

NATIVE TITLE MINISTERS' MEETING

18 JULY 2008

COMMUNIQUÉ

Commonwealth, State and Territory Native Title Ministers met today in Perth for the first time since the Rudd Government took office.

The theme for the meeting was 'Making native title work better'.

In a watershed atmosphere of accord, all Ministers joined together in agreeing that a flexible and less technical approach to native title was needed throughout Australia.

Ministers agreed that the backlog of native title claims and the time estimated to resolve them using current approaches are unacceptable.

But Ministers also agreed that legislative change is not a panacea. Ministers discussed the value of adopting broad and flexible processes to embracing the opportunities native title negotiations already offer under the existing legislative framework, in the interests of all stakeholders.

Ministers agreed it is the responsibility of all parties to adjust their attitudes and expectations. 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.

Resolution of claims

Ministers agreed to establish a Joint Working Group on Indigenous Land Settlements to develop innovative policy options for progressing broader and regional native title settlements. It would seek to complement, not override existing processes in place for the negotiation of non-technical and flexible native title settlements. The Working Group will comprise officers from all jurisdictions including the Commonwealth, and will report back to Ministers at the next Native Title Ministers Meeting.

Ministers recognised that blockages in settling native title claims hinder certainty for all parties and stymie the resolution of Indigenous land and development aspirations.

Despite this, Ministers acknowledged that the native title system has matured and evolved since its inception. The development of legal principles through over 15 years of case law, including a number of landmark decisions, and the shift towards negotiation over litigation, have led to a system with more certainty and with the potential for a broad range of outcomes.

Ministers committed to working proactively to resolving native title claims in their jurisdictions. Ministers agreed to establish and pursue jurisdiction-specific targets to benchmark progress.

Broader settlement packages

Ministers agreed that, in addition to native title determinations, the native title system can facilitate broader regional native title settlements comprising a range of practical benefits for Indigenous people. Native title provides opportunities to engage with Indigenous people to identify and agree on real opportunities and practical outcomes.

Ministers recognised that resolution of native title issues may or may not involve native title determinations; and that land justice and social justice outcomes can meet the needs and aspirations of this and future generations of Indigenous people.

Commonwealth financial assistance

The Commonwealth has previously offered States and Territories financial assistance to deal with native title compensation.

Ministers used this occasion to discuss the broad principles of the Commonwealth financial assistance and how it can facilitate State and Territory settlement of native title issues.

Ministers agreed to negotiate in good faith on the precise content of such an offer with a view to the Australian Government providing a draft agreement for signature by 30 June 2009.

Ministerial meetings

Recognising the importance of maintaining momentum and sharing insights into successful initiatives and strategies, Ministers agreed to meet each year to assess progress, and to discuss and agree upon action to be taken to resolve native title issues around Australia – faster and more effectively.

Ministers agreed regular meetings provide opportunities to share experiences in the development and operation of regional settlement initiatives, including matters of connection and extinguishment, and the scope of benefits packages and compensation.

Ministers agreed that they would meet in July each year.