



# Appendix 6

## Coexistence of rights, interests and responsibilities of native title parties and local governments

Native title rights and interests	Categories of local government rights, interests and responsibilities
<ul style="list-style-type: none"> <li>■ rights to be acknowledged as the traditional owners of the claim areas</li> <li>■ rights to possess, occupy, use and enjoy the claim areas to the exclusion of all others</li> <li>■ rights to make decisions about the use and enjoyment of the claim areas and their natural resources</li> <li>■ rights to give or refuse, and determine the terms of any, permission to enter, remain on, use or occupy the claim areas by others</li> <li>■ rights to access and use the claim areas and their natural resources for customary purposes including to perform customary ritual and ceremony</li> <li>■ rights to hunt and gather flora and fauna</li> <li>■ rights to use and enjoy the natural resources of the claim areas for customary and commercial purposes</li> <li>■ rights to access and use water, sea and seabeds</li> <li>■ involvement in land use planning, management and environmental issues, including rights to protect, manage and maintain sites and places of importance under traditional laws, customs and practices in the claim areas</li> <li>■ future act and cultural heritage compliance issues</li> <li>■ employment and training</li> </ul>	<p><b>Property interests:</b> All interests in land or waters held at law by the local government in the claim area;</p> <p><b>Trustee interests:</b> All interests involving trusteeship by the local government, or which gave rise to the rights or powers of management and control by the local government, in relation to land or waters in the claim area;</p> <p><b>Interests under agreements:</b> All interests in, or derived from, any agreement, offer or undertaking between the local government and a third party which relates to land or waters in the claim area;</p> <p><b>Interests in improvements:</b> All ownership and operational interests in infrastructure, structures, earthworks, access routes, plantings, maintained areas and improvements of any kind, in or on land or waters in the claim area including the local government's interests derived from having constructed, funded, operated, used or maintained such improvements;</p> <p><b>Operational interests:</b> All interests involving access to, or the carrying out of activities on land or waters in the claim area undertaken as part of the local government's statutory responsibility to provide for the good rule and government of its local government area;</p> <p><b>Regulatory interests:</b> All interests, including any rights, powers and functions, derived from the local government's jurisdiction and as an entity exercising rights or powers under any law.<sup>1</sup></p>



<ul style="list-style-type: none"><li>▪ engagement and community building</li><li>▪ Indigenous business enterprises</li><li>▪ commercial partnerships/joint venture opportunities with councils e.g. residential subdivisions</li><li>▪ social initiatives.<sup>2</sup></li></ul>	
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1 Gilkerson O., Humphris J. (MacDonnells Law), Escartin M. (Gurang Land Council), Cartledge D. (LGAQ), *Indigenous Land Use Agreement between 'Native Title Party' and the 'Local Government'*, Working Draft, November 2007.

2 Gurang Land Council, *Model Indigenous Land Use Agreement between Native Title Parties and Local Governments*, Discussion Paper, 30 July 2007.