



# 25 YEARS OF NATIVE TITLE RECOGNITION

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Watch: [Welcome from Ms Raelene Webb QC, President, NNTT](#)

## NATIVE TITLE: 2017 IN REVIEW



Watch: [former Prime Minister, Hon Paul Keating](#)

# NATIVE TITLE: 2017 IN REVIEW



14 October 2014 - Justice Mortimer congratulates Eadie Holmes, one of the traditional owners who won native title rights over an 18,000 square kilometre area in the Sandover region, Northern Territory.  
Source: Central Land Council

## Native title determinations

A determination of native title is a decision by an Australian Court or other recognised body that native title either does or does not exist in relation to a particular area of land or waters. The native title rights and interests recognised may be exclusive or non-exclusive. Of the 416 native title determinations made in Australia, 348 have determined that native title exists in part or all of the determination area.



25 May 2011 - Dancers at the Dambimangari native title determination, Western Australia

## Native title consent determinations

A consent determination of native title is a decision by an Australian Court or other recognised body that native title does or does not exist in a particular area, which is made by agreement. As at 31 December 2017 there have been 328 consent determinations of native title made in Australia, of which 304 found that native title exists in part or all of the determination area.



11 March 2014 - Banjima Traditional Owners with Justice Barker.  
Source: Yamatji Marlpa Aboriginal Corporation

## Native title Litigated determinations

A litigated determination of native title is a decision by an Australian Court or other recognised body that native title does or does not exist in a particular area, which is made following a trial process. As at 31 December 2017 there have been 47 litigated determinations of native title made in Australia, of which 30 have found that native title exists in part or all of the determination area.



9 December 2003 - Male dancers at Miriuwung Gajerrong Native Title Determination Number 3, Western Australia

## Native title unopposed determinations

An unopposed determination of native title is a decision by an Australian Court or a recognised body that native title does or does not exist as a result of a native title application, not contested by another party. To date there have been 41 unopposed native title determinations in Australia.



29 June 2005 - Traditional Owner with scroll, Ngaanyatjarra Native Title Determination, Western Australia



Native Title Determination, Puwana Rockhole, Western Australia.  
Source: Central Desert Native Title Services

## Native title exclusive possession

Exclusive possession native title is the right to possess, occupy and enjoy an area to the exclusion of all others. This includes the right to control access to, and use of, that area. As at 31 December 2017 of the 2,968,502 sq km of determined land in Australia, 916,542 sq km have been recognised as exclusive possession native title land.

## Native title non-exclusive possession

Non-exclusive possession native title is the right to exercise native title rights in accordance with traditional laws and customs. This does not include the right to control access to, and use of, an area. As at 31 December 2017 non-exclusive possession native title is recognised over 1,689,441 sq km onshore and 76,693 sq km offshore.



A male didgeridoo player at the signing of the Ord Final Indigenous Land Use Agreement (ILUA) between the Miriuwung Gajerrong Traditional Owners, Western Australian State Government and private sector interests. The agreement was registered on 16 August 2006.



22 October 2010 - Traditional owners at the Gunaikurnai People native title determination.  
Source: Native Title Services Victoria

## Indigenous Land Use Agreements (ILUA)

Indigenous Land Use Agreements (ILUA) were introduced in the 1998 amendments to the *Native Title Act 1993* (Cth). An ILUA is a voluntary agreement between a native title group and others about the use of land and waters. These agreements allow people to negotiate flexible, pragmatic agreements to suit their particular circumstances. As at 31 December 2017 there are 1196 registered ILUAs in Australia.

## Native title future acts

The future act regime *Native Title Act 1993* (Cth) provides a means by which registered native title claimants and holders can have a say if a proposed activity is likely to impact on their native title rights and interests. Agreements negotiated under this regime have resulted in Indigenous economic development, employment, training and contracting opportunities as well as the protection and promotion of cultural heritage.



*Gangalidda Garawa kids painted up for dance  
December 2005, Queensland.*

*Source: Carpentaria Land Council Aboriginal Corporation*

## Representative bodies

Representative Aboriginal/Torres Strait Islander Bodies are funded by the Commonwealth government to assist native title holders to access and exercise their rights under the *Native Title Act 1993* (Cth), certify applications for determinations of native title and area agreements, resolve intra-Indigenous disputes, make agreements and ensure that notices given under the Act are brought to the attention of the relevant people.



*11 June 2009 - Nyangumarta determination with  
Justice North and elders.*

*Source: Yamatji Marlpa Aboriginal Corporation*

## Native title registers

As a requirement of the *Native Title Act 1993* (Cth), the Native Title Registrar must keep, and make available to the public, a Register of Native Title Claims, a National Native Title Register (providing details of native title determinations) and a Register of Indigenous Land Use Agreements. The Registers assist with the identification of Indigenous interests and the right people to speak for country.

## Contributors

The National Native Title Tribunal would like to thank the following organisations who provided contributions to the 25 Years of Native Title Recognition celebratory website:

[Carpentaria Land Council Aboriginal Corporation](#)

[Central Desert Native Title Services](#)

[Central Land Council](#)

[Goldfields Land and Sea Council](#)

[Kimberley Land Council](#)

[Native Title Services Victoria](#)

[Northern Land Council](#)

[North Queensland Land Council](#)

[Queensland South Native Title Services](#)

[Rio Tinto](#)

[South Australian Native Title Services](#)

[South West Aboriginal Land and Sea Council](#)

[Torres Straits Regional Authority](#)

[Yamatji Marlpa Aboriginal Corporation](#)

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