

Iytwelepwenty Aboriginal Corporation

OVERVIEW

The Iytwelepwenty Aboriginal Corporation holds and manages the native title rights and interest of the Alyawarr, Kaytetye, Warumungu, Wakay peoples. The Alyawarr, Kaytetye, Warumungu, Wakay peoples' ownership of this land was recognised in the *Davenport / Murchison* determination of April 2004.

The *Davenport / Murchison* determination arose from a claim lodged in 1995 by the Central Land Council on behalf of several claimant groups. The claim covered an area of over 1,143 square kilometres southeast of Tennant Creek, near the Davenport and Murchison Ranges. This area included blocks of land within the proposed Davenport Ranges National Park which had formerly been pastoral leases and a small area of vacant Crown land. Collectively, this area was known to the claimants as 'Iytwelepwenty', leading to the name for this organisation.

After three years of unsuccessful negotiations, the claim was litigated in the Federal Court between 1998 and 2004. The Federal Court's decision was handed down in April 2004 by Justice Mansfield. It recognised the claimant group's native title, including:

- exclusive rights and interests over the vacant Crown land, and
- non-exclusive rights over the land within the proposed Davenport Ranges National Park.

Justice Mansfield's decision was appealed by the Northern Territory to the Full Federal Court [see (2004) 207 ALR 539]. Most of the Northern Territory's arguments were rejected by Justices Wilcox, French and Weinberg who substantially upheld the original decision. They accepted the Northern Territory's argument that native title does not give:

- a right to trade in natural resources, and
- the right to control disclosure of spiritual beliefs and practices because:
 - either it was not expressed as a right in relation to land and waters or,
 - such a right did not exist;

The Northern Territory Government sought special leave to appeal the decision of the Full Federal Court in the High Court of Australia, on whether it was possible for native title to give a right to live permanently on the land. The High Court refused to grant special leave.

RNTBC PROFILE

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| NAME OF RNTBC ORIC HYPERLINK | IYTWELEPWENTY ABORIGINAL CORPORATION |
| TYPE OF RNTBC ATNS HYPERLINK | AGENT |
| STATE/TERRITORY | NT |
| MAP NNTT HYPERLINK | http://www.nntt.gov.au/Publications-And-Research/Maps-and-Spatial-Reports/Documents/Quarterly%20Maps/Determinations_PBCs_A4.pdf |
| CONTACT DETAILS ORIC HYPERLINK | http://www.orac.gov.au/Search.aspx?Search=Iytwelepwenty+Aboriginal+Corporation&Type=Name |

RNTBC ADMINISTRATION

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| INDIGENOUS CORPORATION NUMBER | 2631 |
| DATE OF INCORPORATION | 26/03/2006 |
| CERTIFICATE OF INCORPORATION ORIC HYPERLINK | http://www.orac.gov.au/document.aspx?concernID=104631 |

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| CORPORATION OBJECTS & RULES ORIC HYPERLINK | http://www.orac.gov.au/document.aspx?concernID=104631 |
| LIST & NAMES OF MEMBERS ORIC HYPERLINK | http://www.orac.gov.au/document.aspx?concernID=104631 |

NATIVE TITLE DETERMINATION INFORMATION

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| NNTT SHORT NAME NNTT HYPERLINK | DAVENPORT / MURCHISON |
| CASE LAW AUSTLII HYPERLINK | Northern Territory of Australia v Alyawarr, Kaytetye, Warumungu, Wakaya Native Title Claim Group (2005) 145 FCR 442; (2005) 220 ALR 431; [2005] FCAFC 135 |
| DATE OF DETERMINATION | 23/04/2004 |
| TYPE OF DETERMINATION ATNS HYPERLINK | LITIGATED DETERMINATION |
| DETERMINATION OUTCOME | NATIVE TITLE EXISTS IN THE ENTIRE DETERMINATION AREA |
| TRIBUNAL FILE NO | DC95/3 |
| FEDERAL COURT FILE NO | NTD6002/98 |
| NATIVE TITLE RIGHTS AND INTERESTS ¹ | <p>The nature and extent of the native title rights and interests recognised by the common law in relation to the determination area are the rights set out below, including the right to conduct activities incidental to them.</p> <p>(a) the right to hunt and fish together and use the resources of the land such as food and medicinal plants and trees, timber, charcoal, ochre, stone and wax and to have access to and use of water on or in the land;</p> <p>(b) the right to live on the land, to camp, erect shelters and other structures, and to travel over and visit any part of the land and waters;</p> <p>(c) the right to engage in cultural activities on the land, to conduct ceremonies and hold meetings, to teach the physical and spiritual attributes of places and areas of importance on or in the land and waters and to participate in cultural practices relating to birth and death, including burial rights;</p> <p>(d) the right to have access to, maintain and protect places and areas of importance on or in the land and waters, including rock art, engraving sites and stone arrangements;</p> <p>(e) the right to make decisions about access to the land and waters by people other than those exercising a right conferred by or arising under a law of the Northern Territory or the Commonwealth in relation to the use of the land and waters;</p> <p>(f) the right to make decisions about the use and enjoyment of the land and waters and the subsistence and other traditional resources thereof, by people other than those exercising a right conferred by or arising under a law of the Northern Territory or the Commonwealth in relation to the use of the land and waters;</p> <p>(g) the right to share, exchange or trade subsistence and other traditional resources obtained on or from the land and waters;</p> <p>(h) the right to control the disclosure (otherwise than in accordance with traditional laws and customs) of spiritual beliefs or practices, or of the paraphernalia associated with them (including songs, narratives, ceremonies, rituals and sacred objects) which relate to any part of or place on the land or waters;</p> <p>(i) the right to determine and regulate the membership of and recruitment to a landholding group.</p> |
| AREA OF LAND | 1,143.4 SqKm |
| GENERAL LOCATION OF DETERMINATION AREA | VARIOUS LOTS IN THE DAVENPORT RANGES, NEAR HATCHES CREEK, NORHTERN TERRITORY |

¹ These native title rights and interests are subject to the laws of the Commonwealth and the Northern Territory. They may also be subject to particular interests specified in the determination.

NTRB REGION
[NTRB HYPERLINK](#)

[CENTRAL LAND COUNCIL](#)

ADDITIONAL ELECTRONIC RESOURCES

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| Media releases | National Native Title Tribunal, <i>Australia reaches 50 native title determinations</i> (04/05/2004) http://www.nntt.gov.au/News-and-Communications/Media-Releases/Pages/Australia_reaches_50_native_title_determ.aspx |
| Academic Commentary | Grace Koch, 'The Alywarr, Kaytetye, Warumungu, Wakay Native Title Claim Group v Northern Territory of Australia [2004] FCA 472' in <i>Native Title Newsletter</i> , vol 3, 2004, p. 5. http://ntru.aiatsis.gov.au/newlet/May_Jun_04.pdf |