Yamatji Marlpa
ABORIGINAL CORPORATION

# Native Title and Connection Reports

## What is a Native Title claim?

Native title recognises the traditional rights and interests to land and waters of Aboriginal and Torres Strait Islander people. Under the *Native Title Act 1993*, native title claimants can make an application to the Federal Court to have their native title rights recognised by Australian law. Such rights can include:

- Right to possess and occupy the land;
- Right to hunt;
- Right to fish;
- Right to access and speak for Country; and
- Right to conduct ceremony on-Country.

To be successful, the claim must meet certain criteria by providing evidence that:

- The claim includes all people who hold rights to speak for the claim area according to their traditional laws and customs;
- The laws and customs now observed in the claim area have their origins in those that existed in 1829;
- They have been practiced continuously without substantial interruption to the present day;
- There is Connection with the land or waters claimed through the traditional laws and customs; and
- That the rights claimed can be recognised by Australian law.

## What is the purpose of a Connection Report?

A Connection Report is a written document that is usually accompanied by genealogies (family trees) and a map of important sites on your Country. It can also include photographs, video, recordings and other print material.

The Connection Report is the standard way to present the evidence used to support a Native Title claim and determine whether the claim meets the criteria for Native Title.

There are two ways to resolve a Native Title claim:

- Out of court through a *negotiation*; and
- In court through a *trial*.

Whether a claim is resolved by negotiation or in court, evidence of connection to the claim area is required.

For a claim resolved by negotiation, a Connection Report forms part of the process of negotiations with the State Government. For a claim that goes to court, the Connection Report can also inform the evidence for trial.

If the claim meets all the criteria for a finding of Native Title, then the court can make a positive determination recognising that those people have rights in that Country.

A Connection Report does not include information on all aspects of history and culture and will not necessarily provide answers to everyone's questions about families and boundaries; a connection report focuses on the information that is relevant to Native Title about how people are connected to the claim area.

## What kind of information is in a Connection Report?

The Connection Report includes information collected from:

- Interviews with claimants by YMAC and consultant anthropologists;
- Interviews with people from neighbouring Country; and
- Older records from early anthropologists, linguists and other researchers, and other relevant historical records.

The Connection Report includes information about the following:

- Who the members of the claim group are;
- Genealogical information linking the current claim group to older generations of people from the claim area;
- What the traditional laws and customs are, including rules for going on to Country and using Country and religious beliefs and practices;
- Continuity of those laws and customs since European settlement;
- What the rights and interests are;
- How you get to have these rights and interests under the traditional laws and customs;
- How these laws and customs are transmitted through generations; similarities and differences with neighbouring groups;
- History of the claim group; and
- Boundary of the claim.

The anthropologists' job is to compile and analyse all the available material and provide their independent expert opinion.

The State Government have produced "Guidelines" of the things they need to see for your Native Title to be recognised by the Federal Court.

These Guidelines state that the most important information is primary evidence provided by Aboriginal people.

## Who writes a Connection Report?

One or more experienced anthropologists whose role is to be an independent expert will write the Connection Report. The anthropologists may work for YMAC, or may be a consultant anthropologist.

## Who reads a Connection Report?

The research and legal staff at YMAC read and review the report. Usually a Connection Report is also reviewed by a consultant anthropologist and senior lawyer to ensure it addresses all the relevant information.

The Connection Report and its findings are then presented to the community, usually in small family groups before a large claim group meeting.

For various reasons, including confidentiality, the report is not shown or given to members of the community. After a Native Title claim is concluded, YMAC may work with the community to return research materials in a suitable form for people to access.

## What happens to a Connection Report when it is completed?

The report is submitted to the State Government and assessed by their research staff and lawyers. The State Government will respond with any questions, issues, or information that needs clarifying. Sometimes further research will need to be done and/or supplementary reports or material will need to be provided to them.

If the State Government accepts the connection material, the parties can begin negotiations for a consent determination. If the State Government rejects the connection material, the claim may go to trial.

## Where can I get more information on the Connection Report process?

You can find more information about the Connection Report process by contacting The YMAC Project Officer for your claim.

**For a further understanding about the process of producing and submitting a Connection Report to the State, please turn over this page.**

*Bulbarli, Gnulli Claim Area*

# Life of a Connection Report

**1** Anthropologists conduct research over many years

**2** Anthropologists write Connection Report and produce other materials (including genealogies)

**3** Community consultation about the Report's findings

**4** Report is given to the State

**5** State assesses Report and responds, often with questions or issues

**6** Depending on the State's response, more research and a further report may be necessary, and/or the anthropologists may meet with the State

If the State **accepts** the research, a **negotiation** towards the determination of Native Title will begin

If the State **does not** accept the research, the claim **may go to a trial** in the Federal Court


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