What are previous non-exclusive possession acts?

A ‘previous non-exclusive possession act’ is an act done by governments before 23 December 1996 that do not grant exclusive possession over land or waters.

These include the grant of pastoral or agricultural leases. Such acts do not extinguish native title completely. The native title rights and interests are only extinguished to the extent that they may be inconsistent with the rights and interests that are created by governments. Previous non-exclusive possession acts generally suppress native title rights and interests. When the non-native title rights and interests cease to exist, the native title rights and interests fully revive.