

Comparison of Land Rights and Native Title

	LAND RIGHTS	NATIVE TITLE
HISTORY	Woodward Commission 1974 Whitlam/Fraser 1976	Gove Land Rights Case 1972 Mabo High Court 1992
LAW	Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)	Native Title Act 1993 (Cth)
HOW – FIGHT	Land claim – Land Commissioner	Native title claim – Federal Court
HOW – AGREE	Commonwealth Minister agrees to grant freehold title	Consent determination of native title with NT Government
WHAT	Freehold title – ownership of land, right to control entry with permits	Native title – recognition of traditional rights to access land and hunt, no right to control entry
WHERE	NT – vacant (empty) land, not pastoral or town land	Australia – vacant or pastoral or town land
WHO	Traditional Owners – ‘primary spiritual responsibility’ for sites	Native Title Holders – right holders in land according to traditional law and custom
DECISION MAKERS	CLC on behalf of Land Trust	Prescribed body corporate (with help of CLC)
DECISION PROCESS	Consent of Traditional Owners Consult with affected communities	Consent of Native Title Holders
DEVELOPMENT – BLOCKING	Right to block mining, compulsory acquisition	Right to negotiate (talk), no blocking rights
DEVELOPMENT – AGREEMENTS	Mining, developments, can sublease	Mining, developments, cannot sublease because no title to land
HOW STRONG	Strong title for traditional owners	Recognises some rights but not strong title

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For enquiries on the Native Title Act call 08 8951 6202

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