

OUTPUT GROUP 6

NATIVE TITLE

The Central Land Council aims to provide Aboriginal land owners with information, advice and support to enable them to manage their land in a sustainable and productive way.

OUTCOMES

Enhanced social, political and economic participation and equity for Aboriginal people in the Central Land Council's area as a result of the promotion, protection and advancement of their land rights, other rights and interests.

OUTPUT 6

NATIVE TITLE

Native title is the legal term used by the Australian High Court to describe the rights and interests that Aboriginal people have over their lands since long before European settlement of Australia.

These rights and interests are called 'common law' Indigenous property rights and were recognised by the High Court in the Mabo judgment in June 1992 and were made into legislation in 1993. The High Court's subsequent Wik judgment (December 1996) further determined that native title could coexist with other rights on land held under a pastoral lease.

While native title recognises that Indigenous people have traditional rights to speak for country, to protect sites and to be consulted regarding developments on their land, it does not give Indigenous people ownership of the land in the same way as the *Aboriginal Land Rights (Northern Territory) Act 1976* (the Land Rights Act) does.

THE CLC'S NATIVE TITLE PROGRAM

In 1994 the CLC became a recognised native title representative body (NTRB) for Central Australia under s.203 of the Commonwealth's *Native Title Act 1993*. In that capacity the CLC has statutory functions to facilitate and assist native title holders to make native title applications, respond to proposed Future Acts and negotiate agreements, and to resolve disputes between groups. In 2012–13 the former minister for Aboriginal and Torres Strait Islander Affairs granted CLC re-recognition as an NTRB for a maximum of two years to 2015.

The CLC continued to certify applications for native title determination and applications for registration for Indigenous land use agreements (ILUAs) in a timely manner. Native title determinations and ILUA applications are presented to the Council or the CLC Executive before going to the National Native Title Tribunal (NNTT) for registration.

The CLC has 19 native title funded positions located in various sections and engaged nine consultants to work on native title activities. Each consultant possessed the required qualifications and expertise relevant to their contract.

NATIONAL NATIVE TITLE COUNCIL

The CLC has been a member of the National Native Title Council (NNTC) since its inception in 2005 and continued to play an active role in the council. It contributed to NNTC submissions, discussions and joint NNTC/Minerals Council of Australia forums. It also contributed to representations to government on matters of national importance such as the review of the Indigenous Land Corporation and Indigenous Business Australia, the Indigenous Jobs and Training Review, Australian Charities and Not for Profit Commission Repeal Bill, and Native Title Policy Position Statement for the incoming government.

NATIVE TITLE CONSENT DETERMINATIONS

Napperby Station

In July 2013, at a special sitting of the Federal Court at the Laramba community living area, Justice Reeves handed down a determination by consent of non-exclusive native title over nearby Napperby Pastoral Lease (PL). The determination recognises the rights and interests of the Anmatyerr and Arrernte native title holders whose country includes Napperby Station. The current lessees will continue to operate Napperby as a pastoral lease and the native title holders' rights will co exist with the rights of the pastoral leaseholders.

The original native title application was filed with the court in 2005 as a result of a mining company being granted an exploration licence over an area of important cultural significance to the Alherramp/Rrweltyapet, Ilewerr, Mamp/Arrwek, Tywerl, Arrangkey, Anentyerr/Anenkerr and Ntyerlkem/Urapentye estate groups on the station lease. The native title holders were anxious to protect these areas of high significance and instructed CLC to lodge a native title application over the area. This application was withdrawn in March 2011 and replaced with a new native title application over the whole of the pastoral lease.