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PRIME MINISTER

STATEMENT BY THE PRIME MINISTER THE HON P J KEATING MP

COUNCIL OF AUSTRALIAN GOVERNMENTS MEETING - MABO

Today the Commonwealth offered a package of measures to deal with the High Court's Mabo decision and its ramifications. The package included offers to validate existing leases and pay compensation.

There was not unanimous agreement to this package by the States and Territories.

The States and Territories wanted the Commonwealth to make an executive decision to validate leases back to 1975 and to meet compensation without themselves taking any executive decisions to provide an adequate policy response to Mabo.

Responsibility for the failure of this meeting to agree on a national response rests largely with Premiers Kennett and Court because of their refusal to accept that the High Court has actually made a decision which requires a process and mechanism to give effect to that decision.

Further, they were not prepared to agree to a scheme to adequately recognise and protect native title, an obvious requirement of the High Court decision.

Premiers Kennett and Court must now explain to their communities, and particularly to industry, why they were not prepared to avail themselves of the Commonwealth's offer to validate existing leases and carry all the compensation back to 1975.

They must also explain to the Aboriginal community why they were not prepared to embrace mechanisms which would have heard and decided native title claims and given protection to titles granted.

The Council of Australian Governments is an executive body. It was established to make executive decisions. The Commonwealth had circulated a most comprehensive response to the Mabo judgement and Premiers attending the meeting were in a position to make executive decisions about this matter. Some Premiers clearly failed to accept this responsibility.

In so doing they have done no service to the nation, and a deep disservice to their States.

Our sense of self esteem, our ability to show that we do indeed believe in fairness and justice for all and have the collective will to deliver it defines the kind of people we are - to ourselves and the world.

The Commonwealth will now have to reconsider its position.

I took the view into the meeting that Mabo was a national issue requiring a national response. It is a major opportunity, as well as challenge, for the nation as a whole - and for all its governments.

The core propositions which I advocated were based on the 33 suggested principles endorsed by the Commonwealth Cabinet, and sent to the Premiers last week. In particular, I emphasised:-

- the need for recognition and appropriate protection of native title as now an irrefutable fact in Australian law, and the total pointlessness of thinking otherwise;
- following directly from this, the need for land management regimes in the future to be updated to recognise and take proper account of native title;
- non discriminatory treatment of native title, as the benchmark required by the Racial Discrimination Act;
- the desirability of preserving native title to the maximum extent practicable;
- the importance of establishing effective mechanisms, in the form of tribunals, so that native title claims can be registered and sensibly resolved;
- the need to act together to remove doubt about the validity of certain grants issued since 1975; and
- the importance of responding positively to the wider implications of the Mabo decision in terms of justice, economic development and reconciliation.

The approach which I put forward was therefore a comprehensive and realistic one.

In particular, the required action to remove doubt about existing grants must go hand in hand with a commitment to move to ways of dealing with land which do justice to the Mabo decision rather than close our eyes to it.

I also put on the table a very strong offer which would absolutely secure the existing grants which may be in doubt. I said that the Commonwealth would be prepared to pick up the entire compensation bill involved in validating grants from 1975 to the end of June 1993, and that we would legislate to clear the way for States to validate their grants.

But obviously that offer must be part of a wider national package.

Against this background, it is disappointing that there were still undercurrents from States of only grudging recognition of the High Court's historic decision, a tendency to view Mabo just as a problem requiring only a minimalist solution, and parochial views fairly evident.

Because the issue is of national significance, and pressing, Australia needs to move ahead on Mabo. We shall now proceed to draft Commonwealth legislation which can set a framework for dealing with native title. We shall also continue to work on the wider Mabo issues.

In this next stage, we will continue to consult with the States and Territories, as well of course as representatives of Aboriginal and Torres Strait Islanders and representatives of industry. Obviously, we shall take into account what has been said at COAG.

We want, in all of this, to work with the States and Territories. But we do need to move forward as a nation, and they need to get on board.

The Commonwealth, in its further work, will continue to be guided by justice for Aboriginal and Torres Strait Islander people, the need for workable land management, and protection of the national economic interest.

MELBOURNE

9 June 1993