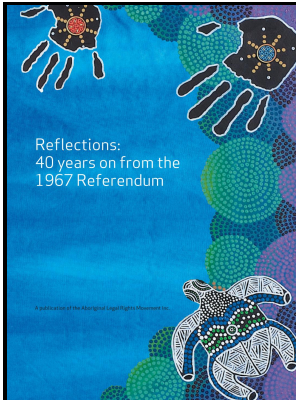


Contesting native title - from controversy to consensus in the struggle over indigenous land rights

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Description: -

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Aboriginal Australians -- Land tenure.
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Notes: Includes bibliographical references and index.
This edition was published in 2009



Filesize: 54.48 MB

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Contesting Native Title: From controversy to consensus in the struggle over Indigenous land rights

Is Twitter an amazing universe where you can listen generously and learn new things; or a place where kindness goes to die?. No recognition of native title in Australia between 1788 and 1992 The formal acquisition of sovereignty over Australia by the British Crown occurred incrementally, between 1788 New South Wales and 1829 Western Australia.

Contesting Native Title: From controversy to consensus in the struggle over Indigenous land rights

When the list of responding parties 'respondents' to a claim was finalised the Tribunal then initiated a process of mediation for the purposes of trying to resolve the claim through a 'consent determination' of whether native title existed or not, who held it and how it interrelated with other legal interests. The final shape of the Native Title Act 1993 NTA was a product of petitioning, alliance-building, negotiation and compromise that in the end and for diverse reasons was supported by Labor, the minor parties in the Senate, most of the Aboriginal leadership, the Labor-held state governments and the National Farmers' Federation, but opposed by the Liberal and National parties, the Minerals Council of Australia, the states held by the parties of the centre-right and the government of the Northern Territory.

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Instead, the political momentum for some form of recognition of traditional rights over land was answered with a legislative land rights scheme in the Northern Territory. Although any Aboriginal group could make a claim supported by whatever advisers or representatives they might choose, the NTA also established a process for the Commonwealth Minister to recognise Aboriginal corporations as 'native title representative bodies' NTRBs with specific functions to facilitate and assist claims. The Commonwealth Constitution contains no bill of rights or constitutional entrenchment of equality and the passage of the RDA marked the first time that discrimination on the basis of race had been proscribed in Australia.

Contesting Native Title: From controversy to consensus in the struggle over

It is the difference between a right and a favour. The states and territories, the peak bodies representing primary industry and so-called 'A' and 'B' teams of Aboriginal negotiators, were all involved in an arduous process of lobbying the government and the Opposition, as well as the minor parties the Greens and the Australian Democrats , which then controlled the balance of power in the Senate.

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Mabo also left open the possibility of claims for compensation for any native title that had been extinguished since the passage of the Racial Discrimination Act 1975. The Commonwealth, the relevant state or territory and all local government municipalities were automatic parties to each claim.

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