



## NATIVE TITLE MYTHS

There are many myths about native title. Here are some answers to the most common misconceptions. For more information about native title contact SWASLC on 9358 7400

### **Myth 1**

**Native title means that my backyard isn't safe from a native title land claim.**

#### **INCORRECT**

Native title does not remove any rights or land already owned by the community and only applies to unoccupied crown land and. Any land that is privately owned or has certain types of leases over it cannot be claimed. This means that native title has been extinguished over most of the Perth metropolitan area.

Further to that, to be successful in a native title claim, the claimants need to have maintained a continuous connection with the land claimed. This would be pretty difficult if the land is privately owned.

### **Myth 2**

**Native title allows Noongar people to gain ownership of Australia's farming and grazing land.**

#### **INCORRECT**

Almost all farming and grazing land in Australia is held under freehold, perpetual leasehold or long-term leasehold titles. As a result native title rights cannot be claimed on these lands because they have been extinguished.

### **Myth 3**

**Native title will mean that Noongar people will be given land for nothing while other Australians have to buy it.**

#### **INCORRECT**

Native title does not mean that Noongar people are given land, only that they may practice their native title rights on land where these rights have not been extinguished.

### **Myth 4**

**Native title will mean that Noongar people will 'lock up' Western Australia's mineral wealth and prevent development**

#### **INCORRECT**

Noongar people have not only stressed that they are not anti-mining but have demonstrated that they are keen to work with mining companies to reach outcomes that are beneficial for both the community and the company.

However, they do wish to protect sacred or significant sites that are a central and integral part of their spiritual beliefs. This is a process that involves both the Noongar people and mining companies. Any fair-minded Australian would agree that Aboriginal people's spiritual beliefs should be accorded the same respect as the spiritual beliefs of other Australians.

### **Myth 5**

**The claim of Aboriginal people to a special attachment to the land has no basis.**

#### **INCORRECT**

There is a vast amount of anthropological and other evidence recognising the existence of the special attachment of Aboriginal people to their land, including the Royal Commission into Aboriginal Deaths in Custody and the Woodward Aboriginal Land Rights Commission.

The dispossession of Aboriginal people from their land has been identified by all political parties, as central to the social, economic and physical problems experienced by Aboriginal and Torres Strait Islander people since colonisation.

### **Myth 6**

**Native title is all about guilt.**

#### **INCORRECT**

Native title outcomes should be about acknowledging the past and serving the future of our community. The High Court of Australia overturned the myth of terra nullius (that no people occupied Australia prior to the arrival of British settlers in 1788) and held that Australia's common law recognises a form of native title which survived European settlement.

Native title has also been recognised by other countries with similar legal systems to Australia, including the United States of America, Canada and New Zealand.

### **Myth 7**

**Native title will stop people being able to access to beaches and other waterways**

#### **INCORRECT**

The Single Noongar Claim already excludes all waterways where native title has been extinguished. In addition to that the Western Australian Government passed legislation which guarantees access to beaches, rivers and other waterways. There is no way that native title can restrict access to these areas.

*For more information about native title of the Single Noongar Claim Contact SWALSC on (08) 9358 7400 or visit [www.noongar.org.au](http://www.noongar.org.au)*