



NORTHERN  
LAND COUNCIL

**MEDIA RELEASE**

*Our Land, Our Sea, Our Life*

## High Court upholds Native Title rights

08 February 2024

**The High Court of Australia yesterday delivered a landmark ruling in favour of Yanyuwa and Yanyuwa-Mara native title holders.**

The case, *Harvey & Ors v Minister for Primary Industry and Resources & Ors*, considered the Northern Territory Government's (NTG's) proposal to grant a new mineral lease adjacent to the Bing Bong Port on the McArthur River Pastoral Lease.

The result of this successful appeal is that the NTG must follow the processes outlined in the *Native Title Act* before it can proceed to grant a new mineral lease to Mount Isa Mines (MIM). Section 24MD(6B) of *the Act* requires notification of and consultation with native title holders, and the opportunity for native title holders to object to the proposed grant and to have that objection heard by an independent body (in the Northern Territory: The Civil and Administrative Tribunal).

The case was brought by the Northern Land Council (NLC) on behalf of the native title holders. Appellants David Harvey and Thomas Simon welcomed the judgment, and paid tribute to the original applicant, Mr Friday, who sadly passed away before he could see the positive outcome of this decade-long fight for justice.

This successful appeal is a significant turn-around, with all five High Court Judges siding with the native title party. It sets an important precedent that can now be applied by native title holders throughout Australia.

### Quotes attributable to Joe Martin-Jard, CEO of the NLC

This decision is the result of over 10 years of struggle by Yanyuwa and Yanyuwa-Mara native title holders to have their basic rights under the Native Title Act respected and followed by the NTG and Mount Isa Mines.

The NLC congratulates David Harvey, Thomas Simon and the other Yanyuwa native title holders who have pushed this case. The NLC also acknowledges the powerful legacy of Mr Friday, who started these proceedings.

These Traditional Owners never gave up. Even when they were unsuccessful in front of four Federal Court judges, they kept fighting, and today five judges of the High Court have accepted their case.

The NLC hopes that this decision will prompt the mining company to reconsider its approach to applying for new tenure. We want to see the company engage proactively and in good faith with the native title holders, through their PBC and their legal representatives, to obtain the free prior and informed consent before further disturbing their native title.