

# History of Aboriginal Land Rights

Since 2008, recreational fishers in the NT have been hearing a lot about Aboriginal Land rights and the Blue Mud Bay decision. For many fishers, the impact of the Blue Mud Bay decision seems to have come out of the blue; but the decision in Blue Mud Bay is only the most recent step in a long journey toward the recognition of Aboriginal land rights in the Northern Territory.

How many of these milestones do you recognise?

1963

## Yirrkala Bark Petitions

In 1963 Yolgnu people from Yirrkala, in the Northern Territory, submitted a petition to the federal parliament of Australia, written in both Yolgnu Matha and English, painted on bark boards. The petition objected to the removal of 300 square kilometres of land from their Aboriginal reserve for Bauxite mining leases. The bark petitions were the first petitions submitted to parliament by Aboriginal people to ever be officially recognised. Although historic, the petition failed and subsequent petitions for land rights were rejected due to the concept of Terra Nullius in Australian law, which stated that Australia was unclaimed land.

1966-  
1975

## NT Wave Hill Walk Off

In 1966, 200 Aboriginal stockmen, domestic workers, and their families started a strike over pay and working conditions on the Vestey Group owned Wave Hill cattle station in the Northern Territory. Vincent Lingiari and the other Gurindji strikers petitioned the Governor-General to grant a lease around Daguragu, near Gurindji sacred sites, to be operated by Gurindji people as a cattle and mining lease, which was refused. After 9 years, and an Australia wide movement, the lease to Wave Hill was divided and a portion was granted to Traditional owners through the Murrumulla Gurindji Company. In 1975 Prime Minister Whitlam handed over the pastoral deed to Vincent Lingiari and the Gurindji people, symbolically pouring red sand into his hands.

1967

## Australian Referendum

The 1967 Referendum posed two questions to the Australian public: 1) should Aboriginal people be included in the National Census, and 2) should the Commonwealth government have the power to make laws for Aboriginal people (rather than just the States and Territories). The referendum saw 91% of Australians vote yes to both question and gave the Commonwealth government the means to institute ALRA in the Northern Territory in 1976.

1973

## NT Woodward Royal Commission

During the period of the Wave Hill Walk Off, when Prime Minister Whitlam was elected, he made election promises about recognising Aboriginal land rights in Australia for the first time. In 1973 PM Whitlam tasked Justice Woodward with investigating the most appropriate way to recognise Aboriginal land rights in the Northern Territory.

1976

## NT Aboriginal Land Rights Act (ALRA)

The Aboriginal Land Rights (Northern Territory) Act 1976, otherwise known as ALRA, is Commonwealth legislation that provided a pathway for people in the Northern Territory to make claims and be granted rights over their traditional lands if they could prove historical and cultural ownership. It was the first of its kind in Australia and granted the highest level of entitlements when compared to other legislation that came later.

1992

## QLD Mabo Native Title case

The Mabo Case, which began in 1982, was a landmark court case put forward by a group of Meriam men from Murray Island off the coast of Queensland, including Eddie Koiki Mabo. The case challenged the ideas that Aboriginal and Torres Strait Islander peoples had no concept of land ownership prior to colonisation (Terra Nullius), and that colonisation abolished any existing rights that Aboriginal and Torres Strait Islander peoples had to the land. The High Court ruled that Terra Nullius was invalid, and that the Meriam people were entitled to some form of land rights.

1993

## Native Title Act

The Native Title Act (1993) is Commonwealth legislation which provides a pathway for Aboriginal and Torres Strait Islander peoples to apply for and be granted some form of land rights Australia wide, although with less entitlements than ALRA. The Native Title Act was introduced as a result of the Mabo case, and led to a sunset clause being placed on ALRA in the NT, meaning that no new cases could be submitted under ALRA past June 1997.

1996

## QLD Wik Decision

The 1996 Wik Decision refers to a case between the Wik peoples of Queensland and the Queensland government about Native Title rights on pastoral land. The court found that Native Title and pastoral leases could coexist, whereas previously pastoral leases extinguished Native Title.

2008-  
Today

## NT Blue Mud Bay High Court Decision

The 2008 High Court of Australia Blue Mud Bay (BMB) decision related to an ongoing case between the NT government and Traditional Owners about fishing in the intertidal zones overlying Aboriginal land granted under ALRA. Due to the entitlements that ALRA gives Traditional Owners, fishing on Aboriginal land requires permission from the land owners, however the intertidal zone was not considered Aboriginal land. The court found that the intertidal zone of Aboriginal land is in fact still Aboriginal land, and negotiations over access between fishers, the NT government, and the Northern Land Council are ongoing to this day.



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