

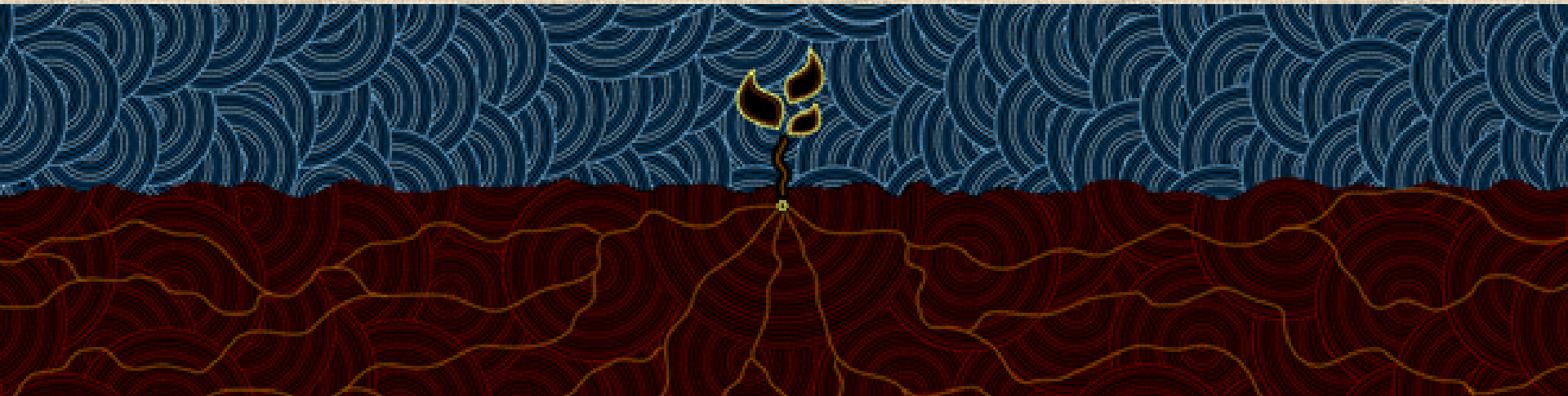


Australian Government
Australian Law Reform Commission

Review of the *Native Title Act 1993*

Final Report ALRC 126

(Artwork courtesy of [Gilimbaa](#))



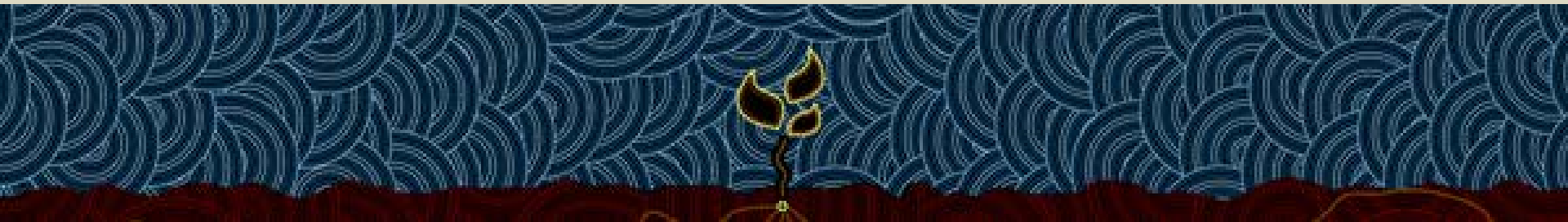


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Term of reference

- Connection requirements
- Authorisation
- Joinder



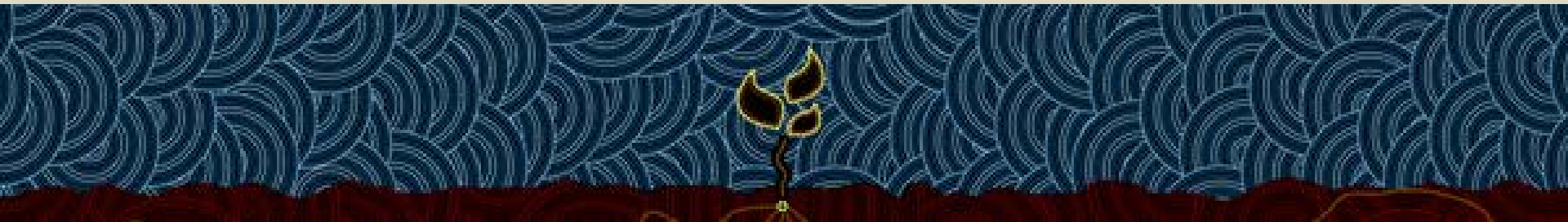


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Guiding Principle

- The importance of the recognition of native title
 - Acknowledging other interests
 - Timely and just resolution of claims
 - International law
 - Supporting sustainable futures



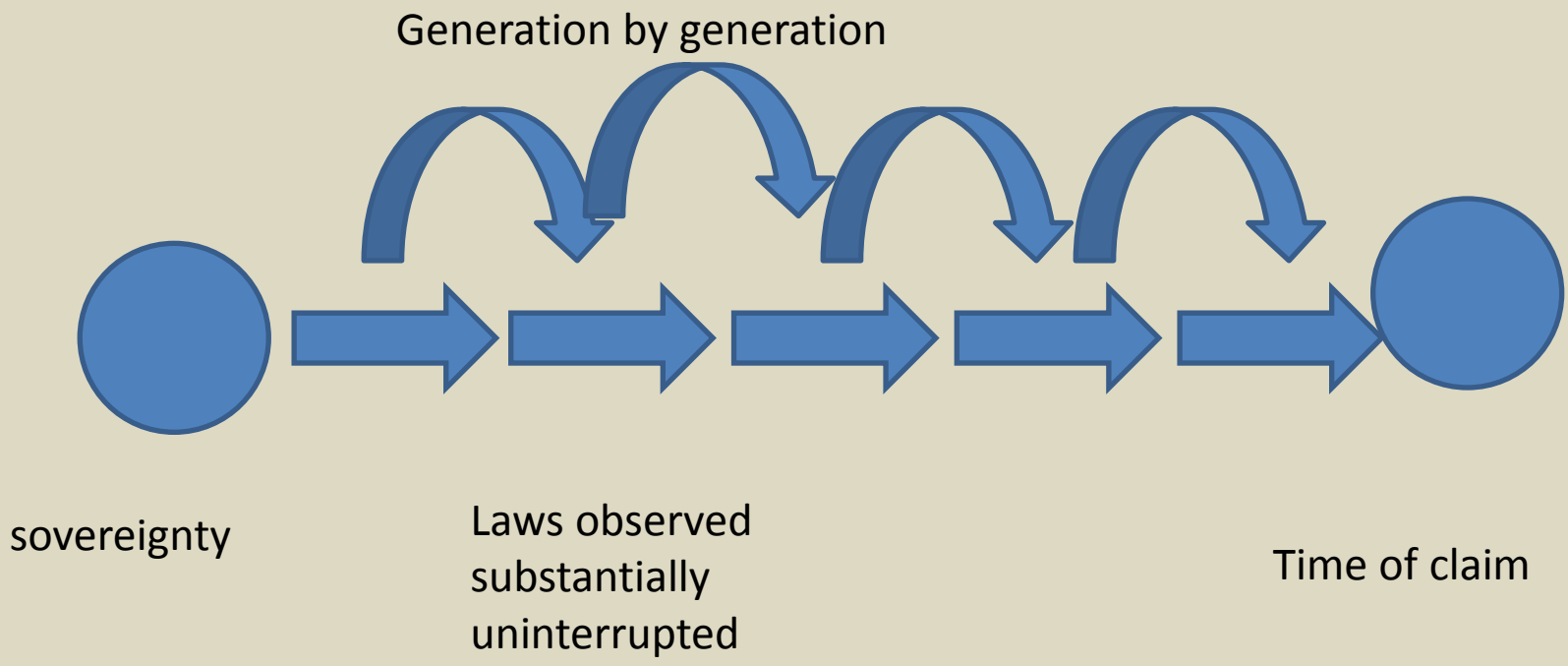
Do connection requirements need reform?

Yes

- Yorta Yorta, Single Noongar, Larrakia
- Scope of rights in consent determinations is limited

No

- Harshness of YY has been ameliorated by later decisions and state practices
- Nearly 100 CDs since 2011



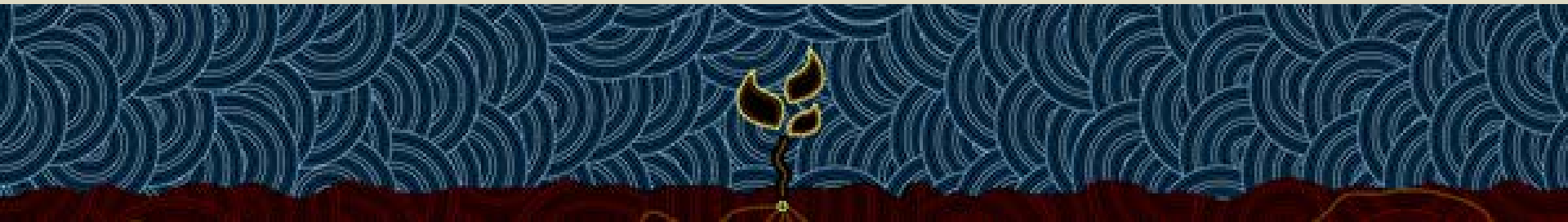


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Recommendations

Section 223 of the Native Title Act should be amended to provide that traditional laws and customs may adapt, evolve or otherwise develop



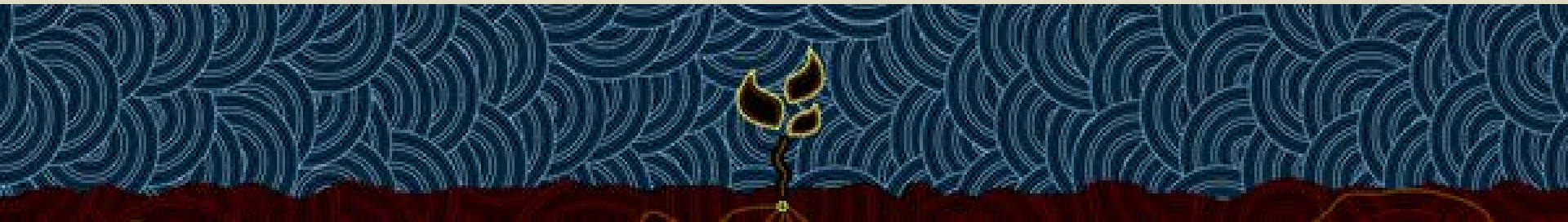


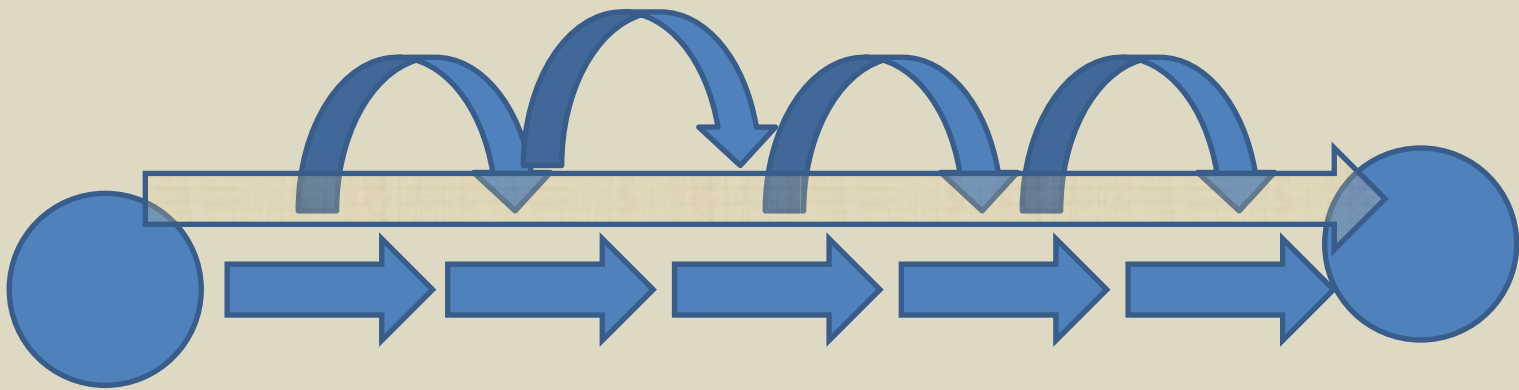
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Continuity

Section 223 should be amended to provide that acknowledgment of traditional laws and customs need not have continued substantially uninterrupted since sovereignty—nor is acknowledgement required by each generation





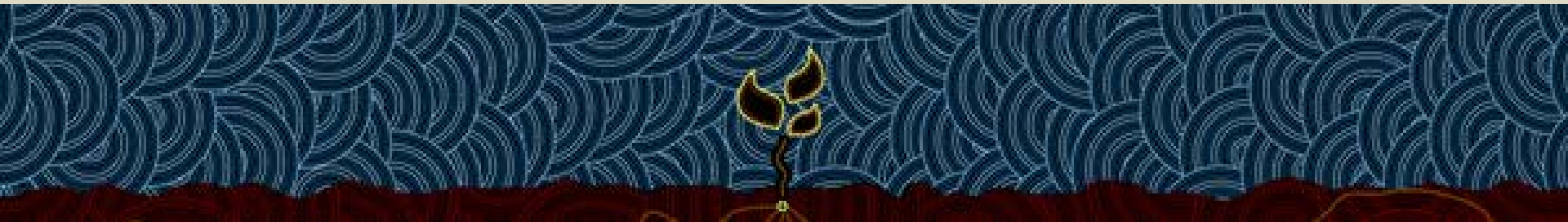


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Native Title Act s 223(2)

Without limiting subsection (1), **rights and interests** in that subsection includes hunting, gathering, or fishing, rights and interests.





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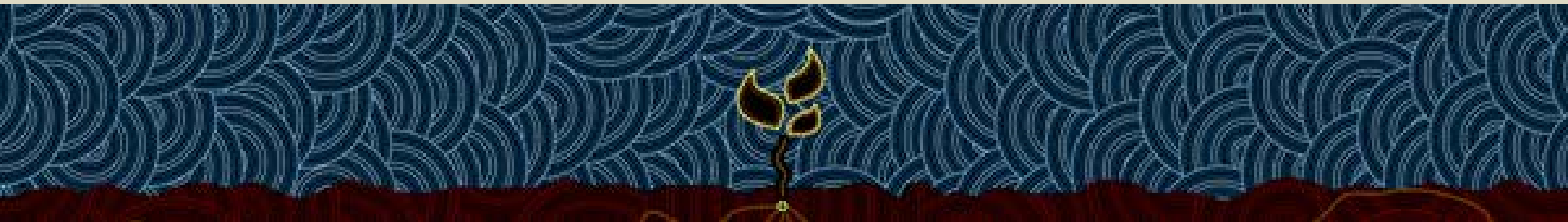
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Commercial purposes

Without limiting subsection (1), native title rights and interests in that subsection:

(a) may comprise a right that may be exercised for any purpose, including commercial or non-commercial purposes; and

(b) may include, but are not limited to, hunting, gathering, fishing, and trading rights and interests.





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