



Fact Sheet #1 – Native Title timeline

The operation of the *Native Title Act 1993* (Cth) revolves around several key dates. These dates include:

31 October 1975

The date the *Racial Discrimination Act 1975* (Cth) came into effect.

1 July 1993

A date chosen by the Federal Government to ensure, retrospectively, that any State/Territory native title legislation is consistent with and/or complementary to the *Native Title Act 1993* (Cth).

1 January 1994

The date the *Native Title Act 1993* (Cth), as first enacted, came into effect.

27 June 1996

The date the *Native Title Amendment Bill 1996* (Cth) was introduced into the House of Representatives.

23 December 1996

The date of the High Court's judgment in the *Wik Peoples v Queensland* (1996) 187 CLR1. This decision held that Native Title could co-exist with pastoral leases and were not necessarily extinguished.

31 March 1998

The date chosen by the Federal Government as the date on which relating to pastoral lease land in the relevant jurisdictions contained could be done over the land.

30 September 1998

The date the *Native Title Amendment Act 1998* (Cth) came into provisions relating to Native Title Representative Bodies.

30 October 1998

The date Part 1 of Schedule 3 of the *Native Title Amendment Act 1993* (Cth) relating to Native Title Representative Bodies came into effect.

27 July 1998

The *Native Title Amendment Act 1998* (Cth) "An Act to amend the Native Title Act 1993, and for related purposes" was assented in Parliament. This brings John Howards "10-point plan" into law¹.

1. The National Native Title Tribunal holds absolute authority over claims for native title.
2. State governments are empowered to extinguish Native Title over crown lands for matters of "national interest".
3. Lands providing public amenities are exempt from Native Title claims.
4. Mining and pastoral leases are allowed to co-exist with Native Title.
5. The National Native Title Tribunal can create access to traditional lands rather than granting full Native Title.
6. A registration test is imposed on all claimants.

¹ https://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/num_act/ntaa1998227/

7. The right to claim Native Title in or around urban areas is removed.
8. Government is permitted to manage land, water, and air issues in any site.
9. Very strict time limits will be placed on all claims.
10. [Indigenous land use agreements](#) will be created to promote co-existence.

30 October 1999

The date Part 2 of Schedule 3 of the *Native Title Amendment Act 1998* (Cth) relating to Native Title Representative Bodies comes into effect.

15 April 2007

Native Title Amendment Act 2007 (Cth) Amends the *Native Title Act 1993* (Cth) to: introduce a new regime for representative Aboriginal and Torres Strait Islander bodies; implement recommendations made by an independent review into the native title claims resolution process, particularly in relation to increased powers and functions of the National Native Title Tribunal (NNTT) and improved coordination and communication between the Federal Court and the NNTT; and implement changes to the prescribed bodies corporate governance regime and the native title non-claimants financial assistance program.

1 July 2007

The *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) comes into effect.
The Act creates the role of the Registrar of Indigenous Corporations and sanctions Aboriginal and Torres Strait Islander groups to form corporations.

17 Sep 2009

Native Title Amendment Act 2009 (Cth) Amends the *Native Title Act 1993* (Cth) to: enable the Federal Court to determine

whether the court, the National Native Title Tribunal, or another individual/body should mediate native title claims; specify the manner in which mediations are conducted; change powers of the court in relation to agreed statements of fact and consent orders; enable native title proceedings to rely on new evidence rules; vary the operation of representative bodies, including their recognition and removal of transitional arrangements; and make minor and technical amendments.

The *Native Title Act 1993* (Cth) was further amended by the Rudd government by the *Native Title Amendment Act 2009* (Cth). It allows the Federal Court to determine who may mediate a claim, whether that be the court itself, the National Native Title Tribunal, or otherwise.

25 March 2021

Native Title Legislation Amendment Act 2021 (Cth) comes into effect.

That law altered both the *Native Title Act 1993* (Cth) and the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth). Also updated are the *Native Title (Prescribed Bodies Corporate) Regulations 1999* (Cth), which guide implementation of the law.

The Amendment Act introduced measures to improve the native title system, increase the transparency and accountability of Registered Native Title Bodies Corporate (RNTBCs), improve Indigenous decision-making and dispute resolution, streamline and improve native title claims resolution and agreement-making.

NATIVE TITLE TIMELINE

