



Victoria has its own approach

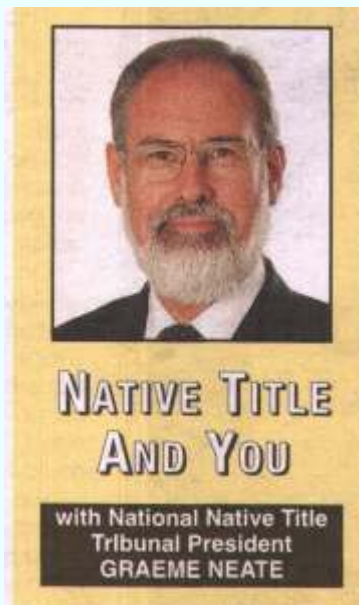
THE Native Title Act gives some Indigenous people an opportunity to have their traditional rights and interests in land and waters recognised under Australian law.

However, as many readers will be aware, claimants can spend many years and a lot of money working towards a conclusion which might not produce their desired, or the most rewarding, outcome.

The reasons for the diversity of outcomes include the history of land dealings across Australia and the histories of the people making the native title claims.

For example, some groups in Victoria have negotiated successful native title outcomes. The Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagalk groups of the Wimmera region and Gunditjmara People of the south-west region have had their native title rights and interests recognised under the Act and have benefitted from broader agreements developed with the State Government.

But not all Indigenous groups can prove their ongoing connection to the land. Dispossession and European settlement has broken or substantially interrupted some groups' day-to-day bond with traditional homelands and as a result of dealings in land, native title will not be recognised over large areas.



The Native Title Act wasn't designed to provide recognition of native title for all applicants, irrespective of their local circumstances.

That is why the Victorian Government is introducing an alternative approach to suit the circumstances of people in that State.

Victoria is the first State to provide a comprehensive alternative pathway for resolving native title issues.

At the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) native title conference, held last month in Melbourne, Victoria Attorney-General Rob Hulls

announced a plan designed to suit the specific needs of Victoria's Indigenous people.

The new Victorian Native Title Settlement Framework was developed by the State Government with the Victorian Traditional Owner Land Justice Group.

According to Mr Hulls, the aim is for native title to be settled faster and at a lower cost than the Commonwealth process.

The framework also aims to produce stronger partnerships between the State Government and Indigenous Victorians and better outcomes, including increased economic opportunities.

The framework, which includes policy parameters for negotiations, will mean traditional owners will be able to negotiate directly with the Victorian Government to settle native title claims, rather than go through the courts.

It is hoped the result will be more timely and effective native title outcomes and the development of agreements that respect all parties' rights and interests.

Traditional owner groups asserting native title rights and interests will still need to demonstrate their connection to their predecessors at the time Victoria was settled; that they are an inclusive group representative of all traditional owners for the area: and that



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they have sufficient organisational capacity.

Once this is established it will be possible to tailor settlements to local circumstances, and provide options for the management and transfer of land, access to natural resources and support for economic and cultural development opportunities.

There is also potential for new employment opportunities, in land and resource management, tourism and

investment.

The Tribunal is ready to support the implementation of the new framework to ensure it delivers outcomes that address the needs of all parties.

Native title has delivered benefits to many people, but there is always room for improvement in native title practices and systems, in terms of both the legal procedures and the approach of parties.

The Australian Government supports the approach

announced by Victoria, which the Commonwealth Attorney-General described as 'a significant milestone in native title'.

Governments at all levels, and many other people throughout Australia, will be watching to see whether this new Victorian approach provides additional practical, timely and effective options for dealing with native title issues.