

TRADITION AND AUTHENTICITY: THE YORTA YORTA CASE

Overview

On the 12 December 2002, the High Court handed down its decision *Members of the Yorta Yorta Aboriginal Community v State of Victoria and Others*, relating to the native title claim made by the Yorta Yorta peoples to land and waters covering 2,000 square kilometres along and around the Murray and Goulburn Rivers. The Yorta Yorta peoples sought recognition that they are the Indigenous peoples belonging, by tradition, to that country. The High Court appeal was dismissed by a 5/2 majority.

Legislation

Native Title Act 1993 (Cth)

Cases

Members of the Yorta Yorta Aboriginal Community v Victoria [2002] HCA 58 (12 December 2002) – High Court Decision

Members of the Yorta Yorta Aboriginal Community v State of Victoria (Including Corrigendum dated 21 March 21 2001) [2001] FCA 45 (8 February 2001) – Full Federal Court Decision

Members of the Yorta Yorta Aboriginal Community v The State of Victoria [1998] 1606 (18 December 1998) – Federal Court Decision

Background

[Background to the case \(pdf\)](#)

Comment

[Comment \(pdf\)](#) on the High Court decision by Dr Lisa Strelein, Manager, NTRU.

Media

[Media Release from the Aboriginal and Torres Strait Islander Commission](#)

[Media Release from the Attorney-General's Department](#)

[Media Release from the National Native Title Tribunal](#)

[Media Release from Senator Aden Ridgeway](#)

[Media Release from Australians for Native Title and Reconciliation](#)

Resources

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Bartlett, Richard 2003. 'An obsession with traditional laws and customs creates difficulty establishing native title claims in the south: Yorta Yorta', *University of Western Australia Law Review*, Vol. 31, No. 1, pp 35-46.

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Morgan, Monica 2002. 'The Yorta Yorta experience'. Paper presented at *The Native Title Conference 2002: Outcomes and Possibilities*, Geraldton, Western Australia, 5 September.

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