



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: NTD6014/2000
NNTT number: DC2000/013

Application Name: Annie Isaac & Anor obo the Rumburriya Borroloola Group (Lot 825 & Lot 826 Borroloola) v Northern Territory of Australia

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 01/11/2000

Current status: Full Approved Determination - 27/10/2016

Registration information: Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.

Date claim entered on Register of Native Title Claims: 24/11/2000

Registration decision status: Accepted for registration

Registration history: Registered from 24/11/2000 to 8/11/2016,

Date claim / part of claim determined: 11/08/2016

Applicants: Annie Isaac, Dinah Norman

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Additional Information

On 11/08/2016, the Federal Court of Australia made a determination that native title exists in parts of the determination area - see *Rrumburriya Borroloola Claim Group v Northern Territory of Australia (No 2)* [2016] FCA 908. A copy of the determination is attached to the Register of Native Title Claims (RNTC) entry – see RNTC attachment 3. 'Determination - Rrumburriya Borroloola Claim Group v Northern Territory of Australia (No 2) [2016] FCA 908'. The determination of native title was entered on the National Native Title Register (NNTR) on 18/08/2016. Pursuant to s 190(4)(da) of the Native Title Act 1993 (Cth), the application will remain on the RNTC in relation to the areas in which native title has been determined to exist (refer Order 2 and Schedule C of the determination), until a Prescribed Body Corporate is nominated and registered on the NNTR. Any areas in which native title has been determined not exist (refer Order 3 and Schedule D of the determination) are removed from this RNTC entry as and from 11/08/2016. The Native Title Holders (s 225(a) – refer Orders 5 to 9 of the determination) and the Native Title Rights and Interests (s 225(b) and 225(e) – refer Orders 10 to 14) in relation to the areas where native title has been determined to exist are as described in the determination. Order 3 of the determination provides that “[a]n 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.” The Top End (Default PBC/CLA) Aboriginal Corporation RNTBC was determined as the Prescribed Body Corporate for this determination on 27 October 2016.

Persons claiming to hold native title:

1. The native title claim group is comprised by the Rrumburriya People who, according to traditional laws acknowledged, and customs observed:

a) Are traditionally connected with the area described in schedule B ("the area claimed") through:

* Spiritual, religious, physical, and historical associations;

* Biological, classificatory or adoptive descent through the four grandparental lines of father's father, mother's father, father's mother, and mother's mother; and

* Processes of succession.

b) Have a communal native title in the application area, from which rights and interests derive.

2. By definition the Rrumburriya People, in relation to the area claimed, are comprised by all persons descended from the three apical Rrumburriya persons identified in paragraph 3.

3. Anthropologically, the Rrumburriya People, in relation to the area claimed, are descended from three apical Rrumburriya persons. These apical ancestors are Johnson Timothy, Wardaba, and Mabalwulaya, and are more particularly identified as follows:

(a) Johnson Timothy is an Aboriginal person whose children include Philip Timothy, Marlene Timothy, Wilton Timothy, Barbara McCarthy, Selina Timothy, Allen Charlie, Dwain Charlie and Ashley Charlie.

(b) Wardaba is an Aboriginal person whose children include Wakuwaji, and whose grandchildren include Belle Ahwon, Gordon Larsen and Jackson Larsen. Gordon Larsen's children include Greg Larsen and Kathy Larsen.

(c) Mabalwulaya is an Aboriginal person whose children include Tommy Dambulyama, and whose grandchildren include Willy Mundumundumara, and whose great grandchildren include Wendy Kungkana Roper, James Dambulyama Roper, Wendy Diwangkuna Roper and David Jilbiljilbili Roper.

Native title rights and interests claimed:

A description of the native title rights and interests claimed in relation to particular land or waters (including and activities in exercise of those rights and interests).

List each native title right or interest separately.

1. The Rrumburriya People are entitled, under traditional laws acknowledged and customs observed, to exercise native title rights and interests in relation to the area claimed which include as follows:

- (a) to possess, occupy, use and enjoy the area claimed to the exclusion of all others;
- (b) To speak for and to make decisions about the use and enjoyment of the application area;
- (c) To reside upon and otherwise to have access to and within the application area;
- (d) To control the access of others to the application area;
- (e) To use and enjoy the resources of the application area;
- (f) To control the use and enjoyment of others of the resources of the application area;
- (g) To share, exchange and/or trade resources derived on and from the application area;
- (h) To maintain and protect places of importance under traditional laws, customs and practices in the application area;
- (i) To maintain, protect, prevent the misuse of and transmit to others their cultural knowledge, customs and practices associated with the application area;
- (j) To determine and regulate membership of, and recruitment to, a landholding group.

2. The claimants acknowledge that:

(a) their native title rights and interests are subject to all valid and current laws of the Commonwealth and the Northern Territory; and

(b) the exercise of their native title rights and interests might be regulated, controlled, curtailed, restricted, suspended or postponed by reason of the existence of valid concurrent rights and interests in others by or under such laws.

3. Subject to schedule L, this application does not claim the native title rights and interests confer possession, occupation, use and enjoyment to the exclusion of all others in relation to any area regarding which a previous non-exclusive possession act under s23F of the NTA has been done.

4. All rights and interests listed in paragraph 1 above exist (and existed) throughout the whole of the area claimed.

5. The native title rights and interests are held communally by all members of the Rrumburriya People, albeit that:

(a) the capacity of individuals to exercise these rights and interests will vary according to a variety of circumstances, for example age, gender, and physical and mental capacity;

(b) some Rrumburriya sub-groups or families are closely associated with specific areas of Rrumburriya country;

(c) by traditional laws and customs, responsibility for the area claimed is exercised by different individuals in different ways.

6. The activities referred to in schedule G are enjoyed by the claimants, and derived from their native title and are consistent with their native title rights and interests.

Application Area:

State/Territory: Northern Territory

Brief Location: Town of Borroloola

Primary RATSIB Area: Northern Northern Territory

Approximate size: 0.0145 sq km

(Note: There may be areas within the external boundary of the application that are not claimed.)

Does Area Include Sea: Yes

Area covered by the claim (as detailed in the application):

(a) The Area Covered by the Application

1. The land and waters subject to the application are located in the Town of Borroloola in the Northern Territory. The area claimed is all land and waters subject to:

(i) A notice of proposal dated 27 July 2000 under the Lands Acquisition Act (NT). A copy of the notice is contained at attachment A. The land and waters subject to this notice of proposal (and as described therein) is comprised by Lot 826 Town of Borroloola (being part of Lot 803) as delineated on survey plan S99/303 held by the Surveyor-General and containing a total area of approximately 9,990 square metres.

(ii) A notice of proposal dated 25 August 2000 under the Lands Acquisition Act (NT). A copy of the notice is contained at attachment B. The land and waters subject to this notice of proposal (and described therein) is comprised by Lot 825 Town of Borroloola (being part of Lot 803) as delineated on survey plan S99/304 held by the Surveyor-General and containing a total area of approximately 4,750 square metres.

(b) Any Area Within Those Boundaries That Are Not Covered By The Application

2. Subject to Schedule L of this application, any area in relation to which a previous exclusive possession act under s23B of the NTA has been done, is excluded from this application.

Attachments:

1. Map of claim area includes LAA notice (referred to in schedule B), Attachment A of the Application, 3 pages - A4, 06/11/2000
2. Map of claim area includes LAA notice (referred to in schedule B), Attachment B of the Application, 3 pages - A4, 06/11/2000

End of Extract