



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): NTD37/2019; NTD6030/2001; NTD6003/2002
NNTT Number: DCD2024/001

Determination Name: [Karkdoo on behalf of the Purrukwarra Estate Group and the Arruwarra Estate Group v Northern Territory of Australia](#)

Date(s) of Effect: 6/03/2024

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: 06/03/2024

Determining Body: Federal Court of Australia

ADDITIONAL INFORMATION:

Not Applicable

REGISTERED NATIVE TITLE BODY CORPORATE:

Top End (Default PBC/CLA) Aboriginal Corporation RNTBC
Agent Body Corporate
45 Mitchell Street
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:

The native title holders

5. The land and waters of the Determination Area comprise parts of two estates, which are held respectively by the members of the following estate groups:

- (a) the Purrukwarra estate group; and
- (b) the Arruwarra estate group.

The members of these estate groups are described in clauses 6 and 7, and are referred to as the “**estate group members**”. These persons, together with the persons referred to in clause 8, are collectively referred to as the “**native title holders**”.

6. The Purrukwarra estate group referred to in clause 5(a) comprises persons who are members of that group by reason of:

- (a) patrilineal descent from one of the following ancestors:

- (i) Mijimijandu, including through his sons Left Hand Leo and Avon (Rainmaker) Willy; or
- (ii) Bill Mukathu-mukathu, including through his son Old Bill Carghetty Kurajan; or
- (b) his or her mother or father's mother or mother's mother being or having been a patrilineal descendant of one of the ancestors listed at (a) above; or
- (c) having been adopted or incorporated, in accordance with the traditional laws and customs of the Purrukwarra estate group, into one of the descent-based relationships referred to in (a) or (b) above.

7. The Arruwarra estate group referred to in clause 5(b) comprises persons who are members of that group by reason of:

- (a) descent from the ancestor, George Nemo Nyiterantere; or
- (b) having been adopted or incorporated, in accordance with the traditional laws and customs of the Arruwarra estate group, into the descent-based relationship referred to in (a) above.

8. In accordance with the traditional laws acknowledged and the traditional customs observed by the estate group members, other Aboriginal people have native title rights and interests in respect of the Determination Area, subject to the native title rights and interests of the estate group members, such people being:

- (a) members of neighbouring native title holding groups or estate groups; and
- (b) spouses of the estate group members.

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

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

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

3. The Top End (Default PBC/CLA) Aboriginal Corporation RNTBC (ICN 7848) be appointed as the prescribed body corporate for the purposes of s 57(2) of the Act in respect of the area the subject of the Determination.

5. The Parties have liberty to apply to establish the precise location and boundaries of public works and adjacent land and waters identified in relation to any part or parts of the Determination Area referred to in paragraph 1 to Schedule D of this Determination.

THE COURT DETERMINES THAT:

The Determination Area

1. The Determination Area is the land and waters described in Schedule A hereto and depicted on the map comprising Schedule B.

2. Native title exists in those parts of the Determination Area identified in Schedule C.

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 a description of an area in a schedule and the depiction of that area on the map in Schedule B, the written description will prevail.

The native title holders

5. The land and waters of the Determination Area comprise parts of two estates, which are held respectively by the members of the following estate groups:

- (a) the Purrukwarra estate group; and
- (b) the Arruwarra estate group.

The members of these estate groups are described in clauses 6 and 7, and are referred to as the "**estate group members**". These persons, together with the persons referred to in clause 8, are collectively referred to as the "**native title holders**".

6. The Purrukwarra estate group referred to in clause 5(a) comprises persons who are members of that group by reason of:

- (a) patrilineal descent from one of the following ancestors:
 - (i) Mijimijandu, including through his sons Left Hand Leo and Avon (Rainmaker) Willy; or
 - (ii) Bill Mukathu-mukathu, including through his son Old Bill Carghetty Kurajan; or
- (b) his or her mother or father's mother or mother's mother being or having been a patrilineal descendant of one of the ancestors listed at (a) above; or
- (c) having been adopted or incorporated, in accordance with the traditional laws and customs of the Purrukwarra estate group, into one of the descent-based relationships referred to in (a) or (b) above.

7. The Arruwarra estate group referred to in clause 5(b) comprises persons who are members of that group by reason of:

- (a) descent from the ancestor, George Nemo Nyiterantere; or
- (b) having been adopted or incorporated, in accordance with the traditional laws and customs of the Arruwarra estate

group, into the descent-based relationship referred to in (a) above.

8. In accordance with the traditional laws acknowledged and the traditional customs observed by the estate group members, other Aboriginal people have native title rights and interests in respect of the Determination Area, subject to the native title rights and interests of the estate group members, such people being:

- (a) members of neighbouring native title holding groups or estate groups; and
- (b) spouses of the estate group members.

The native title rights and interests

9. The native title rights and interests of the estate group members referred to in clauses 6 and 7 in relation to those parts of the Determination Area identified in Schedule C, being an area where there has been partial extinguishment of native title, are the rights:

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

10. The native title rights and interests of the persons referred to in clause 8 above in relation to those parts of the Determination Area identified in Schedule C, being an area where there has been partial extinguishment of native title, are the rights:

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

11. The native title rights and interests do not confer on the native title holders:

- (a) possession, occupation, use and enjoyment of those parts of the Determination Area identified in Schedule C to the exclusion of all others;
- (b) any right to control the access to and use of those parts of the land and waters of the area or its resources;
- (c) any right to access or take:
 - (i) water captured by the holders of Pastoral Lease No. 988; or
 - (ii) resources that are the private or personal property of another, including but not limited to:
 - A. infrastructure or fixtures;
 - B. chattels, equipment, machinery or supplies;
 - C. animals, including stock within the meaning of the *Pastoral Land Act 1992* (NT) and the progeny of any such animal, that are the private or personal property of another; and
 - D. plants, crops and grasses that are the private or personal property of another.

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

- (a) the traditional laws and customs of the native title holders; and
- (b) the laws of the Northern Territory of Australia and the Commonwealth of Australia.

13. 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)); or
- (c) 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.

Non-exhaustive List of Activities

14. Without limiting the native title rights and interests described in clauses 9 and 10 in any way, and without purporting to describe exhaustively the activities which those rights authorise or permit, the rights and interests referred to in clause 9 enable the estate group members referred to in clauses 6 and 7 to:

- (a) travel over, move about and access the area;
- (b) hunt and fish on the land and waters of the area;
- (c) gather and to use the natural resources of the area such as food, medicinal plants, wild tobacco, timber, stone and resin;
- (d) take and to use the natural water on the area, but this right does not include the right to take or use water captured by the holders of Pastoral Lease No. 988;
- (e) live and camp on the area, and to erect shelters and other structures on the area;
- (f) light fires for domestic purposes;
- (g) conduct and participate in the following activities on the area:
 - (i) cultural activities;
 - (ii) cultural practices relating to birth and death, including burial rites;
 - (iii) ceremonies;
 - (iv) meetings; and
 - (v) teaching the physical and spiritual attributes of sites and places on the area that are of traditional significance;
- (h) maintain and protect sites and places on the area that are of traditional significance; and
- (i) be accompanied onto the area 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 area;

- (ii) people who have rights in relation to the area according to the traditional laws and customs acknowledged by the estate group members; or
- (iii) people required by the estate group members to assist in, observe, or record traditional activities on the area.

Other interests in the Determination Area

15. The nature and extent of other interests in relation to the Determination Area are the interests, created by the Crown or otherwise, as follows:

- (a) in relation to NT Portion 773, the rights and interests of the holder of Pastoral Lease No. 988;
- (b) the rights and interests of Jemena Northern Gas Pipeline Pty Ltd pursuant to:
 - (i) Pipeline Licence No. 34 granted on 26 April 2017 under the *Energy Pipelines Act 1981* (NT); and
 - (ii) the energy supply easement across NT Portion 773 registered by dealing number 926804 on 20 December 2019;
- (c) the rights and interests of all parties under the Northern Gas Pipeline: Dalmore Downs Indigenous Land Use Agreement DI2018/003, registered on 3 July 2018;
- (d) the rights and interests of all parties under the Northern Gas Pipeline: Dalmore Downs South Indigenous Land Use Agreement DI2018/004, registered on 3 July 2018;
- (e) the rights and interests in the access easements (S72/200 and S72/201) over NT Portion 773 in favour of Amplitel Pty Ltd;
- (f) the rights of Aboriginal persons (whether or not native title holders) pursuant to the reservation in favour of Aboriginal peoples in Pastoral Lease No. 988 made by s 38 of the *Pastoral Land Act 1992* (NT);
- (g) the rights of Aboriginal persons (whether or not native title holders) pursuant to the *Northern Territory Aboriginal Sacred Sites Act 1989* (NT);
- (h) rights of access by an employee, servant, agent or instrumentality of the Northern Territory or Commonwealth, or other statutory authority, as required in the performance of statutory duties;
- (i) the rights to water lawfully captured by the holders of other interests;
- (j) the rights and 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;
- (k) the rights and interests of the holders of the following titles granted under the *Mineral Titles Act 2010* (NT) or the *Energy Pipelines Act 1981* (NT), depicted in Schedule E:
 - (i) Pipeline Licence Title No. PL 34, granted on 26 April 2017;
 - (ii) Exploration Licence Title No. 31963, granted on 6 February 2019;
 - (iii) Exploration Licence Title No. 31974, granted on 7 March 2019;
 - (iv) Exploration Licence Title No. 32287, granted on 28 March 2021;
 - (v) Exploration Licence Title No. 32302, granted on 4 February 2021;
 - (vi) Exploration Licence Title No. 32500, granted on 27 May 2021;
 - (vii) Exploration Licence Title No. 32653, granted on 25 August 2021;
 - (viii) Exploration Licence Title No. 32689, granted on 14 October 2021;
 - (ix) Exploration Licence Title No. 32795, granted on 15 September 2021;
 - (x) Exploration Licence Title No. 32857, granted on 11 May 2022;
 - (xi) Exploration Licence Title No. 33258, granted on 13 September 2022;
 - (xii) Exploration Licence Title No. 33282, granted on 12 September 2022;
 - (xiii) Exploration Licence Title No. 33276, granted on 7 November 2022;
 - (xiv) Exploration Licence Title No. 33375, granted on 21 February 2023;
 - (xv) Exploration Licence Title No. 33588, granted on 5 September 2023;
 - (xvi) Exploration Licence Title No. 33590, granted on 6 September 2023;
 - (xvii) Exploration Licence Title No. 33592, granted on 2 October 2023; and
 - (xviii) Exploration Licence Title No. 33610, granted on 19 October 2023.

Relationship between the native title and other interests

16. The other rights and interests referred to in clause 15, and the doing of an activity in giving effect to them or of an activity required or permitted by them, prevail over but do not extinguish the native title rights and interests referred to in clauses 9 and 10, and the existence and exercise of the native title rights and interests do not prevent the carrying on of any such activity.

Definitions

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

- (a) the **Act** means the *Native Title Act 1993* (Cth);
- (b) **land** and **waters** respectively have the same meanings as in the Act;
- (c) **resources** for the purposes of clauses 9 and 10 of this Determination does not include minerals, petroleum and prescribed substances;
- (d) the **Commonwealth** means the Commonwealth of Australia; and
- (e) the **Northern Territory** means the Northern Territory of Australia.

REGISTER ATTACHMENTS:

- 1. Schedule A - Description of Determination Area, 1 page - A4, 06/03/2024

2. Schedule B - Map of Determination Area, 1 page - A4, 06/03/2024
3. Schedule C - Areas where native title exists, 1 page - A4, 06/03/2024
4. Schedule D - Areas where native title does not exist, 1 page - A4, 06/03/2024
5. Schedule E - Map of interests under the Mineral Titles Act 2010 (NT) and Energy Pipelines Act 1981 (NT), 1 page - A4, 06/03/2024

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.