



3 The schedules to this application contain the following information:

SCHEDULE A NATIVE TITLE CLAIM GROUP [see Act, s 61]

The names (including Aboriginal names) of the persons (the *native title claim group*) on whose behalf the application is made or a sufficiently clear description of the persons so that it can be ascertained whether any particular person is one of those persons.

1. The native title claim group comprises the members of the Alapanpe, Angenty, Arnmanapwenty, Ngarnalkurru, Nguyu, Pawu, Tyarre Tyarre, Arlekwarr and Yinjirrpikirlangu landholding groups. Those persons, according to the traditional laws acknowledged and customs observed by them:
 - (a) have spiritual, physical and/or historical associations with the area described in Schedule B (“the application area”) and are traditionally connected to the area through:
 - (i) descent from ancestors (including adoption) connected with the application area as described in paragraph 8(a) below; or
 - (ii) non-descent based connections as described in paragraphs 8(b) below; and
 - (b) hold the common or group rights and interests comprising the native title in the application area.
2. The application area is located in Anmatyerr, Kaytetye and Warlpiri territory. The common body of traditional laws acknowledged and customs observed by members of the native title claim group govern how rights and interests in land are acquired and who holds them in particular parts of this territory, including the application area. The nine landholding groups which together comprise the native title claim group constitute a community or group whose members hold the common or group rights comprising the native title over the application area as a whole.
3. The term “estate” is used to describe the land and waters associated with a landholding group – which is commonly named after a prominent site or place in the estate concerned. The nine landholding groups are ordinarily named after their respective estate areas. Each landholding group is associated with one or more estate areas, and is affiliated to the following parts of the application area:
 - (a) Alapanpe: south-central area
 - (b) Angenty: south-central area
 - (c) Arnmanapwenty: south-east area
 - (d) Ngarnalkurru: Ngarnalkurru estate – northern area, and shared interests in Wartanyiyi estate – north-central area
 - (e) Nguyu: central and southern areas
 - (f) Pawu: south-western area
 - (g) Tyarre Tyarre: north-eastern area



- (h) Arlekware: Wardingkurlangu estate – north-central area
- (i) Yinjirrpikirlangu: shared interests in Wartanyiyi estate – north-central area

Estates extend beyond the boundaries of the application area.

- 4. The estate groups are associated with the Anmatyerr, Kaytetye and Warlpiri languages. Under the traditional laws acknowledged and customs observed by members of the native title claim group rights in land are not acquired through membership of a language group. Accordingly, linguistic affiliation or language group identity is not necessarily indicative of a person's connection to particular land and waters.
- 5. Members of the native title claim group have been recognised as traditional Aboriginal owners of other land under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) and as native title holders under the *Native Title Act 1993* (Cth):

Alapanpe (Alapanp)

Stirling/Neutral Junction Pastoral Lease Determination. *Pwerle v Northern Territory* [2016] FCA 304.

Angenty

Ti Tree Land Claim, Report No. 24. Report by the Aboriginal Land Commissioner, Mr Justice Maurice, to the Minister for Aboriginal Affairs and to the Administrator of the Northern Territory. Commonwealth of Australia 1987. Pp 11–12, 27–28, 33 (Angintye).

Arnmanapwenty

Ti Tree Station Land Claim, Report No 24. Report by the Aboriginal Land Commissioner, Mr Justice Toohey, to the Minister for Aboriginal Affairs and to the Administrator of the Northern Territory. Commonwealth of Australia 1980. Pp. 12, 33, 41–43 (Alp-manapentye, Group 2).

Stirling/Neutral Junction Pastoral Lease Determination. *Pwerle v Northern Territory* [2016] FCA 304.

Ngarnalkurru

Lander Warlpiri Anmatjirra Land Claim to Willowra Pastoral Lease, Report No 7. Report by the Aboriginal Land Commissioner, Mr Justice Toohey, to the Minister for Aboriginal Affairs and to the Administrator of the Northern Territory. Commonwealth of Australia 1980. Pp 11–12, 25–27, 33 (Group B1).

Mount Barkly Land Claim, Report No 22. Report by the Aboriginal Land Commissioner, Mr Justice Kearney, to the Minister for Aboriginal Affairs and to the Administrator of the Northern Territory. Commonwealth of Australia 1985. Pp 4, 14–15, 24–26 (Yinjirrpikirlangu, Group B1).



Nguyu (Amakweng)

Stirling/Neutral Junction Pastoral Lease Determination. *Pwerle v Northern Territory* [2016] FCA 304.

Pawu

Lander Warlpiri Anmatjirra Land Claim to Willowra Pastoral Lease, Report No 7. Report by the Aboriginal Land Commissioner, Mr Justice Toohey, to the Minister for Aboriginal Affairs and to the Administrator of the Northern Territory. Commonwealth of Australia 1980. Pp 11–12, 29–31, 33 (Group C1).

Mount Barkly Land Claim, Report No 22. Report by the Aboriginal Land Commissioner, Mr Justice Kearney, to the Minister for Aboriginal Affairs and to the Administrator of the Northern Territory. Commonwealth of Australia 1985. Pp 4, 15–16, 26–29 (Group C1).

Tyarre Tyarre (Jarrajarra)

Kaytej, Warlpiri and Warlmanpa Land Claim, Report No 14. Report by the Aboriginal Land Commissioner, Mr Justice Toohey, to the Minister for Aboriginal Affairs and to the Administrator of the Northern Territory. Commonwealth of Australia 1982. Pp 4, 13–16, 21–25.

Stirling/Neutral Junction Pastoral Lease Determination. *Pwerle v Northern Territory* [2016] FCA 304.

Arlekwarr

Stirling/Neutral Junction Pastoral Lease Determination. *Pwerle v Northern Territory* [2016] FCA 304. (misspelled ‘Arlwekarr’)

Yinjirrpikirlangu

Lander Warlpiri Anmatjirra Land Claim to Willowra Pastoral Lease, Report No 7. Report by the Aboriginal Land Commissioner, Mr Justice Toohey, to the Minister for Aboriginal Affairs and to the Administrator of the Northern Territory. Commonwealth of Australia 1980. Pp 11–12, 25–27, 33 (Group B1).

6. Members of the native title claim group have obtained freehold title to the following area of land that is located within the external boundaries of the application area:

NT Portion 1951 Yanginj Aboriginal Corporation

7. The persons authorised to make the application are members of the following landholding groups:

Seraphina Presley (Angenty), Ned Kelly (Tyarre Tyarre), Comet Fishhook (Nguyu), Teddy Long (Pawu and Nguyu), Roger Rankin (Alapanpe), and Aaron Nelson (Armanapwenty).



Membership of the native title claim group

8. In accordance with the claimants' system of traditional laws and customs in relation to membership of a landholding group and the possession of rights and interests in land the native title claim group comprises all those persons who are:

- (a) descendants (by birth or adoption, and subject to paragraph 14) of the following named ancestor ("the ancestor") of the landholding group (with prominent claimants identified and their relationship to the ancestor indicated in square brackets):

ALAPANPE (Kaytetye; Thangale/Ampetyane subsections)

Descendants of an unnamed Thangale and his seven children (all now deceased):

Jack Ampetyane – Patsy Hughes Thangale [F]; Amy Dixon and Marita Hughes [MF];

Peter Ampetyane – no known descendants;

Ruby Ampetyane/Nampijinpa (adoptive) – Don Presley Pengart [FM];

Jessie Ampetyane – Elizabeth Moseley Penangk [M] and Eileen Presley [FM];

Unnamed Ampetyane (male) – no known descendants;

Ijeritar Frank Rankin Ampetyane – Laura Thangale and Roger Rankin Thangale [F];

Danny O'Keefe Ampetyane – Charlie O'Keefe Thangale [F].

ANGENTY (Anmatyerr; Penangk/Pengart subsections)

Descendants of two classificatory Penangk siblings (both deceased):

Old Friday Penangk (male) – Lornce Campbell Penangk [FF]; Roy Campbell Penangk [FF]; Don Presley Pengart [FFF]; April Campbell Pengart [FFF]; and Seraphina Presley Pengart [FFF].

Urnarnpek Penangk (female) – Michael Price Pwerl and Norman Price Pwerl [FM].

ARNMANAPWENTY (Anmatyerr; Penangk/Pengart subsections)

Descendants of one unnamed Penangk male and his two classificatory Pengart sons (all now deceased).

Pengart (male) – Wilma Ross [MFF];

Paddy Pengart – Ray Nelson Penangk and Mavis Penangk [F]; Nancy Woods Kemarr [MF]; Reggie Stuart Pengart [FF]; Margaret Scobie Pengart [FF]; Casey Nelson Pengart [FF]; Murray Nelson Pengart [FF]; and Mark Pepperill Kemarr [MF].

NGARNALKURRU (Warlpiri; J/Napangardi – J/Napanangka subsections)



Descendants of five classificatory siblings (all now deceased).

Unnamed Japanangka – no living descendants;

Nyalutu Japanangka – Selina Williams Napanangka, Richard Williams Japanangka, Leanne Williams Napanangka and siblings [FF];

Whisky Japanangka – Steven James Japanangka/Japangardi, Mary James Napanangka/Napangardi and Lynette James Napanangka/Napangardi [F];

Jamalya Japanangka – Stumpy Lindy Rankin Napangardi [MFF] and Louise Rankin Ngal [MF];

Wijilki Jamahla / Smiler Japanangka – Margaret Small and Peggy Small Napangardi [F] and April/Arana Small Nangala [MF].

NGUYU (Kaytetye and Anmatyerr; J/Nungarrayi – J/Napaljarri subsections)

Descendants of **Wallaby Jim Fishhook Jungarrayi/Ngwarrray** and his four classificatory children.

Eric Japaljarri (deceased) – Julie Woods Nungarrayi [F]; Charmaine Nampijinpa and Dwayne Jampijinpa [MF];

Dick Fishhook Japaljarri (deceased) – Luke Fishhook Jungarrayi/Japanangka, Josephine Long (Fishhook) Nungarrayi/Napanangka and Jennifer Fishhook Nungarrayi/Napanangka [F];

Ivy Morton Napaljarri (deceased) – Jill Morton Napurrula [M] and Julie Morton Nakamarra [FM];

Comet Fishhook Japaljarri – senior Nguyu patriline.

PAWU (Warlpiri; J/Nangala – J/Nampijinpa subsections)

Descendants of sixteen Jangala/Nangala classificatory siblings (all now deceased).

Purtaya Fuzzy Martin Jangala – Stumpy Martin Jampijinpa (deceased) (Andrea Martin Nangal and siblings [FF]), Dennis Martin Jampijinpa (deceased) (Karen Martin Napurrurula/Nangala and siblings [FF]), Clark Martin Jampijinpa (deceased) (Josuah and Issah Marton Jampijinpa [FF]) and Maxie Martin Jampijinpa (deceased) (Mervyn Martin Jangala and siblings [FF]; Jeannie Presley Nampijinpa [F], Leah Martin Nampijinpa (deceased) [F], Lucy Martin Nampijinpa [F], Peggy Martin / Fishhook Nampijinpa [F] and Marilyn (a.k.a. Mayleen) Nampijinpa Martin [F];

Kiirnpa Ruby Nangala – no known living descendants;

Unnamed Nangala – no known living descendants;

Unnamed Jangala – April Martin Nangala, Janie Martin Nangala and siblings [FF].



Warna-jukurrpa George Jangala – Ivy Downs Nampijinpa [F];

Unnamed Jangala – Alfie Martin Jampijinpa [F];

Unnamed Jangala – Kenny Martin Jangala [FF];

Ngipirdiya Polly Nangala – Eva Briscoe Napaljarri (deceased), Rachel Wellington Napaljarri and Tommy Wellington Japaljarri [M];

Unnamed Nangala – Telegram Jimmy Japaljarri and Mick Briscoe Japaljarri (deceased) [M];

Unnamed Nangala – Teddy Long Jupurrurla [MF];

Mick Walamparrngi Jangala – Betsy Haines Nampijinpa, Kathleen Haines Nampijinpa and siblings [F];

Mary Fishhook Nangala – Comet Fishhook Japaljarri and Ivy Morton Napaljarri (deceased) [M];

Mona Patrick Nangala – Richard Payton Japaljarri and siblings [M];

Freddy Patrick Jangala – Lyndsey Patrick Jampijinpa and siblings [F];

Jerry Patrick Jangala – Desmond Patrick Jampijinpa and siblings [F];

Paddy Patrick Jangala – Geoffrey Norbert Patrick Jampijinpa and siblings [F].

TYARRE TYARRE (Kaytetye and Warlpiri; Kapetye/Kngwarraye / J/Napaljarri – J/Nungarrayi subsections)

Descendants of four Kngwarraye classificatory siblings (all now deceased).

Paddy Kngwarraye/Jungarrayi – Peter Horsetailer Kapetye/Japaljarri [F]; Frank and Owen Kngwarraye/Jungarrayi [FF];

Unnamed Kngwarraye/Jungarrayi – Dudley Haines Kngwarraye/Jungarrayi [FF], Josie Haines Kngwarraye/Nungarrayi [FF], M. Heywood Kngwarraye/Nungarrayi [FF]; Ned Kelly Kngwarraye/Jungarrayi [FF]; Murray Downs Billy (Pumper) Dobbs Kngwarraye/Jungarrayi [FF]; Johnny Nelson Pwerle/Jupurrurla [MF];

Dora Kngwarraye/Nungarrayi – Mick Wake Sambo Jampijinpa/Mpetyane [M];

Albert Scott-McDonald Kngwarraye/Jungarrayi – Graham Scott-McDonald Jungarrayi/Thangale and siblings [FF].

ARLEKWARR (Kaytetye and Anmatyerr; Pwerle/Akemarre subsections)

Descendants of five Kemarr classificatory siblings (all now deceased).

Unnamed Kemarr – Timothy Price [FFFF] and Kevin Tilmouth Pengart [MFFF];

Unnamed Kemarr – Hilda Menmatwek Pwerl and Norman Price Pwerl [FFF];



Unnamed Kemarr – May Kemarr’s [FF];

Unnamed Kemarr – Beryl Gorey Kemarr and Mark Gorey Kemarr’s [FF];

Cecelia [Polly] Mpetyalyemp Kemarr – Brian Turner and Eugene Turner Peltharr [FM].

YINJIRPIKIRLANGU (Warlpiri and Kaytetye; J/Napanangka – J/Napangardi / Apenangke/Apengarte subsections)

Descendants of two Japangardi brothers (both deceased).

Toby Japangardi – Nancy Presley Napangardi, Riley Presley Japangardi, Robin Presley Japangardi, Jessie Napangardi [FF]; Jacob Presley Japangardi [FF];

Unnamed Japangardi – Mayleen Napanangka and Janet Long Napanangka [FFF]; Rex Forrest Japangardi [FFF]; Kitty Kitson Napangardi [FF].

- (b) accepted as members of one (or more) of the landholding groups by the senior descent based members of the groups on the basis of their non-descent connections to the estate.
9. The ancestors identified in paragraph 8(a) are the uppermost generations of the known ancestors of members of the native title claim group.
10. Under the claimants’ system of traditional laws and customs a person can be recruited and recognised (by the senior descent based members of the group) as a member of a landholding group on the basis of non-descent connections to the estate. The non-descent connections that senior members of a landholding group have regard to when considering the recruitment of a particular individual are:
- (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;
 - (vii) possession of traditional religious knowledge, authority and responsibility for an estate;
 - (viii) authority and responsibility for shared Dreaming tracks and/or places of significance connected with an estate;
 - (ix) seniority in traditional matters concerning the claim group and/or the estate;
- and acceptance by senior members of the landholding group concerned.



11. The claimants' system of traditional laws and customs includes rules about succession. Where landholding groups are depleted or extinct, more distant descent connections or *company country* relationships—when geographically close areas share certain properties particularly Dreamings, subsection affiliations, songs and ceremonies, or sets of owners—are activated to recruit people to 'look after' the country, including knowledgeable elders from neighbouring areas. A lengthy period of 'looking after' country may result in the neighbouring landholding group succeeding to the country of the depleted or extinct group. Social acknowledgement, possession of local cultural knowledge and an existing nearby ancestral affiliation, are the underlying foundations for lawful succession to land. Additional information about these rules is contained in Schedule F.
12. There have been two instances of succession within the application area:

Wardingkurlangu estate: now succeeded to by Arlekwarr landholding group on the basis that the original group has no living members, shared Dreaming (*Tyap Atnyemayt* = Edible Grub), ceremonial affiliations, shared patri-moiety affiliation, shared subsection affiliation and nearby patri-estate location.

Wartanyiyi estate: succession on the basis that the original group has no living members and the neighbouring Ngarnalkurru and Yinjirrpikirlangu groups share social, ancestral and Dreaming track (*Wardapi* = Sand Goanna) interrelationships, ceremonial affiliations and nearby patri-estate location.
13. Under the claimants' system of traditional laws and customs, descent is the most important basis for the possession of rights and interests in land. Subject to individual circumstances members of the landholding group who are descended from one of the ancestors possess and transmit a wide range of traditional rights and interests.
14. Under the claimants' system of traditional laws and customs rights and interests in a grandparent's father's estate are inherited through all four grandparental lines. However, members of the landholding group with descent connections through father's father and mother's father are generally able to activate the widest range of rights and interests in relation to the estate.
15. Under the claimants' system of traditional laws and customs, the range of rights and interests in land possessed by members of a landholding group who are not descended from the ancestors depends on individual circumstances, including the nature and extent of their non-descent connections to the estate. Such rights and interests are usually limited to the individual and are not transmittable.
16. A number of members of the native title claim group are members of more than one estate group, for example, due to different grandparental links to multiple estates.