



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): NTD48/2017
NNTT Number: DCD2019/003

Determination Name: [Freddie on behalf of the Kankawarla, Kanturrpa, Kurtinja, Patta, Pirrtangu, Purrurtu and Warupunju landholding groups v Northern Territory of Australia](#)

Date(s) of Effect: 22/05/2020

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

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

Determination Date: 04/07/2019

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

On 4 July 2019, the Federal Court made a determination that native title exists in parts of the determination area - see *Freddie on behalf of the Kankawarla, Kanturrpa, Kurtinja, Patta, Pirrtangu, Purrurtu and Warupunju landholding groups v Northern Territory of Australia* [2019] FCA 1024. Among other things, the Court ordered that:

2. Subject to the order in [3], the Determination is to take effect immediately upon the making of a determination under s 56(2)(b) or s 57(2) of the Act.

On 22 May 2020 further orders were made which stated the following:

1. Ngurramarla Aboriginal Corporation (ICN: 9256) is:

- (a) to be the prescribed body corporate for the purposes of s 57(2) of the *Native Title Act 1993* (Cth) ("the Act"); and
- (b) to perform the functions outlined in s 57(3) of the Act after becoming a registered native title body corporate.

Therefore, this determination is in effect from 22 May 2020.

REGISTERED NATIVE TITLE BODY CORPORATE:

Ngurramarla Aboriginal Corporation (ICN: 9256)
Agent Body Corporate
PO Box 3321
Alice Springs Northern Territory 0871

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:

The native title holders

(4) The Determination Area comprises seven estate areas associated with the Kankawarla, Kanturrpa, Kurtinja, Patta, Pirttangu, Purrurtu and Warupunju landholding groups.

(5) The persons who hold the common or group rights comprising the native title are the Aboriginal persons who are:

(a) members of one or more of the landholding groups referred to in [4] by virtue of descent (including adoption) through father's father, father's mother, mother's father and mother's mother;

(b) accepted as members of one or more of the landholding groups referred to in [4] by senior members of a landholding group, referred to in subpara (a), by virtue of the following non-descent connections to an estate:

(i) conception and/or birthplace affiliation with an estate;

(ii) long-term residential and/or historical connection to an estate;

(iii) close kinship ties, including intermarriage;

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

(v) possession of secular and ritual knowledge relating to an estate, in particular, knowledge of sites and their mythology;

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

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

MATTERS DETERMINED:

THE COURT ORDERS THAT:

1. There be a Determination of native title in terms of the Determination set out below.

2. Subject to the order in [3], the Determination is to take effect immediately upon the making of a determination under s 56(2)(b) or s 57(2) of the Act.

3. If a determination under s 56(2)(b) or s 57(2) is not made within 12 months (or such longer period as extended by the Court), the Determination will not take effect.

4. The parties have liberty to apply to establish the precise location and boundaries of any:

(a) public works and adjacent land and waters identified or otherwise referred to in Schedule C of the Determination; and

(b) roads excluded from the Determination Area by virtue of their exclusion from the instrument of a grant over the affected area.

THE COURT DETERMINES THAT:

The Determination Area

(1) The Determination Area comprises NT Portions 494, 1075, 5688, 5691, 5843, 5845, 5847, 5849 and 5851 being the land and waters more particularly described in Schedule A and depicted on the map comprising Schedule B.

(2) Native title exists in the Determination Area.

(3) Native title does not exist in those parts of the Determination Area described in Schedule C.

The native title holders

(4) The Determination Area comprises seven estate areas associated with the Kankawarla, Kanturra, Kurtinja, Patta, Pirttangu, Purruutu and Warupunju landholding groups.

(5) The persons who hold the common or group rights comprising the native title are the Aboriginal persons who are:

(a) members of one or more of the landholding groups referred to in [4] by virtue of descent (including adoption) through father's father, father's mother, mother's father and mother's mother;

(b) accepted as members of one or more of the landholding groups referred to in [4] by senior members of a landholding group, referred to in subpara (a), by virtue of the following non-descent connections to an estate:

(i) conception and/or birthplace affiliation with an estate;

(ii) long-term residential and/or historical connection to an estate;

(iii) close kinship ties, including intermarriage;

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

(v) possession of secular and ritual knowledge relating to an estate, in particular, knowledge of sites and their mythology;

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

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

Native title rights and interests

(6) The native title rights and interests in relation to the Determination Area comprise:

(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 Perpetual Pastoral Lease No. 1142;

(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 the 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 rites; 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 persons to the Determination Area; and

(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.

(7) The native title rights and interests do not confer:

(a) possession, occupation, use and enjoyment of the land and waters on the native title holders to the exclusion of all others;

(b) any right to control access to, or the use of, the Determination Area or its resources.

(8) The native title rights and interests are subject to and exercisable in accordance with:

(a) the valid laws of the Northern Territory of Australia and the Commonwealth of Australia; and

(b) the traditional laws and customs of the native title holders for personal or communal needs which are of a domestic or subsistence nature and not for any commercial or business purpose.

Other rights and interests

(9) The nature and extent of the other interests in the Determination Area are:

(a) in relation to NT Portions 494, 1075, 5843, 5845, 5847, 5849 and 5851 the rights and interests of Gordon Ford, Joan Suzanne Ford, Gregory Joseph Ford and Ken Gerard Ford under Perpetual Pastoral Lease No. 1142;

(b) in relation to NT Portion 1075 the rights and interests of Jemena Northern Gas Pipeline Pty Ltd as the holder of Pipeline Licence No. 34 granted under the *Energy Pipelines Act 1981* (NT).

(c) in relation to NT Portions 494 and 1075 the rights and interests of APT Pipelines (NT) Pty Ltd as the holder of Pipeline Licence No. 4 granted under the *Energy Pipelines Act 1981* (NT) and as the beneficiary of the rights and interests under Access Easement Dealing No. 191614 granted to the Northern Territory of Australia;

(d) in relation to NT Portions 494, 1075, 5843, 5845, 5847, 5849 and 5851 the rights and interests of APT Pipelines (NT) Pty Ltd as sublessee under Sublease Dealing No. 819589 expiring on 12 December 2032;

(e) in relation to NT Portions 5688 and 5691 the rights and interests of the AustralAsia Railway Corporation under Crown Lease Term 1902 and 1880 respectively;

(f) the rights and interests of the holders of the following titles granted under the *Mineral Titles Act 2010* (NT) (or its predecessor):

No.	Expiry date	Holder
EL 27011	28/05/2019	Giants Reef Exploration Pty Ltd
EL 28601	7/07/2019	Giants Reef Exploration Pty Ltd
EL 28602	7/07/2019	Giants Reef Exploration Pty Ltd
EL 28618	14/07/2019	Giants Reef Exploration Pty Ltd
EL 28620	15/12/2017	Colour Minerals Pty Ltd / Meteoric Resources NL
EL 28760	15/11/2017	Giants Reef Exploration Pty Ltd
EL 28761	15/11/2017	Giants Reef Exploration Pty Ltd
EL 28775	13/09/2017	Giants Reef Exploration Pty Ltd
EL 31579	10/01/2024	Truscott Mining Corporation Ltd
EL 31617	25/04/2024	Treasure Creek Pty Ltd
EL 31618	25/10/2024	Treasure Creek Pty Ltd
EL 31619	25/04/2024	Treasure Creek Pty Ltd

EL 31834	18/09/2020	Giants Reef Exploration Pty Ltd
EL 31919	06/11/2024	Giants Reef Exploration Pty Ltd
EL 32030	02/12/2019	Giants Reef Exploration Pty Ltd
EL 30701	19/08/2021	Meteoric Resources NL
EL 31532	16/07/2023	Truscott Mining Corporation Ltd
MA 23069	26/05/2022	Swoocabe Pty Limited
ML 22284	26/11/2031	Giants Reef Exploration Pty Ltd
ML 30096	14/04/2021	Giants Reef Exploration Pty Ltd
ML 30716	17/03/2020	Santexco Pty Ltd
ML 30742	17/03/2020	Giants Reef Exploration Pty Ltd
ML 30743	16/02/2025	Giants Reef Exploration Pty Ltd
ML 30872	22/09/2025	Santexco Pty Ltd
ML 30938	17/08/2020	Santexco Pty Ltd
ML 30945	22/09/2020	Santexco Pty Ltd
ML 31074	07/12/2020	Santexco Pty Ltd
MLC 17	31/12/2018	Suzanne Carter, Gowan Carter, John Carter, Pamela Carter, Jennifer Cook, Alexander Cook, Erbon, Nicholson
MLC 18	31/12/2019	Santexco Pty Ltd
MLC 38	31/12/2023	Santexco Pty Ltd
MLC 66	31/12/2017	Santexco Pty Ltd
MLC 67	31/12/2017	Santexco Pty Ltd
MLC 176	31/12/2024	Giants Reef Exploration Pty Ltd
MLC 253	31/12/2018	Santexco Pty Ltd
MLC 254	31/12/2018	Santexco Pty Ltd
MLC 255	31/12/2018	Santexco Pty Ltd
MLC 256	31/12/2018	Santexco Pty Ltd
MLC 257	31/12/2018	Santexco Pty Ltd
MLC 258	31/12/2018	Santexco Pty Ltd
MLC 259	31/12/2018	Santexco Pty Ltd
MLC 260	31/12/2018	Santexco Pty Ltd
MLC 261	31/12/2018	Santexco Pty Ltd
MLC 362	31/12/2022	Santexco Pty Ltd
MLC 363	31/12/2022	Santexco Pty Ltd
MLC 364	31/12/2022	Santexco Pty Ltd
MLC 365	31/12/2022	Santexco Pty Ltd

MLC 366	31/12/2026	Santexco Pty Ltd
MLC 371	31/12/2022	Santexco Pty Ltd
MLC 372	31/12/2022	Santexco Pty Ltd
MLC 373	31/12/2022	Santexco Pty Ltd
MLC 376	31/12/2018	Santexco Pty Ltd
MLC 377	31/12/2018	Santexco Pty Ltd
MLC 378	31/12/2018	Santexco Pty Ltd
MLC 379	31/12/2018	Santexco Pty Ltd
MLC 380	31/12/2018	Santexco Pty Ltd
MLC 381	31/12/2018	Santexco Pty Ltd
MLC 382	31/12/2018	Santexco Pty Ltd
MLC 383	31/12/2018	Santexco Pty Ltd
MLC 384	31/12/2018	Santexco Pty Ltd
MLC 385	31/12/2018	Santexco Pty Ltd
MLC 386	31/12/2018	Santexco Pty Ltd
MLC 387	31/12/2018	Santexco Pty Ltd
MLC 432	31/12/2022	Santexco Pty Ltd
MLC 522	31/12/2024	Giants Reef Exploration Pty Ltd
MLC 530	31/12/2022	Santexco Pty Ltd
MLC 558	31/12/2019	Santexco Pty Ltd
MLC 591	31/12/2026	TC8 Pty Ltd
MLC 592	31/12/2026	TC8 Pty Ltd
MLC 593	31/12/2026	TC8 Pty Ltd
MLC 594	31/12/2026	TC8 Pty Ltd
MLC 595	31/12/2026	TC8 Pty Ltd
MLC 596	31/12/2026	TC8 Pty Ltd
MLC 597	31/12/2026	TC8 Pty Ltd
MLC 601	31/12/2018	TC8 Pty Ltd
MLC 602	31/12/2018	TC8 Pty Ltd
MLC 603	31/12/2018	TC8 Pty Ltd
MLC 604	31/12/2018	TC8 Pty Ltd
MLC 605	31/12/2018	TC8 Pty Ltd
MLC 606	31/12/2022	Santexco Pty Ltd
MLC 610	31/12/2022	Santexco Pty Ltd
MLC 615	31/12/2022	Santexco Pty Ltd

MLC 616	31/12/2022	Santexco Pty Ltd
MLC 619	31/12/2018	Giants Reef Exploration Pty Ltd, Werner Appel and Paul Appel
MLC 629	31/12/2022	Diana Bremner (As Executor)
MLC 654	31/12/2017	TC8 Pty Ltd
MCC 55	7/06/2018	Santexco Pty Ltd
MCC 56	7/06/2018	Santexco Pty Ltd
MCC 57	7/06/2018	Santexco Pty Ltd
MCC 316	24/11/2020	Giants Reef Exploration Pty Ltd
MCC 340	8/03/2019	Giants Reef Exploration Pty Ltd
MCC 341	24/11/2020	Giants Reef Exploration Pty Ltd
EMPC 69	24/07/2022	Swoocabe Pty Limited
EMPC 70	24/07/2022	Swoocabe Pty Limited

(g) the rights and interests of Telstra Corporation Limited (ACN 051 775 556):

(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 under Schedule 3 to the *Telecommunications Act 1997* (Cth), including rights:

A. to inspect land;

B. to install and operate telecommunication facilities; and

C. to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunication facilities; and

(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;

(iv) under any lease, licence, access agreement or easement relating to its telecommunications facilities in the Determination Area.

(h) in relation to NT Portions 494, 1075, 5843, 5845, 5847, 5849 and 5851 the rights of Aboriginal persons (whether or not native title holders) pursuant to the reservation in favour of Aboriginal people contained in pastoral leases set out in ss 38(2) to (6) of the *Pastoral Land Act 1992* (NT);

(i) the rights of Aboriginal persons (whether or not native title holders) by virtue of the *Northern Territory Aboriginal Sacred Sites Act 1984* (NT);

(j) rights of access by an employee, servant, agent or instrumentality of the Northern Territory, Commonwealth or other statutory authority as required in the performance of his or her statutory duties; and

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

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

(ii) conferred by statute.

Relationship between rights and interests

(10) To the extent that the continued existence, enjoyment or exercise of the native title rights and interests referred to in [6] in relation to NT Portions 494, 1075, 5843, 5845, 5847, 5849 and 5851 is inconsistent with the existence, enjoyment or exercise of the other rights and interests referred to in [9], the other rights and interests and the doing of any activity required or permitted to be done by or under the other interests, prevail over, but do not extinguish, the native title rights and interests.

(11) In relation to NT Portions 5688 and 5691 the relationship between the native title rights and interests referred to

in [6] and the interest of the AustralAsia Railway Corporation referred to in [9] is that the leases granted to the Corporation:

- (a) are wholly inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests;
- (b) the native title continues to exist, but has no effect in relation to the grant;
- (c) if the grants or their effect is wholly removed or otherwise wholly cease to operate the native title rights and interests again have full effect; and
- (d) if the grants or their effect is removed to an extent or otherwise cease to operate only to an extent the native title rights and interests again have effect to that extent.

Other matters

(12) There are no native title rights and interests in:

- (a) minerals (as defined in s 2 of the *Minerals (Acquisition) Act 1953* (NT));
- (b) petroleum (as defined in s 5 of the *Petroleum Act 1984* (NT)); and
- (c) prescribed substances (as defined in s 5 of the *Atomic Energy Act 1953* (Cth) and s 3 of the *Atomic Energy (Control of Materials) Act 1946* (Cth)).

(13) In this Determination the term:

- (a) “natural resources” means:
 - (i) animals *ferae naturae*, birds, fish and plants, including timber, wax, resin and gum; and
 - (ii) surface soils, clays, stone, rocks and ochre,

but does not include minerals, petroleum and prescribed substances;

- (b) “natural waters” includes springs and rockholes.

(14) Unless the contrary intention appears, a word or expression used in the Act has the same meaning in this determination as it has in the Act.

REGISTER ATTACHMENTS:

1. Schedule A - Determination Area Description, 2 pages - A4, 04/07/2019
2. Schedule B - Determination Area, 1 page - A4, 04/07/2019
3. Schedule C - Areas where native title does not exist, 1 page - A4, 04/07/2019

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.