

**NATIVE TITLE MINISTERS' MEETING**  
**16 SEPTEMBER 2005, CANBERRA**  
**COMMUNIQUÉ**

Today the Attorney-General, the Hon Philip Ruddock MP, on behalf of the Australian Government convened a meeting of Native Title Ministers at Parliament House, Canberra. The meeting was attended by State and Territory Ministers with responsibility for native title and provided an opportunity for all jurisdictions to meet and discuss the challenges of the native title system.

The native title system has evolved since the High Court's decision in Mabo and significant progress has been made in many respects. There is however no doubt that we can and should seek improvements across all aspects of the system - to achieve better outcomes for all stakeholders, including native title claimants and holders, industries and land owners affected by native title and governments at all levels. This does not include wholesale change to the system, or undermining substantive rights currently provided under the Native Title Act 1993, but rather cooperating to ensure the system in which native title rights and interests are recognised and exercised is operating effectively.

Governments can play a central role in facilitating the resolution of native title issues and this meeting provided an opportunity for Governments to discuss how they can cooperate and contribute to the achievement of practical and sustainable outcomes for all parties.

In particular, the meeting considered the promotion of effective communication and transparent processes, the role of agreement making and native title related outcomes in resolving native title issues, and meeting the future challenges in the system. Discussion between jurisdictions has led to a shared understanding of the key challenges and opportunities confronting native title, and a commitment to develop complementary strategies to improve the way native title issues are addressed and resolved by all jurisdictions.

Governments working together for a more effective native title system

The meeting noted the package of reforms announced by the Australian Government to improve the performance of the native title system and that there will be consultation with all interested stakeholders on those reforms.

The meeting agreed:

- to build on the agreement reached by the Council of Australian Governments in June 2004 for all jurisdictions to cooperate on native title, consistent with the Native Title Act 1993, and
- to a renewed commitment to work together to make the native title system more effective to achieve improved outcomes for all parties.

Communication and transparency

The meeting acknowledged:

- that open communication and transparent procedures can build and strengthen effective relationships between governments, Native Title Representative Bodies and other parties
- that transparent procedures can contribute to achieving successful and timely native title outcomes, and
- that early information exchange between governments, and other parties, can assist with more efficient resolution of native title issues.

The meeting agreed to:

- recognise that all parties, including claimants, governments and other respondents, have a responsibility to ensure there is appropriate communication and transparency to assist in the expeditious resolution of native title issues, while having appropriate regard to claimants' requests for confidentiality, and
- recognise the importance of appropriate consultation mechanisms between governments, including bilateral and multilateral discussions, about the native title system.

Agreement-making in native title

The meeting acknowledged:

- the significance of agreement-making, whether in the form of consent determinations, Indigenous Land Use Agreements (ILUAs) or other native title related outcomes, as a key development in resolution of native title issues, and
- that agreement making provides an effective mechanism for resolving native title issues, which can be quicker and less resource intensive than pursuing outcomes through protracted litigation.

The meeting agreed:

- that all jurisdictions would seek to promote the resolution of native title issues by agreement, where appropriate
- that the Australian Government, in consultation with States and Territories and relevant interests groups, will examine the operation of the Indigenous Land Use Agreement (ILUA) provisions of the Native Title Act 1993, with a view to streamlining ILUA processes where appropriate.

Native title-related outcomes

The meeting acknowledged:

- that there are a range of approaches that may be adopted to resolving native title depending on the particular circumstances
- that native title-related outcomes can deliver flexible and practical benefits to claimants, which may address the broader aspirations of native title claimants, in addition to resolving native title issues
- that native title and native title-related outcomes have in the past included land-based outcomes, as well as the delivery of benefits or initiatives desired by native title claimants, or a combination of both, and
- the benefits which can be delivered through native title-related outcomes will be different in each jurisdiction, having regard to local circumstances.

The meeting agreed:

- the Australian Government will consider strategies to ensure that the claims management and other processes of the Federal Court and the National Native Title Tribunal assist parties in achieving, where appropriate, the resolution of native title issues through agreement making.

Future challenges in the native title system

The meeting acknowledged:

- the crucial role of Native Title Representative Bodies and native title service providers in the native title system and the need for these bodies to operate effectively and provide high quality services to claimants
- the importance of ensuring that Prescribed Bodies Corporate can effectively hold native title on behalf of claimants
- an ongoing need to monitor the performance of these bodies and to ensure they are able to effectively contribute to the native title system and provide all necessary services to native title holders and claimants, and
- that native title can contribute to achieving broader Indigenous economic development.

The meeting agreed:

- the Australian Government, in consultation with State and Territory Governments and Native Title Representative Bodies, will assess the structures and functions of Prescribed Bodies Corporate and consider ways of improving their effectiveness
- the Australian Government, in consultation with State and Territory Governments and Native Title Representative Bodies, will consider the effectiveness of Native Title Representative Bodies and how their performance might be best maintained and improved, including consideration of the need for appropriate funding across jurisdictions on Native Title Representative Bodies, and

- the Australian Government will seek proposals from State and Territory Governments, Native Title Representative Bodies, industry groups and other relevant groups on possible technical amendments to fine-tune the Native Title Act.

Attendees

The Hon. Philip Ruddock MP, Commonwealth Attorney-General

The Hon. Eric Ripper MLA, Deputy Premier, Western Australia

The Hon. Rob Hulls MP, Attorney-General, Victoria

The Hon. Linda Lavarch MP, Attorney-General, Queensland

The Hon. Michael Atkinson MP, Attorney-General, South Australia

Dr Chris Burns MLA, Minister for Planning and Lands, Northern Territory

Mr Des Mooney, Deputy Director-General, Department of Lands, New South Wales

Ms Elizabeth Kelly, A/g Chief Executive Officer, Department of Justice and Community Safety, Australian Capital Territory