



Background

Pine Hill Station native title determination

Lindsay Bird Ampetyane and others on behalf of the Ilkewartn Ywel Anmatyerr People vs Northern Territory Government and Northern Territory Gas.

Pine Hill Station, consent determination, 7 August 2009

Pronunciation:

- Ilkewartn – IL-COW-WART-NA
- Ywel – YULA
- Anmatyerr – AN-MAT-CHERA or U-MUTCH-ER-A.

Application details:

- Pine Hill Station, filed 6 July 1999.
Tribunal number DC99/4, Federal Court number NTD6004/99.

Location:

- About 150km north of Alice Springs, south-east of Ti Tree.

Area:

- Application area –1,173sq km.
- Determination area – 1,144sq km.

Hearing/celebration details:

- Date: Friday 7 August, 2009
- Presiding judge: Justice John Reeves
- Location: Desert Bore, Pine Hill Station
- Order of events:
 - 10am morning tea and activities
 - 11am MC introduces day
 - 11.15am court proceedings/delivery of judgment by Justice Reeves:
 - Appearances to court by:
 - Kristen Ellerker, Central Land Council, for the applicants
 - Stephen Herne, for the Northern Territory government
 - David Strickland, interpreter
 - Presentation of consent determination to elders:
 - Lindsay Bird
 - Archie Glenn
 - Post-court speeches:

- Central Land Council principal legal officer James Nugent
- Northern Territory Regional Development Minister Karl Hampton
- 12.30pm informal activities: official photographs, lunch and other activities.

Determination outcome:

The consent determination will recognise the Ilkewartn Ywel Anmatyerr People's non-exclusive native title rights and interests over the land in the determination area. These rights will enable the people to gather resources, visit sacred sites, conduct ceremonies and other cultural practices and includes the right to live on the land and to camp and erect shelters.

Native title holders will also have the right to be accompanied on the land by people who are not native title holders but who have other kinds of rights according to traditional law and custom, including to participate or assist in ceremonies and other cultural activities.

Parties to the determination

Applicants:

- Lindsay Bird Ampetyane and Ors on behalf of the Ilkewartn Ywel Anmatyerr People.

Respondents:

- Northern Territory Government
- Northern Territory Gas.

Representative body:

- Central Land Council.

Prescribed body corporate:

The Ilkewartn Ywel Aboriginal Corporation.

Tribunal's role:

The tribunal provides registration, mediation, geospatial, research and administrative services to parties to native title applications. These services are provided via staff appointed to each application. In this application the Tribunal's role has been registration, public notification and some mediation, administrative and geospatial support.

The Tribunal was involved in some early mediation of the claim. Former member Mary Edmonds convened a series of mediation meetings which helped focus negotiations on the future use of the pastoral lease.

In November 2002 the Central Land Council and the Northern Territory Government put forward a joint program to the court to progress the claim, with the Tribunal available to provide assistance where necessary.

Background:

- The native title determination application over Perpetual Pastoral Lease (PPL) 1030 (NT Portion No 725) was filed on 6 July 1999 and an amended application was lodged 26 July 1999. This was filed in response to a non claimant application from Pine Hill Pastoral Company because the owners wanted to develop the area for grape growing. The

Northern Territory government bought the lease in 2000 to secure horticultural development over the Ti Tree Basin. The lease was then sold back to the pastoralist Gilbert Bowman in 2008.

- Pine Hill is east of the Stuart Highway and covers about 1173sq km. Bordering the application area is Ahakeye Aboriginal Land Trust (ALT) in the north, Atartinga PPL in the east and Aileron PPL in the south.
- The application area is in the central-east part of Anmatyerr traditional territory in Central Australia. The claimants identify as Anmatyerr and speak the Arandic dialect known by linguists as Eastern Anmatyerr. Two groups, the Ilkewartn and the Ywel people, have native title rights and interests in the application area.
- The Ilkewartn people mainly live in Mulga Bore, Wilora and Alice Springs communities.
- Senior Ilkewartn man Lindsay Bird grew up on the neighbouring Bushy Park PPL, and would walk all over Pine Hill country with his family collecting bush tucker and learning about the dreamings on Pine Hill.
- Dorothy Ampetyane, Bunny Ampetyane and Rosemary Ampetyane lived at Desert Bore grazing sheep and goats and collecting bush tucker.
- The Ywel people mainly live at Ti-Tree, Aileron and Laramba communities.
- The parents of senior Ywel native title holder Archie Glenn worked at the neighbouring Aileron PPL and at Pine Hill. As a child Archie and his family would visit a sacred site on the application area on weekend outings from Aileron PPL.
- Community Living Area (CLA) indigenous land use agreement (ILUA) – An ILUA was registered in November 2007 to provide for the excision from the pastoral lease of a 25sq km CLA for Aboriginal people and the creation of other leases and areas of freehold on the pastoral lease for horticultural activity, an art centre at Mulga Bore and a road reserve. The ILUA was signed in March 2007 by Anmatyerr native title holders, the Northern Territory government and the Central Land Council. In return, native title was extinguished on two other blocks the government was developing for horticulture and the creation of two blocks (about 17sq km each) created many years ago without the native title process were validated. The blocks became Crown leases and the owners could then convert them to freehold.

Federal Court:

- **Contact** – District Registrar Patricia Christie, in Adelaide on (08) 8219 1000.

Judgment and orders:

- To be presented to applicants by the Federal Court at the hearing on 7 August 2009.
- The documents will available on the Court's website (and AUSTLII) after the judgment.

Maps:

Location maps are available from the Tribunal – contact the media officer or visit the website at www.nntt.gov.au .

Tribunal media contact:

Deborah Spittle – 0419 441 504.