



## Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: NTD17/2011  
NNTT number: DC2011/002

**Application Name:** Pwerle N P & Kngwarreye T T & Thangale T W & Nelson L on behalf of the Akalpere, Amakweng, Alapanp, Alhalker Anangker, Arlwekarr, Arnerre, Arnmanapwenty, Errene/Warlukurlangu, Jarra Jarra, Kwerkepentye, Twerrpe, Wake and Wurrulju landholding groups who are connected to the area covered by this application & Northern Territory Of Australia (Stirling and Neutral Junction)

**Application Type:** Claimant

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

**Date application filed:** 19/07/2011

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**Current status:** Full Approved Determination - 07/04/2016

**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:** 19/08/2011

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 19/08/2011 to 15/04/2016,

**Date claim / part of claim determined:** 07/04/2016

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**Applicants:** Norman Price Pwerle, Tommy Thompson Kngwarreye, Tommy Walkabout Thangale, Lenny Nelson

**Address(es) for Service:** Sue Polden  
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### Additional Information

Not applicable

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### **Persons claiming to hold native title:**

1. The native title claim group comprises the members of the Akalperre, Amakweng, Alapanp, Arlwekarr, Arlpawe, Arnerre, Arnmanapwenty, Errene/Warlekerlange, Errweltye, Kwerrkepentye, Rtwerrpe, Tyarre Tyarre and Wake landholding groups ('the landholding groups'). Those persons according to the traditional laws acknowledged and customs observed by them:

(a) have spiritual, physical and/or historical associations (as described in Schedule F) with the area described in Schedule B ('the application area') and are connected to the area through:

(i) descent from ancestors (including adoption) connected with the application area as described in paragraph 8(a) below; or

(ii) non-descent based connections as described in paragraphs 8(b) and 10 below;

(b) hold the common or group rights and interests comprising the native title in the application area.

2. The application area is located in Kaytetye, Anmatyerr and Warumungu territory respectively. The common body of traditional laws acknowledged and customs observed by members of the native title claim group govern how rights and interests in land are acquired and who holds them in particular parts of this territory, including the application area. The thirteen landholding groups which together comprise the native title claim group constitute a community or group whose members hold the common or group rights comprising the native title over the application area as a whole.

3. The application area is located in Kaytetye, Anmatyerr and Warumungu linguistic territory. However, under the traditional laws acknowledged and customs observed by members of the native title claim group rights in land are not acquired through membership of a language group. Accordingly, linguistic affiliation or language group identity is not necessarily indicative of a person's connection to particular land and waters.

A complete 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. To the extent that any extinguishment of native title rights and interests must be disregarded the native title rights and interests that are claimed in relation to the application area are possession, occupation, use and enjoyment to the exclusion of all others.

2. To the extent that any extinguishment of native title rights and interests is not to be disregarded the native title rights and interests of the native title holders are the rights possessed under and exercisable in accordance with their traditional laws and customs, 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 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;

(v) teaching the physical and spiritual attributes of sites and places on the land and waters that are important under traditional laws and customs,

and, subject to the rights of any person arising under the laws in force in the Northern Territory to be present on the land, the right to privacy in the exercise and enjoyment of those activities;

(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;

(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;

(iii) people required by the native title holders to assist in, observe, or record traditional activities on the areas.

3. Subject to paragraph 1 and the operation of the non-extinguishment principle where it applies all the rights and interests listed in paragraph 2 above existed and continue to exist in relation to the application area as a whole.

4. Unless any extinguishment of native title rights and interests must be disregarded 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.

5. 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.

6. 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.

7. 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 2.

**Application Area:**

**State/Territory:** Northern Territory

**Brief Location:** Approx 300km north of Alice Spring

**Primary RATSIB Area:** Southern Northern Territory

**Approximate size:** 10425.9271 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

**Stirling Station**

1. NT Portion 655 comprising an area of 5,790 square kilometres 36 hectares held under Perpetual Pastoral Lease 1103 by Stirling Station Pty Ltd.

2. NT Portion 1092 comprising an area of 1,428 square kilometres held under Perpetual Pastoral Lease 1103 by Stirling Station Pty Ltd.

3. NT Portion 5841 comprising an area of 9 hectares 7,300 square metres held under Perpetual Pastoral Lease 1103 by Stirling Station Pty Ltd.

#### Part of Neutral Junction Station

4. That part of NT Portion 3375 comprising an area of about 2,989 square kilometres 51 hectares held under Perpetual Pastoral Lease 969 by Charles Oliver Frith and Elizabeth Ann Frith the boundaries of which are described as follows:

From the point of commencement at latitude -21.141428 on the western boundary of NT Portion 3375 due east to 133.814907, -21.141428, then south-east to 133.982325, -21.284934; easterly to the south-west corner of NT Portion 4849, then along the southern boundary of that portion to its south-east corner, thence in a north-easterly direction to the north-west corner of NT Portion 4337; east along the northern boundary of NT Portion 4337 to the eastern boundary of the Stuart Highway road corridor; northerly along the east-ern boundary of the road corridor for approximately 28 kilometres to the latitude of the north-west corner of that section of NT Portion 3375 that is east of and adjacent to the road corridor; east along the northern boundary of NT Portion 3375 to the north-east corner, being the boundary with NT Portion 599; south along the eastern boundary of NT Portion 3375 to the southern boundary, thence, in a clockwise direction following the boundary of NT Portion 3375 to the point of commencement at latitude -21.141428.

#### North-South Stock Route

5. NT Portion 4338 comprising an area of 56 square kilometres 97 hectares being part of the North-South Stock Route.

6. NT Portion 4344 comprising an area of 13 square kilometres 64 hectares being part of the North-South Stock Route.

7. NT Portion 4345 comprising an area of 3 square kilometres 15 hectares 7,000 square metres being part of the North-South Stock Route.

8. NT Portion 4346 comprising an area of 39 square kilometres being part of the North-South Stock Route.

#### Reserves

9. NT Portion 4337 comprising an area of 12 square kilometres 12 hectares being Reserve 1769 (Stock Routes and Travelling Stock).

#### Vacant Crown Land

10. Part of NT Portion 4336 comprising an area of about 6 square kilometres 44 hectares being vacant Crown land that adjoins the eastern boundary of the Stuart Highway road corridor (former North-South Stock Route).

#### Other Areas

11. Part of NT Portion 5017 comprising an area of 12 square kilometres 80 hectares held under Crown Lease Term 1879 by AustralAsia Railway Corporation.

12. NT Portion 5613 comprising an area of 354 hectares 2,000 square metres held under Crown Lease Term 1879 by AustralAsia Railway Corporation.

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

13. NT Portion 449 comprising an area of 1 hectare 6,100 square metres located within NT Portion 4339 and held for an estate in fee simple by Leslie John Pilton.

14. NT Portion 557 comprising an area of 42 hectares 1,300 square metres located within NT Portion 4339 being Reserve 1058 (Racecourse and Recreation).

NT Portion 708 comprising an area of 148 square metres located within NT Portion 4339 and Stuart Highway road corridor and held for an estate in fee simple by the Thangkenhareng Aboriginal Corporation.

15. NT Portion 1480 comprising an area of 6 square kilometres 61 hectares 8,000 square metres located within NT Portion 3375 and held for an estate in fee simple by Tara Community Inc as an Aboriginal Community Living Area.

16. NT Portion 1628 comprising an area of 2 square kilometres 66 hectares 9,000 square metres located within NT Portion 655 and held for an estate in fee simple by Wilora Community Inc as an Aboriginal Community Living Area.

17. NT Portion 1805 comprising an area of 3,720 square metres located within NT Portion 655 and held for an estate in fee simple by the Australian Telecommunications Commission.

18. NT Portion 1806 comprising an area of 3,710 square metres located within NT Portion 4337 and held for an estate in fee simple by the Australian Telecommunications Commission.

19. NT Portion 1808 comprising an area of 3,730 square metres located within NT Portion 3375 and held for an estate in fee simple by the Australian Telecommunications Commission.

20. NT Portion 3603 comprising an area of 8,500 square metres located within NT Portion 4339 and held for an estate in fee simple by the Conservation Land Corporation.

21. NT Portion 3604 comprising an area of 4 hectares 4,000 square metres located within NT Portion 4339 and held for an estate in fee simple by the Thangkenhareng Aboriginal Corporation.

22. NT Portion 3822 comprising an area of 14 square kilometres 58 hectares located within NT Portion 655 and held for an estate in fee simple by the Ankweleyelengkwe Aboriginal Land Trust.

23. NT Portion 3831 comprising an area of 22 square kilometres 32 hectares located within NT Portion 655 and held

for an estate in fee simple by the Ankweleyelengkwe Aboriginal Land Trust.  
24. NT Portion 4339 comprising an area of 11 square kilometres 66 hectares located within NT Portion 3375 and held for an estate in fee simple by the Thangkenhareng Aboriginal Land Trust.  
25. NT Portion 4411 comprising an area of 2,500 square metres located within NT Portion 3375 and held for an estate in fee simple by the Power and Water Authority.  
26. Stuart Highway road corridor.  
27. Roads constructed by or on behalf of the Territory as public roads, being the following strips of land 100 metres in width:  
(a) Stuart Highway to Neutral Junction Homestead;  
(b) boundary of Neutral Junction Station (NT Portion 3375) to the western boundary of Stirling Station (NT Portion 1092).  
28. 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.

#### Reference Datum and Data Sources

The above mentioned geographic coordinates are in decimal degrees, GDA 94 datum.  
The parcel boundaries referred to above were sourced from the Northern Territory Government's Department of Planning and Infrastructure, in shapefile format, via the Integrated Land Information System, on 20 April 2011.

**Attachments:**

1. Map of area covered by the application (as amended 19 September 2013)  
Attachment A to the amended application, 1 page - A3, 25/09/2013
2. Native Title Claim Group, Schedule A of the amended application, 8 pages - A4, 13/09/2013

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