



Progress has been made since 1992

THIS column is being published on the anniversary of one of the most significant events in Australia's native title history.

On 3 June 1992, the High Court of Australia decided that the common law of Australia would recognise a form of native title – one that 'reflects the entitlement of the indigenous inhabitants, in accordance with their laws or customs, to their traditional lands'.

Many Australians now remember this day as Mabo Day, in memory of the late Eddie Mabo and other Torres Strait Islanders who started the action that led to that historic decision.

It was their efforts that prompted the Australian Parliament to pass the Native Title Act, which began operating on New Year's Day 1994.

The National Native Title Tribunal was established to assist in the implementation of the Act. We work with parties to facilitate timely and effective native title and related outcomes, such as consent determinations of native title and Indigenous land use agreements.

The Native Title Act has been amended several times over the years, in an attempt to ensure it meets the needs of all stakeholders.

The Federal Parliament is currently considering more amendments which aim to improve the speed and effectiveness of the resolution of native title issues throughout Australia.

The importance of native title to a wide range of people and organisations will be reflected in discussions at this



NATIVE TITLE AND YOU

with National Native Title Tribunal President
GRAEME NEATE

week's annual Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) native title conference, being held in Melbourne from 3-5 June.

Tribunal Members Dan O'Dea and Gaye Sculthorpe and senior research officer David Edelman will be taking part in the conference.

I will present a paper which examines how a range of geographic, historic, cultural, legal, economic and political factors influence native title aspirations and outcomes in different parts of Australia.

In some jurisdictions, particularly Western Australia, there are large areas of land where native title has been or may be recognised under the Act. In others places, where there has been more widespread urbanisation or agricultural development, native title has been extinguished by grants of titles over much of the land.

Native title may not be an

option in some places where Indigenous people are unable to prove their traditional connection to the land to the high standard required by Australian law.

Other kinds of agreements and settlements can be negotiated in some of these cases, such as co-management agreements over conservation areas.

During the past 10 years as President of the Tribunal, I have had the privilege to witness some very uplifting and moving native title events around Australia. These include consent determination hearings on islands in the Torres Strait, and places in far north Queensland, Western Australia, South Australia, Victoria and the Northern Territory.

I have attended ceremonies to mark the finalising of Indigenous land use agreements in New South Wales and Victoria.

It has been very encouraging to see the satisfaction that parties share when they reach agreement and have their new relationships formally acknowledged.

While there is still much more to be achieved in the recognition of native title and the resolution of native title issues, the anniversary of the landmark Mabo case gives us an opportunity to remember that progress has been made since that historic day in 1992.

● Recent native title outcomes and activities are explored further in the Tribunal's June issue of *Talking Native Title*, available at www.nntt.gov.au