Where does native title continue to exist? (Or, What kind of areas can be included in an application for a native title determination application?)

Native title can only be claimed in areas where it has not been extinguished (removed).

Native title may exist in or on:
• unallocated Crown land (sometimes also known as vacant Crown land);
• State forests, possibly some National Parks, public reserves and certain land reserved for particular purposes or uses depending on when and under what legislation such parks or reserves were made;
• land set aside or held for the benefit of or granted to Aboriginal and Torres Strait Islander communities (for example, grants of land under State or Territory Land Rights Acts);
• oceans, seas, reefs, lakes, rivers, beaches, foreshores creeks, swamps where those waters are not privately owned;
• some leases, such as non-exclusive pastoral or agricultural leases, depending on the State/Territory under which they were issued.

Such lands may at some time in the future be subject to a native title determination application, if they are not already subject to an application.

Generally speaking, full native title resembling anything like ownership will only be found to exist over some unallocated Crown land, certain Aboriginal reserves and some pastoral leases held by native title holders. This means that, for most of the areas where native title is determined by the Federal Court to exist, it will co-exist with the rights and interests of non-native title holders.