

NATIVE TITLE MINISTERS' MEETING

28 AUGUST 2009

COMMUNIQUÉ

Commonwealth, State and Territory Native Title Ministers met today in Adelaide to discuss progress toward national reforms to the native title system.

This reform agenda includes a combination of improvements to the *Native Title Act 1993 (Cth)* (Native Title Act) and the development of innovative policy approaches to native title agreement-making to deliver broader, more practical outcomes to Indigenous Australians.

Ministers committed their Governments to taking a more flexible view of the ways to achieve the broad range of practical outcomes possible from native title processes – achieving real outcomes for Indigenous people and providing certainty for other land users.

Best Practice Guidelines

In 2008, Ministers established the Joint Working Group on Indigenous Land Settlements to develop innovative policy options for progressing broader and regional land settlements.

Today Ministers acknowledged the close engagement and good will brought to negotiations on new policy initiatives by all jurisdictions.

A key initiative of the Working Group was the development of a set of *Guidelines for Best Practice in Flexible and Sustainable Agreement Making*.

The Guidelines provide practical guidance for governments on the behaviours, attitudes and practices that can achieve the efficient resolution of native title, from the early stages of negotiations through to implementation.

The Guidelines emphasise the desirability for government parties to provide broader practical and sustainable benefits attuned to the interests of Indigenous native title claimants.

Ministers endorsed the Guidelines to provide a solid basis for governments dealing with native title.

Commonwealth Financial Assistance

At the 2008 NTMM, Ministers discussed the broad principles of Commonwealth financial assistance and how it can facilitate State and Territory settlement of native title issues.

At this meeting, Ministers noted that the Commonwealth will continue to engage with States and Territories through the Working Group and explore funding options to underpin a draft native title National Partnership Agreement in the future.

They noted that, as governments' ability to enter into broader land settlements and effectively implement the Guidelines is impacted by funding constraints, the responsible Commonwealth Ministers will progress the native title National Partnership Agreement funding issue and will report out of session by 31 October 2009 on funding options, including but not limited to, those in existing Commonwealth programs that can be used to achieve flexible and constructive native title outcomes.

Post-Settlement and Implementation

Ministers committed to ongoing cooperation between the Commonwealth, States and Territories through the Joint Working Group on Indigenous Land Settlements. They endorsed a future project to identify best practice approaches to the implementation of negotiated settlements, including the effective long-term management of practical and sustainable benefits for traditional owners.

The Joint Working Group will report back to the Native Title Ministers' Meeting in 2010.

Future reforms to the Native Title Act

Ministers noted the proposed amendments to the Native Title Act in the Native Title Amendment Bill 2009 to give the Federal Court of Australia the central role in managing all claims, particularly the management of mediation in native title.

The Commonwealth will monitor implementation of these reforms before conferring with States and Territories on whether any further amendments to the Native Title Act are necessary.

Ministerial Meetings

Ministers acknowledged the benefit in meeting regularly to share information and continue to progress national reforms to the native title system.

Ministers agreed they would meet in 2010 or earlier as required to review the progress of priorities and continue to drive a reform agenda.