Where may native title continue to co-exist with other rights and interests?

Native title rights and interests may co-exist with other statutory rights and interests in or on land or waters where there are existing statutory rights and interests of non-exclusive possession. That is, in or on:

- Some State forests, National Parks and public reserves;
- beaches and foreshores;
- land held in trust for Aboriginal communities;
- land held by Government agencies (in some jurisdictions only);
- any other public or Crown lands; and
- non-exclusive possession leases.

Native title may also co-exist on:

- oceans, seas and reefs; and
- lakes, rivers, creeks, swamps, etc.;

where those waters are subject to other non-statutory rights and interests, so long as those rights and interests are not rights and interests of exclusive possession.

Native title may co-exist in relation to public areas, such as foreshores and waterways. Legislation has been passed in all States/Territories to confirm existing public access to and enjoyment of: waterways; beds, banks and foreshores of waterways; coastal waters; beaches; stock-routes; and other areas that were public places at the end of 31 December 1993 (the day before the Native Title Act 1993 (Cth) came into effect). This confirmation does not extinguish native title.