

1. The native title claim group comprises the members of the Alhankerr, Atwel/Alkwepetye, Ilkewarn, Kwaty, Mpweringke, Ntyerlkem/Urapentye and Tywerl 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 with the area described in Schedule B (“the application area”) and are traditionally connected to the area through:
 - (i) descent from ancestors (including adoption) connected with the application area as described in paragraph 7(a) below; or
 - (ii) non-descent based connections as described in paragraphs 7(b), 9 and 10 below;
succession
 - (b) hold the common or group rights and interests comprising the native title in the application area.
2. The application area is located in Central Anmatyerr, Eastern Anmatyerr and Northern Arrernte 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 three 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 term “estate” is used to describe the land and waters associated with a landholding group. The landholding groups are named after their respective estate areas and are affiliated to the following parts of the application area:
 - (a) Alhankerr – eastern;
 - (b) Atwel/Alkwepetye – south-eastern;
 - (c) Ilkewarn – north-eastern;
 - (d) Kwaty – central;
 - (e) Mpweringke – central;
 - (f) Ntyerlkem/Urapentye – south-western;
 - (g) Tywerl – north-western.
4. The landholding groups are associated, in the northern part, with the Eastern and Central Anmatyerr languages, and in the southern part, with the Northern Arrernte language. They are all members of the Arandic group of languages. 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.
5. The persons authorised to make the application are members of the following landholding groups:
Tony Scrutton Ngwarray – Atwel and Kwaty;

Dorothy Ross Mpetyan – Tywerl;
Gerard Rice Ngal – Mpweringke;
Paddy Bird Ngal – Ilkewarn;
Edmund Rubuntja Penangk – Ntyerlkem/Urapentye.

6. Members of the following landholding groups have been recognised as the traditional Aboriginal owners of neighbouring land under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) and as native title holders under the *Native Title Act 1993* (Cth):

Atwel/Alkwepetye ('Atwel')

Alcoota Land Claim

Alcoota Land Claim No. 146. Report and recommendation of the former Aboriginal Land Commissioner, Justice Gray, to the Minister for Families, Community Services and Indigenous Affairs and to the Administrator of the Northern Territory. Commonwealth of Australia 2007 (pp 53-82, 138-140).

Members of the Atwel landholding group are part of the native title claim group in the Bushy Park (NTD38/2012) native title claim.

Ilkewarn ('Ilkawerne'/'Ilkewarn')

Ti-Tree Station Land Claim

Ti-Tree Station Land Claim, Report No. 24. Report by the Aboriginal Land Commissioner, Mr Justice Maurice, to the Minister for Aboriginal Affairs and to the Administrator of the Northern Territory. Australian Government Publishing Service: Canberra 1985 (esp. pp 12, 37-38).

Alcoota Land Claim

Alcoota Land Claim No. 146. Report and recommendation of the former Aboriginal Land Commissioner, Justice Gray, to the Minister for Families, Community Services and Indigenous Affairs and to the Administrator of the Northern Territory. Commonwealth of Australia 2007 (pp 83-106, 140-141).

Pine Hill Station Native Title Determination (NTD6004/1999). See *Ampetyane v Northern Territory of Australia* [2009] FCA 834.

Members of the Ilkewarn landholding group are part of the native title claim group in the Bushy Park (NTD38/2012) native title claim.

Ntyerlkem/Urapentye

Napperby Native Title Determination (NTD04/2011). See *Lynch on behalf of the members of the Alherramp/Rrweltyapet, Ilwerr, Mamp/Arrwek, Tywerl, Arrangkey, Anentyerr/Anenkerr and Ntyerlkem/Urapentye Estate Groups v Northern Territory of Australia* [2013] FCA 636.

Tywerl

Napperby Native Title Determination (NTD04/2011). See *Lynch on behalf of the members of the Alherramp/Rrweltyapet, Ilwerr, Mamp/Arrwek, Tywerl, Arrangkey, Anentyerr/*

Anenkerr and Ntyerlkem/Urapentye Estate Groups v Northern Territory of Australia [2013] FCA 636.

Pine Hill Station Native Title Determination (NTD6004/1999). See *Ampetyane v Northern Territory of Australia* [2009] FCA 834.

Membership of the native title claim group

7. In accordance with the claimants' system of traditional laws and customs in relation to membership of a landholding group and the possession of rights and interests in land the native title claim group comprises all those persons who are:

- (a) descendants (by birth or adoption) of one or more of the following named and unnamed ancestors of the landholding groups ("the ancestors"):

ALHANKERR (Kemarr/Pwerl)

Descendants of Jack Woods Kemarr.

Nellie Woods Pwerl

Peggy Martin Pengart (MF), siblings (dcd) and children.

Kitty/Katie Woods Pwerl

No living descendants.

Jack Woods Pwerl

Nancy Woods Kemarr, Agnes Woods Kemarr, Eva Woods Kemarr and Kenny Woods Kemarr (FF), siblings (dcd) and children.

ATWEL/ALKWEPETYE (Pengart/Penangk)

Atwel sub-group

Descendants of three siblings Charlie Wontinerake Penangk, Larry Penangk and Mary-Anne Penangk.

Charlie Wontinerake Penangk

Irrknginrrek Pengart (dcd) – Roy Kunoth Pengart (MM), Mavis McCleod (Bird) Peltharr (MM), Clemment Kemarr (FM) and siblings.

Topsy Utem-Utem Pengart (dcd) – Shirley Dixon Kemarr (FM), Donny Dixon Kemarr (FM) and siblings.

Mick Werlaty Pengart (dcd) – Willy Tilmouth Pengart (FF), Joy Turner Pwerl (MF), Kenny Tilmouth Penangk (F), Julie Purvis Mpetyan (MF), Donny Dixon Kemarr (MF), Elsie Penangk (F), Franky Tilmouth Penangk (F), Arthur Penangk (F), all with siblings and/or children.

Long Tom Pengart (dcd) – Nancy Tilmouth Pengart (FF), Elizabeth Penangk (F), Desmond Pengart (FF), George Tilmouth Penangk (F), Margaret Timouth Penangk (F), Eric Penangk (F), all with siblings and/or children.

Larry Penangk

Riley Pengart (dcd) – no known living descendants.

Dick Pengart (dcd) – Natalie Purvis Penangk (F) and children.

Daphne Hele Pengart [adopted] (dcd) – Margaret Pederson Ngal (M) and children.

Donald Mack Pengart [adopted] (dcd) – Richard Mack Penangk (F) and children.

Mary-Anne Penangk

Ned Kemarr (dcd) – Joy Pwerl (F) and children; Arthur Pwerl (dcd) (F) no known descendants.

Alkwepetye sub-group

Descendants of Waltyarintye.

Leni Pengart

Josie Braun (Kani) Pengart (FM), siblings and children; Elizabeth MacDonald Peltharr (MM), no known descendants.

Jimmy Lynch Pengart

Beverly Lynch Penangk (FF), Josephine Palmer Kemarr (MF), Benny Lynch Penangk (F), all with siblings and children.

Willy Lynch Pengart

Darryl Lynch Pengart (FF), Jennifer Lynch Penangk (F), Robert Penangke (F), all with siblings and/or children.

Tom Buzzacott Pengart

Nanette Buzzacott Pengart (FF); Shane Buzzacott Pengart (FF); Marilyn Dixon Penangk (FF) all with siblings and children.

ILKEWARN (Ngal/Mpetyan)

Descendants of Angwenkwenteney Ngal.

Jack Apetyapety Mpetyan

Unnamed Ngal male (dcd) – Kenny Tilmouth Penangk (MF), siblings and children.

Unnamed Ngal male (dcd) – Ray Nelson Penangk (MF), siblings and children.

Unnamed Ngal male (dcd) – Nancy Woods Penangk (MM), siblings and children.

Unnamed Ngal male (dcd) – Margaret Scobie Penangk (FM), siblings and children.

Rosie Kuraltya Ngal (dcd) – Ken Tilmouth Penangk (FM), siblings and children.

Larry Unengalety Ngal (dcd) – Eric Penangk (MF), siblings and children.

George Ingkarlek Ngal (dcd) – Rosemary Price Mpetyan (F), siblings and children.

Tom Pwelepilperr Ngal (dcd) – Dorothy Mpetyan (F), Michael Price Ngal (FF), siblings and children.

Harry Arrakwerrakwerr Mpetyan

Frank Arrakwerrakwerr Ngal (dcd) – Lindsay Bird Mpetyan (F), siblings and children.

Nancy Arlparr Ngal (dcd) – no known descendants.

Minnie Ngal – no known descendants.

Urrperl Ngal (dcd) – Mavis McCleod (Bird) Peltharr (FM), Shirley Williams Kngwarray (FM), siblings and children.

Lame Tom Ltarerlkek Ngal (dcd) – Harold Payne Mpetyan (F), siblings and children.

Peter Purvis Kwelakwel Ngal (dcd) – Julie Purvis Mpetyan (F), siblings and children.

Jim Iwert Ngal (dcd) – no known descendants.

Rosie Urit Ngal (dcd) – Evelyn Purvis Peltharr (MF), sibling (dcd) and children.

Rosie Ngal (dcd) – no known descendants.

KWATY

There are no living descendants in the patriline of the Kwaty landholding group. See below for non-descent based members of the landholding group recruited in accordance with traditional succession processes.

Charlie Quartpot Ngwarray

Awengker – no living descendants.

Pralarinya Ngwarray

Archie Glen Ngal (FM), Charle Glen Ngal (FM) and Huckitta Lynch Penangk (MM).

MPWERINGKE (Ampetyane/Angale)

Descendants of Short Bob Ampetyane.

Jessie Rice Angale

Maria Gorey (MM), siblings and children.

Jemima Angale

No known descendants.

Elsie Angale

Duncan Peltharre (MF); Magdeline Lynch (FM), Pamela Lynch (FM), siblings and children.

Rita Ferber Angale

Daisy Carmel Peltharre (MF).

Helen Angale

John Francis Palmer (FM), Stanisalaus (aka Shorty) Mulladad (MM), siblings and children.

Willy Rice Angale

Gerard Rice Angale (FF), Matthew Ferber Kngwarraye/Penangke (MF), Mary Lucy Ferber-Tomlins (MF), Cecily Rice/Marshall Penangke (MF), Narelle Rice/Turner Kngwarrey/Penangke (MF), siblings and children.

Freddy Rice Angale

No known descendants.

Emily McDonald Angale

No known descendants.

Walter Rice Angale

No known descendants.

NTYERLKEM/URAPENTYE (Penangke/Pengarte)

Descendants of Alkea

Altetherre Pengarte

Mervyn Rubuntja Penangke (FF), Helen Rubuntja Penangke (FF), Theresa Webb/Cullens Angale (MF), Margaret Stirling Angale, siblings and children.

Kerretekerenye (Karakarinya) Pengarte

Edmund Rubuntja Penangke (FF), Doris Penangke (FF), siblings and children.

Mpetyinye Pengarte

Rosemary Rubuntja Penangke (FF), Malcolm Pengarte (F) siblings and children.

TYWERL (Mpetyan/Ngal)

Descendants of unnamed Mpetyan male.

Tywenp-arwengeny Ngal

Mary Cool Ngal (FF), Harry Scrutton Ngal (FF), Huckitta Lynch Penangk (MF), Archie Glen Ngal (FF), Charlie Glen Ngal (FF), siblings and children.

Tyartepwet-arrwengeny (Kwaty Jim) Ngal

Dorothy Mpetyan (F), Matthew Brown Ngal (FF), Patrick Singleton Ngal (FF), Maudie Nelson Penangk (MF), Valerie Nelson Penangk (MF), siblings and children.

Tywel-arrwengeny (20 Mile Jake) Ngal

Abbott George Penangk (MF), Kathleen McCormack Ngal (FF), siblings and children.

Pwertewek Ngal

Elizabeth Pwerrerl (MF).

- (b) accepted as members of one (or more) of the landholding groups by senior descent based members of the native title claim group on the basis of their non-descent connections to the estate.
- (c) incorporated into a landholding group on the basis of their non-descent based connections to the estate and in accordance with traditional succession processes:

KWATY

Bestowal of knowledge and responsibility

Charlie Quartpot Ngwarray was the last known *apmerek-artwey* for the Kwaty estate. He passed on knowledge of the estate to Tommy Pengart and George Yerramp. They assumed responsibility for the estate and became non-descent based *apmerek artwey*. Tommy

Pengart taught his son Eric Penangk the Kwaty traditions. Through his father and on the basis of his knowledge, ceremonial participation in Kwaty traditions and long-term connection with the estate, including residence, Eric is now accepted as a senior non-descent based *apmerek-artwey* for the estate. George Yerramp had no descendants.

Recognition of interests based on descent connections other than through one of the four grandparents

Descendants of Pralarinya Ngwarray

Paul Glenn Peltharr, Andrew Glen Peltharr, Casey Glenn Peltharr and Richard Glenn Peltharr, Nola Glenn Peltharr and Matilda Glenn Peltharr (MFM); Gregwyn Glenn Mpetyan, Jackson Glenn Mpetyan, Timothy Glenn Mpetyan and James Glenn Mpetyan, Edwina Glenn Mpetyan (adopted) and Lizzie Glenn Mpetyan (adopted) (FFM).

Acquisition of interests and entitlements in atywerreng – Irrety men's sacred object

Paul Glenn Peltharr, Andrew Glenn Peltharr, Casey Glenn Peltharr and Richard Glenn Peltharr (*apmerek-artwey*); Gregwyn Glenn Mpetyan, Jackson Glenn Mpetyan, Timothy Glenn Mpetyan and James Glenn Mpetyan (*kwertengerl*).

Birthplace affiliation

Andrew Glenn Peltharr; Eric Penangk's daughters, Doris and Josie Pengart; June Ross Pengart, Phyllis Ngal and Judith Ngal; Ronnie Ross Pengart.

Knowledge of sites and Dreamings and other non-descent connections

Andrew Glenn Peltharr, Paul Glenn Peltharr, Tony Scrutton Ngwarray/Ngal, Roy Campbell Penangk and Ronnie Ross Pengart.

8. The ancestors identified in paragraph 7(a) are the uppermost generation of the known ancestors of members of the native title claim group.
9. Under the claimants' system of traditional laws and customs a person who is not descended from the ancestors becomes a member of a landholding group when accepted by senior descent based members of the group. The non-descent connections considered relevant in the recruitment of a particular individual are:
 - (a) spiritual identification with and responsibility for an estate;
 - (b) conception and/or birthplace affiliation with an estate;
 - (c) long-term residential and/or historical connection to an estate;
 - (d) shared section/subsection and/or moiety affiliation;
 - (e) more distant ancestral connections to an estate, for example, mother's father's mother;
 - (f) possession of secular knowledge and traditional spiritual knowledge, authority and responsibility for an estate or surrounding country, in particular, knowledge of sites and their mythology;
 - (g) authority and responsibility for shared Dreaming tracks and/or places of significance connected with an estate;

- (h) seniority in traditional matters concerning the landholding group and/or the estate;
- (i) ceremonial knowledge acquired through participation in ceremony.

For example, Eric Penangk and Ronnie Ross Pengart are accepted as non-descent based *kwertengerl* for Mpweringke landholding group on the basis of their knowledge of *Arntetherreke* (Carpet Snake) Dreaming. Eric Penangk is a non-descent based *kwertengerl* for Anhalkerr landholding group by virtue of his long-term historical connection with Anhalkerr country and knowledge of its sites and Dreamings.

10. Succession rules form part of the claimants' system of traditional laws and customs and are directed to ensuring the maintenance of both knowledge and connections to land, and its spiritual properties. The land and identity of the original group is safeguarded and re-established in accordance with traditional laws and customs, a process which commonly includes transmission of interests, entitlements and cultural knowledge to descendants of the succeeding group. The following elements usually form the basis for succession:
 - (a) increased role for existing *kwertengerl* when there are no or reduced numbers of *apmerek-artwey*;
 - (b) activation of interests and entitlements based on descent connections other than through one of the four grandparents, that is, through a great grandparent;
 - (c) shared Dreaming track or other spiritual affiliations;
 - (d) acquisition of interests and entitlements in *atywerreng* (such as through spiritual conception);
 - (e) other personal history factors such as ceremonial bestowal, initiation, adoption, intermarriage, conception/birth place affiliation;
 - (f) shared section/subsection and moiety affiliation.

Traditional succession processes have been documented in relation to land in the region of the application area (see Elliott, C. 2004. *Pine Hill Native Title Application: Consent Determination Report*. pp 58–60) and these processes have informed recruitment of the members of the Kwaty landholding group whose descent based membership is limited to Archie Glenn Angal, Charlie Glenn Ngai (FM) and Huckitta Lynch Penangk (MM) who act as *kwertengerl* for the estate.

11. Under the claimants' system of traditional laws and customs descent is the most important basis for the possession of rights and interests in land. Subject to individual circumstances members of the landholding groups who are descended from one of the ancestors possess and transmit a wide range of traditional rights and interests in their respective estates.
12. Under the claimants' system of traditional laws and customs rights and interests in land are inherited through all four grandparental lines. However, the members of a landholding group with descent connections through father's father and mother's father are generally able to activate the widest range of rights and interests in relation to the estate.

13. Under the claimants' system of traditional laws and customs the range of rights and interests in land possessed by members of a landholding group who are not descended from the ancestors depends on individual circumstances, including the nature and extent of their non-descent connections to the estate. Although such rights and interests are usually limited to the individual there are instances of transmission to succeeding generations, for example, Eric Penangk in relation to Kwaty.
14. A number of members of the native title claim group are members of more than one landholding group, for example, due to different grandparental links to multiple estates, and/or a mix of descent and non-descent based affiliations.