

MEDIA RELEASE

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McARTHUR RIVER MINE DECISION SHINES LIGHT ON NATIONWIDE ISSUE: GOVERNMENT FAILURE TO PAY COMPENSATION OWED

The National Native Title Council (NNTC) says today's Federal Court decision on Traditional Owner rights to compensation is the result of relentless advocacy and court action by the Gudanji, Yanyuwa and Yanyuwa-Marra peoples.

The case was filed in the Federal Court in December 2020, seeking compensation from the Northern Territory Government for the establishment of the McArthur River Mine and its impact on native title rights.

Led by Traditional Owners from the Gulf of Carpentaria and represented by the legal team at the Northern Land Council, the claim argued that the establishment of the mine in the early 1990s and the subsequent open-cut mining at the site caused significant cultural, spiritual, economic and environmental damage to Country, damage that persists today.

"After years of persistent action, the Gudanji, Yanyuwa and Yanyuwa-Marra peoples will now receive some of the compensation the Northern Territory government always owed them." said Jamie Lowe, CEO of the National Native Title Council.

"Like any other landholder, native title holders are entitled to compensation when their rights are impaired. In practice though, Traditional Owners face decades-long, expensive and time-consuming battles through the courts to access compensation owed to them. In many cases, the compensation is still unpaid decades later," said Mr Lowe.

"Hundreds of Traditional Owner organisations nationwide are owed compensation for past and continuing acts. Unpaid monies owed represent lost economic development and investment opportunities for First Nations communities.

"Governments collect billions in revenue from Traditional Owners' land, while systematically avoiding paying compensation owed to Traditional Owners. Widespread non-payment of compensation by state and territory governments has left many First Nations communities without redress for the loss of land, culture, and economic opportunity.

"When a government or third party undertakes actions that diminish or damage property rights, the law requires compensation be paid. Requiring Traditional Owner organisations to spend decades in the Courts to access payment is a deliberate avoidance strategy.

“Today’s decision demonstrates why Australia needs a National Compensation Framework that delivers fair, timely redress processes when Traditional Owners’ rights are impacted. Establishing a National Compensation Framework would address historic and ongoing economic exclusion of Traditional Owners and support broader Closing the Gap objectives.”

“The National Native Title Council pays tribute to the Gudanji, Yanyuwa and Yanyuwa-Marra peoples whose perseverance is an inspiration to other Traditional Owners who continue fighting for what they are owed,” said NNTC CEO, Jamie Lowe.

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