

Australian Native Title Law Review

Australian Native Title Law
by M Perry and S Lloyd
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The publication of this book marks the tenth anniversary of the enactment of the *Native Title Act* 1993. The Act was the legislative response to the decision in *Mabo*, which itself represented the culmination of a ten-year legal struggle.

Both the extensive preamble to the Act and the Second Reading speech by the then Prime Minister, Paul Keating, espoused high ideals including the rectification of past injustices suffered by Indigenous Australians.

However, since its commencement in January 1994, the Act has been extensively litigated with enormous amounts being spent, in particular by governments and business, with the result that the statutory definition of native title, the conditions of its recognition and the circumstances under which it may be extinguished

are now the subject of a large body of case law. The Act has also been extensively amended, most notably in 1998 in response to the decisions in *Wik Peoples v Queensland* (1996) 187 CLR 1.

At almost 1000 pages, with a useful accompanying CD ROM (which includes a copy of the NTA, the various regulations made under the NTA and the full text of most of the cases referred to in the book), *Australian Native Title Law* is therefore timely, as a conceptual and technical guide.

The book is divided into two sections. The first, relatively short, section focuses on the principles and concepts underpinning the Act. Those new to native title law will find this section a useful way to understand the big picture without becoming bogged down in the detail of the Act. This section is clearly written and makes good use of subheadings with information set out in manageable chunks. I was surprised that there was not more discussion in this section of the

principles underlying the requirement for compensation, but that issue is dealt with much more fully in the second section

The second section is the complete annotated text of the *Native Title Act* 1993. The colour coding of the text of the legislation makes this an easy book to dip in and out of. The annotations include commentary as well as references to relevant cases, decisions of the National Native Title Tribunal and extrinsic material such as extracts from the Second Reading speech. Given that this area of law is still developing rapidly, it is also interesting and useful to find commentary identifying potential issues that have not yet been the subject of judicial consideration.

As well as providing quite a good conceptual introduction, this book is an excellent first resource for those needing to advise on the more detailed questions arising under the *Native Title Act*.

- Leanne Stedman
Ngaanyatjarra Council Lawyer

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