

NATIVE TITLE

Title ANSWERS TO QUESTIONS

Pastoral Leases: Native Title

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ANSWERS TO QUESTIONS

Pastoral Leases: Native Title

(Question No. 2756)

Mr Cobb *The Attorney-General, upon notice, on 26 October 1995:*

Will he move to legislate that pastoral leases extinguish native title; if not, why not.

Mr Lavarch — *The answer to the honourable member's question is as follows:*

No. The Government has consistently taken the view that the implication of the decisions of a majority of the judges in *Mabo (No. 2)* is that valid pastoral leases extinguished native title. However, it has also taken the approach that the most appropriate course is for the issue to be finally determined in the courts. In this way, indigenous parties and others can present material and fully argue the issue and the common law principles governing the recognition and extinguishment of native title can be applied. It is not appropriate to pre-empt this judicial consideration by legislative action. Nor is it necessary to provide protection for pastoralists: any doubts about the validity of pre-1994 pastoral leases have been removed by the Native Title Act 1993 and that Act clearly allows for the extension, renewal and re-grant of pastoral leases after they expire, even if some residual native title rights have survived. Mining on pastoral leases can take place by following the 'right to negotiate' regime.