



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): NTD35/2015
NNTT Number: DCD2018/001

Determination Name: [Jack on behalf of the Imarnte, Titjikala and Idracowra Estates v Northern Territory of Australia](#)

Date(s) of Effect: 23/05/2018

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: 23/05/2018

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Rodinga Aboriginal Corporation RNTBC
Agent Body Corporate
C/- 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 three estate areas associated with five family groups - Braedon (Group 1), Taylor and Kenny (Group 2), Johnson (Group 3), Ungwanaka, Schilling, Campbell and Pepperill (Group 4) and Abbott, Armstrong and Corrigan (Group 5).
5. The persons who hold the common or group rights comprising the native title are the Aboriginal persons who are:
 - (a) members of the five family groups with responsibility for the Imarnte, Titjikala and Idracowra estates respectively by virtue of descent (including adoption) through father's father, father's mother, mother's father and mother's mother;

(b) accepted as members of one or more of the family and estate groups by senior members of the groups, referred to in sub-paragraph (a), by virtue of the following non-descent connections to the estate:

- (i) conception and/or birthplace affiliation with an estate;
- (ii) putative or close kinship ties; and
- (iii) possession of cultural knowledge, including of neighbouring or shared Dreamings, consolidated by long-term residence in and ongoing ritual involvement 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. Rodinga Aboriginal Corporation (ICN: 8640) 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.
5. There be no order as to costs.

THE COURT DETERMINES THAT:

The Determination Area

1. The Determination Area comprises NT Portions 810 and 1229 (part) 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 three estate areas associated with five family groups - Braedon (Group 1), Taylor and Kenny (Group 2), Johnson (Group 3), Ungwanaka, Schilling, Campbell and Pepperill (Group 4) and Abbott, Armstrong and Corrigan (Group 5).
5. The persons who hold the common or group rights comprising the native title are the Aboriginal persons who are:
 - (a) members of the five family groups with responsibility for the Imarnte, Titjikala and Idracowra estates respectively by virtue of descent (including adoption) through father's father, father's mother, mother's father and mother's mother;
 - (b) accepted as members of one or more of the family and estate groups by senior members of the groups, referred to in sub-paragraph (a), by virtue of the following non-descent connections to the estate:
 - (i) conception and/or birthplace affiliation with an estate;
 - (ii) putative or close kinship ties; and
 - (iii) possession of cultural knowledge, including of neighbouring or shared Dreamings, consolidated by long-term residence in and ongoing ritual involvement with an estate.

Native title rights and interests

6. The native title rights and interests of the native title holders are the non-exclusive native title rights and interests possessed under and exercisable in accordance with the traditional laws acknowledged and traditional customs observed, 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 holder of Perpetual Pastoral Lease No 1063;
- (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; and
 - (v) teaching the physical and spiritual attributes of sites and places on the land and waters that are important under traditional laws and customs;
- (i) 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;
- (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; and
 - (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 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; and
- (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.

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

- (a) NT Portion 810 - the interest of Pancheck Pty Ltd (ACN 072 868 690) as trustee of The Oldfield Family

Trust under Perpetual Pastoral Lease No 1063;

(b) NT Portion 1229 (part) - the interest of the Northern Territory of Australia;

(c) the interests of the holders of the following mining titles granted pursuant to the Mineral Titles Act 2010 (NT) (or its predecessor):

No.	Date Granted	Expiry Date	Holder
EL 27972	20/10/2010	19/10/2018	Tellus Holdings Pty Ltd
EL 28900	05/03/2012	04/03/2018	Tellus Holdings Pty Ltd
EL 29018	12/04/2012	11/04/2018	Tellus Holdings Pty Ltd
EL 31456	01/08/2017	31/07/2023	BMEX Limited
EL 31509	06/11/2017	05/11/2023	BMEX Limited
EL 31510	06/11/2017	05/11/2023	BMEX Limited
EL 31589	15/01/2018	14/01/2024	BMEX Limited
EP 82	02/09/2005	29/01/2021	Helium Australia Pty Ltd and Santos QNT Pty Ltd

(d) the rights and interests of Telstra Corporation Limited (ACN 051 775 556):

(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 telecommunications facilities; and

C. to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunications 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; and

(iv) under any lease, licence, access agreement or easement relating to its telecommunications facilities within the Determination Area;

(e) in relation to NT Portion 810, 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 ss 38(2) to (6) of the *Pastoral Land Act 1992* (NT);

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

(g) rights of access by an employee, servant, agent or instrumentality of the Northern Territory of Australia, the Commonwealth of Australia or other statutory authority as required in the performance of his or her statutory duties; and

(h) 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. 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 9, 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

11. 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)).

12. 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.

13. 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.

Schedule A

1. The Determination Area comprises the following areas of land and waters:

- (a) NT Portion 810 comprising an area of 3,224 square kilometres held under Perpetual Pastoral Lease No 1063; and
- (b) NT Portion 1229 (part) comprising an area of 7 hectares 4,003 square metres which is Crown land allocated to the Department of Education.

2. The following areas within the external boundaries of the Determination Area are not included in the Determination Area:

- (a) NT Portion 843;
- (b) NT Portion 1475;
- (c) NT Portion 3830;
- (d) NT Portion 4258;
- (e) NT Portion 4514;
- (f) NT Portion 4852;
- (g) That part of NT Portion 1229 contained within NT Portion 4258 that was covered by Miscellaneous Lease No 51 granted on 15 March 1919 for the purpose of supplying water to the public; and
- (h) The following roads constructed by or on behalf of the Northern Territory of Australia as public roads:
 - (i) a road reserve 100 metres wide (Chambers Pillar/Maryvale Access Road) from the northern boundary of NT Portion 810 (Maryvale Station) to the boundary of NT Portion 843 (Irterrkewarre Aboriginal Land Trust);
 - (ii) a road reserve 100 metres wide from the western boundary of NT Portion 4258 (Crown land) to the Chambers Pillar/Maryvale Access Road, as depicted on the map in Schedule B; and
 - (iii) a road reserve that is the 100 metre wide prolongation of the southern and south-western boundaries of

NT Portion 4852 to the Chambers Pillar/Maryvale Access Road, as depicted on the map in Schedule B.

Schedule B

Determination Area Map

[See NNTR Attachment 1: "Schedule B - Determination Area Map"]

Schedule C

Areas where native title does not exist

Native title rights and interests have been wholly extinguished in the following areas of land and waters.

Public works

1. Those parts of the Determination Area being covered by public works as defined in s 253 of the Act that were constructed or established before 23 December 1996 or commenced to be constructed or established on or before that date (including land and waters within the meaning of s 251D of the Act) including:

- (a) public roads, namely, rural public roads (50 metres either side of the centre line), rural arterial roads and national highways and associated road infrastructure;
- (b) community, pastoral access and other roads (including access roads and tracks to public works referred to in this clause) which are not otherwise public roads;
- (c) gravel and fill pits established to maintain the roads referred to in (a) and (b) above;
- (d) government bores and associated works;
- (e) river and rain gauges;
- (f) transmission water pipes (adjacent area 5 metres either side of the centre line);
- (g) distribution water pipes measuring 150 millimetres in diameter or less (adjacent area of 1.5 metres either side of the centre line) and greater than 150 millimetres in diameter (adjacent area 5 metres either side of the centre line);
- (h) sewer pipes measuring 150 millimetres in diameter or less (adjacent area 1.5 metres either side of the centre line) and greater than 150 millimetres in diameter (adjacent area 5 metres either side of the centre line); and
- (i) bores, sewer pump stations, and overhead power lines.

2. In addition to the areas referred to in paragraph 1 above native title has been wholly extinguished in that part of NT Portion 810 covered by the Overland Telegraph Line (including land and waters within the meaning of s 251D of the Act).

REGISTER ATTACHMENTS:

1. Schedule B - Determination Area Map, 2 pages - A4, 23/05/2018

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.