

COMMONWEALTH ABROGATING NATIVE TITLE RESPONSIBILITY

From the Attorney General

Thursday, 05 November 2009

Prime Minister Kevin Rudd must counsel his ministers responsible for native title over the Commonwealth's failure to provide funding to Victoria's landmark Native Title Framework, Deputy Premier and Attorney-General Rob Hulls said today.

Mr Hulls said Mr Rudd must immediately intervene and counsel Indigenous Affairs Minister Jenny Macklin and Attorney-General Robert McClelland if his apology to the Stolen Generations is to remain meaningful and prove more than just rhetoric.

"Kevin Rudd can show some real leadership on this important issue by ensuring the Federal Government fully supports Victoria's landmark Native Title Framework with appropriate federal funding," Mr Hulls said.

Mr Hulls said the Commonwealth recently indicated in a letter to Victoria that it only wanted to assist in resolving 'viable' native title claims.

"This is a total backflip and a slide back to conservatism," Mr Hulls said. "It means that the only way to determine if a native title claim is viable is to assess its likely success in court.

"This new approach flies in the face of the Native Title Framework, which is designed to resolve native title claims faster and cheaper outside the court system through direct negotiation between the State Government and traditional owner groups.

"The Commonwealth's focus on 'viable claims' maintains the costly and inefficient system of dealing with native title. It leaves in place a system that is widely recognised as not working and creates uncertainty for business wanting to invest in various economic opportunities."

Mr Hulls said without Commonwealth funding, Victoria's landmark Native Title Framework was on the verge of collapse.

"Whilst the Commonwealth previously supported Victoria's new approach to native title, they now seem to be displaying a total disregard for the native title rights of Victorians," Mr Hulls said.

"In 2008, Federal, State and Territory Governments agreed a more flexible and less technical approach to native title was needed to resolve the backlog of claims across Australia.

"In support of this approach, the Commonwealth agreed to negotiate an equitable cost-sharing arrangement that would put sustainable benefits in the hands of Victoria's indigenous community.

"The Federal Government has totally abrogated its responsibility in this area. Their failure to show leadership will entrench the current system of native title resolution, where traditional owners have no option but to pursue their claims through the courts, which take an average of 10 years to resolve.

"Without the reform that could be achieved through the framework, it will now take around 55 years to resolve Victoria's native title claims, with money that could be spent delivering practical benefits instead wasted on unnecessary transactions and legal costs."

