

SCHEDULE A NATIVE TITLE CLAIM GROUP

1. The native title claim group comprises the members of the Akerte, Atwele, Irrerlerre, Ulpmerre and Warrtharre landholding groups (“the landholding group”). 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) 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 Eastern Arrernte territory. 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 five 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 - which are commonly named after a prominent site or place in the estate concerned. The five landholding groups are named after their respective estate areas and affiliated to the following parts of the application area:

(a) Akerte – south-eastern

(b) Atwele - west

(c) Irrerlerre - central, north-eastern

(d) Ulpmerre – south-central, south-west

(e) Warrtharre - central, north, eastern

The estates extend beyond the boundaries of the application area.

4. The estate groups are associated with the Eastern Arrernte language. 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. Members of the native title claim group have been recognised as traditional Aboriginal owners of other land under the Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) (“the ALRA”) and as native title holders under the Native Title Act 1993 (Cth):

Atwele (also Atwel and Alkwepetye)

Alcoota Land Claim No. 48. Report and recommendations 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.

Tilmouth v Northern Territory of Australia [2014] FCA 422 (Bushy Park).

Irrerlerre (also Irrerlirr, Irrelhirre and Irrerlerr)

Harts Range Land Claim, Report No. 44. Findings, Recommendation and Report of the Aboriginal Land Commissioner, Mr Justice Olney, to the Minister For Aboriginal ns Torres Strait Islander Affairs and to the Administrator of the Northern Territory. Commonwealth of Australia 1992. Pp 13-14, 18-19.

Apetyarr v Northern Territory of Australia [2014] FCA 1088.

Ulpmerre (also Arrewenthenge, Ulpmerr and Descent Group A)

Harts Range Land Claim, Report No. 44. Findings, Recommendation and Report of the Aboriginal Land Commissioner, Mr Justice Olney, to the Minister For Aboriginal ns Torres Strait Islander Affairs and to the Administrator of the Northern Territory. Commonwealth of Australia 1992. Pp 13-14, 17-18.

Alcoota Land Claim No. 48. Report and recommendations 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 121-130.

Loves Creek Land Claim No 143. Added to Schedule 1 of the Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) without an inquiry.

Warrtharre

Members of the Warrtharre landholding group were found to be traditional owners of Ankweteng country in the Alcoota Land Claim through mother’s father, father’s mother or mother’s mother connections: Alcoota Land Claim No. 48. Report and recommendations. Pp 29-31.

6. The persons authorised to make the application are members of the following landholding groups:

Kevin Bloomfield: Warrtharre

Ken Tilmouth: Atwele
Dudley Petrick: Irrerlerre
Patricia Webb: Ulpmerre
Alec Cavanagh: Ulpmerre
Julianne Reiff: Akerte

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"):

AKERTE (Perrurle/Kemarre)

Descendants of Jimmy Sambo Neal Arlantye Perrurle.

Jimmy Sambo Neal Arlantye Perrurle

Jack Cavanagh Kemarre - no known descendants.

Rose Kemarre (dcd) - no known descendants.

Jack Neal Kemarre (dcd) - Jennifer Neal Perrurle [FF] and siblings and descendants.

Tommy Neal Kemarre (dcd) - Edward Neal Perrurle [FF] and siblings and descendants.

Flash Harry Neal Kemarre (dcd) - Bertie Neal [FF] and siblings (all dcd) and descendants.

Dick Neal Kemarre (dcd) - Christopher Neal Perrurle [FF] and siblings and descendants.

George Neal Kemarre (dcd) – no known descendants.

Lily Pound Kemarre (dcd) - Julianne Reiff Penangke, Emily Benn Penangke, Mark Webb Penangke, Ronnie Webb Penangke, Eileen Bird Penangke, Bruce Webb Penangke and Raymond Webb Penangke [MF] and siblings and descendants.

Rosie Neal Johnson Kemarre (dcd) - Maureen Neal Perrurle [MF] and siblings (all dcd) and descendants.

Alec Neal Kemarre (dcd) - Josie Neal Perrurle [FF] and siblings and descendants.

Dominic Neal Kemarre (dcd) - Ricky Neal Perrurle [FF] and siblings and descendants.

Margaret Mary Turner Kemarre - Amelia Turner Perrurle [MF] and siblings and descendants.

Bernard (Bennett) Neal Kemarre (dcd) - Devon Neal Perrurle (dcd) [FF].

Kitty Kemarre (dcd) - no known descendants.

Betty Campbell Kemarre – Don (Jnr) Campbell Perrurle and siblings and descendants.

ATWELE (Penangke/Peltharre)

Descendants of three siblings Charlie Wontinerake Penangke, Larry Penangke and Maryanne Utnetampeke Penangke.

Charlie Wontinerake Penangke

Irrknginrek Pengart (dcd) - Rosalie Monks Kunoth Pengarte [MM], Tommy McCleod Pelktharre [MM],

Clemment Kemarre [FM] and siblings and descendants.

Arlpaketyampwer Pengarte (dcd) no known living descendants.

Topsy Utem-Utem Pengarte (dcd) Thelma Dixon Kemarre [FM], Donny Dixon Kemarre [FM] and siblings and descendants.

Mick Werlatye Pengarte (dcd) – Willy Tilmouth Pengarte [FF], Joy Turner Pwerle [MF], Ken Tilmouth Penangke [F], Lorna Penangke [F], Julie Purvis Ampetyane [MF], Donny Dixon Kemarre [MF], Elsie Penangke [F], Franky Penangke [F] Arthur Penangke [F] and siblings and descendants.

Long Tom Pengarte (dcd) – Nancy Tilmouth Pengarte [FF], Elizabeth Penangke [F], Desmond Tilmouth Pengarte [FF], George Tilmouth Penangke [F], Margaret Tilmouth Penangke [F], Eric Penangke [F], Alan Penangke [F] and siblings and descendants.

Larry Penangke

Riley Pengart (dcd) – no known living descendants.

Dick Purvis Pengarte (dcd) - Natalie Purvis Penangk [FF] and descendants.

Daphne Hele Pengarte (adopted/dcd) – Margaret Pederson Ngale [MF].

Donald Mack Penangke (adopted/dcd) – Richard Mack Penangke [FF] and descendants.

Mary-Anne Penangke

Ned Kemarre (dcd) - Joy Pwerle [FM] and descendants; Arthur Pwerle (dcd) [FM] no known descendants.

IRRERLERRE (Peltharre/Penangke)

Descendants of four classificatory siblings unnamed Peltharre male, Ateylilperre Peltharre, unnamed Peltharre male and an unnamed Peltharre female.

Unnamed Peltharre male

Ned Kngwarraye (dcd) - Atenung Peltharre (dcd) (Lame Tom Ltarerlkek [MFF] and siblings), Long Paddy Petrick Peltharre (dcd) (Dudley Petrick Kngwarraye [FFF] and siblings; Barbara Kngwarraye [FFF] and siblings) and Clara Petrick Peltharre (Alice Kemarre [MFF] and siblings) and their descendants.

Jim Kwetaty Kngwarraye (dcd) - Yettie Ross Peltharre (dcd) (Tommy Ross Ake-marr [MFF] and siblings, Margaret Peltharre (Gerald Perrurle [MFF] and siblings) and Hilary Peltharre (dcd) and their descendants. Murdering Joe Kngwarraye (dcd) - no known descendants.

Mary Inwely Kngwarraye (dcd) - Betty [MF] and sibling.

Jessie Neal Kngwarraye (dcd) - Betty Campbell [MF], Margaret Mary Turner Kemarre [MF] and siblings and descendants.

Rosie Webb Akemarr Kngwarraye (dcd) - Paul Webb Johnny [MF] and sibling.

Alkngitylerrarliwek Kngwarraye (dcd) - Maisie Rogers Kemarre [FMF] and siblings and descendants.

Ateylilperre Peltharre

George Webb Akwenpweke (dcd) - Ruby Tracker Peltharre (dcd, adopted), Lena Cavanagh Penangke, Julianne Reiff Penangke, Emily Benn Penangke, Mark Webb Penangke, Ronnie Webb Penangke, Eileen Bird Penangke, Bruce Webb Penangke and Raymond Webb Penangke [FF] and siblings and descendants.

Unnamed Peltharre male

Rltwarewerrek Dorrie (dcd) - Ada Nelson, Musceley Tommy [MF] and siblings and descendants.

Unnamed Peltharre female

Left Hand Jack Apwerl (dcd) - Alfie Bailey Akemarr [FM] and siblings and descendants.

ULPMERRE (Kemarre/Perrurle)

Descendants of four Kemarre classificatory brothers Jack Ntyemenye Kemarre, Snake Bill Kemarre and an unnamed Kemarre male.

Jack Ntyemenye Kemarre

Polly Wergelye Perrurle (dcd) - Jennifer Lynch and Robert Lynch [FMF] and siblings and descendants.

Mary Mulladad Penangke (dcd) - Mary Mulladad Palmer Kemarre [MF] and siblings and descendants.

Toby Webb Irreyaltyere Perrurle (dcd) - Patricia Webb Kemarre [FF] and sibling and descendants.

Flash Jim Athene Perrurle (dcd) – no children; adopted Miriam Ferber.

Topsy Antyule Perrurle (dcd) - Herbert (Snr) Laughton Peltharre [MF] and sibling and descendants.

Billy Jenkins Perrurle (dcd) - David 'Jinka' Jenkins Peltharre [FFF] and siblings and descendants.

Snake Bill Kemarre

Kathy Perrurle (dcd) - Hettie Ross Peltharre (dcd) (Elizabeth Ross Perrurle), Margaret Peltharre, Hilary Quentin Peltharre [MF] and descendants.

Toby 'Winik Cavanagh Kemarre (dcd) - Ronji, Mabel Cavanagh, Maria Cavanagh, Lilly Cavanagh, Jack Cavanagh Arlpate Perrurle (Alec Cavanagh Kemarre [FF] and siblings and descendants) (all dcd) [F] and their descendants.

Unnamed Kemarre male

Kitty Kemarre (dcd) - Franky Tilmouth Penangke [MFF] and siblings and descendants.

WARRTHARRE (Peltharre/Penangke)

Descendants of six classificatory siblings Fred Arreyemarnte Peltharre, Johnny Angele Peltharre, Jenny Anyethe Peltharre, Rosie Arlpalerwerke Peltharre, Charlie Bloomfield Tyetyanteye Peltharre and an unnamed Peltharre female.

Fred Arreyemarnte Peltharre

No known descendants.

Johnny Angele Peltharre

Molly Penangke (dcd), Rosie (Kitty) Utapwenteweke Penangke (dcd) (Maisie Rogers Kemarre [MF] and siblings), Marjorie Penangke (adopted), Minnie Madrill Penangke (Banjo Madrill Kemarre [MF] and siblings), Elsie Mills Penangke, unnamed Penangke male (dcd), George Patrick Penangke (dcd) and Kathleen Penangke (dcd) [F] and their descendants.

Jenny Anyethe Peltharre

No known descendants.

Rosie Arlpalerwerke Peltharre

Wakeye Angare Pwerrerle (dcd) - Betty Williams Kemarre [FM] and siblings and descendants.

Wakeye Madrill Pwerrerle (dcd) - Banjo Madrill Kemarre [FM] and siblings and descendants.

Jean Bloomfield Pwerrerle (dcd) - Riley Williams Peltharre [MM] and siblings and descendants.

Emily Williams Pwerrerle (dcd) - Michael Williams Peltharre and Kenny Williams Peltharre [MM] and siblings and descendants.

Elizabeth Butcher Pwerrerle (dcd) - Cecilia Webb Peltharre, Andrenna Webb Peltharre, Jacinta Bush Peltharre and Marjorie Patrick Peltharre [MM] and siblings and descendants.

Charlie Bloomfield Tyetyanteye Peltharre

Herbie Bloomfield Penangke, Kevin Bloomfield Penangke [F] and siblings and descendants.

Unnamed Peltharre female

Arlpimp Ankweley Akemarr (dcd) – no known descendants.

Harry lypwer Akemarr (dcd) - no known descendants.

Unnamed Akemarr female (dcd) - Clairia Kngwarreye [MM] and descendants.

Larry Akemarr (dcd) – no known living descendants.

Jenny Terirrek Akemarr (dcd) - Long Paddy Petrick Peltharre (dcd) [MF] and siblings and descendants.

(b) accepted as members of one (or more) of the landholding groups by the senior descent based members of the groups on the basis of their non-descent connections to the estate.

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 can be recruited and recognised as a member of a landholding group (by the senior descent based members of the group) on the basis of non-descent connections to the estate. The non-descent connections that senior members of a landholding group have regard to when considering 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 residence in an estate;

(d) close kinship ties, including intermarriage;

(e) shared section/subsection and/or moiety affiliation;

(f) a more distant ancestral connection to an estate, for example, mother's father's mother;

(g) possession of secular knowledge of an estate;

(h) possession of traditional religious knowledge, authority and responsibility for an estate;

(i) authority and responsibility for shared Dreaming tracks and/or places of significance connected with an estate;

(j) seniority in traditional matters concerning the claim group and/or the estate.

9. Although the claimants' system of traditional laws and customs includes rules about succession there have been no instances of succession in relation to the application area. Additional information about these rules is contained in Schedule F.

10. 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 group who are descended from one of the ancestors possess and transmit a wide range of traditional rights and interests.

11. Under the claimants' system of traditional laws and customs rights and interests in land are inherited through all four grandparental lines. However, members of the 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.

12. 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. Such rights and interests are usually limited to the individual and are not transmittable.

13. A number of members of the native title claim group are members of more than one estate group, for example, due to different grandparental links to multiple estates.