



PRIME MINISTER

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

NATIVE TITLE ACT AMENDMENT

The Government has considered the possible impact on the *Native Title Act 1993* of the High Court's decision in the *Brandy* case.

The process in the Native Title Act for the registration and enforcement of agreed or unopposed determinations made by the National Native Title Tribunal is similar to the registration and enforcement scheme under the *Racial Discrimination Act 1975*. The RDA scheme was held by the High Court in *Brandy* to be invalid, as it vested Commonwealth judicial power in a body other than a court.

The Government has decided to ensure the validity of the Native Title Act scheme by amending the Act so that native title claims are commenced and formally determined in the Federal Court. Details of the proposals are being sent to indigenous groups, industry groups, State and Territory Governments and other stakeholders and there will be an opportunity for meetings on the proposals. We will not be making wholesale changes to the Native Title Act. The proposed amendments are of a technical nature, dealing with the way in which claims are made and determined. There will be no shift away from the principles of recognition and protection of native title enshrined in the Act and the amendments will reflect the current balance of interests.

The Government intends to introduce a Bill for the proposed amendments into Parliament later in the current Parliamentary Sittings.

CANBERRA
1 SEPTEMBER 1995