



# Extract from the National Native Title Register

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## Determination Information:

**Determination Reference:** Federal Court Number(s): NTD6/2010  
NNTT Number: DCD2011/004

**Determination Name:** [Rosewood v Northern Territory of Australia](#)

**Date(s) of Effect:** 31/05/2011

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

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

**Determination Date:** 31/05/2011

**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 12 March 2015.

### 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](http://www.oric.gov.au)*

### COMMON LAW HOLDER(S) OF NATIVE TITLE:

4. The land and waters of the Determination Area comprise the whole or part of three estates, which are held respectively by the members of the following four estate groups:

- (a) the Miriuwung ' Larru group;
- (b) the Miriuwung ' Mambitji group;
- (c) the Miriuwung ' Gudim group;

(d) the Malngin ' Yunur-Jurrtakal group.

These persons, together with the Aboriginal people referred to in clause 6 hereof, are collectively referred to as 'the native title holders'.

5. Each of the estate groups referred to in clause 4 hereof includes persons who are members of the group by reason of:

(a) patrilineal descent;

(b) his or her mother, father's mother or mother's mother being or having been a member of the group by reason of patrilineal descent;

(c) having been adopted or incorporated into the descent relationships referred to in (a) or (b) hereof.

These persons are collectively referred to as 'the estate group members'.

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

(a) members of estate groups from neighbouring estates;

(b) spouses of the estate group members.

7. Each of the estate groups referred to in clause 6(a) hereof includes persons who are members of the group by reason of:

(a) patrilineal descent;

(b) his or her mother, father's mother or mother's mother being or having been a member of the group by reason of patrilineal descent;

(c) having been adopted or incorporated into the descent relationships referred to in (a) or (b) hereof.

#### **MATTERS DETERMINED:**

THE COURT DETERMINES THAT:

THE DETERMINATION AREA

1. The Determination Area is the land and waters described in Schedule A 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.

THE NATIVE TITLE HOLDERS

4. The land and waters of the Determination Area comprise the whole or part of three estates, which are held respectively by the members of the following four estate groups:

(a) the Miriuwung ' Larru group;

(b) the Miriuwung ' Mambitji group;

(c) the Miriuwung ' Gudim group;

(d) the Malngin ' Yunur-Jurrtakal group.

These persons, together with the Aboriginal people referred to in clause 6 hereof, are collectively referred to as 'the native title holders'.

5. Each of the estate groups referred to in clause 4 hereof includes persons who are members of the group by reason of:

(a) patrilineal descent;

(b) his or her mother, father's mother or mother's mother being or having been a member of the group by reason of patrilineal descent;

(c) having been adopted or incorporated into the descent relationships referred to in (a) or (b) hereof.

These persons are collectively referred to as 'the estate group members'.

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

(a) members of estate groups from neighbouring estates;

(b) spouses of the estate group members.

7. Each of the estate groups referred to in clause 6(a) hereof includes persons who are members of the group by reason of:

(a) patrilineal descent;

(b) his or her mother, father's mother or mother's mother being or having been a member of the group by reason of patrilineal descent;

(c) having been adopted or incorporated into the descent relationships referred to in (a) or (b) hereof.

#### THE NATIVE TITLE RIGHTS AND INTERESTS

8. The native title rights and interests of the estate group members that are possessed under their traditional laws and customs are, subject to the traditional laws and customs that govern the exercise of the native title rights and interests by the native title holders, non-exclusive rights to use and enjoy those parts of the Determination Area identified in Schedule C being:

(a) the right to travel over, to move about and to have access to those areas;

(b) the right to hunt and to fish on the land and waters of those areas;

(c) the right to gather and to use the natural resources of those areas such as food, medicinal plants, wild tobacco, timber, stone and resin;

(d) the right to take and to use the natural water on those areas, and for the sake of clarity and the avoidance of doubt this right does not include the right to take or use water captured by the holders of Perpetual Pastoral Lease 1013;

(e) the right to live, to camp and for that purpose to erect shelters and other structures on those areas;

(f) the right to light fires on those areas for domestic purposes, but not for the clearance of vegetation;

(g) the right to conduct and to participate in the following activities on those areas:

(i) cultural activities;

(ii) cultural practices relating to birth and death, including burial rites;

(iii) ceremonies;

(iv) meetings;

(v) teaching the physical and spiritual attributes of sites and places on those areas that are of significance under their traditional laws and customs;

(h) the right to maintain and to protect sites and places on those areas that are of significance under their traditional laws and customs;

(i) the right to share or exchange subsistence and other traditional resources obtained on or from those areas;

(j) the right to be accompanied on to those areas 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 areas;

(ii) people who have rights in relation to the areas according to the traditional laws and customs acknowledged by the

estate group members;

(iii) people required by the estate group members to assist in, observe, or record traditional activities on the areas;

(k) the right to conduct activities necessary to give effect to the rights referred to in (a) to (j) hereof.

These native title rights and interests do not confer on the estate group members possession, occupation, use and enjoyment of the Determination Area, to the exclusion of all others.

9. The native title rights and interests of the native title holders referred to in clause 6 hereof that are possessed under their traditional laws and customs are, subject to the traditional laws and customs that govern the exercise of the native title rights and interests by the native title holders, non-exclusive rights to use and enjoy those parts of the Determination Area identified in Schedule C being:

(a) the right to travel over, to move about and to have access to those areas;

(b) the right to hunt and to fish on the land and waters of those areas;

(c) the right to gather and to use the natural resources of those areas such as food, medicinal plants, wild tobacco, timber, stone and resin;

(d) the right to take and to use the natural water on those areas, and for the sake of clarity and the avoidance of doubt this right does not include the right to take or use water captured by the holders of Perpetual Pastoral Lease 1013;

(e) the right to camp on those areas;

(f) the right to light fires on those areas for domestic purposes, but not for the clearance of vegetation;

(g) the right to conduct activities necessary to give effect to the rights referred to in (a) to (f) hereof.

These native title rights and interests do not confer on the native title holders referred to in clause 6 hereof possession, occupation, use and enjoyment of the Determination Area, to the exclusion of all others.

#### OTHER INTERESTS IN THE DETERMINATION AREA

10. 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 1489, the interests of Rosewood Station Pty Ltd under Perpetual Pastoral Lease 1013;

(b) the rights and interests of Telstra Corporation Limited:

(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 the Telecommunications Act 1997 (Cth), including rights:

(A) to inspect land;

(B) to install and operate telecommunications facilities; and

(C) to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunications 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 license, access agreement or easement relating to its telecommunications facilities in the Determination Area; and

(v) in respect of its freehold estate in NT Portion 3741;

(c) in relation to NT portion 1489, the rights of Aboriginal persons (whether or not native title holders) pursuant to the reservation in favour of Aboriginal peoples contained in the pastoral lease, identified in s 38(2)-(6) of the Pastoral Land Act 1992 (NT);

(d) the rights of Aboriginal persons (whether or not native title holders) by virtue of the Northern Territory Aboriginal

Sacred Sites Act 1989 (NT);

(e) 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;

(f) the 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;

(g) the following interests granted under the Mining Act (NT), depicted in Schedule E;

(i) Exploration Licence Title No. 27420 granted on 15 April 2010;

(ii) Exploration Licence Title No. 27412 granted on 29 January 2010;

(iii) Exploration Licence Title No. 27416 granted on 13 May 2010.

11. To the extent, if at all, that the exercise of the native title rights and interests referred to in clauses 8 and 9 conflicts with the exercise of the rights and interests of the persons referred to in clause 10, the rights and interests of the persons referred to in clause 10 prevail over, but do not extinguish, the native title rights referred to in clauses 8 and 9.

#### OTHER MATTERS

12. There are no native title rights and interests in:

(a) minerals (as defined in s 2 of the Minerals (Acquisition) Act (NT));

(b) petroleum (as defined in s 5 of the Petroleum Act (NT));

(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.

13. The native title rights and interests are subject to and exercisable in accordance with the valid laws of the Northern Territory of Australia and the Commonwealth of Australia.

14. The native title rights and interests are for the personal or communal needs of the native title holders which are of a domestic or subsistence nature and not for any commercial or business purpose.

#### SCHEDULE A

##### DESCRIPTION OF DETERMINATION AREA

The Determination Area comprises the following areas of land:

1. NT portion 1489, being land the subject of Perpetual Pastoral Lease 1013;

2. NT portion 3741, being land the subject of the grant of an estate in fee simple to Telstra Corporation Limited.

#### SCHEDULE B

##### MAP OF DETERMINATION AREA

(see NNTR Attachment 1: 'Schedule B - Map of Determination Area')

#### SCHEDULE C

##### AREAS WHERE NATIVE TITLE EXISTS

The areas of land and waters in respect of which the native title rights and interests in clauses 8 and 9 apply are:

1. NT portion 1489, being land the subject of Perpetual Pastoral Lease 1013, except those parts thereof referred to in Schedule D.

#### SCHEDULE D

## AREAS WHERE NATIVE TITLE DOES NOT EXIST

Native title rights and interests have been wholly extinguished in the following areas of land and waters:

1. NT portion 3741, being land the subject of a freehold estate granted to Telstra Corporation Limited;
2. Those parts of the Determination Area covered by public works (including adjacent land or waters as defined in s 251D of the Act) which were constructed, established or situated prior to 23 December 1996 or commenced to be constructed or established on or before that date, including but not limited to:
  - (a) public roads, whether rural roads, arterial roads or national highways;
  - (b) community and pastoral access roads which are not otherwise public roads;
  - (c) gravel pits adjacent to the roads referred to at paragraphs (a) and (b) hereof used to maintain those roads;
  - (d) access roads or tracks to the public works referred to in this clause;
  - (e) Government bores and associated infrastructure including bores used for the establishment, operation or maintenance of public and other roads;
  - (f) river and rain gauges;
  - (g) transmission and distribution water pipes and associated infrastructure;
  - (h) sewer pipes, sewer pump stations and associated infrastructure; and
  - (i) electricity transmission lines, towers, poles and associated infrastructure;
3. In relation to NT portion 1489, those parts of the Determination Area covered by pastoral improvements including but not limited to:
  - (a) a homestead, house, sheds and buildings including:
    - (i) Homestead complex which includes 4 houses, 8 huts, 2 x staff quarters and 8 sheds;
    - (ii) 2 sheds located at Bobtail yard 27.1km North Northeast of homestead;
    - (iii) 1 shed located at Cattle Camp yard 6km East of homestead;
    - (iv) 1 shed located at Gum Creek bore 40.8km East by North of homestead;
    - (v) 1 shed at located Kinavans yard 53.1km East Northeast of homestead;
    - (vi) 2 sheds located at Faradays bore 22km East by South of homestead; and
    - (vii) 2 sheds at located Cowardy yard 27.7km South Southeast of homestead;
  - (b) bores including:
    - (i) Behn Bore located 7.7km South of homestead;
    - (ii) Bobtail bore located 20.8km North Northeast of homestead;
    - (iii) Bostooks bore located 13.1km East by South of homestead;
    - (iv) Brolga bore located 38.9km East of homestead;
    - (v) Burns Well bore located 10.2km East Northeast of homestead;
    - (vi) Collins bore located 23.4km Southeast by East of homestead;
    - (vii) Condons bore located 46.3km East by North of homestead;
    - (viii) Coopers bore located 38.5km Northeast by East of homestead;
    - (ix) Cowardy bore x 2 located 27.7km South Soutehast of homestead;

- (x) Cowardy Gap bore;
- (xi) Cross Keys well located 38.6km East Northeast of homestead;
- (xii) Datuk bore located 18.5km North Northeast of homestead;
- (xiii) Dead Horse bore located 20.6km Southeast of homestead;
- (xiv) Dead Horse Spring located 20km Southeast by South of homestead;
- (xv) East Faradays bore located 29.7km East by South of homestead;
- (xvi) Faradays bore located 22km East by South of homestead;
- (xvii) Four Mile Bore located 8km Southwest of Homestead (in WA);
- (xviii) Garden Well located at homestead;
- (xix) Gum Creek bore located 40.8km East by North of homestead;
- (xx) Haypad bore;
- (xxi) Johnny Durack bore;
- (xxii) Karabungun bore located 39km Northeast by East of homestead;
- (xxiii) Kilfoyle bore located 38km South Southeast of homestead;
- (xxiv) Lily bore located 10.6km Southeast by East of homestead;
- (xxv) Limestone bore located 12.km South Southeast of homestead;
- (xxvi) Little Faradays Well (not listed on map);
- (xxvii) Mary bore located 31.7km Southeast by East of homestead;
- (xxviii) McKenzie bore located 28.8km South by East of homestead;
- (xxix) Meat House well located at homestead;
- (xxx) No. 10 bore located 50.2km Northeast by East of homestead;
- (xxxi) No. 10b bore located 50.7km Northeast by East of homestead;
- (xxxii) No. 5 bore located 31.7km Northeast of homestead;
- (xxxiii) No. 6 bore located 9.7km North Northeast of homestead;
- (xxxiv) No. 7 bore located 10km North by East of homestead;
- (xxxv) No. 8 bore located 31.7km Northeast of homestead;
- (xxxvi) No. 9 bore located 42.8km Northeast of homestead;
- (xxxvii) Peters Spring bore located 18.5km North by East of homestead;
- (xxxviii) Rosebush bore located 32.5km Northeast by North of homestead;
- (xxxix) Rubberbush bore located 53.4km East Northeast of homestead;
- (xl) Shady Camp bore located 38km Southeast of homestead;
- (xli) Shea bore located at homestead;
- (xlii) Spitfire bore located 22km Northeast of homestead;
- (xlili) Stockade pump located at homestead;
- (xliv) Stoneys bore located 30.8km Northeast by East of homestead;

- (xiv) Strubers bore;
- (xlv) Sugar Springs located 20km South Southwest of homestead (in WA);
- (xlvi) Three Ways bore located 24km Northeast by North of homestead;
- (xlvii) Two Mile Mill located 4.3km Southwest by South of homestead (in WA);
- (xlviii) Valentine's bore located 54.8km East Northeast of homestead;
- (l) Wellington bore located 27.7km Northeast by East of homestead; and
- (li) White Soak bore located 28 km North Northeast of homestead;
- (c) squatters tanks including:
  - (i) 3 Cattle Camp tanks located 6km East of homestead;
  - (ii) Bobtail tank located 20.8km North Northeast of homestead; and
  - (iii) No. 5 tank located 20.6km Northeast by East of homestead;
- (d) constructed dams and/or constructed stock watering points including:
  - (i) Two overhead tanks located at the homestead complex; and
  - (ii) Flying Fox Waterhole located 12.9km Southwest of homestead (in WA);
- (e) stockyards including:
  - (i) Behn yard located 16km Southwest of homestead (in WA);
  - (ii) Bobtail yard located 21.7km North Northeast of homestead;
  - (iii) Cattle Camp yard located 6km East of homestead;
  - (iv) Cowardy yard located 27.7km South Southeast of homestead;
  - (v) Faradays yard located 22km East by South of homestead;
  - (vi) Gum Creek yard located 40.8km East by North of homestead;
  - (vii) Homestead yard located at homestead;
  - (viii) Kinavans yard located 53.1km East Northeast of homestead;
  - (ix) Mitchells yard located 42.8km Northeast of homestead;
  - (x) No. 5 yard located 20.6km Northeast by East of homestead;
  - (xi) Sailors Hole yard located 49km Northeast by East of homestead;
  - (xii) Shady Camp yard located 38km Southeast of homestead; and
  - (xiii) Valentine's yard located 54.8km East Northeast of homestead;
- (f) trapyards including:
  - (i) Mitchells trapyard located at Mitchells yard; and
  - (ii) Cowardy trapyard located at cowardy yard;
- (g) highway airstrips including the airstrip located at the Homestead complex.

The areas described by 3(a) ' (g) comprise land on which the improvements have been constructed prior to the date of this determination, and any adjacent land or waters the exclusive use of which is necessary for the enjoyment of the improvements.

SCHEDULE E

MAP OF INTERESTS GRANTED UNDER THE MINING ACT (NT)

(see NNTR Attachment 2: 'Schedule E - Map of interests granted under the Mining Act (NT)')

**REGISTER ATTACHMENTS:**

1. Attachment 1 - Schedule B Map of Determination Area, 1 page - A4, 31/05/2011
2. Attachment 2 - Schedule E Map of interests granted under the Mining Act (NT), 1 page - A4, 31/05/2011

*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.*