



# Extract from the National Native Title Register

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## Determination Information:

**Determination Reference:** Federal Court Number(s): NTD4/2011; NTD26/2018  
NNTT Number: DCD2013/001

**Determination Name:** [Lynch on behalf of the members of the Alherramp/Rrweltyapet, Ilwerr, Mamp/Arrwek, Tywerl, Arrangkey, Anentyerr/Anenkerr and Ntyerlkem/Urapentye Estate Groups v Northern Territory of Australia](#)

**Date(s) of Effect:** 2/07/2013, 19/08/2020

**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:** 02/07/2013

**Determining Body:** Federal Court of Australia

### ADDITIONAL INFORMATION:

On 2 July 2013, the Federal Court of Australia (Federal Court) made a determination of native title by consent in *Lynch on behalf of the members of the Alherramp/Rrweltyapet, Ilwerr, Mamp/Arrwek, Tywerl, Arrangkey, Anentyerr/Anenkerr and Ntyerlkem/Urapentye Estate Groups v Northern Territory of Australia* [2013] FCA 636. Among other things, the Federal Court ordered 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. Alherramp Ilwerr Mamp Arrangkey Tywerl Aboriginal Corporation is:
  - (a) to be the prescribed body corporate for the purposes of s 57(2) of the Act;
  - (b) to perform the functions outlined in s 57(3) of the Act after becoming a registered native title body corporate.

Schedule C of the determination provided that native title rights and interests had been wholly extinguished in areas of land and waters affected by pastoral improvements, described more particularly under the heading "**Pastoral improvements**".

Following the filing of a revised native title determination application, the Federal Court ordered on 19 August 2020 that the determination be varied so as to delete the clause headed 'Pastoral Improvements' from Schedule C.

The determination of native title as varied took effect from 19 August 2020.

This Register entry contains the details of the determination of native title as varied.

**REGISTERED NATIVE TITLE BODY CORPORATE:**

Alherramp Ilwerr Mamp Arrangkey Tywerl Aboriginal Corporation  
RNTBC  
Agent Body Corporate  
27 Stuart Highway  
ALICE SPRINGS Northern Territory 0870

*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)*

**ORIGINAL REGISTERED NATIVE TITLE BODY CORPORATE(S):**

Alherramp Ilwerr Mamp Arrangkey Tywerl Aboriginal Corporation

*Note: details of the Corporation name change can be found on the Office of the Registrar of Indigenous Corporations website [www.oric.gov.au](http://www.oric.gov.au)*

**COMMON LAW HOLDER(S) OF NATIVE TITLE:****The native title holders**

4. The determination area comprises seven estate areas associated with the Alherramp/Rrweltyapet, Ilwerr, Mamp/Arrwek, Tywerl, Arrangkey, Anentyerr/Anenkerr and Ntyerlkem/Urapentye estate groups.

5. The persons who hold the common or group rights comprising the native title are the Aboriginal persons who are:

(a) members of one or more of the estate groups referred to in paragraph 4 by virtue of descent (including adoption) through father's father, father's mother, mother's father and mother's mother;

(b) accepted as members of one or more of the estate groups referred to in paragraph 4 by senior members of a landholding group, referred to in subparagraph (a), by virtue of non-descent connections to an estate.

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

1. The determination of native title contained in the orders made by Reeves J in *Lynch on behalf of the members of the Alherramp/Rrweltyapet, Ilwerr, Mamp/Arrwek, Tywerl, Arrangkey, Anentyerr/Anenkerr and Ntyerlkem/Urapentye Estate Groups v Northern Territory of Australia* [2013] FCA 636 (2 July 2013) is varied as follows:

The clause headed "Pastoral improvements" in Schedule C of the determination, as enumerated in paragraph B above, is deleted.

2. On and from the date of these orders the determination of native title as varied is taken to be in the form of the Varied Determination, which is Annexure 1 to these orders.

3. The parties have liberty to apply to establish the precise location and boundaries of any public works and adjacent land and waters identified or otherwise referred to in Schedule C of the Varied Determination.

**ANNEXURE 1****THE VARIED DETERMINATION****THE COURT DETERMINES THAT:****The determination area**

1. The determination area comprises NT Portions 747 and 748 and part of NT Portion 5165 being the land and waters more particularly described in Schedule A and depicted on the map comprising Schedule B.

2. Native title exists in the determination area.

3. Native title does not exist in those parts of the determination area described in Schedule C.

**The native title holders**

4. The determination area comprises seven estate areas associated with the Alherramp/Rwelyapet, Ilwerr, Mamp/Arrwek, Tywerl, Arrangkey, Anentyerr/Anenkerr and Ntyerlkem/Urapentye estate groups.

5. The persons who hold the common or group rights comprising the native title are the Aboriginal persons who are:

(a) members of one or more of the estate groups referred to in paragraph 4 by virtue of descent (including adoption) through father's father, father's mother, mother's father and mother's mother;

(b) accepted as members of one or more of the estate groups referred to in paragraph 4 by senior members of a landholding group, referred to in subparagraph (a), by virtue of non-descent connections to an estate.

### **Native title rights and interests**

6. The native title rights and interests of the native title holders are the rights possessed under and exercisable in accordance with their traditional laws and customs, including the right to conduct activities necessary to give effect to them, being:

(a) the right to access and travel over any part of the land and waters;

(b) the right to live on the land, and for that purpose, to camp, erect shelters and other structures;

(c) the right to hunt, gather and fish on the land and waters;

(d) the right to take and use the natural resources of the land and waters;

7. The native title rights and interests referred to in paragraph 6 do not confer possession, occupation, use and enjoyment of the land and waters on the native title holders to the exclusion of all others.

8. The native title rights and interests referred to in sub-paragraphs 6(c), (d), (e) and (j) 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.

9. The native title rights and interests referred to in paragraph 6 hereof are subject to and exercisable in accordance with:

(a) the valid laws of the Northern Territory of Australia and the Commonwealth of Australia;

(b) the traditional laws acknowledged and traditional customs observed by the native title holders.

### **Other rights and interests**

10. The nature and extent of the other interests in the determination area are:

(a) in relation to NT Portion 747 – the interest of the pastoral lease holder under Perpetual Pastoral Lease No 1178;

(b) in relation to NT Portion 748 – the interest of pastoral lease holder under Perpetual Pastoral Lease No 1177;

(c) in relation to NT Portion 5165 – valid rights of use for the passage of travelling stock;

(d) the interest of the Northern Territory of Australia under energy supply easement registered dealing no. 200948;

(e) the rights and interests of APT Pipelines (NT) Pty Ltd:

(i) as the beneficiary of the rights and interests under energy supply easement, registered dealing no. 200948 granted to the Northern Territory of Australia for the purposes of the construction, operation and maintenance of the Amadeus Basin to Darwin gas pipeline and infrastructure; and

(ii) as the holder of Pipeline Licence No. 4 granted under the *Energy Pipelines Act* (NT).

(f) In relation to NT Portion 748, the following interests granted under the *Mineral Titles Act 2010* (NT):

(i) Exploration Licence (EL) 27927 granted on 1 November 2010;

(ii) EL 29205 granted on 4 July 2012;

(iii) EL 29221 granted on 14 August 2012;

(iv) EL 29230 granted on 8 August 2012;

- (v) EL 29227 granted on 27 November 2012;
- (vi) EL 28083 granted on 31 January 2011;
- (vii) EL 28492 granted on 28 July 2011;
- (viii) EL 28473 granted on 5 October 2011;
- (ix) EL 28498 granted on 12 August 2011; and
- (x) EL 24548 granted on 1 December 2005;
- (g) In relation to NT Portion 747, the following interests granted under the *Mineral Titles Act 2010* (NT):
  - (i) EL 244548 granted on 1 December 2005;
  - (ii) EL 24451 granted on 6 February 2006;
  - (iii) EL 28945 granted on 5 March 2012;
  - (iv) EL 24606 granted on 28 December 2005;
  - (v) EL 24246 granted on 11 October 2004;
  - (vi) EL 28964 granted on 26 July 2012;
  - (vii) EL 28965 granted on 26 July 2012; and
  - (viii) EL 28967 granted on 3 July 2012.
- (h) in relation to NT Portions 747 and 748 – the rights of Aboriginal persons (whether or not native title holders) pursuant to the reservation in favour of Aboriginal people contained in pastoral leases set out in s 38(2) to (6) of the *Pastoral Land Act* (NT);
- (i) the rights of Aboriginal persons (whether or not native title holders) by virtue of the *Northern Territory Aboriginal Sacred Sites Act* (NT);
- (j) rights of access by an employee, servant, agent or instrumentality of the Northern Territory, Commonwealth or other statutory authority as required in the performance of his or her statutory duties;
- (k) the interests of persons to whom valid or validated rights and interests have been:
  - (i) granted by the Crown pursuant to statute or otherwise in the exercise of its executive power; or
  - (ii) conferred by statute.

### **Relationship between rights and interests**

11. To the extent that the continued existence, enjoyment or exercise of the native title rights and interests referred to in paragraph 6 is inconsistent with the existence, enjoyment or exercise of the other rights and interests referred to in paragraph 10, the other rights and interests and the doing of any activity required or permitted to be done by or under the other interests, prevail over, but do not extinguish, the native title rights and interests.

### **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 5 of the *Atomic Energy Act 1953* (Cth) and s 3 of the *Atomic Energy (Control of Materials) Act 1946* (Cth)).

13. In this determination the term:

- (a) "natural resources" means:

(i) animals *ferae naturae*, birds, fish and plants, including timber, wax, resin and gum; and

(ii) surface soils, clays, stone, rocks and ochre,

but does not include minerals, petroleum and prescribed substances;

(b) "natural waters" includes springs and rockholes.

14. Unless the contrary intention appears, a word or expression used in the Act has the same meaning in this determination as it has in the Act.

#### **REGISTER ATTACHMENTS:**

1. Schedule A - Determination Area, 1 page - A4, 19/08/2020

2. Schedule B - Map of Determination Area, 1 page - A4, 19/08/2020

3. Schedule C - Areas where native title does not exist, 1 page - A4, 19/08/2020

*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.*