



NATIVE TITLE MINISTERS' MEETING – 15 OCTOBER 2021

COMMUNIQUÉ

Commonwealth, state and territory ministers responsible for native title met formally for the first time since 2017. The meeting was co-hosted by the Commonwealth Assistant Minister to the Attorney-General, and the Commonwealth Minister for Indigenous Australians.

Ministers made a commitment to meet annually on native title issues. They recognised the significant and continued need to collaborate on native title issues, particularly as the native title system increasingly moves towards a post-determination landscape, with a greater focus on supporting native title holders to manage and use their native title rights and on resolving native title compensation. The Commonwealth Minister for Indigenous Australians also outlined the work of the Commonwealth in relation to building the capacity of Registered Native Title Bodies Corporate (RNTBCs).

Ministers acknowledged the significance of the upcoming 30 year anniversary of the Mabo decision on 3 June 2022 and the progress of the native title system since that time, including that native title has been determined to exist over 41 percent of Australia's landmass.

They noted that the timely resolution of native title compensation liability helps promote reconciliation with Aboriginal and Torres Strait Islander peoples based on fairness, self-determination and free, prior and informed consent. It also supports the economic empowerment of Aboriginal and Torres Strait Islander peoples and their social, cultural and environmental well-being.

With this in mind, Ministers were pleased to endorse in principle the National Guiding Principles for Native Title Compensation Agreement Making, with formal endorsement to follow where it has not already been formally delivered.

The National Guiding Principles aspire to best practice. Whilst they are not binding, they reaffirm that governments will use their best efforts to settle native title compensation matters by negotiation and agreement, where possible, rather than litigation. They include principles that support:

- good faith negotiations
- consideration of the aspirations of native title parties; and
- consistency within and across jurisdictions in assessing, valuing and resolving native title compensation.

Ministers endorsed the work of the Native Title Senior Officers Meeting – Compensation Working Group (Senior Officers Meeting) in developing these principles. They noted the significance of the group in working collaboratively to share consistent approaches across jurisdictions in this emerging area and agreed this work should continue. The working group consists of representatives from all jurisdictions from various agencies with responsibilities for native title. Ministers particularly thank the National Native Title Council for their contributions to the working group.

Native Title Ministers requested the Senior Officers Meeting develop options that promote the most efficient settlement of native title compensation claims, with this work to include consideration of the appropriate funding arrangements to support the settlement of native title compensation claims.

Noting the numerous reviews into the funding available to RNTBCs, and the gap between this funding and the costs to fulfil the basic statutory obligations, Native Title Ministers also requested the Senior Officers Meeting work with the National Native Title Council to provide advice to ministers outlining options to improve funding available to RNTBCs.

The Senior Officers Meeting should report to Ministers on these matters prior to the next Native Title Ministers' Meeting.

Ministers committed to refer additional items to this group as necessary, noting the ongoing need for consistency and national best practice to inform issues relating to native title compensation.

At the invitation of the Queensland Minister for Resources, the Hon Scott Stewart MP, ministers agreed hold the next Native Title Ministers Meeting in 2022, either in Queensland or virtually, to ensure momentum on progressing these issues is maintained.