



# Extract from the National Native Title Register

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## Determination Information:

**Determination Reference:** Federal Court Number(s): NTD18/2020  
NNTT Number: DCD2024/002

**Determination Name:** [Madrill on behalf of the members of the Amapete, Apwetyerlaneme, Atweale and Warrtharre Landholding Groups v Northern Territory of Australia](#)

**Date(s) of Effect:** 22/05/2024

**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:** 22/05/2024

**Determining Body:** Federal Court of Australia

### ADDITIONAL INFORMATION:

Not Applicable

### REGISTERED NATIVE TITLE BODY CORPORATE:

Huckitta Aboriginal Corporation RNTBC  
Agent Body Corporate  
Aboriginal Associations Management Centre  
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):

Huckitta 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 four estate areas associated with the Amapete, Apwetyerlaneme, Atweale and Warrtharre landholding 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 landholding 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; or

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

(i) spiritual identification with and responsibility for an estate;

(ii) conception and/or birthplace affiliation with an estate;

(iii) long-term residence in an estate;

(iv) close kinship ties, including intermarriage;

(v) shared section/subsection and/or moiety affiliation;

(vi) a more distant ancestral connection to an estate, for example, mother's father's mother; and

(vii) possession of traditional religious knowledge, authority and responsibility for an estate.

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

1. There be a determination of native title in the terms of the determination set out in "**Attachment A**" to these orders.

2. The native title is not to be held on trust.

3. Huckitta Aboriginal Corporation (ICN: 7371) is:

(a) to be the prescribed body corporate for the purposes of s 57(2) of the Act; and

(b) to perform the functions outlined in s 57(3) of the Act after becoming a registered native title body corporate.

4. 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 determination.

**ATTACHMENT A**

**DETERMINATION**

**THE COURT DETERMINES THAT:**

**The determination area**

1. The Determination Area comprises NT Portions 2454 and 5994 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 as follows:

(a) NT Portion 2454: the native title rights and interests in paragraph 6; and

(b) NT Portion 5994: the native title rights and interests in paragraph 7; but they are wholly ineffective in relation to the relevant act due to the operation of s 238(3) of the Act.

3. Notwithstanding paragraph 2, 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 four estate areas associated with the Amapete, Apwetyerlaneme, Atweale and Wartharre landholding 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 landholding 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; or

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

(i) spiritual identification with and responsibility for an estate;

(ii) conception and/or birthplace affiliation with an estate;

(iii) long-term residence in an estate;

(iv) close kinship ties, including intermarriage;

(v) shared section/subsection and/or moiety affiliation;

(vi) a more distant ancestral connection to an estate, for example, mother's father's mother; and

(vii) possession of traditional religious knowledge, authority and responsibility for an estate.

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

6. In relation to NT Portion 2454, where any prior extinguishment of native title must be disregarded due to application of s 47 of the Act, the native title rights and interests confer possession, occupation, use and enjoyment of the land and waters to the exclusion of all others.

7. In relation to NT Portion 5994, the native title rights and interests of the native title holders are the rights to:

(a) access, remain on and use the land and waters for any purpose;

(b) access, take, and/or use the resources of the land and waters for any purpose;

Note: To avoid doubt, matters excluded from the term "resources of the land and waters" are defined at paragraph 14.

(c) maintain and protect places, areas and things of significance under traditional laws and customs,

and without limiting the generality or scope of sub-paragraphs (a)-(c) above, the rights to:

(d) live on the land;

(e) erect shelters and other structures;

(f) conduct and participate in the following activities on the land and waters:

(i) cultural activities;

(ii) ceremonies;

(iii) meetings;

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

(v) teaching the physical and spiritual attributes of sites and places on the land and waters;

(g) make decisions, subject to paragraph 8(b) below, about the use and enjoyment of the land and waters by Aboriginal people who recognise themselves to be governed by the traditional laws and customs acknowledged by the native title holders; and

(h) be accompanied on the land and waters 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 land and waters;

(ii) people who have rights in relation to the land and waters according to the traditional laws and customs acknowledged by the native title holders; or

(iii) people required by the native title holders to assist in, observe, or record traditional activities on the areas.

8. The native title rights and interests referred to in paragraph 7 do not confer:

(a) possession, occupation, use and enjoyment of the land and waters to the exclusion of all others; or

(b) any right to control access to, or use of, the land and waters or its resources.

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

(a) the traditional laws and customs of the native title holders; and

(b) the laws of the Northern Territory of Australia and the Commonwealth of Australia.

Note: Additionally, the relationship between the native title rights and interests and the other interests in paragraph 11 is specified in paragraphs 12 and 13.

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

(a) Minerals as defined in s 2 of the *Minerals Acquisition Act 1953* (NT);

(b) Petroleum as defined in s 5 of the *Petroleum Act 1984* (NT); and

(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).

#### **Other interests in the Determination Area**

11. The nature and extent of the other interests in the Determination Area are:

(a) NT Portion 2454:

(i) the rights and interest of Huckitta Aboriginal Corporation under Perpetual Pastoral Lease No. 990;

(ii) the rights and interest of the proprietor of NT Portion 6990 as the beneficiary of a Right of Way by Easement Dealing No. 797332;

(iii) the rights of Aboriginal persons (whether or not native title holders) pursuant to the reservation in favour of Aboriginal people contained in PPL No. 990 as set out in s 38(2) and s 38(6) of the *Pastoral Land Act 1992* (NT).

(b) NT Portion 5994: the interest of Tyarne Aboriginal Corporation as the holder of a fee simple estate (subject to the Tyarne ILUA DI2003/013 registered on 14 November 2003); and

(c) in relation to both NT Portions 2454 and 5994:

(i) valid or validated rights and interests held by force and operation of the *Water Act 1992* (NT);

(ii) the interests of the holders of the following mining and petroleum titles granted pursuant to the *Mineral Titles Act 2010* (NT) (or its predecessor) and the *Petroleum Act 1984* (NT) respectively:

<b>No.</b>	<b>Date Granted</b>	<b>Expiry date</b>	<b>Holder</b>
EL 31214	10/10/2016	9/10/2024	Lithium Plus Minerals Ltd
EL 31225	23/12/2016	22/12/2024	Territory Lithium Pty Ltd
EL 32089	7/10/2019	6/10/2025	Typhon Minerals Pty Ltd
EL 32122	6/01/2020	5/01/2026	CopperOz Pty Ltd
EL 32447	4/05/2021	3/05/2027	Raymond Cedric Wallace, Brian Richard Wallace
EL 32765	11/03/2022	10/03/2028	IGO Newsearch Pty Ltd
EL 32766	11/03/2022	10/03/2028	IGO Newsearch Pty Ltd
EL 32771	11/03/2022	10/03/2028	IGO Newsearch Pty Ltd
EL 32783	11/03/2022	10/03/2028	IGO Newsearch Pty Ltd
EL 33141	15/06/2023	14/06/2029	Peregian Minerals Pty Ltd
EL 33143	17/05/2023	16/05/2029	Rio Tinto Exploration Pty Limited
EL 33144	24/05/2023	23/05/2029	CopperOz Pty Ltd
EL 33271	22/02/2023	21/02/2029	Sandfire Resources Limited

(iii) the rights and interests (if any) of Telstra Corporation Limited (ACN 051 775 556) and its related bodies corporate and successors in title:

A. as the owner or operator of telecommunications facilities within the Determination Area;

B. created pursuant to the *Post and Telegraph Act 1901* (Cth), the *Telecommunications Act 1975* (Cth), the *Australian Telecommunications Corporation Acts 1989* (Cth), the *Telecommunications Act 1991* (Cth) and under Sch 3 to the *Telecommunications Act 1997* (Cth), including rights:

1. to inspect land;

2. to install and operate telecommunication facilities; and

3. to alter, remove, replace, maintain, repair and ensure the proper functioning of its telecommunication facilities; and

C. 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; and

D. under any lease, licence, access agreement or easement relating to its telecommunications facilities within the Determination Area;

(iv) the rights of Aboriginal persons (whether or not native title holders) by virtue of the *Northern Territory Aboriginal Sacred Sites Act 1989* (NT);

(v) 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; and

(vi) the interests of persons to whom valid or validated rights and interests have been:

A. granted by the Crown pursuant to statute or otherwise in the exercise of its executive power; or

B. conferred by statute.

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

12. In relation to NT Portion 2454 the relationship between the native title rights and interests referred to in paragraph 6 and the other rights and interests referred to in paragraph 11, is that the non-extinguishment principle applies:

(a) Perpetual Pastoral Lease No. 990 is partly inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests only to the extent that the rights and interests confer possession, occupation, use and enjoyment of the land and water to the exclusion of all others, and:

(i) the native title continues to exist in its entirety, but the rights and interests have no effect in relation to the lease to the extent of that inconsistency; and

(ii) if the lease or its effects are wholly removed or otherwise wholly cease to operate over any part of NT Portion 2454 the native title rights and interests again have full effect to that extent;

(b) the native title rights and interests that are not inconsistent with Perpetual Pastoral Lease No. 990 are the non-exclusive native title rights and interests set out in paragraph 7, and the doing of any activity required or

(c) permitted to be done by or under the lease prevails over, but does not extinguish, the native title rights and interests; and

(d) to the extent that the continued existence, enjoyment or exercise of the native title rights and interests is inconsistent with the existence, enjoyment or exercise of the other rights and interests referred to in paragraph 11, 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.

13. In relation to NT Portion 5994, the relationship between the native title rights and interests referred to in paragraph 7 and the interest of the Tyarne Aboriginal Corporation as the holder of a fee simple estate in the land is set out in the Tyarne Indigenous Land Use Agreement (DI2003/013) which was entered on the Register of Indigenous Land Use Agreements on 14 November 2003. The non-extinguishment principle applies:

(a) the grant of the estate in fee simple is wholly inconsistent with the continued existence, enjoyment or exercise of the native title rights and interests;

(b) the native title continues to exist in its entirety, but has no effect in relation to the grant;

(c) if the grant or its effects are wholly removed or otherwise wholly cease to operate, the native title rights and interests again have full effect; and

(d) if the grant or its effect are removed to an extent or otherwise cease to operate only to an extent, the native title rights and interests again have effect to that extent.

### **Definitions**

14. In this determination the term:

(a) **“the Act”** means the *Native Title Act 1993* (Cth).

(b) **“resources of the land and waters”** does not include:

(i) minerals, petroleum, and prescribed substances as defined in paragraph 10; or

(ii) any water deriving from, or in relation to, the Determination Area which, from time to time, is lawfully captured by a lessee of Perpetual Pastoral Lease No. 990.

(c) 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. DCD2024/002 Schedule A - Determination Area, 1 page - A4, 22/05/2024

2. DCD2024/002 Schedule B - Determination Area Map, 1 page - A4, 22/05/2024

3. DCD2024/002 Schedule C - Areas where native title does not exist, 1 page - A4, 22/05/2024

*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.*