

## Northern Territory v Arnhem Land Aboriginal Land Trust [2008] HCA 29 (July 30 2008)

<http://lawcasesummaries.com/knowledge-base/northern-territory-v-arnhem-land-aboriginal-land-trust-2008-hca-29-july-30-2008/>

### Facts

- The Yolngu people were granted approx. 90,000 acres of land in the NT under the *Land Trust* and *Native Land Act (NT)*
- Under the act, the trust must exercise the land in the benefit of the Aboriginal people
- Land was granted up to the high water mark and the appropriate Act said no one else could enter unless otherwise allowed by law

### Issues

- Does the *Fisheries Act*, which gives people permission to enter water to get fish under certain circumstances, allow people to enter native title areas?

### Held

- A right to fish existed in Australia but that was a public right and could be abrogated by legislation
- The *Fisheries Act* deals not with where someone can fish, but with where they can't. It doesn't give express permission.
- So no, they cannot enter unless express permission is granted by legislation or the trust

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Law case summary from [www.lawcasesummaries.com](http://www.lawcasesummaries.com)