



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: NTD20/2007  
NNTT number: DC2007/002

**Application Name:** Eric Penangk & Ors obo Kwaty and Tywerl landholding groups v Northern Territory Of Australia (Aileron)

**Application Type:** Claimant

**Application filed with:** Federal Court of Australia

**Date application filed:** 19/12/2007

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**Current status:** Full Approved Determination - 05/04/2017

**Registration information:** Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.

**Date claim entered on Register of Native Title Claims:** 07/10/2008

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 7/10/2008 to 18/04/2017,

**Date claim / part of claim determined:** 05/04/2017

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**Applicants:** Eric Penangk, Mary Cole Ngal, Dorothy Ross Ampetyan, Samuel Charles Peltharr, Walker Potter Peltharr, Archie Glenn Ngal

**Address(es) for Service:** Sue Polden  
Central Land Council  
PO Box 3321  
ALICE SPRINGS NT 0871  
**Phone:** 08 8951 6358

## Additional Information

Not applicable

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## Persons claiming to hold native title:

A copy of Schedule A, which sets out information in relation to the Native Title Claim Group is

attached to this extract.

**Native title rights and interests claimed:**

1. The native title rights and interests claimed are the non-exclusive native title rights and interests possessed under and exercisable in accordance with the traditional laws acknowledged and traditional customs observed, 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 Leases 1030 and 1097;
  - (f) the right to light fires for domestic purposes, but not for the clearance of vegetation;
  - (g) the right to share and 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.
  - (l) the right to conduct activities necessary to give effect to the rights referred to in (a) to (k) hereof.
2. All the rights and interests listed in paragraph 1 existed and continue to exist in relation to the application area as a whole.
3. The native title rights and interests claimed do not confer possession, occupation, use and enjoyment of the application area to the exclusion of all others.
4. The applicant acknowledges that the native title rights and interests are subject to and exercisable in accordance with valid laws of the Northern Territory of Australia and the Commonwealth of Australia.
5. The common or group rights and interests comprising the native title are held by the members of the landholding groups that together comprise the native title claim group over the application area as a whole. However, the distribution of rights and interests within the group and in respect of different parts of the application area is governed by the claimants' system of traditional laws and customs, including:
  - (a) the particular association that members of the native title claim group have with one or more of the landholding groups and their respective estate areas; and
  - (b) individual circumstances, including age, gender, knowledge, and physical and mental capacity.
6. The activities referred to in Schedules G and M were and are undertaken in the exercise of the native title rights and interests set out in paragraph 1.

**Application Area:**

**State/Territory:** Northern Territory  
**Brief Location:** Located North of Alice Springs  
**Primary RATSIB Area:** Southern Northern Territory  
**Approximate size:** 211.1656 sq km  
(Note: There may be areas within the external boundary of the application that are not claimed.)  
**Does Area Include Sea:** No

**Area covered by the claim (as detailed in the application):**

(a) The area covered by the application

1. That part of NT Portion 703 comprising an area of 82 square kilometres 43 hectares 9,253 square metres held under Perpetual Pastoral Lease No. 1097 by Aileron Pastoral Holdings Pty Ltd (ACN 605 457 421) that is not included in the Aileron Pastoral Lease native title application, NTD08/2014.
2. That part of NT Portion 725 comprising an area of 128 square kilometres 72 hectares 6,903 square metres held under Perpetual Pastoral Lease No. 1030 by Australian Green Properties Pty Ltd (ACN 125 718 667) that is not included in the Pine Hill West native title application, NTD44/2016.
3. The area covered by the application and its boundaries are shown on the maps referred to in Schedule C and labelled Attachment A.

(b) Any areas within those boundaries that are not covered by the application

4. Subject to Schedule L, any area within the boundaries of the area covered by the application in relation to which a previous exclusive possession act under section 23B of the NTA has been done is excluded from the application.

- Attachments:**
1. Map of the claim area, attachment A of the application, 1 page - A4, 30/01/2017
  2. Schedule A - Native title claim group, 7 pages - A4, 30/01/2017

**NNTT Contact Details**

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