

Talking Northern Territory



Blue Mud Bay inspires coastal questions

On 30 July 2008, a majority of High Court justices (5:2) decided that traditional Aboriginal owners have the right to exclude fishermen and others from tidal waters within Blue Mud Bay in north-eastern Arnhem Land.

The Blue Mud Bay decision covers 80 per cent of the Northern Territory's coastline and has led to speculation about public fishing access and how native title claims around the country may be affected.

Although the Blue Mud Bay decision involved native title, the issue the High Court had to decide only concerned the operation of the Aboriginal Land Rights (Northern Territory) Act 1976.

The High Court's decision applied only to coastal land granted to Aboriginal traditional owners under the Land Rights Act and will have no effect on native title claims around the country.

The Court partially accepted the Northern Territory Government's appeal that the Territory's Fisheries Act applied to all waters. This enables the Territory Government to manage and regulate fishing in coastal regions.

The issue of access for commercial and recreational fishermen and the issuing of fishing licences will need to be negotiated by the Northern Territory Government with the Northern Land Council.

More information about the Blue Mud Bay decision [here](#).

Judge leads directions after Registrar departs

Justice John Reeves of the Federal Court of Australia is continuing to closely manage native title applications through regular directions hearings after the departure of District Registrar Brohier from the Federal Court in August.

The Court previously managed the native title lists through regular case management conferences, which were convened by the District Registrar.

Matters in the north of the Territory have been re-distributed into new groups and priorities identified

In this issue:

Blue Mud Bay inspires coastal questions

Judge leads directions after Registrar departs

Territory's eight new councils face first elections

Power in the pipeline

ILUAs still top option

Applications put to the test

Contact us



Tribunal Deputy President Chris Sumner (left) with Justice Reeves and Tribunal President Graeme Neate.



for the parties, who continue to negotiate with consent determination as their desired outcomes.

The application groups have been formed according to the land type and use, such as pastoral, off-shore, northern town and the remaining Darwin region.

Some Darwin region claims will be amended in the coming months, to reflect the outcome of the Larrakia Part A determination where the court decided native title did not exist.

There are 157 native title applications active in the NT with seven in mediation before the Tribunal. The next call-over hearing for these applications will be on 4 December 2008, before Justice Reeves.

Justice Reeves has asked parties in the central area applications to advise him at the call-over of the priority of their matters, for an indicative timetable for the resolution of claims and of any process orders required to achieve the timetable.

Territory's eight new councils face first elections

The first elections for eight new Northern Territory shires, formed by the NT Government on 1 July, are to be held this month on 25 October.

Once new councils are formed they will need to decide if they will become a party to native title claims that are now within their local government boundaries, including those that had been the responsibility of another local government body.

The Tribunal's NT State Manager, Tony Shelley, said the Tribunal was working with the Local Government Association of the Northern Territory (LGANT) to provide native title information to help shires make the transition to the new municipalities as easy as possible.

The NT Government said the changes to the structure of the territory's local government were the biggest in local government in 30 years.

The councils were developed after 54 mostly indigenous community councils were amalgamated, with headquarters in Alice Springs, Katherine, Tennant Creek, Jabiru, Nhulunbuy and Nguiu on the Tiwi Islands.

The urban municipalities of Darwin, Palmerston, Alice Springs and Katherine are unaffected.

Ward representatives from the old councils were appointed to the new shires until their first elections, this month.

Government concern about high rates of senior staff turnover, interventions to address financial, administrative and governance irregularities and grants to councils being spread too broadly prompted the changes to local government structure.

Power in the pipeline

The Tribunal's work with native title claimants and other parties on indigenous land use agreements is contributing to a new power plan for Darwin.

The NT Government's Power and Water Corporation recently signed a 25-year sales agreement with the APA Group to supply gas to Darwin and other locations in the territory.

The Government will build a 286 km pipeline to supply gas from the Blacktip gas field in the Joseph Bonaparte Gulf, via the town of Wadeye, to the Channel Island power station near Darwin.

ILUAs are being developed for parties affected by construction of the pipeline, which will pass through Fish River, Tipperary, Stuart Highway, the Darwin to Alice Springs railway line and Daly River before joining the existing Amadeus to Darwin pipeline at Ban Ban Springs.

Consultations with native title claimants and other local Aboriginal people with interests in the pipeline area have resulted in the lodgment of four indigenous land use agreements (ILUAs).

The ILUAs address access and cultural heritage protection issues in the pipeline corridor area where it crosses four pastoral leases. Additional ILUAs may be lodged for parties in other sections of the pipeline corridor.

Gas is currently carried to Darwin via a 1500 km pipeline from dwindling reserves in the Mereenie and Palm Valley gas fields in central Australia's Amadeus Basin.

ILUAs still top option

Indigenous land use agreements remain the preferred option for native title parties in the Territory when negotiating long term access to land for development.

In the past 12 months, ILUAs have been lodged for proposals including power transmission corridors for new Alice Springs housing subdivisions, land release for a developing horticulture industry north of Alice Springs and the creation of community living areas on pastoral leases.

ILUAs were also lodged over land set aside for the future residential and industrial needs of Tennant Creek and the grant of petroleum and gold mining exploration permits.

Applications put to the test

The Aileron application, filed by the Central Land Council and accepted for registration on 7 October 2008, is one of 20 native title applications put through the registration test since 1 October 2007.

Some old applications had to be re-tested because of amendments in 2007 to the Native Title Act 1993. Other applications were subject to the test because they were new, or had been amended in the Federal Court.

Four native title applications are now scheduled to have the registration test applied:

NTD13/08	(DC08/1)	Neutral Junction
NTD6018/02	(DC02/17)	Camfield Montejinni
NTD6031/02	(DC02/30)	Lorella Nathan River
NTD6013/98	(DC96/04)	Hundred of Ayres



Tribunal Case Manager Gordon Chalmers at work – he's the registration test portfolio officer for the NT registry.

Contact us

Northern Territory Registry

Address: 5th Floor, NT House, 22 Mitchell Street,
Darwin, NT 0800

Post: GPO Box 9973, Darwin, NT 0801

Telephone: (08) 8936 1600, Freecall: 1800 640 501

Facsimile: (08) 8981 7982

Email: enquiries@nntt.gov.au

Office hours: 8am - 4.30pm

Applications tested over the last 12 months

Federal Court number	NNTT number	Short name	Region	Registration test date	Decision
NTD6024/98	DC97/4	Edward Pellew Seas	Northern	31/10/2007	Not accepted
NTD6025/98	DC97/5	West Arnhem Seas	Northern	02/11/2007	Not accepted
NTD6026/98	DC97/6	Dangalaba 10 Howard Springs (part only)	Northern	23/01/2008	Not accepted
NTD6042/98	DC98/12	Daly River	Northern	18/11/2008	Not accepted
NTD6043/98	DC98/13	Blue Mud Bay	Northern	19/03/2008	Not accepted
NTD6036/98	DC98/8	Rail Corridor 8	Northern	10/04/2008	Not accepted
NTD6009/99	DC99/9	Howard River East	Northern	18/01/2008	Not accepted
NTD23/05	DC05/5	Bynoe 2	Northern	06/03/2008	Not accepted
NTD22/05	DC05/6	Labelle Downs/ Lower Reynolds -Channel Point 2	Northern	01/04/2008	Not accepted
NTD25/2005	DC05/7	Welltree 2	Northern	01/04/2008	Not accepted
NTD24/05	DC05/8	Litchfield National Park	Northern	06/03/2008	Not accepted
NTD30/2005	DC05/9	Wagait 1	Northern	01/04/2008	Not accepted
NTD18/06	DC06/4	Town of Batchelor 3	Northern	05/06/2008	Not accepted
NTD6020/98	DC97/1	Borrooloola Region	Northern	08/10/2007	Not accepted
NTD6021/98	DC97/2	Borrooloola Gulf	Northern	04/04/2008	Accepted
NTD20/2007	DC07/2	Aileron	Central	07/10/2008	Accepted
NTD6011/00	DC00/10	Singleton	Central	12/12/2007	Accepted
NTD6018/02	DC02/17	Camfield Montejinni	Northern	03/04/2008	Not accepted
NTD6031/02	DC02/30	Lorella Nathan River	Northern	14/04/2008	Not accepted
NTD6001/03	DC03/1	Rockhampton- Brunette Downs	Northern	08/04/2008	Not accepted