



PRIME MINISTER

86/93

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

THE EXTENT OF NATIVE TITLE

Sections of the media today have treated as a revelation the Government's view that the Mabo High Court decision will not increase sharply the amount of land able to be granted to Aborigines and Torres Strait Islanders.

Some commentators have wondered aloud why the Government did not say so sooner. In fact, the Government - and I personally - have been making this point repeatedly since the handing down of the High Court decision in June last year.

I find it extraordinary that some in the media - having peddled exaggerated and ill-informed interpretations of the impact of Mabo for months - now seek to blame the Government for allowing such views to be put about. The truth is, the Government has consistently urged all interested parties to be calm about the issue, and from the outset has reassured private land holders that their property is not under threat.

The consistency of my approach is demonstrated in the following remarks:

"...Mabo, even in its fullest expression, will only give to a minority of the Aboriginal community land because many of them were dispossessed of the land and therefore can't make a claim."

John Laws Program, 2UE, 21 June, 1993

"...it doesn't mean that large parts of Australia, particularly of the built up areas of Australia, the urban areas of Australia will be subject to a native title claim. Where freehold title has been issued the native title has been held to have been extinguished; where leasehold has been issued, the native title in most cases or in many cases has been extinguished."

NSW ALP Conference, 13 June, 1993

"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."

Redfern Speech, 10 December 1992

"...I think it is worth saying that the court's decision does not challenge the granting of freehold or leasehold title over much of Australia, as some people have feared it might, and it does not interfere with private property rights of this kind."

Parliament, 4 June, 1992

To their credit, this view has been reinforced by some in the Aboriginal community, including Mick Dodson of the Northern Land Council, who said in January this year: "Our advice on Mabo is that clearly there are the majority, the overwhelming majority of forms of land tenure in this country are unaffected by Mabo. People have nothing to fear. The existing property rights in those lands is secure."

It has also been suggested in the press today that this realistic assessment of the consequences for land ownership in Australia calls into question the linking of Mabo to the issue of Aboriginal reconciliation. This is simply not the case, and reveals a fundamental lack of understanding of the High Court decision.

The Government still holds the view that the Mabo decision provides an opportunity to achieve reconciliation with Aboriginal people. However, this link between Mabo and reconciliation was never based on an assumption that the Mabo judgment would lead to vast new tracts of land being granted to Aboriginal people.

Rather, it is based on the decision itself. By jettisoning the fallacy of terra nullius and recognising Aboriginal dispossession, the Mabo decision has left us far better prepared psychologically to proceed with the process of reconciliation. The foundations of discrimination and prejudice have been kicked away.

Many Aboriginal and Torres Strait Islander people will receive no benefit from the Mabo decision. They have been dispossessed.

There needs to be - and the Government intends to deliver - a package of social justice measures for them, in keeping with the spirit of the Mabo decision.

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