



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): NTD24/2018
NNTT Number: DCD2019/002

Determination Name: [Eric Braedon and Peter Kenny on behalf of the Members of the Family Groups with Responsibility for the Imarnte Estate and Northern Territory of Australia](#)

Date(s) of Effect: 7/05/2019

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: 07/05/2019

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Wura Aboriginal Corporation
Agent Body Corporate
PO Box 3321
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

9. The Determination Area comprises one estate area associated with the Imarnte landholding group.
10. The persons who hold the common or group rights comprising the native title are the Aboriginal persons who are:
- (a) members of the landholding group referred to in paragraph 9 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 the landholding group referred to in paragraph 9 by senior members of that landholding group by virtue of the following non-descent connections to the estate:
 - (i) conception and/or birthplace affiliation with the estate;
 - (ii) putative or close kinship ties; and
 - (iii) possession of cultural knowledge, including of neighbouring shared Dreamings, consolidated 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. Wura Aboriginal Corporation (ICN: 9008) 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

6. The Determination Area comprises NT Portion 1993, being the land and waters more particularly described in Schedule A and depicted on the map comprising Schedule B.
7. Native title exists in the Determination Area.
8. Native title does not exist in those parts of the Determination Area described in Schedule C.

The native title holders

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 - (a) members of the landholding group referred to in paragraph 9 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 the landholding group referred to in paragraph 9 by senior members of that landholding group by virtue of the following non-descent connections to the estate:
 - (i) conception and/or birthplace affiliation with the estate;
 - (ii) putative or close kinship ties; and
 - (iii) possession of cultural knowledge, including of neighbouring shared Dreamings, consolidated long-term residence in and ongoing ritual involvement with an estate.

Native title rights and interests

11. 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;
 - (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.
12. The native title rights and interests referred to in paragraph 11 do not confer possession, occupation, use and enjoyment of the land and waters on the native title holders to the exclusion of all others.
13. 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

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

- (a) the interest of the Conservation Land Corporation under Crown Lease Perpetual No. 307;
- (b) the interests of the Parks and Wildlife Commission of the Northern Territory in the care, control and management of the land comprised in Crown Lease Perpetual No. 307 pursuant to its functions and powers under the *Parks and Wildlife Commission Act 1980* (NT) and the *Territory Parks and Wildlife Conservation Act 1976* (NT), including interests in any buildings, works or other structures constructed or established by the Commission;
- (c) the interest of members of the public arising from their right to access and use the Rainbow Valley Conservation Reserve pursuant to the *Territory Parks and Wildlife Conservation Act 1976* (NT) and by-laws, subject to any statutory limitations on the exercise of the right, including under the *Northern Territory Aboriginal Sacred Sites Act 1989* (NT);
- (d) the interests of the Northern Territory of Australia and the Central Land Council as parties to the Rainbow Valley Framework for the Future Indigenous Land Use Agreement (DI2004/032) entered on the Register of Indigenous Land Use Agreements on 3 October 2005 and pursuant to the Joint Management Principles and Joint Management Plan referred to in that Indigenous Land Use Agreement;
- (e) the interests of the holder of the following petroleum tenement granted pursuant to the *Petroleum Act 1984* (NT):

No.	Expiry date	Holder
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EP 82	29/01/2020	Helium Australia Pty Ltd/Santos QNT Pty Ltd
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- (f) the right of Aboriginal persons (whether or not native title holders) who have traditionally used the land and waters to continue to do so in accordance with Aboriginal tradition for hunting, food gathering (otherwise than for the purpose of sale) and for ceremonial and religious purposes under s 122 of the *Territory Parks and Wildlife Conservation Act 1976* (NT);
- (g) the rights of Aboriginal persons (whether or not native title holders) by virtue of the *Northern Territory Aboriginal Sacred Sites Act 1989* (NT);
- (h) rights of access by an employee, servant, agent or instrumentality of the Northern Territory, Commonwealth of Australia 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

15. The relationship between the native title rights and interests referred to in paragraph 11 and the interest of the Conservation Land Corporation referred to in paragraph 14(a) is that the non-extinguishment principle applies. The rights granted by Crown Lease Perpetual No. 307 are:

- (a) partly inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests to the extent that the native title rights and interests confer the right referred to in paragraph 11(b) above. The right:
 - (i) continues to exist but has no effect in relation to the grant of Crown Lease Perpetual No. 307; and
 - (ii) will again have full effect if Crown Lease Perpetual No. 307 or its effects are wholly removed or otherwise wholly cease to operate;
- (b) not inconsistent with the continued existence, enjoyment or exercise of the non-exclusive native title rights and interests referred to in paragraph 16.

16. The native title rights and interests that are not inconsistent with the interest of the Conservation Land Corporation under Crown Lease Perpetual No. 307 are the rights and interests set out in paragraph 11 above, except the right referred to in paragraph 11(b).

17. To the extent that the continued existence, enjoyment or exercise of the native title rights and interests referred to in paragraph 11 is inconsistent with the existence, enjoyment or exercise of the other rights and interests referred to in paragraph 14, 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

18. 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)).

19. 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.

20. 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, 1 page - A4, 07/05/2019
2. Schedule B - Determination Area, 1 page - A4, 07/05/2019
3. Schedule C - Areas where native title does not exist, 2 pages - A4, 07/05/2019

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.