

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

**NATIVE TITLE BILL 1993**

Report by the  
Senate Standing Committee on  
Legal and Constitutional Affairs

**DECEMBER 1993**

© Commonwealth of Australia 1993

This document was produced from camera-ready copy prepared by the Senate Standing Committee on Legal and Constitutional Affairs Secretariat, and printed by the Senate Printing Unit, Parliament House, Canberra.

## **Membership of the Committee**

Senator Barney Cooney (Victoria), Chair  
Senator Amanda Vanstone (South Australia), Deputy Chair  
Senator Chris Ellison (Western Australia)  
Senator Chris Evans (Western Australia)  
Senator Jim McKiernan (Western Australia)  
Senator William O'Chee (Queensland)  
Senator The Hon Margaret Reynolds (Queensland)  
Senator Sid Spindler (Victoria)

## **Committee Secretariat**

Committee Secretary:	Mr Paul Griffiths
Research Officers:	Ms Virginia Buring Mr James Warmenhoven Mr Rod Adams
Executive Assistant:	Ms Margaret Lindeman

The Senate  
Parliament House  
CANBERRA ACT 2600

Telephone: (06) 277 3560



---

## **Native Title Bill 1993**

### **Contents**

	<b>Page</b>	
• Membership of the Committee	i	
• Table of Contents	iii	
<b>Chapter 1</b>	<b>Background</b>	
• Introduction	1	
• Background	1	
• The Mabo Decision	1	
• What is 'Native Title'?	2	
• Purpose	4	
• The Western Australian Legislation	5	
• The Committee's Inquiry	6	
• Consultation	6	
<b>Chapter 2</b>	<b>The Majority View</b>	
• Information, Consultation and Negotiation	9	
• Summary of Major Debates Before the Committee	10	
• Introduction to the Arguments	15	
• Aboriginal Concerns	15	
• Industry Concerns	17	
• The Racial Discrimination Act Issue	18	
• The West Australian Act	19	
• Constitutionality of the Bill	20	
• Proposal for a Select Committee	21	
• Conclusions	23	
• Amendments	25	
• Recommendations	26	
<b>Appendices</b>		
Appendix 1	Submissions Received	28
Appendix 2	Details of Meetings	33

<b>Statement by Senator Spindler</b>	<b>43</b>
<b>Dissent by Senators Vanstone, Ellison &amp; O'Chee</b>	<b>53</b>