Question 8b

b) N·T·A 1993 (cth), Wik case - 10 pt plan, N·T·A·A 1998
1996 Mudjai elders of the Gumbaynggirr nation

Native Title legislation has seen a huge array of responses since it came about in 1993. Aboriginal and non-Aboriginal responses have been varied and often on very different ends of the scale. Native Title came about as a result of the High Court decision on the 'Mabo' case in 1992. In declared the term 'terra nullius' void in relation to Aboriginal people. It recognised the fact that they did occupy and 'own' the land. Australia did belong to someone, it belonged to the Indigenous people of Australia.

The Native Title Act (cth) 1993 paved the way for Aboriginal people to claim back land that was rightfully theirs, but under these conditions, that the land being claimed was Crown Land (land belonging to the government)

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and provided that could show a past & present cultural link to the land. Aboriginal people were excited at this prospect and thought they'd be getting the land back. A typical non-Aboriginal response was that of fear and outrage. They thought they would lose their homes and Australia would be sent back to stone-age culture. These responses were a result of misinformation. The Native Title Act, as we would come to see, had little effect on the community. Then come the Wik case. The Wik case was about competing interests in a piece of land, in this case the indigenous people and pastoralists. The result was positive for the Wik people, as they got their land. It resulted in the 'Wik 10 point plan. The plan basically stated that two interests could co-exist on one piece of land. A majority on non-indigenous people were unhappy with this, including pastoralists, tourism operators and mining companies.

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Many wanted the ~~a~~ Wik 10 pt. plan overturned. So the Howard ~~goverment~~ government brought in the Native Title Amendment Act (cth) 1998. This basically stated that if an Indigenous interest and another interest, e.g pastoralists, came into conflict, the pastoralists interests would prevail. This suited the non-indigenous side, but not the Indigenous side. It made ~~a dire~~ the already complicated act of regaining land through Native Title even more complex. An example of all this is a land claim lodged in 1996 by Mudjai elders of my local Gumbaynggirr nation. The claim is on the stretch of coastline between Red Rock and Boambee Headland, roughly 50km stretch. The elders have to compete with needs of tourism operators along the coastline. The claim is still in mediation at the Native Title Tribunal, almost 5 years have gone by. This is evidence

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of the time consuming, complicated nature of the Native Title.

Overall, it seems that the Indigenous people of Australia have really gained bavely anything from this - land wise. They have got recognition, but this isn't enough Something that promised so much has really given very little.