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PRIME MINISTER

114/92

STATEMENT BY THE PRIME MINISTER THE HON P.J. KEATING MP,

GOVERNMENT RESPONSE TO HIGH COURT DECISION ON NATIVE TITLE

I am pleased to announce the first step in the Commonwealth Government response to the High Court's decision on native title, known as the Mabo decision.

The Government has today initiated consultations with State and Territory governments, key Aboriginal and Torres Strait Islander organisations and the mining and pastoral industries on the implications of the High Court's decision. The consultations will be directed by a committee of Ministers, chaired by me, and will be led at officials level by a senior officer in my Department.

The first round of consultations will be completed before the end of the year. A progress report will be considered by the Government before March, 1993 and a final report by September, 1993. The Government will also encourage negotiation between parties as a way of resolving differences. Where it seems the Government could usefully facilitate such negotiation, it will do so.

The High Court's historic decision is a threshold and positive one for the nation. By rejecting the doctrine of terra nullius, the Court has provided a new basis for relations between indigenous and other Australians and given impetus to the process of reconciliation. It provides both an opportunity and a challenge.

The nation now has the opportunity to address the fundamental issue of the place of Aboriginal traditional land ownership and indeed the place of Aboriginal and Torres Strait Islander peoples in contemporary Australia. There is also the challenge to get it right, for the benefit of all Australians, including the generations of the future.

It is important to recognise that existing legal rights in relation to property continue, and it is wrong to see the High Court's decision in terms of existing land holders losing their land. However, the decision introduces a new element into Australian land tenure, in the form of native title, and thereby creates a need for clarity in the definition and application of native title rights, especially in relation to other interests in land.

The Court's judgement is complex, and its implications are equally complex. We need to consider the implications carefully, but as quickly as possible. Before deciding on the right long term approach it is essential that we first consult all the governments of Australia, key Aboriginal and Torres Strait Islander representatives, especially through the Aboriginal and Torres Strait Islander Commission, and industry groups, in order to discuss possible policy responses. This is the most sensible and constructive national approach.

The Commonwealth Government seeks a balance which protects Aboriginal and Torres Strait Islander rights and gives benefits to all Australians. Both indigenous groups and the pastoral and resource sectors are seeking clarity, certainty and a constructive resolution. Consultation is the first step in that process.

CANBERRA

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