

# Native Title Act 1993

## Report

By

Eileen Clarke

# Table of Contents

<b>Native Title Act 1993 Report .....</b>	<b>1</b>
<i>Contents</i> .....	2
Summary.....	3
<b>History of Aboriginal People .....</b>	<b>4</b>
<i>Native Title Act 1993</i> .....	5
Amendments.....	6
<b>Conclusion.....</b>	<b>7</b>
<b>Harvard</b>	
<b>Referencing.....</b>	<b>8</b>

## Summary

This report will provide information, I have researched thoroughly using all resources available. It is estimated that over 750,000 Aboriginal people inhabited the island continent in 1788 when the time of invasion. There were estimated to be around 500 distinct Aboriginal tribes across the continent. The Aboriginal people spoke fifteen different dialects. The areas of each tribe borderlines which would not be far from each other spoke their own language's. Today's population of Aboriginal people is very low due to the genocide, and the Aboriginal. In 1770, Captain Cook who sail on the east coast of Australia reported back to King George vi that the land was *Terri annuli's* meaning the land didn't belong to no one, empty. He claims this land under the British Empire then King George vi. I will provide the information from studies that Captain Cook sailed passed the Murri Island, commonly known as Eddie Mambo (Native Title Rights). At that time Murry Island were not under the British Empire when Captain Cook laid claim to Australia.

Aboriginal People are the oldest living culture outside of Africa, some 75,000 years ago. This was studied through extensive research from Archaeology, Anthropology, Historians, Scholars, Scientists, including DNA. The genetic study proves this to be true. Professor Eske Willerslev of the University of Copenhagen who led the studies ([abc.net.au](http://abc.net.au))<sup>1</sup>. Through science of the genome it confirms modern Aboriginal Australians are the descendants of the first people to inhabit Australia — a claim that has previously been the subject of debate<sup>2</sup>.

Aboriginal People are the lowest privilege people today. Why? This has been a history of ongoing mistreatment of the Aboriginal People. Their culture is the oldest, which makes their culture unique<sup>3</sup>. Even their DNA is unique, which bloodlines can be traced back through a lock of hair from an Aboriginal person says Professor.

In 1770 when Captain Cook sailed down through the east coast of Australia, this was the first sail to the unknown lands. When Captain Cook landed on Possession Island in 1770 and took possession of the whole of the eastern coast of Australia from above latitude 38 degrees to Possession Island at latitude 10 degrees in the name of King George III his declaration did not include Murray Island<sup>4</sup>. Matthew Flinders sailed past in 1802 and had some cordial contact with the inhabitants of Murray Island (Quoted).

In 1878, now Queen Victoria wrote a letter of patent, that from 1<sup>st</sup> August 1879, the Torres Strait Islands including Murri Island to be colonised with the Queensland enforcement laws<sup>5</sup>. This becomes known as the Queen's Empire. The case of *Mabo vs State QLD 1993*, this case was the first of a courageous man who fought for his island home, family and culture. He has proven that his tribe occupied the island before the British came<sup>6</sup>.

There is no doubt this case will be remembered for all time. This would give hope to the Aboriginal Australians. I will explain further into this report.

When the British turned Australia into a colony along the east coast of Australia, the Arrernte Tribe was not discovered till 1861 in central Australia. The Aboriginals were placed under the *Flora Fauna Act* like cattle legally classified as Fauna until 1967 referendum. Before the invasion, Aboriginal People had one Lore and one God the creator. There is no other Lore documentary which goes in depth of the history of the discovery of the central Australian tribes discovered<sup>7</sup>. This documentary is very

---

<sup>1</sup> ([abc.net.au](http://abc.net.au).)

<sup>2</sup> *Ibis*.

<sup>3</sup> *Ibis*.

<sup>4</sup> *Mabo vs State of Queensland*.

<sup>5</sup> *Ibis*.

<sup>6</sup> *Mabo vs State of Queensland*.

<sup>7</sup> 32) *there is no other law aboriginal history – YouTube*.

important if you want to understand the Aboriginal People culture, and how its influence in today's culture.

When the British came and what was left of the population, was force onto missions. There Aboriginal People was forced to speak English and how to swear. We were not allowed to speak our language or culture; we were not allowed to own any land. The land that once was clean now covered in the blood of the Aboriginal. The Australia society was built based on that history. The cruelty they endure is enough to traumatise you for life. Taken away from your family never to be seen again. They would place you in foster homes, as this was the beginning of mixing our tribes up, which brought in confusing of wanting to belong. This was called stolen generations. There were interracial relationships, enforced upon the Aboriginal people, which was against the law, but half-cast kids running around. Aboriginal people were forced, like animals not as human being.

## **Native Title Act 1993**

Since, *mabo vs State of Queensland* case, this case then establishes Native Title Act 1993<sup>8</sup>. Which then pave the way for future Native Title Claims. The High Courts of Australia now recognise the habitats of the Aboriginal People. There have been many determination claims throughout the years that the government recognise the importance of it.

This has been a debate on social media with the non-Indigenous not understanding the concept of it, saying we are taking their land, which sounds ironic. Native Title needs to be transparent to the non-Indigenous people, to explain that all it is that you are recognise by the High Courts that you are from that country on hearsay.

The procedures of applying for Native Title should be amended.

I will explain why?

There is no provision in the process of Identification, which is connection to that country. You can say your great great grandfather was born there and claim, when really the great great grandfather was born in that region but belong in the other country as they were travelling through different countries at the time. The government has a lot to answer for as all the tribes were taken by force to missionaries, and mixed with the other tribes who were forced to be moved from there home. Stolen generation is a huge example: Lost of identity, not belonging, mixed blood.

In the Native Title Act 1993 anyone who has aboriginal genes can claim, there from that country when the locals know you are not from there tribe.

Every Native Title meeting, you can count on fights, arguments, they security and at times it out there control they need to call police. There is sure to be bloodshed. This

---

<sup>8</sup> Mabo vs State of Queensland

due to government not doing their jobs or listening to people that are not getting heard. This is a huge problem in every tribe but mainly east coast of Australia.

Example: The Butchulla People is perfect to describe all the concerns laid out in this report. The violence, false identity, not recognised, misuse of government funding. Paying people to travel here to vote for the ones who are currently running BAC- Butchulla Aboriginal Corporation. I do not know these people never heard of them. I have never laid eyes on them. The real butchullas know they are just claiming they were never recognised by the real butchulla elders. There is two PBC with the Butchulla people, one is for Kgari and for mainland BNTAC Butchulla Native Title Aboriginal Corporation. They hate each other but nice when it suits them. It's made up of jealous and claiming other people's credits. Its disgusting how the government can sit back and watch violence. This is what the government is funding, to support fraud. Nothing is never resolved at these meeting. There is no professionalise. You have one side asking for their proof and the other arguing they are, with no proof by bloodline to confirm there allegations.

The Native Title Act does not state prove by DNA but my word of mouth. This should be amended that all claims should have DNA tests to ensure they are the correct traditional owners. This can be enforced in the High Courts of Australia for any claimants, applying for Native Title. It will stop the arguing, violence and people committing fraud under false pretences. I do not understand how government can not see this. Now applying for compensation under the *Aboriginal land Act 1991*, this will not be for the tribe but for one family and their friends. Many of times complaints about BAC to ORIC and ORIC doe does not do anything. ORIC has been made aware of this but still does nothing. Complaints made all over the country about this issue, who belongs to who. DNA is the only answer to resolve all issues. This will also save tax's payers money. Under ORIC the rules of the corporation, needs to be reviewed. The Butchulla Corporation will make their own rules up and pay for votes to people who have been here before in their life. The real butchulla people will never get a chance if this is still in place and no changes.

## Conclusion

The government need to take a step back and have a good discussion about making changes to *Native Title Act 1993*. Does the government realise that the length of violence. There is the FDV issues that are highlighted, as the Prime Minister told me that your government does not stand for violence. When I attend, I must be ready for anything, as I do not like going. I am getting old now to stand up fight to defend myself

over questioning the funding and their proof of DNA. This happens to my elders getting screamed out abused, sometimes the elders must defend themselves. The Police are called to try and settle it down. This happens in a lot of aboriginal communities.

Mabo didn't have to prove himself by DNA as the island was occupied by his tribe without the interference of the white man till 1887, when Australia already had its colonisation before the British claim over the murri island, under then Queen Victoria rule. Murri island residence was very much into there culture without the white man interference, way before the British Claim the islands.

As for the Aboriginal's, they were sent everywhere away from there homes and families. This causes a mixture between all tribes. The government needs to address this matter urgently.

The reason I wrote this report as I am tired of the violence, jealousy, greed, and control of money. True people like me, miss out and never get heard. I had to do this to stop all the nastiness. I have never been acknowledged for my hard work within my Indigenous community due to jealousy. You have the Torres Strait Islander Flag flying on Aboriginal land. Them islander people would never allow us to fly our flag on their islands. The Aboriginal elders do not except it. The government has a lot to be held accountable for letting this get out of control. This is also linked into youth crime rates with aboriginal youth, education, health, money and their culture.

DNA must be enforced into Native Title High Courts of Australia.

*Common law holders the people determined to be the common law holders of native title are described as being the descendants of one or more named ancestors.*

## **Havard Reference**

[Aboriginal and Torres Strait Islander Peoples | Australian Bureau of Statistics  
\(abs.gov.au\)](https://www.abs.gov.au/australian-bureau-of-statistics)

[Professor Eske Willerlev of the University of Copenhagen who led the studies aboriginal  
epople - Search \(bing.com\)](https://www.bing.com/search?q=Professor+Eske+Willerlev+of+the+University+of+Copenhagen+who+led+the+studies+aboriginal+epople)

<https://www.bing.com/search?q=eileen+clarke+qld+child+safety+amendments&qs=HS&sk=HS2&sc=18-0&cvid=96335B96917E49C6A786DE1507CD661B>

[\*Mabo v State of Queensland \(No 2\): a personal recollection \(austlii.edu.au\)\*](#)

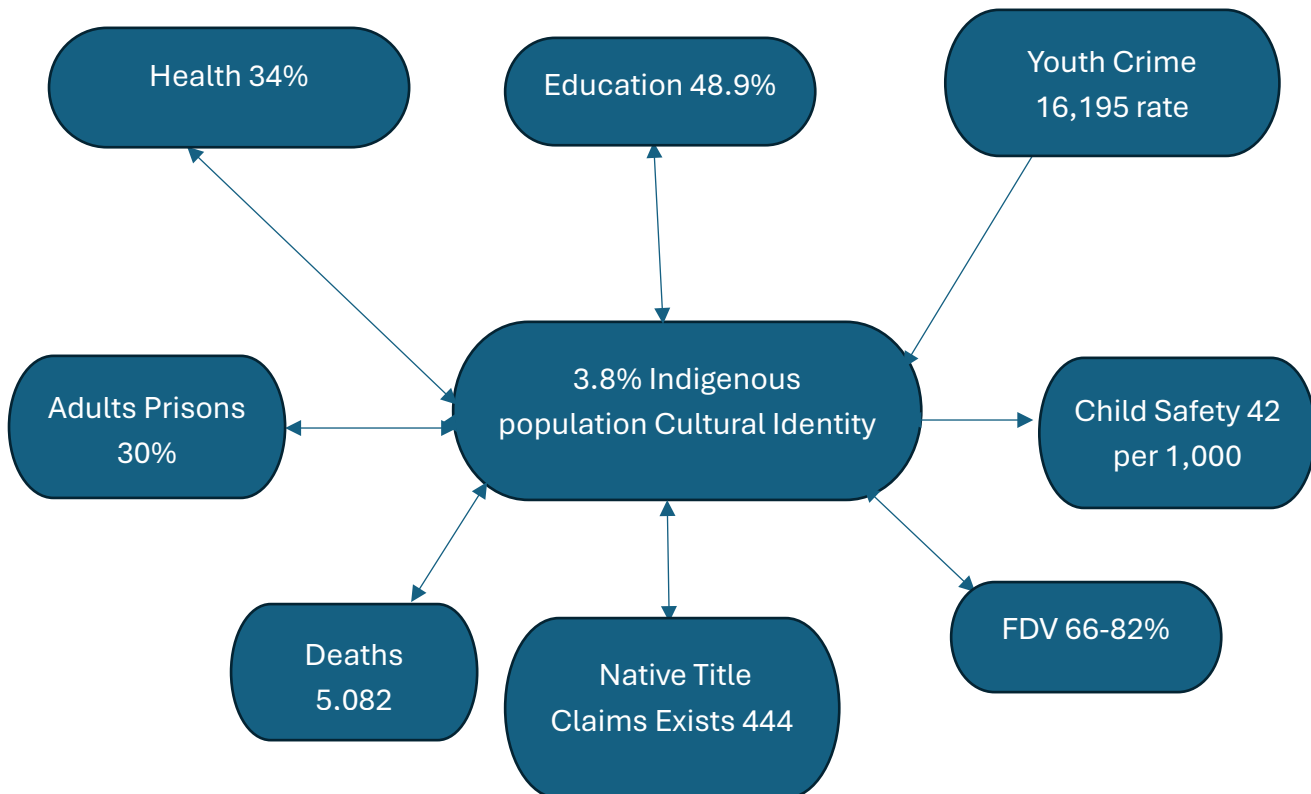
[\*\(32\) there is no other law aboriginal history - YouTube\*](#)

[\*World-first genome study reveals rich history of Aboriginal Australians - ABC News\*](#)

[\*World-first genome study reveals rich history of Aboriginal Australians - ABC News\*](#)

# Flow Chart of the Indigenous over-representation in all levels of Area in Australian Bureau of Statistics

## National Flow Chart



These statistics survey-2021-24 shows how it links back to cultural identity. Watching adults arguing over cultural identity of who belongs to who, is very confronting for the young Indigenous children to witness. This leading to all levels. The Indigenous youth think it's normal growing up with families at each other over culture identity. The government needs to make changes in *Native Title Act 1993* of DNA to prove where they belong. This can get frustration for the Indigenous population, to cope with. We are talking about mental stability and being excepted. The cost of living is another contribution with homeless. The government has a big job to address these key issues not just one but all from the grass roots to top. Their culture identity is a very important factor of there life. This is from real life experience of knowing who you are and who you belong too.

