



Ngurra Kayanta kids. Photo / Central Desert

# Ngurra Kayanta Claim Update

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# What's happened so far?

Your native title claim was filed over the Ngurra Kayanta area on 21 December 2012.

The claim is now in case management with the Federal Court of Australia. This means the Court makes sure Central Desert and the State talk to each other to get your native title decided. This sometimes means arguing with the State Government about some areas of your claim, but the State Government has agreed to a lot of things about your claim, and your claim is on track to be resolved by agreement, rather than by a Trial.



Nanyuma Napangardi, Josephine Nangala and Charlie Tjapangardi. On country, 2015.

Photo / Central Desert



Ladies walking up a sand dune. On country, 2014. Photo / Central Desert

The last meeting of the Ngurra Kayanta claim group was in November 2014 in Mulan. At that meeting the claim group agreed to fight for the right to take and use things from their country for any reason including to make money. An example of what this right could cover is how ladies can collect seeds and make them into necklaces to sell. Your lawyer Isobel is still arguing this one for you with the State Government to have it included in your native title when it is determined.

At that meeting in November the claim group also agreed to tidy up the claim group description, as recommended by the anthropologists' (Sean and Heather) research. This new description did not change who was on the claim, it just named your ancestors (apicals) differently.

After the Mulan meeting the lawyer from Central Desert, Isobel, came back to Perth and did the paperwork to get this change into the Federal Court. When changes to claims are made, the National Native Title Tribunal (NNTT) has to check that the claim still passes the registration test. This is the test that makes sure that mining companies and developers have to talk to you if they want to look around your land. On 31 July 2015 the NNTT said yes Ngurra Kayanta still passes the test and miners and developers still need to talk to you if they want to go on your land.



Rita Minga. On country, 2015. Photo / Central Desert

Ngurra Kayanta 2 claimants are exactly the same people on Ngurra Kayanta. The claim area is also exactly the same.

## A second claim

That special part of the Native Title Act 1993 the lawyers talked about means that Ngurra Kayanta claimants had to show evidence that they occupied their country at the time your native title claim was filed. Your lawyers have been getting evidence by sitting down with claim group members and hearing stories about on country trips. The lawyers then wrote down stories of 12 of the claim group members who were on those on country trips in the claim area, they put all this strong evidence into the paperwork for the Federal Court and filed a new claim called Ngurra Kayanta #2 on 30 June 2015. The claim group is exactly the same people who are on the Ngurra Kayanta claim, and the claim area is also exactly the same. Ngurra Kayanta and Ngurra Kayanta #2 run along together in the court and will both have the same outcome when the Court makes their decision.



Members of the Ngurra Kayanta claim group. Halls Creek, 2014.. Photo / Central Desert

## What else has happened?

At that meeting in Mulan in November last year, the lawyers talked about how after your claim was filed in 2012 the State Government looked at all the different land titles in your claim area and found some land titles that they say can take away some of your native title or change it from that strongest native title called "exclusive possession" (where you can tell people not go on your land) to a lower level of native title (where you cannot tell people to get off your land). The lawyers talked about how the State Government found some old petroleum exploration permits and other land titles which were granted by the State Government on some of your land up to 100 years ago, which could extinguish your strongest native title. The lawyers also talked about how the Native Title Act 1993 had a special part in it that they could use to try to make sure your strong native title in those petroleum exploration permits was not extinguished.



Josephine Nangala. On country, 2015. Photo / Central Desert

## When will the next meeting be?

We will have a meeting after the wet season, in the first half of next year. When we have a date for the meeting, Marian will send out a notice to the community offices and call people to talk to them about what we will be discussing and how they will get to the meeting.

We didn't need to have a meeting this year (2015) because your lawyer had all the instructions needed from the group to keep working in Perth.

If you have any questions about the Ngurra Kayanta claim, call Marian on 9425 2000. If your question is about anthropology Marian will put your call through to Heather or Sean (anthropologists), if your question is for a lawyer, Marian will put your call through to Isobel (claim lawyer).

If we don't hear from you over the phone, Central Desert staff looks forward to meeting with everyone next year.



Matthew West burning. On country, 2015.

Photo / Central Desert

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