



Extract from the National Native Title Register

Determination Information:

Determination Reference: Federal Court Number(s): NTD6001/1997
NNTT Number: DCD2000/002

Determination Name: [The Wandarang, Alawa, Marra and Ngalakan Peoples](#)

Date(s) of Effect: 14/11/2000

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: 14/11/2000

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
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:

2) The groups of persons holding the common or group rights comprising the native title (the common law holders are those Aboriginals who:

(a) Are members of one or more of the 12 claimant groups by virtue of descent through his or her father's father, father's mother, mother's father or mother's mother; or

(b) Are otherwise recognised as members of one or more of the 12 claimant groups in accordance with the traditional laws and customs of such groups;

(c) And are recognised by the respective Mingirringgi, Junggayi and Darlnyin of the countries comprising the determination area as having communal, group or individual rights and interests in relation to the determination area

or a part of it.

MATTERS DETERMINED:

****NOTE:** This determination was amended on 9 June 2004. By consent the appeal, and cross-appeal (as amended), were upheld in part and the determination made on 14 November 2000 is varied to the extent where noted below.

THE COURT DETERMINES THAT:

- 1) Native title exists in the "determination area" described in the First Schedule save for the areas of land or waters described in the Second Schedule.
- 2) The groups of persons holding the common or group rights comprising the native title (the common law holders) are those Aboriginals who:
 - (a) Are members of one or more of the 12 claimant groups by virtue of descent through his or her father's father, father's mother, mother's father or mother's mother; or
 - (b) Are otherwise recognised as members of one or more of the 12 claimant groups in accordance with the traditional laws and customs of such groups;
 - (c) And are recognised by the respective Mingirringgi, Junggayi and Darlnyin of the countries comprising the determination area as having communal, group or individual rights and interests in relation to the determination area or a part of it.
- 3) Subject to paragraphs 5, 6, 7 and 8 of this determination, the nature and extent of the native title rights and interests in relation to the determination area are:
 - (a) A right to use and enjoy the determination area: (Amended 9 June 2004)
 - (b) A right to speak for the determination area; (Amended 9 June 2004)
 - (c) A right to reside upon the land in the determination area and otherwise to have access to the determination area; (Amended 9 June 2004)
 - (d) A right to use and enjoy the natural resources found on or within the determination area;
 - (e) A right to maintain and protect places of importance under the traditional laws, customs and practices in that area otherwise than with respect to the rights and interests identified in paragraph 4 below. (Amended 9 June 2004)
- 4) The nature and extent of other interests in relation to the determination area are:
 - (a) The rights and interests of the registered proprietor of Crown Lease Perpetual 346 being the whole of the land comprised in Certificate of Title Volume 197 Folio 22;
 - (b) Rights and interests validly granted by the Crown pursuant to statute or by any valid executive or legislative act affecting the native title of the common law holders; and
 - (c) Other rights and interests held by members of the public arising under the common law, including such rights and interests in relation to the waters of the Roper, Limmen Bight and Cox Rivers which are affected by the tide. (Amended 9 June 2004)
- 5) There is no native title right or interest in minerals and petroleum as defined in the Minerals (Acquisition) Act (NT) and the Petroleum Act (NT).
- 6) To the extent that any inconsistency exists between the native title rights and interests referred to in paragraph 3 hereof and the rights conferred by other interests referred to in paragraph 4 hereof the native title rights and interests must yield to such other rights
- 7) The native title rights and interests of the common law holders do not confer possession, occupation, use and enjoyment of the land and waters of the determination area on the common law holders to the exclusion of all others.
- 8) The native title rights and interests described in paragraph 3 hereof are subject to regulation, control, curtailment or restriction by valid laws of Australia.
- 9) The rights and interests from time to time comprising the native title are to be held by the common law holders.

10) Pursuant to s.57(2)(a) of the Native Title Act 1993 the Court requests that a representative of the common law holders nominate, in writing given to the Court with 6 months of the date of this determination, a prescribed body corporate to perform the functions mentioned in s.57(3) of the said Act.

11) Each party to the proceedings is to bear its own costs.

THE FIRST SCHEDULE

ALL THOSE areas of land and waters in the Northern Territory of Australia being:

(a) the whole of the area of land and waters formerly subject to Pastoral Lease 700 other than that part of the said area that was formerly the subject of Agricultural lease 153;

(b) the whole of the land described in Schedule 1 to the declaration of the routes travelling stock published in the Northern Territory Government Gazette No S 83 on 26 November 1986 other than Northern Territory Portion 1185 (the stock route area);

(c) the bed, banks and waters of the Roper River between the eastern boundary of the Northern Territory Portion 2632 and the Territorial Sea Baseline at the mouth of the river other than land which is Aboriginal land within the meaning of the Aboriginal Land Rights (Northern Territory) Act 1976; and

(d) the bed, banks and waters of the segments of the Limmen Bight River and the Cox River which area adjacent to either or both of Northern Territory Portion 819 and Northern Territory Portion 3476.

THE SECOND SCHEDULE (Amended 9 June 2004)

Native Title does not exist in the following parts of the determination area:

(a) Land and waters which are delineated as roads on the plan in Crown Lease Perpetual 346

(b) The stock route area described in paragraph (b) of the First Schedule.

(c) Any are of land and waters on which a public work (as defined in s253 of the Native Title Act) is or has been established and 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.

REGISTER ATTACHMENTS:

1. Attachment A - CLP 346 NT POR 819 ST VIDGEON, 1 page - A4, 14/11/2000

2. Attachment AA - Map showing handwritten note of ST VIDGEON CLP 346 NT PORTION 819, 1 page - A4, 14/11/2000

3. Attachment AB - Map showing claim area, 1 page - A4, 14/11/2000

4. Attachment AC - Map smaller version of AB, 1 page - A4, 14/11/2000

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.