



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: NTD47/2016
NNTT number: DC2016/004

Application Name: Bruce Breadon & Ors on behalf of the Inteyere, Twenge, Ipmengkere, Murtikutjara, Aniltika and Nthareye landholding groups and Northern Territory of Australia (Henbury Pastoral Lease)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 06/09/2016

Current status: Full Approved Determination - 20/06/2018

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: 09/12/2016

Registration decision status: Accepted for registration

Registration history: Registered from 9/12/2016 to 28/06/2018,

Date claim / part of claim determined: 20/06/2018

Applicants: Bruce Breadon, Baydon Williams, Christobel Swan, Felix Armstrong, Gordon Lucky, Kevin Ungwanaka

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Additional Information

Not applicable

Persons claiming to hold native title:

1. The native title claim group comprises the members of the Inteyere, Twenge, Ipmengkere,

Murtikutjara, Aniltika and Nthareye 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 comprises parts of Pertame (Southern) Arrernte, Western Arrernte and Matuntara Luritja 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 six 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 six landholding groups are named after their respective estate areas and affiliated to the following parts of the application area:

(a) Inteyere - eastern

(b) Twenge - east-central

(c) Ipmengkere - north, west-central

(d) Murtikutjura - south-western

(e) Aniltika - north-western

(f) Nthareye - north-western corner

The estate extend beyond the boundaries of the application area.

4. The estate groups are associated with the Pertame (or Southern Arrernte), Western Arrernte (to a small extent) and Matuntara Luritja 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. 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"):

Palm Valley Land Claim (1999)

Nthareye [Ntarea] estate: *Palm Valley Land Claim, Report No. 48*. Report and recommendations of the Aboriginal Land Commissioner, Justice Gray, to the Minister for Aboriginal and Torres Strait Islander Affairs and to the Administrator of the Northern Territory, pp 118-122.

The Ipmengkere [Irbmangkara] estate was also examined in *Palm Valley Land Claim*, pp 51-68, 132-135, however, the Aboriginal Land Commissioner concluded that the estate did not extend into the claim area.

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

Bruce Breadon – Ipmengkere, Murtikutjara

Baydon Williams – Aniltilka

Christobel Swan - Twenge

Felix Armstrong – Inteyere, Murtikutjara

Gordon Lucky – Inteyere

Kevin Ungwanaka - Ipmengkere

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"):

INTEYERE (Pertame (Southern Arrernte); Ngale/Mpetyane)

Descendants of Ingkinbora and his son Nakinkaka:

Policeman Jack Kwalba

Tim Armstrong (dcd) - Felix Armstrong [FFF], Brian Forrester [MFF], Gordon Lucky [MFF] and Robert Armstrong [FFF] and their siblings and descendants.

Pauline Mauwi (dcd) - Glenys Porter, Barry Abbott [MMF] and their siblings and descendants.

TWENGE (Pertame (Southern Arrernte); Pwerrerle/Kemarre)

Descendants of Iiltjilkana and his son Pannikin Banningka, Pannikin's wife Polly Ngeliljika and their daughter Albertine (Florie) who was conceived at Twenge:

Stanley and Christobel Swan and siblings - their children and descendants.

IPMENGKERE (Pertame (Southern Arrernte); Ngale/Mpetyane)

Descendants of Moses Ungwanaka and Jessie (aka Grace):

William Ungwanaka

John Ungwanaka (dcd) - Elfrieda Ungwanaka [FF] and siblings and their descendants.

Mary Ungwanaka (dcd) - Carlene Ungwanaka [MF] and siblings and descendants.

Paul Ungwanaka (dcd) - Christopher Ungwanaka [FF] and siblings and their descendants.

Nancy Ebarantja (nee Ungwanaka) (dcd) - Crystal Ebarantja [MF] and siblings and their descendants.

Nahasson Ungwanaka (dcd) - Eileen and Arfa Ungwanaka [FF] and siblings and their descendants]

Kingsley Ungwanaka (dcd) - Kevin Ungwanaka [FF] and descendants.

Pauline Ungwanaka (dcd) - Philemon Kumantjara [MF] and siblings and their descendants]

Merle Ungwanaka (dcd) - Sharon and David Namitjira [MF] and siblings and their descendants.

Eileen Ungwanaka

Descendants do not assert interests in Ipmengkere.

Elvida Ungwanaka

Mavis Rutjinama and Grace Robinja [MF] and their siblings (all dcd) and descendants.

Johnson Breadon

Bruce Breadon and Bessie Liddle [FF] and siblings (all dcd) - their children and descendants.

Glenys Porter, Barry Abbott [MF] and siblings and descendants.

Descendants of Ltjabakuka:

Mattheus Kaltirbuka

Elsa, Rudolf, Jutta, Frederick, Susanna and Adolf – no known surviving descendants.

Timotheus (dcd) – Aloysius and Phillipine Gorey [FFF] and their siblings, classificatory siblings and descendants.

Dorothea (dcd) – Rachel McNamara [FMF] and siblings, classificatory siblings and descendants.

Amanda Kantawarra (dcd) – Edna Kantawarra [MF] and siblings and descendants.

Descendants of Kurubila, his son Nameia, and grandson Larry Aremela and Larry's wife Nellie Ulbolbuna:

Molly Tjalameinta

Jean Forrester and Alec Forrester [MM] (dcd) - Robert Armstrong [MMM] and siblings and descendants; Fiona, Grace, Nicola and Craig Forrester [FMM] and descendants.

Descendants of Aratiwuka, his son Ltutjiaka, grandson Kengkuneaka and great grandson Erota:

Daisy

Sarah (aka Tiny) Entata [MMF] and descendants.

Elsie

Felix Armstrong [MF] and siblings and descendants.

Fred Tjantji, Itjata and Brownny

No known descendants.

MURTIKUTJARA (borderlands Pertame (Southern Arrernte)/Matuntara Luritja; Ngale/Mpetyane)

Descendants of Bobby Mulai – Sarah (aka Tiny) Entata [MF] and descendants.

Descendants of Jessie (aka Grace) and her son Johnson Breadon: Bruce Breadon and Bessie Liddle [FM] and siblings (all dcd) - their children and descendants.

NTHAREYE (Western Arrernte; Ngale/Mpetyane)

Descendants of Tatuka, his son, Tankintja and his children, three classificatory siblings – two brothers Erenkeraka and Salamo Eratara and their sister Kulta.

Erenkeraka

Albertina and Paulas Ebalanga (dcd) – no known surviving descendants.

Magdalena Katabukaia (dcd) – Graham Ebatarinja and siblings [FMM] and descendants.

Titus Mamerintja (dcd) – Titus and siblings [FF] and descendants.

Emilie Ljukuta (dcd) – Noreen and siblings [FMM] and descendants; Lenie and siblings [FFM] and descendants.

Salamo Eratara

Ernamba, Mulatjiba, Anna, Miriam and Jonas – no known surviving descendants.

Abel (dcd) – Anita and siblings [FF] and descendants (Conrad Ratara [FFF]).

Anna (dcd) – Isobel [FMF] and classificatory siblings their descendants.

Kulta

Lionel Kantawarra (dcd) – Nola Kantawarra [FMMM] and siblings and descendants.

(b) recognised as members of one (or more) of the landholding group by the senior descent based members of the landholding group on the basis of non-descent connections to the estate:

TWENGE (Pertame (Southern Arrernte); Pwerrerle/Kemarre)

Stanley and Christobel Swan and siblings - mother's and own conception place.

Alice Ngalken - conception place.

Sarah (aka Tiny) Entata - father's conception place.

IPMENGKERE (Pertame (Southern Arrernte); Ngale/Mpetyane)

Kevin Coulthard - father's (Jack Coulthard, senior kwertengerle for Ipmengkere) and own knowledge and responsibility for Dreamings for Ipmengkere (and married to Elfrieda Ungwanaka). His rights in the estate are transmissible to his children.

MURTIKUTJARA (borderlands Pertame (Southern Arrernte)/Matuntara Luritja; Ngale/Mpetyane)

Bruce Breaden and Bessie Liddle and siblings (all dcd) - burial of father, Johnson Breaden, in the estate and local knowledge of the estate.

ANILTIKA (Luritja; Ngale/Mpetyane)

Baydon Williams – conception place of great grandfather and mother.

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 can become a member of a landholding group when recognised and accepted by 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) conception in and/or birthplace affiliation (including of a parent or other close relative) with an estate;

(b) long-term residence in an estate;

(c) possession of secular and traditional spiritual knowledge, authority and responsibility for an estate or surrounding country, in particular, knowledge of sites and their mythology;

- (d) authority and responsibility for shared Dreaming tracks and/or places of significance connected with an estate;
- (e) the burial of an ancestor in an estate.

10. 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.

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

12. 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.

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

14. 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.

Native title rights and interests claimed:

1. The native title rights and interest of the native title holders are the non-exclusive rights possessed under and exercisable in accordance with their traditional laws and customs, 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 lands 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 holders of Perpetual Pastoral Lease 1094;
- (f) The right to light fires for domestic purposes, but not for the clearance of vegetation;
- (g) The right to share or exchange natural resources obtained on or from 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 sites; and
 - (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 person 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 customs 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. The rights and interests listed in paragraph 1 above 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 as a whole.

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 application area as a whole. However, the distribution of rights and interest 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 interest set out in paragraph 1.

Application Area:
State/Territory: Northern Territory
Brief Location: Northern Territory
Primary RATSIB Area: Southern Northern Territory
Approximate size: 5197.5431 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. NT Portion 657 comprising an area of 5,168 square kilometres held under Perpetual Pastoral Lease No 1094 by Henbury Holdings Pty Ltd (ACN 169 887 585) as trustee for the Henbury Unit Trust.

2. NT Portion 551 comprising an area of 4 square kilometres 4 hectares 6,000 square metres which is held for an estate in fee simple by the Conservation Land Corporation.

3. NT Portion 1054 comprising an area of 1 square kilometre 29 hectares 4,994 square metres which is Reserve No. 1247 (Ilamurta Springs Conservation Reserve).

4. NT Portion 3896 comprising an area of 2 hectares 2,500 square metres which is Crown land.

5. NT Portion 5169 comprising an area of 52 square kilometres which is Crown land being parts (3) of the Hugh River Stock Route.

6. The area covered by the application and its boundaries are shown on the map referred to in Schedule C and labelled "Attachment A".

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

7. NT Portion 1226 comprising an area of 5 square kilometres 95 hectares within NT Portion 657 held for an estate in fee simple by the Australian Rail Track Corporation.

8. NT Portion 3812 comprising an area of 20 square kilometres 24 hectares located within NT Portion 657 held for an estate in fee simple by the Rrurtenge Aboriginal Land Trust.

9. NT Portion 3813 comprising an area of 28 square kilometres 86 hectares located within NT Portion 657 held for an estate in fee simple by the Pantyinteme Aboriginal Land Trust.

10. NT Portion 3814 comprising an area of 23 square kilometres 63 hectares located within NT Portion 657 held for an estate in fee simple by the Akanta Aboriginal Land Trust.

11. NT Portion 4392 comprising an area of 2 hectares 76 hectares 3,000 square metres located within NT Portion 657 held for an estate in fee simple by Ilpurla Aboriginal Corporation.

12. A road 200 metres wide (Stuart Highway) from the boundary with Orange Creek Station (NT Portion 652) to the boundary of Palmer Valley Station (NT Portion 1991).

13. A road 100 metres wide (Ernest Giles Road) from the Stuart Highway to the boundary with the Urrampinyi Iltjiltjarri Aboriginal Land Trust (NT Portion 5484).

14. A road 100 metres wide (Tempe Downs Road) from the Ernest Giles Road to the boundary with the Urrampinyi Iltjiltjarri Aboriginal Land Trust (NT Portion 5484).

15. A road 100 metres wide (Tempe Downs Road) from the boundary of Henbury Station (NT Portion 657) to the boundary of the Urrampinyi Iltjiltjarri Aboriginal Land Trust (NT Portion 5484).

16. A road 100 metres wide (Ilamurta Springs Access Road) from the Ernest Giles Road to Ilamurta Springs Conservation Reserve (NT Portion 1054).

17. A road 100 metres wide from the Ilamurta Springs Access Road (Boggy Hole Access Road) to the Finke Gorge National Park (NT Portion 6623).

18. A road 100 metres wide from the Henbury Station Homestead to the Stuart Highway.

19. A road 100 metres wide from the Ernest Giles Road to the Henbury Meteorite Conservation Park (NT Portion 551).

20. Subject to Schedule L, any other 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. Attachment A - Map of area, 1 page - A4, 06/09/2016

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