



## Extract from the National Native Title Register

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### Determination Information:

**Determination Reference:** Federal Court Number(s): NTD6014/2000  
NTD6003/2003  
NNTT Number: DCD2016/004

**Determination Name:** [Rumburriya Borrooloola Claim Group v Northern Territory of Australia \(No 2\)](#)

**Date(s) of Effect:** 11/08/2016

**Determination Outcome:** Native title exists in parts of the determination area

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

**Determination Date:** 11/08/2016

**Determining Body:** Federal Court of Australia

#### ADDITIONAL INFORMATION:

The Top End (Default PBC/CLA) Aboriginal Corporation RNTBC was determined as the Prescribed Body Corporate for this determination on 27 October 2016.

#### REGISTERED NATIVE TITLE BODY CORPORATE:

Top End (Default PBC/CLA) Aboriginal Corporation RNTBC  
Agent Body Corporate  
C/- 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](http://www.oric.gov.au)*

#### COMMON LAW HOLDER(S) OF NATIVE TITLE:

5. The native title is held by the persons described in Orders 6 - 9.
  
6. The land and waters of the determination area comprise part of the estate held by the members of the Rumburriya Borrooloola group.
  
7. The Rumburriya Borrooloola group includes persons who are members of the group by reason of:

- (a) patrilineal descent;
- (b) his or her mother, father's mother or mother's mother being or having been a member of the group by reason of patrilineal descent;
- (c) having been adopted or incorporated into the descent relationships referred to in (a) or (b) above.

These persons are collectively referred to as the estate group members.

8. In accordance with traditional laws and customs, other Aboriginal people have rights and interests in respect of the determination area, subject to the rights and interests of the members of the Rrumburriya Borroloola group, such people being:

- (a) the members of the estate groups associated with neighbouring estates;
- (b) the spouses of the members of the Rrumburriya Borroloola group;
- (c) persons who were spiritually conceived on the estate of the Rrumburriya Borroloola group,

but who are not members of that group.

9. Each of the estate groups referred to in Order 8(a) includes persons who are members of the group by reason of:

- (a) patrilineal descent;
- (b) his or her mother, father's mother or mother's mother being or having been a member of the group by reason of patrilineal descent;
- (c) having been adopted or incorporated into the descent relationships referred to in (a) or (b) above.

**MATTERS DETERMINED:  
THE COURT ORDERS THAT:**

1. There be a determination of native title in matters NTD 6014/2000 and 6003/2003 in the terms of the determination set out below.

2. The native title is not to be held on trust.

3. An Aboriginal corporation whose name is to be provided within 12 months, or such further time as the Court may allow, is:

- (a) to be the prescribed body corporate for the purposes of s 57(2) of the *Native Title Act 1993* (Cth) (the Native Title Act);

(b) to perform the functions outlined in s 57(3) of the Act after becoming a registered native title body corporate.

5. The parties have liberty to apply for the following purposes:

(a) to establish the existence of any public work (including any adjacent land or waters), as defined in the Native Title Act, that is said to fall within paragraph 10 of Schedule D to this determination;

(b) to establish the precise location and boundaries of the public works and adjacent land and waters identified in relation to any part or parts of the determination area referred to in Schedule D to this determination;

(c) to establish the precise location of the boundaries of any land subject to the s 24KA notices referred to in paragraphs 17 and 18 of this determination; and

(d) to determine whether, and the extent to which, any acts described under the s 24KA notices referred to in paragraphs 17 and 18 of this determination are wholly or partly inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests described in paragraphs 10, 11 and 12.

## **DETERMINATION OF NATIVE TITLE**

### **THE COURT ORDERS AND DETERMINES THAT:**

#### **Existence of native title (s 225)**

1. The determination area is the land and waters described in Schedule A and depicted on the map comprising Schedule B (the determination area).

2. Native title exists in those parts of the determination area identified in Schedule C being:

(a) the areas of land and waters to which s 47A or s 47B of the Native Title Act applies, and more particularly described in item 1(a) of Schedule C (the exclusive areas);

(b) the remaining areas of land and waters, being the areas more particularly described in item 1(b) of Schedule C (the non-exclusive areas).

3. Native title does not exist in those parts of the determination area identified in Schedule D.

4. In the event of any inconsistency between the description of an area in Schedule A and the depiction of that area on the map in Schedule B, the written description will prevail.

#### **Native title holders (s 225(a))**

5. The native title is held by the persons described in Orders 6 - 9.

6. The land and waters of the determination area comprise part of the estate held by the members of the Rumburriya Borrooloola group.

7. The Rumburriya Borrooloola group includes persons who are members of the group by reason of:

- (a) patrilineal descent;
- (b) his or her mother, father's mother or mother's mother being or having been a member of the group by reason of patrilineal descent;
- (c) having been adopted or incorporated into the descent relationships referred to in (a) or (b) above.

These persons are collectively referred to as the estate group members.

8. In accordance with traditional laws and customs, other Aboriginal people have rights and interests in respect of the determination area, subject to the rights and interests of the members of the Rumburriya Borrooloola group, such people being:

- (a) the members of the estate groups associated with neighbouring estates;
- (b) the spouses of the members of the Rumburriya Borrooloola group;
- (c) persons who were spiritually conceived on the estate of the Rumburriya Borrooloola group,

but who are not members of that group.

9. Each of the estate groups referred to in Order 8(a) includes persons who are members of the group by reason of:

- (a) patrilineal descent;
- (b) his or her mother, father's mother or mother's mother being or having been a member of the group by reason of patrilineal descent;
- (c) having been adopted or incorporated into the descent relationships referred to in (a) or (b) above.

#### **The nature and extent of native title rights and interests (s 225(b), s 225(e))**

10. Subject to Orders 13 and 14, in relation to the exclusive areas the native title rights and interests possessed under traditional laws and customs are the rights of possession, occupation, use and enjoyment as against the whole world.

11. Subject to Orders 13 and 14, in relation to the non-exclusive areas the native title rights and interests of

the members of the Rumburriya Borroloola group are the rights:

- (a) to access, remain on and use the areas;
- (b) to access and to take for any purpose the resources of the areas; and
- (c) to protect places, areas and things of traditional significance on the areas.

12. Subject to Orders 13 and 14, in relation to both the exclusive and the non-exclusive areas the native title rights and interests of the persons referred to in paragraph 8 are the rights:

- (a) to access, remain on and use the areas;
- (b) to access the resources of the areas.

**Qualifications on native title rights and interests (s 225(b), s 225(e))**

13. The native title rights and interests are exercisable in accordance with, and subject to:

- (a) the traditional laws and customs of the native title holders; and
- (b) the laws of the Northern Territory and the Commonwealth, including the common law.

14. Notwithstanding anything in this determination, there are no native title rights and interests in:

- (a) such minerals (as defined in s 2 of the *Minerals (Acquisition) Act* (NT));
- (b) such petroleum (as defined in s 5 of the *Petroleum Act* (NT));
- (c) such prescribed substances (as defined in s 3 of the *Atomic Energy (Control of Materials) Act 1946* (Cth) and/or s 5(1) of the *Atomic Energy Act 1953* (Cth))

in the determination area as are wholly owned by the Crown.

**The nature and extent of any other interests (s 225(c))**

15. The nature and extent of other rights and interests in relation to the determination area are those set out in Schedule E (other interests).

**Relationship between native title rights and other interests (s 225(d))**

16. Except as otherwise provided for by law, the relationship between the native title rights and interests and the other interests is as follows:

- (a) the determination does not affect the validity of those other interests;
- (b) to the extent of any inconsistency between the other interests and the continued existence, enjoyment or exercise of the native title rights and interests, the native title rights and interests continue to exist in their entirety, but they have no effect in relation to the other interests to the extent of the inconsistency during the currency of the other interests; and
- (c) otherwise, the other interests co-exist with the native title rights and interests. To avoid doubt, the doing of an activity required or permitted under those interests prevails over the native title rights and interests and their exercise, but does not extinguish them.

17. The non-extinguishment principle applies to any water supply pipelines, sewerage pipelines and pump stations and electricity transmission lines validly constructed on Lots 797, 798, 800, 803, 804, 806, 807 or 808 Town of Borrooloola by or on behalf of the Power and Water Corporation pursuant to a notice dated 28 April 2010 and provided to the Applicant under s 24KA of the Native Title Act.

18. The non-extinguishment principle applies to any Global Navigation Satellite System base station validly constructed on part of Lot 797 Town of Borrooloola by or on behalf of the Northern Territory pursuant to a notice dated 25 February 2014 and provided to the Applicant under s 24KA of the Native Title Act.

## Definitions

19. In this determination, unless the contrary intention appears:

“land” and “waters” respectively have the same meanings as in the Native Title Act;

“Native Title Act” means the *Native Title Act 1993* (Cth);

“the Commonwealth” means the Commonwealth of Australia;

“the Northern Territory” means the Northern Territory of Australia.

## Schedule A - Written description of the determination area

### [See Order 1]

The determination area comprises all the land and waters within the external boundary of the Town of Borrooloola - Gazette Number NTG35 dated 30/8/1972 as further described below, excluding Lot 828, being the areas shown generally on the map in Schedule B.

The Town of Borrooloola is further described as all that piece or parcel of land near Borrooloola in the Northern Territory of Australia containing an area of 2797 acres more or less: Commencing at the northernmost corner of the Town of Borrooloola as notified in South Australian Government Gazette dated 10 September, 1885; thence by lines bearing 90 degrees 6000 feet; 180 degrees 10850 feet; 226 degrees 4340 feet; 270 degrees 6720 feet; 6 degrees 13960 feet; 90 degrees 2390 feet to the point of commencement.

## Schedule B - Map of the determination area

[See NNTR attachment 1: "Schedule B - Map of the determination area"]

## Schedule C - Areas where native title exists

[See Order 2]

### Item 1(a) - the areas of land and waters in respect of which exclusive native title rights and interests exist

[Areas referred to in Order 2(a)]

The parts of the determination area to which s 47A or s 47B of the Native Title Act applies are the lots in the Town of Borroloola set out in the table below.

In the table "(part)" signifies that native title has been extinguished over part of the lot by a public work or that s 47A or s 47B applies to some, but not all, of the lot. The public works that have extinguished native title are set out in the table at paragraph 8 of Schedule D and include the roads described in paragraph 9 of Schedule D.

In the table "(excluding McArthur River)" signifies that only non-exclusive native title rights and interests exist over that part of the lot comprising the McArthur River below the mean high water mark of the ebb and flow of the tides.

| <b>Description</b> | <b>S 47A or 47B</b> | <b>Description</b> | <b>S 47A or 47B</b> |
|--------------------|---------------------|--------------------|---------------------|
| Lot 1              | 47B                 | Lot 335            | 47B                 |
| Lot 298            | 47B                 | Lot 336            | 47B                 |
| Lot 229            | 47B                 | Lot 337            | 47B                 |
| Lot 300            | 47B                 | Lot 338 (part)     | 47B                 |
| Lot 301            | 47B                 | Lot 340            | 47B                 |
| Lot 302            | 47B                 | Lot 341            | 47B                 |
| Lot 303            | 47B                 | Lot 342            | 47B                 |
| Lot 304            | 47B                 | Lot 400            | 47B                 |
| Lot 306            | 47B                 | Lot 401            | 47B                 |
| Lot 308            | 47B                 | Lot 402            | 47B                 |
| Lot 310 (part)     | 47B                 | Lot 403            | 47B                 |

|                |     |                |     |
|----------------|-----|----------------|-----|
| Lot 312        | 47B | Lot 404        | 47B |
| Lot 314        | 47B | Lot 405        | 47B |
| Lot 315        | 47B | Lot 406        | 47B |
| Lot 316        | 47B | Lot 407        | 47B |
| Lot 317        | 47B | Lot 408        | 47B |
| Lot 318        | 47B | Lot 411        | 47B |
| Lot 319        | 47B | Lot 412        | 47B |
| Lot 320        | 47B | Lot 413        | 47B |
| Lot 322        | 47B | Lot 414        | 47B |
| Lot 323        | 47B | Lot 415        | 47B |
| Lot 324        | 47B | Lot 416        | 47B |
| Lot 326        | 47B | Lot 417        | 47B |
| Lot 327        | 47B | Lot 418        | 47B |
| Lot 328        | 47B | Lot 419        | 47B |
| Lot 331 (part) | 47A | Lot 446        | 47B |
| Lot 333 (part) | 47B | Lot 447        | 47B |
| Lot 448        | 47B | Lot 516 (part) | 47B |
| Lot 449        | 47B | Lot 517        | 47B |
| Lot 450        | 47B | Lot 518 (part) | 47B |
| Lot 451        | 47B | Lot 523 (part) | 47B |
| Lot 452 (part) | 47B | Lot 524 (part) | 47B |
| Lot 453 (part) | 47B | Lot 525 (part) | 47B |
| Lot 454 (part) | 47B | Lot 526 (part) | 47B |
| Lot 456        | 47B | Lot 545        | 47A |
| Lot 457 (part) | 47B | Lot 549        | 47A |
| Lot 458        | 47B | Lot 550        | 47A |
| Lot 459        | 47B | Lot 551        | 47A |
| Lot 460        | 47B | Lot 552        | 47A |
| Lot 461        | 47B | Lot 553        | 47A |
| Lot 462        | 47B | Lot 595 (part) | 47B |
| Lot 465        | 47B | Lot 597 (part) | 47B |
| Lot 466        | 47B | Lot 598 (part) | 47B |
| Lot 467 (part) | 47B | Lot 610        | 47B |
| Lot 468 (part) | 47B | Lot 645 (part) | 47B |



|                |     |   |     |
|----------------|-----|---|-----|
| Lot 469        | 47B | Lot 650 (part)                            | 47B |
| Lot 470 (part) | 47B | Lot 651 (part)                            | 47B |
| Lot 471        | 47B | Lot 652 (part)                            | 47B |
| Lot 472        | 47B | Lot 653                                   | 47B |
| Lot 473        | 47B | Lot 654                                   | 47B |
| Lot 485        | 47B | Lot 655                                   | 47B |
| Lot 486        | 47B | Lot 656                                   | 47B |
| Lot 487        | 47B | Lot 657                                   | 47B |
| Lot 488 (part) | 47B | Lot 658 (part)                            | 47B |
| Lot 489 (part) | 47B | Lot 659 (part)                            | 47B |
| Lot 490 (part) | 47B | Lot 660                                   | 47B |
| Lot 491 (part) | 47B | Lot 661                                   | 47B |
| Lot 492 (part) | 47B | Lot 662 (part)                            | 47B |
| Lot 493 (part) | 47B | Lot 663                                   | 47B |
| Lot 494 (part) | 47B | Lot 664                                   | 47B |
| Lot 495 (part) | 47B | Lot 665                                   | 47B |
| Lot 503        | 47B | Lot 666                                   | 47B |
| Lot 510        | 47B | Lot 667                                   | 47B |
| Lot 511        | 47B | Lot 668                                   | 47B |
| Lot 512        | 47B | Lot 669                                   | 47B |
| Lot 513        | 47B | Lot 670 (part)                            | 47B |
| Lot 514        | 47B | Lot 671                                   | 47B |
| Lot 515 (part) | 47B | Lot 672                                   | 47B |
| Lot 679 (part) | 47B | Lot 790 (part)                            | 47A |
| Lot 683        | 47B | Lot 794 (part)                            | 47B |
| Lot 684        | 47B | Lot 797 (part)                            | 47B |
| Lot 686        | 47B | Lot 798 (part)                            | 47B |
| Lot 691        | 47B | Lot 799 (part)                            | 47B |
| Lot 692        | 47B | Lot 800 (part)                            | 47B |
| Lot 693        | 47B | Lot 801                                   | 47B |
| Lot 694        | 47B | Lot 803 (part) (excluding McArthur River) | 47B |
| Lot 695        | 47B | Lot 804 (part) (excluding McArthur River) | 47B |
| Lot 699        | 47B | Lot 805 (excluding McArthur River)        | 47B |
| Lot 707 (part) | 47B | Lot 806 (part) (excluding McArthur River) | 47B |

|                    |   |     |
|--------------------|---|-----|
| Lot 708 (part) 47B | Lot 807 (part)                            | 47B |
| Lot 709 (part) 47B | Lot 808 (part) (excluding McArthur River) | 47B |
| Lot 710 (part) 47B | Lot 815 (part)                            | 47B |
| Lot 711 47B        |   |     |
| Lot 712 47B        | Lot 825 (part)                            | 47A |
| Lot 713 47B        | Lot 826                                   | 47B |
| Lot 769 (part) 47B | Lot 498                                   | 47B |
| Lot 773 (part) 47A |   |     |
| Lot 786 47B        |   |     |
| Lot 789 (part) 47A |   |     |

**Item 1(b) - the areas of land and waters in respect of which non-exclusive native title rights and interests exist**

**[Areas referred to in Order 2(b)]**

In this item, “(part)” signifies that native title has been extinguished over part of the lot by a public work. The public works that have extinguished native title are set out in the table at paragraph 8 of Schedule D and include the roads described in paragraph 9 of Schedule D.

The parts of the determination area in respect of which non-exclusive native title rights and interests exist are the following lots in the Town of Borroloola:

1. Lot 334 (part);
2. Lot 344 (part);
3. Lot 468 (part only, being that part covered by OL 3279 and not the subject of any public work);
4. Lot 490 (part only, being that part covered by OL 3279 and not the subject of any public work);
5. Lot 491 (part only, being that part covered by OL 3279 and not the subject of any public work);
6. Lot 492 (part only, being that part covered by OL 3279 and not the subject of any public work);
7. Lot 493 (part only, being that part covered by OL 3279 and not the subject of any public work);
8. Lot 494 (part only, being that part covered by OL 3279 and not the subject of any public work);
9. Lot 499 (part);
10. Lot 595 (part only, being that part covered by OL 3261 and not the subject of any public work);
11. Lot 626 (part);
12. Lot 764;
13. Lot 765;

14. Lot 803 (part only, namely (i) that part covered by OL 3384 and not the subject of any public work; (ii) that part comprising Rocky Creek below the mean high water mark of the ebb and flow of the McArthur River (being that part of Rocky Creek from its junction with the McArthur River to a point about 500 metres to the east) and (iii) that part comprising the McArthur River below the mean high water mark of the ebb and flow of the tides;
15. Lot 804, (part only, namely that part comprising the McArthur River below the mean high water mark of the ebb and flow of the tides;
16. Lot 805, (part only, namely that part comprising the McArthur River below the mean high water mark of the ebb and flow of the tides;
17. Lot 806, (part only, namely that part comprising the McArthur River below the mean high water mark of the ebb and flow of the tides;
18. Lot 807 (part only, being that part covered by OL 3279 and not the subject of any public work);
19. Lot 808, (part only, namely that part comprising the McArthur River below the mean high water mark of the ebb and flow of the tides;
20. Lot 809;
21. Lot 820 (part only, being that part covered by OL 3261 and not the subject of any public work);
22. Lot 821.

#### **Schedule D - Areas where native title does not exist**

**[See Order 3]**

Native title rights and interests do not exist in the following areas of land and waters:

1. The whole of each of the following lots in the Town of Borroloola, which have been the subjects of grants of estates in fee simple: 297,305, 307, 309, 311, 313, 321, 325, 329, 339, 343, 345, 347, 349, 350, 353, 355, 357, 359, 360, 361, 363, 367, 368, 369, 370, 371, 373, 374, 375, 376, 377, 378, 385, 392, 393, 396, 397, 398, 531, 534, 562, 555, 565, 568, 588, 640, 676, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 768, 771, 772, 774, 777, 780, 781, 810, 814, 830 and 831.
2. The whole of each of the following lots in the Town of Borroloola, which have been the subjects of grants of estates in fee simple to the Borroloola Community Government Council: 382, 383, 384, 386, 387, 390, 391, 681, and 779.
3. The whole of each of the following lots in the Town of Borroloola, which have been the subjects of grants of Crown Lease Perpetual Leases: 783, 784, 796, 832 and 833.
4. The whole of Lot 812 and Lot 813 in the Town of Borroloola, each of which was the subject of a grant of a Crown Lease Term.
5. The whole of Lot 644 and Lot 770 in the Town of Borroloola, each of which was the subject of a grant of a Crown Lease Perpetual to the Borroloola Community Government Council.

6. The whole of each of the following lots in the Town of Borroloola, which have been the subjects of grants of Leases of Town Lands: 409, 530, 535, 538, 539, 540, 541, 542, 543, 544, 547, 548, 554, 556, 557, 558, 559, 560, 561, 563, 564, 566, 567, 569, 570, 571, 572, 573, 574, 576, 577, 578, 581, 582, 583, 584, 585, 586.

7. The whole of each of the following lots in the Town of Borroloola upon which public works have been constructed: 330, 332, 346, 348, 351, 352, 354, 356, 358, 362, 364, 365, 366, 372, 379, 455, 463, 464, 496, 497, 527, 546, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 621, 622, 623, 624, 625, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 646, 673, 674, 677, 685, 687, 688, 689, 690, 775, 778, 792 and 793.

7A. The whole of Lot 920.

8. Parts of the lots in the Town of Borroloola set out in the table below.

The parts of these lots where native title is extinguished are: 1) the parts where the public works set out in the table below have been constructed; and 2) any adjacent land or waters the use of which is or was necessary for, or incidental to, the construction, establishment or operation of the work.

| <b>Lot</b> | <b>Description of public work</b> |
|------------|-----------------------------------|
|------------|-----------------------------------|

|     |  |
|-----|--|
| 1   | One 11kv overhead power line   |
| 310 | One 100mm pipe   |
| 311 | Pipe and meter<br>One .413kv overhead power line   |
| 333 | The part of Lot 333 within the fenced boundary of the Borroloola Aerodrome   |
| 334 | The part of Lot 334 within the fenced boundary of the Borroloola Aerodrome   |
| 338 | The part of Lot 338 within the fenced boundary of the Borroloola Aerodrome   |
| 344 | The part of Lot 344 within the fenced boundary of the Borroloola Aerodrome   |
| 452 | Water pipeline   |
| 453 | Water pipeline   |
| 454 | Building slab  |
| 457 | The part of Lot 457 that is adjacent to the building in Lot 455 and the use of which is necessary for, or incidental to, the operation of the building |
| 467 | Water pipeline   |
| 468 | Water pipeline   |
| 470 | Water pipeline   |
| 488 | Water pipeline   |
| 489 | Water pipeline   |
| 491 | Water pipeline   |

- 492 Water pipeline
- 494 Water pipeline
- 495 Water pipeline
- 499 The part of Lot 499 within the fenced boundary of the Borroloola Aerodrome
- 515 Water pipeline
- 516 Water pipeline
- 518 Water pipeline
- 523 South (McArthur River) boat ramp access road
- 524 South (McArthur River) boat ramp access road  
Water pipeline
- 525 The part of Lot 525 the use of which is necessary for, or incidental to, the operation of the South (McArthur River) boat ramp access road  
Water pipeline
- 597 Power station  
One 11kv overhead power line (from Robinson Road)  
One .415kv overhead power line (from Robinson Road)  
One .240kv overhead power line  
Access track and internal road that extends from Garawa Street and surrounds the enclosed part of the power station.  
One 50mm pipeline and meter
- 598 One .415kv overhead power line
- 644 One .415kv overhead power line
- 645 Oval  
The area enclosed by a fence as depicted on the plan of the Borroloola Senior Campus.  
Carpark between Lot 920 and Robinson Road.  
Three .415kv overhead power lines  
.240kv overhead power line  
One 50mm pipeline and meter
- 650 One .415kv overhead power line
- 651 One .415kv overhead power line
- 652 One .415kv overhead power line
- 658 One .415kv overhead power line
- 659 One 11kv overhead power line
- 662 Pipeline

- 670 Pipeline
- 679 Bores: RN21350, RN21357, RN21358 and RN21359
  - Enclosed areas around bores RN21357 and RN21359
  - 40mm PVC ground pipes
  - 80mm PVC underground pipes
  - 80-150mm PVC DICL pipes
  - 50mm PVC pipe
  - Bore access road and access tracks to bores
  - One 11kv overhead power line
  - One .415kv overhead power line
- 707 Water pipeline
- 708 Water pipeline
- 709 Water pipeline
- 710 Water pipeline
- 769 Pipeline and meter
  - One 150mm PVC pipe
- 773 One 100mm pipe
  - Three .415kv overhead power lines
  - One .240kv overhead power line
  - Bore RN9911
- 789 Water mains
  - Two 100mm pipes
  - One 11kv overhead power line
  - Four .415kv overhead power lines
  - Two .240kv overhead power lines
  - Six .240kv overhead power lines
  - One 150mm distribution pipeline
- 790 Two 100mm pipes
  - One 11kv overhead power line
  - Two .415kv overhead power lines
  - One .240kv overhead power line
  - One 11kv overhead power line
  - One .415kv overhead power lines
- 794 Fenced enclosure

- Two water tanks and associated pumps, pipework and valves
- One 32mm PVC pipe
- Two 80mm PVC pipes
- One 150mm PVC pipe
- One 50mm PVC pipe
- One .415kv overhead power line
- One .240kv overhead power line
- 797 Water tank access road
  - 150mm DI/CL water pipes
  - Fenced enclosure and 2ML ground level water tank
  - 225mm DI/CL / PVC pipes
  - Bore RN21351
  - One .415kv overhead power line (northwest)
  - Two .240kv overhead power lines
  - One 11kv overhead power line
  - Communications tower
- 798 Pipeline
  - Bores: RN4397 and RN9077
  - Bore access road adjacent to the bores located on Lot 679
- 799 The part of Lot 799 within the fenced boundary of the Borroloola Aerodrome
- 800 Pipeline
- 803 The part of Lot 803 within the fenced boundary of the Borroloola Aerodrome
  - One .415kv overhead power line
  - Two 11kv overhead power lines
  - One .240kv overhead power line
  - One 100mm PVC pipe
  - North (Rocky Creek) boat ramp
  - North (Rocky Creek) boat ramp car park, which is approximately 100m<sup>2</sup> in area
- 804 Pipeline
- 806 Two 11kv overhead power lines
  - Two .415kv overhead power lines
  - One .240kv overhead power line
  - South (McArthur River) boat ramp
  - Bore RN24554 and enclosure

- Two 50mm PVC pipes
- 807 Pipeline
  - Two .415kv overhead power lines
  - One 11kv overhead power line
  - One .240kv overhead power line
  - South (McArthur River) boat ramp
  - South (McArthur River) boat ramp car park, which is approximately 100m2 in area
- 808 Pipeline
  - Gauging station G9070121
- 815 Pipeline
- 820 One .415kv overhead power line
- 825 One .240kv overhead power line
  - One .415kv overhead power line

9. The following roads in the Town of Borroloola:

- Alfred Street
- Allen Street
- Anyula Street (30 metres wide)
- Baker Terrace
- Bore access road (RN 450) (30 metres wide)
- Broad Street (15-16.5 metres wide)
- Burt Street
- Carpentaria Highway (100 metres wide)
- Carrington Terrace
- Favenc Street
- Foster Court (30 metres wide)
- Garawa Street including extension across Lot 797 to Lot 679 (25-31 metres wide)
- Glen Street
- Harney Court (20 metres wide)
- John Street
- Jose Street (20 metres wide)
- Kavanagh Street
- Kennon Street



Kingston Street  
Langdon Terrace  
Lynott Terrace  
McArthur Terrace  
McIntyre Street  
McLeod Street  
Milne Street  
Moss Street  
Mulholland Street (20 metres wide) including that part of the road abutting Lots 650 to 672  
North (Rocky Creek) Boat Ramp Access Road (across parts of lots 773 and 803: 40 metres wide)  
Old Bing Bong Road (30 metres wide)  
Reichardt Street  
Riddoch Terrace  
Robinson Road (15-30 metres wide)  
Ross Street  
Ryan Street  
Sayle Court (20 metres wide)  
Searcy Street (including extension across Lot 804 to northern town boundary: 30 metres wide)  
Short Street  
South (McArthur River) Boat Ramp Access Road (across part Lots 807, 523-525, and 806: 40 metres wide)  
Spring Creek access road (100 metres wide)  
Umpherstone Street  
Unnamed extension of Robinson Road (25 metres wide)  
Unnamed road between Lots 652 and 653 (6 metres wide)  
Watson Terrace  
Wollogorang Road (100-120 metres wide)

The distances given above in metres in relation to some roads reflect the widths of the respective road corridors and the extent of the adjacent area relevant to those roads within the meaning of s 251D of the Native Title Act.

The following public roads:

Garawa "A" Town Camp Road (as depicted on the "Roadworks and Services Plan Garawa 1" dated 4 September 1991)

Garawa "B" Town Camp Road (as depicted on the "Roadworks and Services Plan Garawa 2" dated 4 September 1991)

Yanyula Town Camp Road (as depicted on the "Roadworks and Services Plan Yanyula" dated 4 September 1991)

10. Those parts of the determination area not identified in paragraphs 7, 7A, 8 or 9 above, if any, on which there exists a public work (including any adjacent land or waters), as defined in the Native Title Act, which was validly constructed, established or situated prior to 23 December 1996 or commenced to be constructed, established or situated on or before that date.

11. The whole of Lot 828 in the Town of Borroloola in respect of which native title rights and interests have been surrendered under an Indigenous Land Use Agreement.

### Schedule E - Other Interests

[See Order 14]

The nature and extent of other interests in relation to the determination area as they exist at the date of this determination as follows:

- (a) the rights and interests of Telstra Corporation Limited:
  - (i) as the owner or operator of telecommunications facilities within the determination area;
  - (ii) created pursuant to the *Post and Telegraph Act 1901* (Cth), the *Telecommunications Act 1975* (Cth), the *Australian Telecommunications Corporation Act 1989* (Cth), the *Telecommunications Act 1991* (Cth) and the *Telecommunications Act 1997* (Cth), including rights:
    - (a) to inspect land;
    - (b) to install and operate telecommunications facilities; and
    - (c) to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunications facilities;
  - (iii) for its employees, agents or contractors to access its telecommunications facilities in, and in the vicinity of, the determination area, in the performance of their duties; and
  - (iv) under any license, access agreement or easement relating to its telecommunications facilities in the determination area;
- b) the rights of Aboriginal persons (whether or not native title holders) by virtue of the *Northern Territory Aboriginal Sacred Sites Act 1989* (NT);
- (c) the rights of access by an employee, servant, agent or instrumentality of the Northern Territory or the

Commonwealth, or other statutory authority as required in the performance of statutory duties;

(d) the rights of any employee, servant, agent or instrumentality of the Northern Territory in relation to the drainage easement over part Lot 597 as depicted on Survey Plan S81/226;

(e) the rights of the Power and Water Corporation, its employees, agents or contractors in relation to the following:

(i) a water supply easement on Lots 769 and 770 as depicted on Survey Plan S85/49;

(ii) a water supply easement on Lot 773 as depicted on Survey Plan S85/52;

(iii) various water, electricity and access easements on Lot 789 as depicted on Survey Plan S89/374A;

(iv) a water supply easement on Lot 790 as depicted on Survey Plan S89/364B;

(v) a water supply/pipeline easement on Lot 825 as depicted on Survey Plans S81/216 and S99/304.

(f) Rights and interests held by reason of the force and operation of the *Water Act* (NT);

(g) the interests of persons to whom valid and validated rights and interests have been:

(i) granted by the Crown pursuant to statute or otherwise in the exercise of executive power; or

(ii) otherwise conferred by statute.

**REGISTER ATTACHMENTS:**

1. Schedule B - Map of the determination area, 4 pages - A4, 11/08/2016

*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.*