



## WHAT IS NATIVE TITLE?

Native Title is the recognition of the rights held by Aboriginal people who have maintained a traditional connection to their land and waters since European settlement. Native Title is usually determined by mediation or the Federal Court and occasionally the High Court.

Native Title can only exist in areas such as Unallocated Crown Land, some National Parks, Forests and Public Reserves, some types of pastoral areas and some Aboriginal Communities. Compensation for loss of native title caused by government dealings in land can only be claimed if the "extinguishment" happened after 31 October 1975 and prior to 1993.

Extinguishment refers to events such as the government selling land for developments. Most events which results in land no longer being Unallocated Crown Land extinguishes native title over that land.

Aboriginal people who place a claim over an area need to be able to demonstrate a considerable amount of evidence to support their connection to the land, including a direct ancestral connection back to the time of European settlement by a substantial number of the group of claimants.

Claimants need to demonstrate that as a society they continue to observe traditional customs and laws and often use their land for cultural purposes such as teaching children about traditional ways and dreaming stories.

Native Title provides Aboriginal people with the opportunity to support themselves. It does not remove any rights or land already owned by the community.

## How does Native Title affect me?

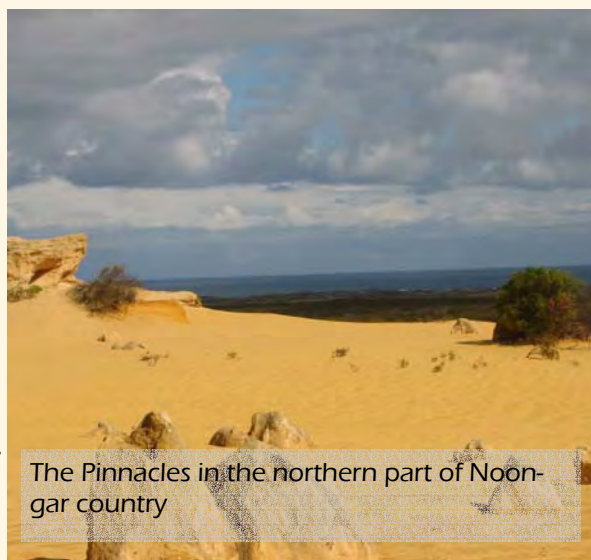
There are a lot of myths about native title. Native title does not remove any rights already held by the community. A positive determination will not change access to land or your rights as a landowner.

All determinations are made by the court system under the Native Title Act (1993). This piece of federal legislation outlines what type of land can be determined as native title. Any land that is owned as freehold, or has certain types of leases over it cannot be considered in a native title claim. Access to beaches and other waterways does not change at all.

Any native title claim needs a great deal of evidence behind it. Part of this includes clearly demonstrating that current day claimants are the descendents of the people who were here in 1829. The Single Noongar Claim has 80 applicants, each of these applicants is able to trace their ancestry back over 180 years to the Noongar families who were living in Perth in 1829.

In addition to this, applicants have to show that over the past 180 years that they have continued to maintain their connection to the land just as their ancestors had. This includes the continuation of the language, maintaining culturally significant sites and rituals and recognising and adhering to community laws and customs. The Noongar people were able to demonstrate all of these important aspects.

Native title determines what rights the claimants have over certain parts of land. The Single Noongar Claim does not cover any land or water where native title has been extinguished by government legislation or acts. This means that all freehold land and most leasehold land is already excluded. If there is a positive native title determination, not much will change in Perth or the south west. Ultimately a positive determination is a great outcome for both the Noongar people and the wider community. It doesn't change the communities' access to their land and but it provides a vehicle to resolve many of the questions and challenges that exist within the Noongar Community



The Pinnacles in the northern part of Noongar country