

Injarnyala Aboriginal Corporation

OVERVIEW

The Injarnyala Aboriginal Corporation holds and manages the native title rights and interests recognised over Croker Island on behalf of its traditional owners. Indigenous ownership of the seas and sea bed around Croker Island was recognised in the *Croker Island* determination of January 2002.

This determination arose from an initial claim of native title in 1994 made by Mary Yarmirr on behalf of the Yuwurruma members of the Mandilarri-Ildugij, Mangalara, Murran, Gadura-Minaga, and Ngaynjaharr clans. The claim area included approximately 3,300 SqKm around Croker Island.

This claim was a test case for whether native title can grant rights to the sea and sea bed. It was litigated in both the Federal and High Courts.

Both courts found that native title exists in the entire claim area. These native title rights granted non-exclusive possession, use and occupation of the seas and seabed. They held that the common law could not recognise exclusive native title in seas, however, because this would be inconsistent with:

- common law's public rights to fish and navigate, and
- international law's right of innocent passage.

RNTBC PROFILE

NAME OF RNTBC	INJARNYALA ABORIGINAL CORPORATION
TYPE OF RNTBC ATNS HYPERLINK	AGENT
STATE/TERRITORY	NT
MAP NNTT HYPERLINK	http://www.nntt.gov.au/Publications-And-Research/Maps-and-Spatial-Reports/Documents/Quarterly%20Maps/Determinations_PBCs_A4.pdf
CONTACT DETAILS NTRB HYPERLINK	INJARNYALA ABORIGINAL CORPORATION C/o NORTHERN LAND CORPORATION

RNTBC ADMINISTRATION

INDIGENOUS CORPORATION NUMBER	N/A
DATE OF INCORPORATION	N/A
CERTIFICATE OF INCORPORATION ORIC HYPERLINK	N/A
CORPORATION OBJECTS & RULES ORIC HYPERLINK	N/A
LIST & NAMES OF MEMBERS ORIC HYPERLINK	N/A

NATIVE TITLE DETERMINATION INFORMATION

NNTT SHORT NAME NNTT HYPERLINK	CROKER ISLAND
CASE LAW AUSTLII HYPERLINK	Commonwealth v Yarmirr (2000) 168 ALR 426 (11 October 2001)
DATE OF DETERMINATION	29/01/2002

TYPE OF DETERMINATION ATNS HYPERLINK	LITIGATED DETERMINATION
DETERMINATION OUTCOME	NATIVE TITLE EXISTS IN THE ENTIRE DETERMINATION AREA
TRIBUNAL FILE NO	DC94/6
FEDERAL COURT FILE NO	NTD6001/96
NATIVE TITLE RIGHTS AND INTERESTS ¹	<p>The native title rights and interests that the Court considers to be of importance are the rights and interests of the common law holders, in accordance with and subject to their traditional laws and customs to -</p> <p>(a) fish, hunt and gather within the claimed area for the purpose of satisfying their personal, domestic or non-commercial communal needs including for the purpose of observing traditional, cultural, ritual and spiritual laws and customs;</p> <p>(b) have access to the sea and sea-bed within the claimed area for all or any of the following purposes:</p> <p>(i) to exercise all or any of the rights and interests referred to in subparagraph 5(a);</p> <p>(ii) to travel through or within the claimed area;</p> <p>(iii) to visit and protect places within the claimed area which are of cultural or spiritual importance;</p> <p>(iv) to safeguard the cultural and spiritual knowledge of the common law holders.</p>
AREA OF LAND	N/A
GENERAL LOCATION OF DETERMINATION AREA	CROKER ISLAND, NORTH-EAST OF DARWIN, NORTHERN TERRITORY
MAP	http://www.atns.net.au/objects/pdfs/DC94_6.pdf
NTRB REGION NTRB HYPERLINK	NORTHERN LAND CORPORATION

ADDITIONAL ELECTRONIC RESOURCES

Case note	<p>Jackie Morris, 'Sea Country - the Croker Island Case: Commonwealth of Australia v Yarmirr' 2002 <i>Indigenous Law Bulletin</i> 7</p> <p>http://www.austlii.edu.au/cgi-bin/sinodisp/au/journals/ILB/2002/7.html?query=HCA%202001%2056%20or%202001%20HCA%2056</p>
-----------	--

¹ These native title rights and interests are subject to the laws of the Commonwealth and the Northern Territory. They may also be subject to particular interests specified in the determination.