MASTER

PRIME MINISTER

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

THE COUNCIL OF AUSTRALIAN GOVERNMENTS MEETING

At Tuesday's Council of Australian Governments Meeting in Melbourne, I will be putting the Federal Government's view that the Mabo principles outlined last week are a workable, responsible and decisive response to the challenges posed by the High Court decision.

Some responses to both the High Court judgement a year ago and to the document of principles just released reveal a degree of misunderstanding which it is in no one's interest to perpetuate, least of all the nation's in general.

From the outset the Government decided that the development of policy should take place through a national process of consultation, and that COAG would be an important next step in that process.

Tuesday's meeting will be the first opportunity for Mabo to be discussed at Head of Government level.

The Government has said that recognition by the High Court of native title provides an unprecedented opportunity to even up the relationship between indigenous and non-indigenous Australians, and to build a relationship of mutual respect and trust on a foundation of justice and dignity.

The principles released by the Government are squarely in line with this view.

There is no sense in different groups staking out extreme or unworkable positions. For instance, it serves no good purpose to argue that native title has continued everywhere since 1788 and has nowhere been extinguished by subsequent grants of interest, when in fact the High Court has specifically rejected this proposition.

Equally it is both shortsighted and insensitive to reject outright the notion that native title should be preserved to the maximum extent possible, or to suggest that extinguishment is a reasonable option with the title holder having had no say in the matter.

There is also little sense in believing that Australia can put its head in the sand on issues such as compensation. Like Mabo itself, these issues will not go away simply because they are difficult.

I do not expect the COAG meeting to end in detailed agreement but it can provide an opportunity for a positive step forward. A good, solid discussion would itself be a valuable contribution to the process.

For example, there could be broad agreement on the need for an efficient means of identifying the who and where of native title and on the acceptance that native title is a common law reality and needs to be accommodated.

I will also be urging Premiers and Chief Ministers to accept that there ought to be room for negotiations as well as legal solutions to land management problems, and that Australia needs to move quickly to a new land management regime.

On related issues:

. it is hardly a revolutionary idea that a mining lease should not extinguish native title, and that the native title can continue subject to that lease; this idea involves treating native title no differently from most freehold title.

. the date of 30 June, 1993 does not represent a cut-off beyond which States cannot issue grants of interest in land such as exploration or mining leases. It means only that they should do so in a non-discriminatory fashion and the Commonwealth, beyond that point, would not normally be willing to rectify failures to abide by the Racial Discrimination Act.

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