



National  
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*After the historic Federal Court sitting in Tennant Creek an indigenous land use agreement was signed by Member for Barkly Elliot McAdam, Northern Territory Chief Minister Clare Martin, Central Land Council Chair Lindsay Bookie and CLC executive member Maxie Ray.*

# Patta Warumungu Peoples' native title determination

3 September 2007

Northern Territory

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Any words and phrases not defined in this information have the meaning given to them in the *Native Title Act* 1993 (Cwlth).

*Resolution of native title issues over land and waters.*

# Native title recognised over Tennant Creek

The Federal Court of Australia has recognised the Patta Warumungu people's native title rights over sections of land in the town of Tennant Creek.

This determination of native title was made with the agreement of the traditional owners, represented by the Central Land Council and the Northern Territory Government. It also involved consultation with Tennant Creek Town Council and various mining companies.

As native title holders the Patta Warumungu people have the right to live, travel over and access the land, hunt, gather and take natural resources and conduct ceremonies and other traditional activities.

## What is native title?

A set of rights and interests over land or waters where Aboriginal and Torres Strait Islander groups have practised traditional laws and customs since before the time of British occupation and continue to do so.

Under the *Native Title Act 1993* (Cwlth) Aboriginal and Torres Strait Islander people can apply to the Federal Court to have their native title recognised under Australian law. Native title cannot be claimed over freehold title.

A native title determination is a decision by a court or recognised state or territory body that native title does or does not exist in an area. A consent determination can be made if all parties reach an agreement about native title through mediation.

*Today is the realisation of a long held dream for the Patta Warumungu people who didn't have all their land needs and interests satisfied under the previous land claim process....it is not the Court's order today which is granting the claim group native title. Rather, the native title has always been there - and by the orders I have made today, the law of Australia now recognises their native title.*

—Justice John Mansfield



*Tennant Creek traditional owners Brian Crafter Jangali and Evelyn Crafter Nappangarti accept certificates recognising native title over the town from Justice John Mansfield.*

## The determination

The first native title claim over the town of Tennant Creek was lodged in 1999 and after four further claims, the Federal Court referred them to the National Native Title Tribunal for mediation in 2004. As discussion developed, four claims were withdrawn and replaced with a 'whole of town' application in 2006, which was the subject of the 3 September 2007 consent determination.

In November 2006 the resolution of native title land issues over the town were brought closer to finalisation when an agreement-in-principle was reached. The agreement between the Patta Warumungu people and the Northern Territory government paved the way for a consent determination and an indigenous land use agreement.

## Indigenous land use agreement (ILUA)

An ILUA between the Northern Territory Government, Central Land Council and the Patta Warumungu people was signed on 3 September 2007.

The agreement acknowledges that native title exists in the town of Tennant Creek, sets out how the past extinguishment and present surrender of native title rights is to be compensated and confirms that negotiations in good faith will commence toward the creation of a park over the Devil's Pebbles, a sacred site 18 kilometres north of Tennant Creek.



# The Patta Warumungu Peoples' native title determination

On 3 September 2007 the Federal Court recognised the native title rights of the Patta Warumungu people over 27sq km of land in the Northern Territory town of Tennant Creek.

As native title holders the Patta Warumungu people have various native title rights over the land, including the right to use and enjoy the land and waters in accordance with their traditional laws and customs.

As part of the agreement, native title has been surrendered in parts of the town to provide for future residential and commercial development.

This determination of native title was made with the agreement of the native title claimants, represented by the Central Land Council and the Northern Territory Government. It also involved consultation with Tennant Creek Town Council and various mining companies.

## Tennant Creek celebrates

On the grounds of the Nyinkka Nyunyu Arts and Cultural Centre Justice Mansfield recognised the Patta Warumungu peoples' native title rights over areas of land in the Northern Territory town of Tennant Creek.

This agreement is the first native title determination in the Northern Territory to be fully reached through a negotiated agreement rather than litigation.

*"Today...is a significant day in the history of the Patta Warumungu peoples and the history of the Northern Territory."*

— Justice John Mansfield

The native title claimants and the Northern Territory Government worked towards reaching agreement on more than just the usual native title issues by including wider town issues in discussions.

Native title issues for towns have been difficult to resolve across the country but in this case they were able to come to agreement on such things as how the past extinguishment and present surrender of native title rights is to be compensated and the commencement of negotiations in good faith toward the creation of a park over the Devil's Pebbles, a sacred site 18 kilometres north of Tennant Creek.

As part of the agreement, native title has been surrendered in parts of the town to provide for future residential and commercial development.

*"This is not just for native title holders, but everyone who calls Tennant Creek home will benefit."*

— Francine McCarthy, chair of the Patta Warumungu Aboriginal Corporation.

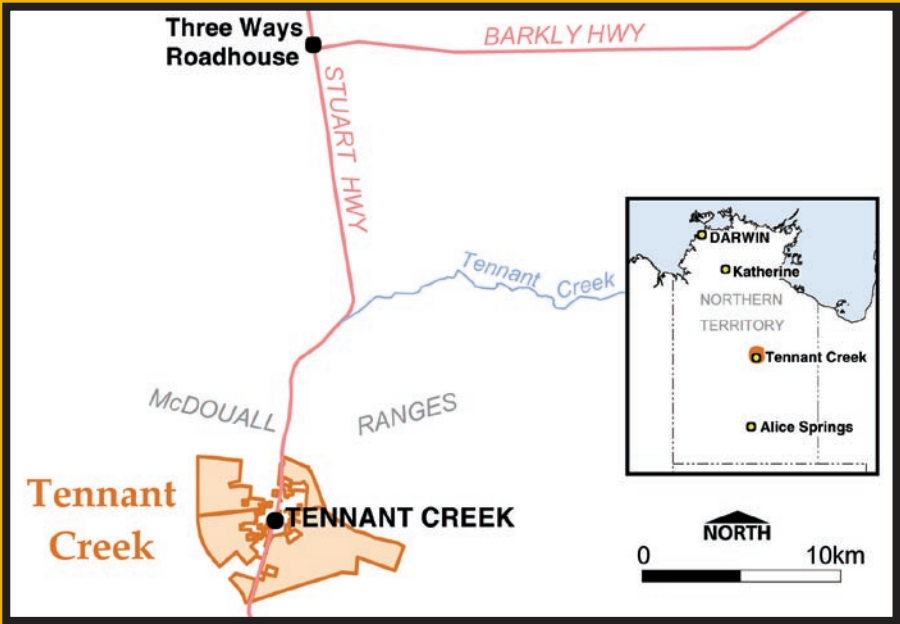


*On the day:* Northern Territory Chief Minister Clare Martin and Tennant Creek native title holders Kathleen Fitz Nappanangka and Evelyn Crafter Nappangarti cut a cake to mark the occasion.

## Determination and ILUA areas

The court recognised the Patta Warumungu people as having native title rights over 27sq km of land and waters in the Town of Tennant Creek.

As part of the agreement, native title has been surrendered in parts of the town to provide for future residential and commercial development.



**Case name:**  
*Patta Warumungu People v Northern Territory of Australia* [2007] FCA 1386

**How to say the claim name:**  
PART-A WARU-MUNG-GOO

## Stepping stones

<b>September 1999</b>	First native title application over the town lodged with the National Native Title Tribunal.
<b>June 2004</b>	Federal Court referred the claim to the Tribunal for mediation.
<b>November 2006</b>	Agreement-in-principle reached between the Northern Territory Government and native title claimants.
<b>September 2007</b>	Federal Court consent determination recognising the Patta Warumungu peoples' native title rights and the signing of the indigenous land use agreement.

**Rights to coexist:**  
The consent determination identifies and acknowledges others who have co-existing non-native title interests in the recognition area.

Native title rights are subject to the laws of the Northern Territory and the Commonwealth of Australia.

The determination will not affect existing rights to use and access the area, whether under leases, licenses or permits issued by government or as rights of public access held by all members of the community.

**Parties to the application:**  
After the claims were originally lodged, the Native Title Registrar notified people with an interest in the claim area, inviting them to become parties and have involvement in discussions.

The Northern Territory Government chose to do so.



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