



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): NTD47/2016
NNTT Number: DCD2018/003

Determination Name: [Bruce Breadon & Ors on behalf of the Inteyere, Twenge, Ipmengkere, Murtikutjara, Aniltika and Nthareye landholding groups and Northern Territory of Australia](#)

Date(s) of Effect: 20/06/2018

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: 20/06/2018

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Twenga Aboriginal Corporation
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 six estate areas associated with the Inteyere, Twenge, Ipmengkere, Murtikutjara, Aniltika and Nthareye 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, father's mother, mother's father and mother's mother;

(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 the following non-descent connections to an estate:

- (i) conception in and/or birthplace affiliation (including of a parent or other close relative) with an estate;
- (ii) long-term residence in an estate;
- (iii) possession of secular and traditional spiritual knowledge, authority and responsibility for an estate or surrounding country, in particular, knowledge of sites and their mythology;
- (iv) authority and responsibility for shared Dreaming tracks and/or places of significance connected with an estate;
- (v) burial of an ancestor in 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. Twenga Aboriginal Corporation (ICN 8400) is:
 - (a) to be the prescribed body corporate for the purposes of s 57(2) of the NTA;
 - (b) to perform the functions outlined in s 57(3) of the NTA 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 551, 657, 1054, 3896 and 5169 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 six estate areas associated with the Inteyere, Twenge, Ipmengkere, Murtikutjara, Aniltika and Nthareye 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, father's mother, mother's father and mother's mother;
 - (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 the following non-descent connections to an estate:
 - (i) conception in and/or birthplace affiliation (including of a parent or other close relative) with an estate;
 - (ii) long-term residence in an estate;

(iii) possession of secular and traditional spiritual knowledge, authority and responsibility for an estate or surrounding country, in particular, knowledge of sites and their mythology;

(iv) authority and responsibility for shared Dreaming tracks and/or places of significance connected with an estate;

(v) burial of an ancestor in 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 holders of Perpetual Pastoral Lease No. 1094;

(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; 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;

(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 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 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 Portion 657 - the interest of Henbury Holdings Pty Ltd (ACN 169 887 585) as trustee for the Henbury Unit Trust under Perpetual Pastoral Lease No. 1094;
- (b) NT Portion 551 - the interest of the Conservation Land Corporation;
- (c) NT Portion 1054 - the interest of the Northern Territory;
- (d) NT Portion 3896 - the interest of the Northern Territory;
- (e) NT Portion 5169 - valid rights of use for the passage of travelling stock (Hugh River Stock Route);
- (f) NT Portions 551, 657, 1054, 3896 and 5169 - the interest of the parties to Indigenous Land Use Agreement DI2007/007 (Central Petroleum ILUA) entered on the Register of Indigenous Land Use Agreements on 13 June 2008;
- (g) the interests of the holders of the following mining titles granted pursuant to the *Mineral Titles Act 2010* (NT) (or its predecessor) and the *Petroleum Act 1984* (NT):

No.	Expiry date	Holder
EL 27974	19/10/2018	Tellus Holdings Pty Ltd
EL 31508	5/11/2023	BMEX Limited
EL 31509	5/11/2023	BMEX Limited
EP 82	29/01/2021	Helium Australia Pty Ltd/Santos QNT Pty Ltd
EP 112	20/06/2021	Frontier Oil & Gas Pty Ltd/Santos QNT Pty Ltd

- (h) 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) (repealed), the *Telecommunications Act 1975* (Cth) (repealed), the *Australian Telecommunications Corporation Acts 1989* (Cth) (repealed), the *Telecommunications Act 1991* (Cth) (repealed) and under Schedule 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 telecommunication 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.

(i) NT Portion 657 - the rights of Aboriginal persons (whether or not native title holders) pursuant to the reservation in favour of Aboriginal people contained in pastoral leases identified in ss 38(2) - (6) of the *Pastoral Land Act 1992* (NT);

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

(k) 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;

(l) 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 in relation to NT Portions 657, 1054, 3896 and 5169 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.

11. In relation to NT Portion 551 the relationship between the native title rights and interests referred to in paragraph 6 and the interest of the Conservation Land Corporation as the holder of a fee simple estate in the land is that the non-extinguishment principle applies. The grant of the fee simple estate to the Corporation:

(a) is wholly inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests;

(b) the native title continues to exist, but has no effect in relation to the grant;

(c) if the grant or its effects are wholly removed or otherwise wholly cease to operate the native title rights and interests again have full effect;

(d) if the grant or its effects are removed to an extent or otherwise cease to operate only to an extent the native title rights and interests again have effect to that extent.

Other matters

12. 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) (repealed)).

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 NTA has the same meaning in this Determination as it has in the NTA.

Schedule A

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

- (a) NT Portion 657 comprising an area of 5,168 square kilometres held under Perpetual Pastoral Lease No. 1094 by Henbury Holdings Pty Ltd (ACN 169 887 585) as trustee for the Henbury Unit Trust;
- (b) NT Portion 551 comprising an area of 4 square kilometres 4 hectares 6,000 square metres is held for an estate in fee simple by the Conservation Land Corporation;
- (c) NT Portion 1054 comprising an area of 1 square kilometre 29 hectares 4,994 square metres is Reserve No. 1247 (Ilamurta Springs Conservation Reserve);
- (d) NT Portion 3896 comprising an area of 2 hectares 2,500 square metres is Crown land;
- (e) NT Portion 5169 comprising an area of 52 square kilometres is Crown land being parts (3) of the Hugh River Stock Route.

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

- (a) NT Portion 1226 comprising an area of 5 square kilometres 95 hectares within NT Portion 657 held for an estate in fee simple by the Australian Rail Track Corporation;
- (b) NT Portion 3812 comprising an area of 20 square kilometres 24 hectares located within NT Portion 657 held for an estate in fee simple by the Rurutenge Aboriginal Land Trust;
- (c) NT Portion 3813 comprising an area of 28 square kilometres 86 hectares located within NT Portion 657 held for an estate in fee simple by the Pantyinteme Aboriginal Land Trust;
- (d) NT Portion 3814 comprising an area of 23 square kilometres 63 hectares located within NT Portion 657 held for an estate in fee simple by the Akanta Aboriginal Land Trust;
- (e) NT Portion 4392 comprising an area of 2 square kilometres 76 hectares 3,000 square metres located within NT Portion 657 held for an estate in fee simple by Ilpurla Aboriginal Corporation;
- (f) The following roads constructed by or on behalf of the Northern Territory as public roads:
 - (i) a road 200 metres wide (Stuart Highway) from the boundary with Orange Creek Station (NT Portion 652) to the boundary of Palmer Valley Station (NT Portion 1991);
 - (ii) a road 100 metres wide (Ernest Giles Road) from the Stuart Highway to the boundary with the Urrampinyi Itjiltjarri Aboriginal Land Trust (NT Portion 5484);
 - (iii) a road 100 metres wide (Tempe Downs Road) from the Ernest Giles Road to the boundary with the Urrampinyi Itjiltjarri Aboriginal Land Trust (NT Portion 5484);
 - (iv) a road 100 metres wide (Tempe Downs Road) from the boundary of Henbury Station (NT Portion 657) to the boundary of the Urrampinyi Itjiltjarri Aboriginal Land Trust (NT Portion 5484);
 - (v) a road 100 metres wide (Ilamurta Springs Access Road) from the Ernest Giles Road to Ilamurta Springs Conservation Reserve (NT Portion 1054);
 - (vi) a road 100 metres wide from the Ilamurta Springs Access Road (Boggy Hole Access Road) to the Finke Gorge National Park (NT Portion 6623);
 - (vii) a road 100 metres wide from the Henbury Station Homestead to the Stuart Highway;
 - (viii) a road 100 metres wide from the Ernest Giles Road to the Henbury Meteorite Conservation Park (NT Portion 551).

Schedule B - Determination Area

[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

Those parts of the Determination Area covered by public works as defined in s 253 of NTA 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 NTA), including:

(g) public roads, namely, rural public roads (50 metres either side of the centre line), rural arterial roads and national highways and associated road infrastructure;

(h) 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;

(i) gravel and fill pits established to maintain the roads referred to in (a) and (b) above;

(j) government bores and associated works;

(k) river and rain gauges;

(l) transmission water pipes (adjacent area 5 metres either side of the centreline);

(m) distribution water pipes measuring 150mm diameter or less (adjacent area of 1.5 metres either side of the centreline) and greater than 150mm diameter (adjacent area 5 metres either side of the centreline);

(n) sewer pipes measuring 150mm diameter or less (adjacent area 1.5 metres either side of the centreline) and greater than 150mm diameter (adjacent area 5 metres either side of the centreline);

(o) bores, sewer pump stations and overhead power lines.

REGISTER ATTACHMENTS:

1. Schedule B Determination Area Map, 1 page - A4, 20/06/2018

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.