THE CROKER ISLAND DECISION AND NATIVE TITLE OFFSHORE

Overview

Croker Island is a small island (43 km x 14.5 km) 225 km north east of Darwin, 6.5 km by boat from the Cobourg Peninsula. The waters surrounding it are the subject of the first Australian claim to exclusive native rights over the sea, lead by plaintiff Mary Yarmirr. The High Court decision on Commonwealth v Yarmirr; Yarmirr v Northern Territory was handed down on 11 October 2001. This web page pulls together recent information about the case, as well as other relevant materials on native title and sea rights issues.

Cases

Commonwealth v Yarmirr; Yarmirr v Northern Territory [2001] HCA 56 (11 October 2001) - High Court Decision


Mary Yarmirr & Ors v Northern Territory & Ors [1998] 771 FCA (6 July 1998) - Federal Court decision

Comment

Paul Burke, Analysis of the High Court Decision in the Croker Island Case

Paul Burke, Summary of the High Court Decision in the Croker Island Case


Media

Media Release from the National Native Title Tribunal

Resources

Bibliography of materials related to Croker Island


Meyers, Gary D., Malcolm O'Dell, Guy Wright, and Simone C. Muller 1996. *A sea change in land rights law: The extension of native title to Australia's offshore areas*, Native Title Research Unit, AIATSIS.


Smyth, Dermot. 'Saltwater country: Aboriginal and Torres Strait Islander relationships with Australia's oceans’, Issues Paper No. 6, Australia's Oceans Policy, Commonwealth of Australia.