

NATIVE TITLE MINISTERS' MEETING 15 DECEMBER 2006, CANBERRA

Today, the Attorney-General, the Hon Philip Ruddock MP convened the second meeting of Native Title Ministers at Parliament House, Canberra.

Ministers agreed to continue working together to secure better outcomes from the system. All parties including governments, claimants, Native Title Representative Bodies (NTRBs) and non-government respondent parties can contribute to ensuring that claims are resolved and outcomes secured more efficiently and effectively.

Australian Government's package of native title reforms

The Australian Government's package of native title reforms seeks to ensure all key elements of the native title system support native title outcomes. Ministers noted the Australian Government's reforms to the native title system and agreed that all parties, including governments, should build on these.

Communication and transparency

Ministers acknowledged the contribution that good communication and transparent processes can make to the successful and timely resolution of native title claims. All jurisdictions have taken steps to ensure good communication and transparent processes and this is a continuing need.

Ministers agreed that, having appropriate regard to claimants' requests for confidentiality:

- open communication and transparent procedures can build and strengthen effective relationships between all stakeholders
- early information exchange between governments and other parties can contribute to more efficient resolution of native title issues, including by:
 - increasing awareness of native title processes and encouraging other parties to focus on their specific legal interests in native title claims, and
 - providing other parties with the opportunity to understand better the government's views of the basis for proposed determinations.

Ministers noted approaches taken to maintain good communication and clear processes will vary between jurisdictions, having regard to local circumstances.

Native title claims processes

Ministers noted that improved communication and co-ordination of claims management between the Federal Court and the National Native Title Tribunal (NNTT) will assist parties to resolve native title claims. Ministers agreed action should be taken by all stakeholders to:

- maintain open communication between parties, the Federal Court and the NNTT about the prioritisation of claims, and
- review the status of claims, in particular claims that no longer need to be in the system, such as applications filed about future act activity that has been completed, and

- utilise early evidence hearings and other tools, in appropriate cases, to identify areas of common ground and outstanding significant issues.

Ministers noted that although native title claimants, NTRBs and the NNTT are primarily responsible for resolving overlapping claims, governments can also sometimes assist to resolve overlaps.

Prescribed Bodies Corporate (PBCs)

Noting the important role of PBCs in the native title system, Ministers agreed to:

- consider PBC establishment and needs and bring these matters to the attention of all parties as a matter of practice when negotiating consent determinations or future act agreements, and
- encourage a better understanding of the functions, needs and responsibilities of PBCs among other stakeholders in the native title system.

Ministers also noted:

- the possibility of PBCs receiving assistance for broader functions via Shared Responsibility Agreements, and Regional Partnership Agreements, or both, and
- that the Australian Government will consult State and Territory governments on possible measures to enable State or Territory land rights corporations to act as PBCs where the native title holders agree to this.

Other initiatives

Native Title Representative Body Capacity Building

Ministers acknowledged the important role of NTRBs and native title service providers in the native title system and noted the Australian Government has implemented initiatives to build NTRB capacity and performance.

Enhancing outcomes from native title

Ministers noted the positive contribution agreement-making and the use of native title-related outcomes can make to fulfil the broader aspirations of native title claimants. In particular, Ministers noted native title processes are being, and can be, utilised to identify:

- measures that contribute to economic development for Indigenous Australians,
- opportunities for capacity building and other support for Indigenous communities, and
- assistance to secure long term and lasting benefits for Indigenous communities from land.

Ministers acknowledged native title processes can provide opportunities, in appropriate circumstances and having regard to local conditions, for the achievement of broader Indigenous policy objectives.

Attendees

The Hon. Philip Ruddock MP, Attorney-General

The Hon. Jon Stanhope MLA, Chief Minister, Australian Capital Territory

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

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

The Hon. Craig Wallace MP, Minister for Natural Resources and Water, Queensland

Ms Elizabeth Eldridge, Executive Director, Legal and Equity, Department of Justice,
Victoria

Mr Philip Boyce, General Counsel, Department of Lands, New South Wales

Ms Anita Kneebone, Director, Aboriginal Land Division, Solicitor for the Northern Territory