Topic 1: Basic information about native title
Fact Sheet 4: What may native title rights and interests include?

What may native title rights and interests include?

At common law, the content of native title is based on traditional laws and customs, which vary from place to place and from group to group. The content of native title will vary from one place to another and between different groups of Aboriginal and Torres Strait Islander peoples.

People who hold native title have a particular right to continue to practice their law and custom over traditional lands and waters. Depending on the particular laws and customs of the Aboriginal or Torres Strait Islander people for a particular area of land and/or waters, the native title rights and interests may include a variety of rights and interests including but may not necessarily be confined or restricted to, rights to:
- living;
- hunting;
- gathering;
- fishing;
- ceremonial activities;
- rights of access;
- use and occupation;
- visiting to maintain and care for important places;
- travel over the land;
- conduct ceremonies or carry out cultural activities;
- own and protect cultural heritage; and to
- make decisions about land and/or waters.

It may also include the right to speak for country about activities that could affect the enjoyment of native title rights and interests.

Native title is not fixed for all time. It can change and evolve according to traditional laws and customs.