



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: NTD8/2014
NNTT number: DC2014/002

Application Name: Tony Scrutton Ngwarray & Ors OBO the Alhankerr, Atwel/Alkwepeyte, Ilkewarn, Kwaty, Mpweringke, Ntyerlkem/Urapentye and Tywerl landholding groups (Aileron Pastoral Lease)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 21/03/2014

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: 26/06/2014

Registration decision status: Accepted for registration

Registration history: Registered from 26/06/2014 to 18/04/2017,

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

Applicants: Tony Scrutton Ngwarray, Dorothy Ross Mpetyan, Gerard Rice Ngal, Paddy Bird Ngal, Edmund Rubuntja Penangk

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Additional Information

Not applicable

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 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 except water captured by the holder of a pastoral lease;
- (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 speak for country and 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.

- 1. All the rights and interests listed in paragraph 1 existed and continue to exist in relation to the application area as a whole.
- 2. 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.
- 3. 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.
- 4. 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.
1. 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: South of Tennant Creek
Primary RATSIB Area: Southern Northern Territory
Approximate size: 4002.1212 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):

1. That part of NT Portion 703 comprising an area of 3,997 square kilometres 25 hectares 5,828 square metres held under Perpetual Pastoral Lease 1097 by Waite River Holdings Pty Ltd as trustee for the Garry Dann Trust C/- RJ Evans and Co, 116 Greenhill Road, Unley, S.A. 5061 that is not included in Aileron native title application, NTD20/2007.

From the point of commencement at latitude -22.565807 at the north-west corner of Northern Territory Portion (NTP) 703 (Aileron Pastoral Lease) due east along the northern boundary of the aforementioned parcel to 133.111917, -22.565953, then easterly to 133.181251, -22.566753; south to 133.180456, -22.627249, then easterly to 133.297177, -22.628531 and then north to the aforementioned northern boundary of the parcel at latitude -22.566162; east to the western boundary of NTP 6152 (Government Set Aside land), then south to the south-west corner of that parcel and then due east to the intersection with the north-west corner of NTP 687 (Bushy Park Pastoral Lease); south to the intersection with the western boundary of NTP 5014 (Alice Springs to Darwin Railway) and from the eastern boundary of that parcel continuing south to the south-east corner of NTP 703 then west to the intersection with the eastern boundary of NTP 5014 and from the western boundary of that parcel continuing west to the intersection with the Stuart Highway road corridor and from its western boundary continuing west to the intersection with the south-east corner of NTP 747 (Napperby Pastoral Lease); north along the eastern boundary of NTP 747 and NTP 748 to the point of commencement at latitude -22.565807.

2. NT Portion 1281 comprising an area of 84 hectares 9,586 square metres being Reserve 1346 (Anna's Reservoir Conservation Reserve).

3. NT Portion 1282 comprising an area of 2 hectares 3,927 hectares being Reserve 1343 (Ryan Well Historical Reserve).

4. NT Portion 5014 comprising an area of 3 square kilometres 64 hectares held under Crown Lease Term 1877 by the AustraAsia Railway Corporation.

5. The area covered by the application and its boundaries are shown on the map referred to in Schedule C.

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

6. NT Portion 378 comprising an area of 8,090 square metres held for an estate in fee simple by Benregal Pty Ltd.

7. NT Portion 379 comprising an area of 41 hectares 4,271 square metres being Reserve 1223 (Aileron Racecourse).

8. NT Portion 1812 comprising an area of 4,090 square metres held for an estate in fee simple by the Australian Telecommunications Commission.

9. NT Portion 3697 comprising an area of 7 square kilometres 83 hectares 9,000 square metres held for an estate in fee simple by the Alyuem Aboriginal Corporation.

10. NT Portion 4356 comprising an area of 30 hectares 3,500 square metres held for an estate in fee simple by Benregal Pty Ltd.

11. NT Portion 6664 comprising an area of 10 hectares 9,900 square metres held for an estate in fee simple by the Arrelte Twatye Park Land Trust.

12. A road 200 metres wide which traverses NT Portion 703 from the boundary with Yambah Station (NT Portion 641) north to the boundary with Pine Hill Station (NT Portion 725).

13. A road 100 metres wide which traverses NT Portion 703 from the Stuart Highway to the boundary with Napperby Station (NT Portion 747).

14. A road 150 metres wide (Plenty Highway) which traverses NT Portion 703 from the boundary with Yambah

Station (NT Portion 641) north and east to the boundary with Bushy Park Station (NT Portion 687).
15.A road 100 metres wide (Sandover Highway) which traverses NT Portion 703 from the Plenty Highway north to the boundary with Bushy Park Station (NT Portion 687).

16.A road 100 metres wide from Aileron Homestead to the Stuart Highway.

17.A road 20 metres wide from the Stuart Highway to NT Portion 1812.

18.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 Claim Area, attachment A of the application, 1 page - A4, 21/03/2014
 2. Schedule A Native Title Claim Group, 9 pages - A4, 21/03/2014

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