ii) the legal or equitable interests, if any, held by those persons who use and/or maintain the unofficial airstrip located within NT Portion 7558;

(j) the rights and interests of the holders of the following mining titles granted under the *Mineral Titles Act 2010* (NT) (or its predecessor):

*Note: Section 68 of the Mineral Titles Act 2010 (NT) has the effect that a mineral title continues in force beyond its expiry date, if an application for renewal of the title was made before its expiration, and that application has not yet been decided.*

No.	Date Granted	Expiry Date	Holder
EL22349	17/5/2002	16/5/2020	Molyhil Mining Pty Ltd
EL24716	1/12/2005	30/11/2019	Territory Phosphate Pty Ltd
EL24724	2/12/2005	1/12/2019	Territory Phosphate Pty Ltd
EL25429	2/2/2007	1/2/2021	Jinka Minerals Ltd
EL27942	25/10/2010	24/10/2020	AMI Resources Pty Ltd
EL28082	30/12/2010	29/12/2019	Jinka Minerals Ltd
EL29580	8/3/2013	7/3/2021	DBL Blues Pty Ltd
EL29581	8/3/2013	7/3/2021	DBL Blues Pty Ltd
EL29701	6/11/2012	5/11/2020	Molyhil Mining Pty Ltd and Arafura Resources Ltd
EL30242	26/11/2014	25/11/2020	Jinka Minerals Ltd
EL30294	4/12/2014	3/12/2020	Bowgan Minerals Ltd
EL31130	25/2/2016	24/2/2022	Molyhil Mining Pty Ltd
EL31225	23/12/2016	22/12/2022	Territory Lithium Pty Ltd
EL31443	30/5/2017	29/5/2023	Molyhil Mining Pty Ltd
EL31851	13/11/2018	12/11/2024	Bowgan Minerals Ltd
EL32089	7/10/2019	6/10/2025	Typhon Minerals Pty Ltd
EL32167	6/11/2012	5/11/2020	Molyhil Mining Pty Ltd and Arafura Resources Ltd
AA29732	5/12/2012	1/5/2033	Molyhil Mining Pty Ltd
ML23825	2/5/2008	1/5/2033	Molyhil Mining Pty Ltd
ML24429	2/5/2008	1/5/2033	Molyhil Mining Pty Ltd
ML25721	2/5/2008	1/5/2033	Molyhil Mining Pty Ltd
ML30180	28/1/2014	27/1/2024	Jinka Minerals Ltd
ML30182	26/3/2014	25/3/2024	Jinka Minerals Ltd
ML30829	18/8/2017	17/8/2032	Jinka Minerals Ltd
MLS77-	19/4/1974	31/12/2024	Molyhil Mining Pty Ltd
MLS86			

(inclusive)

(k) the rights and interests of the holders of the following petroleum titles granted pursuant to the *Petroleum Act 1984* (NT) (or its predecessor):

No.	Date Granted	Expiry Date	Holder
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(l) 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 Act 1989* (Cth), the *Telecommunications Act 1991* (Cth) and under Sch 3 to the *Telecommunications Act 1997* (Cth), including rights:
  - A. to inspect land;
  - B. to install and operate telecommunication facilities; and
  - C. to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunication facilities; and
- (iii) for its employees, agents or contractors to access its telecommunications facilities in and in the vicinity of the Determination Area in the performance of their duties;
- (iv) under any lease, licence, access agreement or easement relating to its telecommunications facilities in the Determination Area.

(m) 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 1992* (NT);

(n) the rights of Aboriginal persons (whether or not native title holders) by virtue of the *Northern Territory Aboriginal Sacred Sites Act 1989* (NT);

(o) 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;

(p) 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**

10. Subject to paragraph 11, the other interests and the doing of an activity in giving effect to them or of an activity required or permitted by them, prevail over but do not extinguish the native title rights and interests and the existence and exercise of the native title rights and interests do not prevent the carrying on of any such activity.

11. In relation to NT Portion 7511:

(a) to the extent that the rights held under the lease over NT Portion 7511 are inconsistent with the continued enjoyment or exercise of the native title rights and interests, the rights under the lease continue to exist in their entirety, but have no effect in relation to the native title rights and interests to the extent of the inconsistency; and

(b) the existence and exercise of the rights under the lease over NT Portion 7511 do not prevent the doing of any activity required or permitted to be done by or under and in accordance with the native title rights and interests, and the doing of such activities prevails over the exercise of any rights under the lease to the extent of the inconsistency.

12. In relation to that part of NT Portion 366 subject to infrastructure easement per instrument 805563 noted at paragraph 9(a)(iv) above, the non-extinguishment principle applies by virtue of s 24KA(7) of the Act. To the extent that the creation of the easement is:

(a) wholly or partly inconsistent with the continued existence, enjoyment or exercise of the native title rights described in paragraph 8, the native title continues to exist in its entirety but the rights and interests have no effect in relation to the other interests to the easement to the extent of any inconsistency; and

(b) if the easement is wholly or partly removed or otherwise ceases to operate over all or any part of the subject area, the native title rights described in paragraph 8 again have full effect to that extent.

#### **Other matters**

13. 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));
- (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)).

14. 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.

15. 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 Description, 2 pages - A4, 05/05/2021

2. Schedule B - Determination Area Map, 1 page - A4, 05/05/2021

3. Schedule C - Areas where native title does not exist, 1 page - A4, 05/05/2021

*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.*