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Freehold Land - Native Title Claims

Lawyers representing aboriginal groups are seeking avenues to make native title claims over freehold land proclaimed after 1975 - when the Racial Discrimination Act came into effect.

Liberal West Australian MP Wilson Tuckey has confirmed that the National Native Title Tribunal (NNTT) had recently accepted native title claims over freehold residential blocks in Exmouth and Bremer Bay - forcing the owners to go through native title mediation.

Mr Tuckey said the West Australian blocks had been freehold for many years, but because they were "handed back to the Government for a nanosecond" to have new forms of tenure issued on them, lawyers acting for aborigines had seized this "window of opportunity", as native title had, for that nanosecond, been allowed to potentially exist over the properties.

The claims, if successful, means that tens of thousands of Australian freehold properties registered after 1975 could be subject to Native Title claims.

Mr Tuckey gave two examples where NNTT president, Justice Robert French, had declined to stop freehold land from Native Title claims.

"People are spending money hiring lawyers and their banks don't want to lend them money to build houses because they don't know who owns it".

"There are people trying to mount an alternative argument saying the backyard is not subject to this threat, but that doesn't stop householders eventually having to spend three times the value of their block to find out if they own it".

"I now have evidence that not withstanding what they (the High Court) said, the legal profession is now trying to dissect those words into 1000 pieces".

"Your backyard isn't safe - not because the High Court didn't say it was safe - they did - but because people are checking the past processes used on land and Justice French is registering the claims."

The National Native Title Tribunal has refused to comment on Mr Tuckey's claims.