

A decision 50 years in the making has confirmed what Yolngu people have always known – that their estate extends into tidal waters overlying Aboriginal land.

The High Court decision acknowledges that traditional owners of the Blue Mud Bay region in north-east Arnhem Land have exclusive rights regarding commercial and recreational fishing in tidal waters overlying Aboriginal land.

This decision means that Yolngu people must now be included in any discussions and agreements about fishing, or any other business, on Aboriginal lands to the low water mark.

The decision applies to the intertidal zone of over 80% of the Northern Territory coastline, and also to tidal rivers overlying Aboriginal land.

This issue has been raised by traditional owners since the Woodward

Royal Commission in 1973, and has been raised in the Courts since the Croker Island case which was lodged in 1994.

Northern Land Council chairman, Wali Wunungmurra, said traditional owners had waited over 50 years to have their sea rights legally recognised.

"This is a very important decision for traditional owners," Mr Wunungmurra said. "For me personally, as Chairman of the Northern Land Council, as I walked to the High Court registry in Darwin having heard we had won, I felt that I could breathe normally again."

Yolngu sea rights recognised in High Court decision



Traditional owners celebrate the Blue Mud Bay decision outside the Supreme Court in Darwin.

Mr Wunungmurra said Yolngu people of north-east Arnhem Land had been fighting since 1963 for the legal recognition of land and sea rights through their objection to the then proposed Nabalco bauxite mine at Nhulunbuy (Gove).

He said that Yolngu people and other Aboriginal people along the Territory coastline will for the first time be able to develop a true partnership regarding commercial and recreational fishing.

"There will be a minimum 12 month amnesty in favour of the status quo to enable good faith negotiations to occur, with the current

interim licensing scheme extended for that period," Mr Wunungmurra said.

The scheme is free and involves the automatic grant of licences to commercial operators, with recreational licences automatically granted on request.

The interim scheme was implemented in response to the Federal Court's decision in March last year in favour of traditional owners, and is administered by the NLC on behalf of the Anindilyakwa, Northern and Tiwi Land Councils.

"A negotiated outcome will mean that traditional owners

around the Northern Territory's coastline can jointly participate in the management and development of a sustainable fishing industry – including the protection of fishing stocks, protection of sacred sites and participation in enterprises," Mr Wunungmurra said.

"Traditional owners have developed a constructive relationship with commercial and recreational fishing representatives over the last year, and the NLC looks forward to continuing that relationship and obtaining a win-win outcome for all Territorians."

continued page 12-13

Territory election shock for Labor

The Labor Government of Paul Henderson retained power in the Northern Territory election on the ninth of August, but took a heavy hit from voters in the process.

The Chief Minister had called the election a year ahead of the government's full term, but Labor was hit hard by voters, dropping six seats from 19 to 13 while the Country Liberals picked up seven seats, increasing their presence from four seats to 11. There is one independent member.

Mr Henderson admitted winning a third term for Labor had come at a huge cost. "Territorians have sent the government a strong message and we will listen, and act," he said.

The opposition leader Terry Mills told the Country Liberals election night function that his party had already listened to the people and that's why it had done so well in the poll.

"We have listened to what the people have said," he told supporters. "We know that there are concerns and we have responded with a comprehensive plan to address those needs in a sensible way," Mr Mills said

In an attempt to address voter opinion from centres outside Darwin that the capital had abandoned them, Mr Henderson elevated three Aboriginal members to his cabinet.

The Member for MacDonnell Alison Anderson has been made the Minister for Central Australia, Natural Resources, Environment and Heritage and Parks and Wildlife.

The Member for Stuart Karl Hampton has been given the Regional Development, Sport and Recreation, Information, Communications and Technology Policy and Minister Assisting the Chief Minister on Major Projects and Economic Development portfolios.

The Member for Arnhem Malarndirri Mc-

Carthy becomes the Minister for Children and Families, Child Protection, Statehood, Senior Territorians, Young Territorians, Women's Policy and Minister Assisting the Chief Minister on Multicultural Affairs.

They, Chief Minister Paul Henderson and their Labor colleagues have a job to restore their government's standing among voters, including Aboriginal constituents, with criticism coming from many directions.

The president of the Northern Territory Council of Social Services Barry Hansen has claimed successive Territory Governments, including the present one, have misspent billions of dollars in federal grants meant for Aboriginal communities.

While the Central Land Council's director David Ross has called for a Royal Commission to investigate successive governments since self-government in the NT have spent the money.