

## **Native Title in Australia: A Comprehensive Historical Timeline**

### **Pre-Colonial Period**

- **For 65,000+ years:** Aboriginal and Torres Strait Islander peoples occupy, use, and enjoy their lands according to traditional laws and customs.

### **Colonial Period and Early Commonwealth**

- **1788:** British colonisation begins, claiming land under 'terra nullius'.
- **1835:** Batman's Treaty with Wurundjeri people declared invalid by Governor Bourke.
- **1889:** Cooper v Stuart case affirms terra nullius doctrine.
- **1901:** Federation of Australia; Constitution provides no recognition of Aboriginal rights.
- **1963:** Yolngu people present Bark Petitions to Parliament protesting bauxite mining on their land.

### **1970s-1980s: Land Rights Movement**

- **1971:** Milirrpum v Nabalco (Gove Land Rights Case) - Northern Territory Supreme Court rejects Aboriginal land rights claim.
- **1972:** Aboriginal Tent Embassy established in Canberra demanding land rights.
- **1976:** Aboriginal Land Rights (Northern Territory) Act passed - first significant land rights legislation in Australia.
- **1982:** Eddie Koiki Mabo and others begin their legal challenge in the High Court.
- **1985:** Uluru-Kata Tjuta National Park handed back to traditional owners; Eddie Mabo and others make legal claim for Murray Island.
- **1987:** (Victorian) Aboriginal Land (Lake Condah and Framlingham Forest) Act.
- **1988:** Barunga Statement presented to Prime Minister Hawke calling for recognition of rights.
- **1990:** ATSIC (Aboriginal and Torres Strait Islander Commission) established.

### **1990s: Recognition of Native Title**

- **June 3, 1992: Mabo v Queensland (No 2)** - High Court rejects terra nullius, recognizes native title for the first time. This landmark case had a profound impact on Aboriginal and Torres Strait Islander land rights in Australia.
- **December 1993:** Native Title Act 1993 (Cth) commences operation. This Act, passed in response to the Mabo decision, set the framework for recognizing and protecting native title. It created the system of Native Title Representative Bodies and Prescribed Bodies Corporate, which play a key role in land management and negotiations.
- **1994:** National Native Title Tribunal established.
- **1995:** First consent determination of native title (Dunghutti People, NSW).

- **1996:** Wik Peoples v Queensland - High Court finds that native title can co-exist with pastoral leases. However, the Court also confirmed that where a pastoral lease and a native title right were inconsistent, the non-native title rights prevail.
- **1998:** Native Title Amendment Act introduces 'Ten Point Plan' limiting native title rights. The Howard government pushed through these amendments with a main focus to – in the words of Deputy Prime Minister Tim Fischer – pour 'bucket-loads of extinguishment' on the native title rights of Indigenous peoples, placing restrictions on native title claims. The Act also introduced more flexible Indigenous Land Use Agreements.
- **1998:** First Indigenous Land Use Agreement registered.

### **2000s: Development of Native Title System**

- **2001:** Yarmirr v Northern Territory - High Court recognises native title can exist in sea country.
- **2002:** Western Australia v Ward - High Court clarifies extent of extinguishment and the 'bundle of rights' concept.
- **2002:** Members of the Yorta Yorta Aboriginal Community v Victoria - High Court sets high standard for proving continuity of connection.
- **2004:** ATSIC abolished.
- **2004: National Native Title Council (NNTC) established.**
- **2005: NNTC formally established.**
- **2007:** First native title claim resolved in a capital city (Perth).
- **2009:** Native Title Respondent Funding Scheme established.
- **2009:** Native Title Amendment Act creates new future acts processes.

### **2010s: Major Determinations and Settlements**

- **2010:** Traditional Owner Settlement Act 2010 (Vic) creates alternative settlement framework.
- **2013:** Akiba v Commonwealth - High Court recognises commercial native title rights.
- **2013:** De Rose v South Australia - First successful native title compensation claim.
- **2014:** Pilki and Birriliburu People achieve determinations, completing native title claims across the entire Great Western Desert.
- **2015:** Barkandji Native Title Determination - one of the largest in NSW.
- **2015:** The Noongar Settlement approved by the Noongar Nation as six Indigenous Land Use Agreements - the largest and most comprehensive agreement to settle Aboriginal interests in land in Australian history, described by some as 'Australia's First Treaty'.
- **2016:** First consent determination over sea country in NSW (Yaegl People).
- **2017:** Northern Territory Government and four Territory Land Councils sign Barunga Agreement to begin treaty discussions.

- **2017:** 342 positive native title determinations (2,557,835km<sup>2</sup>); 169 PBCs (estimated to grow to over 300); 240 claimant applications.
- **2017 (August): NNTC amends constitution to provide for PBC membership.**
- **2018:** South West Native Title Settlement (Noongar) - largest native title settlement in Australian history.
- **2019:** Timber Creek Compensation Case (Northern Territory v Griffiths) - High Court sets principles for calculating native title compensation. This was the first time the Court had considered how compensation under the Native Title Act should be assessed.

## **2020s: Current Developments**

- **2020:** Quandamooka People secure third native title determination.
- **May 24, 2020:** The destruction of Juukan Gorge - A sacred rock shelter in the Pilbara region of Western Australia was legally blasted and destroyed by mining company Rio Tinto. The destruction led to national and international outrage and became a catalyst for action toward meaningful national reform.
- **June 2020: FNHPA formed - First Nations Heritage Protection Alliance (FNHPA) established when First Nations groups from across the country came together.**
- **2021:** Yindjibarndi Aboriginal Corporation win appeal case against FMG.
- **2021:** Yamatji Nation Agreement implemented - comprehensive settlement in WA.
- **October 2021:** Federal Government Senate Inquiry into the Juukan Gorge disaster delivered its final report, "A Way Forward."
- **2022:** High Court decision in Love and Thoms cases indirectly affirms special connection between Indigenous people and country.
- **2023:** 500th native title determination in Australia.
- **November 6-7, 2023: The Sea Country Alliance was formed at the National Summit held at the Darwin Convention Centre in the Northern Territory.**
- **March 2024: DNBII launched - Dhawura Ngilan Business and Investor Initiative launched in Canberra.**
- **2024: NNTC Membership tops 100 members - By the end of 2024, NNTC had 127 members (113 local members, 14 regional members).**
- **February 2025: Mabo Centre Launched.**
- **2025: The NNTC celebrates 25 years.**
- **March 2025:** Over 85% of determinations now by consent rather than litigation.
- **March 2025:** Native title recognised over approximately 40% of Australia's land mass.