

Court Says, NO LEGAL RIGHT TO PROTEST

11 March 1999

The Northern Territory Supreme Court today extinguished the right of Aboriginal Traditional Owners to enter their land for the purpose of campaigning against the actions of miners.

In what is set to be a landmark Aboriginal rights case, Judge Riley found that the existence of a 1982 Jabiluka Mining Agreement between the Northern Land Council and the mining company restricted the access rights of the Mirrar people to activities not associated with the campaign against the Jabiluka Project.

The Judge found that merely by entering the Jabiluka Mineral Lease as part of the long-term campaign to stop the Jabiluka uranium mine*, Senior Traditional Owner Yvonne Margarula had interfered with the mining company's interest sufficient to sustain a trespass conviction.

Executive Officer of the Mirrar's Gundjehmi Aboriginal Corporation, Jacqui Katona said today:

"We will be appealing this case until the Australian legal system comes to terms with the concept of Aboriginal people having the right to access Aboriginal land to protect their country. We have a right to object to actions which are being taken by others to deny us our legal rights."

"How dare the Court extinguish the Mirrar people's right to enter their freehold land as part of their long-term objective of preventing Jabiluka proceeding. Does the Northern Territory Supreme Court now have the right to determine what Aboriginal people will think while on their land?"

"When it comes to expressing their dissent to the Jabiluka uranium mine, the Mirrar now have no more rights on their own land* than any other person in Australia. If this decision stands, access rights in the Northern Territory are next to meaningless."

Yvonne Margarula, Jacqui Katona, Christine Christophersen and Rueban Nango, all Aboriginal people from the Kakadu region, were arrested for trespass on the Jabiluka Mineral Lease on May 18, 1998. They were convicted in the Darwin Magistrate's Court on September 3, 1998 and fined \$500 each. Jacqui Katona and Christine Christophersen recently served a 10 day jail sentence for non-payment of their fine.

The Mirrar own freehold title to the land on which the Jabiluka mine is being constructed pursuant to the Aboriginal Land Rights (Northern Territory) Act (Cth).