



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): NTD6001/1996
NNTT Number: DCD1998/001

Determination Name: [Mary Yarmirr and Others and the Northern Territory of Australia and Others](#)

Date(s) of Effect: 4/09/1998

Determination Outcome: Native title exists in the entire determination area

Register Extract (pursuant to s. 193 of the *Native Title Act 1993*)

Determination Date: 04/09/1998

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

REGISTERED NATIVE TITLE BODY CORPORATE:

Top End (Default PBC/CLA) Aboriginal Corporation RNTBC
Agent Body Corporate
GPO Box 1222
DARWIN Northern Territory 0801

Note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations www.oric.gov.au

COMMON LAW HOLDER(S) OF NATIVE TITLE:

2. The native title is held by the Aboriginal peoples who are the *yuwurrumu* members of the Mandilarri-Ildugij, the Mangalara, the Murran, the Gadura-Minaga and the Ngaynjaharr clans (the common law holders).

MATTERS DETERMINED:

THE COURT DETERMINES THAT:

1. Native title exists in relation to the sea and sea-bed within the area more particularly described in the schedule (the claimed area).

2. The native title is held by the Aboriginal peoples who are the *yuwurrumu* members of the Mandilarri-Ildugij, the Mangalara, the Murran, the Gadura-Minaga and the Ngaynjaharr clans (the common law holders).

3. (Name of body corporate) after becoming a registered native title body corporate is to perform the functions mentioned in section 57(3) of the ***Native Title Act*** 1993.

4. The native title rights and interests do not confer possession, occupation, use and enjoyment of the sea and sea-bed within the claimed area to the exclusion of all others.

5. The native title rights and interests that the Court considers to be of importance are the rights and interests of the common law holders, in accordance with and subject to their traditional laws and customs to –

(a) fish, hunt and gather within the claimed area for the purpose of satisfying their personal, domestic or non-commercial communal needs including for the purpose of observing traditional, cultural, ritual and spiritual laws and customs;

(b) have access to the sea and sea-bed within the claimed area for all or any of the following purposes:

i) to exercise all or any of the rights and interests referred to in subparagraph 5(a);

ii) to travel through or within the claimed area;

iii) to visit and protect places within the claimed area which are of cultural or spiritual importance;

iv) to safeguard the cultural and spiritual knowledge of the common law holders.

6. The native title rights and interests of the common law holders in relation to the sea and sea-bed within the claimed area may be affected by rights and interests in relation to the sea and sea-bed within the claimed area validly granted or which exist or which may hereafter exist pursuant to the laws of the Commonwealth of Australia and of the Northern Territory of Australia.

SCHEDULE

a) The boundary of the claimed area, commencing from the easternmost point of de Courcy Head which is located on the mainland to the east of Croker Island and proceeding in a clockwise direction from de Courcy Head, is as follows:

From de Courcy Head the boundary proceeds in a generally westerly direction by following the low water mark (subject to subparagraph (b) below) of the coastline to the point where it intersects with the border of the Cobourg Marine Park. This intersection point is on the sea coast at low water mark distant about 16 kilometres on a true bearing of 245 degrees from Coombe Point, Mountnorris Bay. It is also to the south of Guialung Point.

The boundary then proceeds in a north of east direction for about 5 kilometres by following the border of the Cobourg Marine Park to latitude 11°28'52" South, longitude 132°40'30" East.

The boundary then proceeds in a north of west direction along the Cobourg Marine Park border past Guialung Point and through Bowen Strait to that point on the Cobourg Marine Park border which has latitude 11°03'08.2" South, longitude 132°21'19.1" East. This point is located slightly to the north of west of Palm Bay, Croker Island.

From here the boundary leaves the border of the Cobourg Marine Park and proceeds in a north of east direction to latitude 10°55'54.4" South, longitude 132°34'44.9" East. This point is located to the north of Cape Croker, Croker Island.

The boundary then proceeds in a direction slightly south of east to latitude 10°56'59.7" South, longitude 132°49'49.7" East. This point is located north of Murri Point, Manburra (Oxley) Island.

The boundary then proceeds in a direction slightly north of east to latitude 10°52'38.9" South, longitude 133°04'43.8" East. This point is located north of east of Gurrnal (New Year) Island.

The boundary then proceeds in a direction slightly north of east to latitude 10°52'11.6" South, longitude 133°10'13.2" East.

The boundary then proceeds in a direction south of west back to the point of commencement at the easternmost point of de Courcy Head.

(b) Where the claimed area abuts the coast of an island or of the mainland of Australia:

i) the sea-bed in the claimed area ends at the mean low water mark; and

ii) the sea included in the claimed area are the waters above the sea-bed as defined in (i) above and the waters above the inter-tidal zone adjacent to the sea-bed as defined in (i) above (being an area ending at the mean high water mark).

(c) All geographic co-ordinates are expressed in terms of the Australian Geodetic Datum as proclaimed in the Australian Government Gazette of 6 October 1966.

Note: The National Native Title Register may, in accordance with s. 195 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.