

The policy setting: alternative native title framework

In June 2009, the Victorian Government announced the establishment of a new Native Title Settlement Framework. The proposed Framework aims to streamline Native Title resolution and provide alternative means of settling Native Title claims. The negotiation of the Framework was guided by a Joint Steering Committee in 2008. The Steering Committee included Traditional Owner groups and senior Victorian Government officials, and was chaired by Professor Mick Dodson.

The Framework proposes to give Indigenous groups the power to jointly manage Crown land. This is to be achieved by allowing traditional owners to negotiate directly with the Victorian Government rather than pursuing their claims in court. Under the new Framework, Traditional Owners will not have to prove the usual Native Title requirements. Instead, Traditional Owners will need to satisfy the Victorian Government that:

- (a) They are the right people for country (i.e. linkage to pre-contact ancestors and that they represent all Traditional Owners for the area), and
- (b) They have sufficient organisational capacity to enter and sustain an agreement with the State

Framework agreements can deliver tangible outcomes for Traditional Owners such as land transfers and land management rights, access to natural resources, and support for economic and cultural development opportunities. The new Settlement Framework could potentially make Native Title outcomes in Victoria more certain, and provide clearer and more streamlined processes for stakeholder engagement. The process of engagement is also intended to contribute to reconciliation in Australia.

Online resources:

Discussion Paper: "Towards a Framework Agreement between the State of Victoria and the Victorian Traditional Owner Land Justice Group". 26 August 2006.

<http://www.landjustice.com.au/document/Framework-Discussion-Paper-26-August-2006.pdf>

"Report of the Steering Committee for the Development of a Victorian Native Title Settlement". December 2008.

<http://www.justice.vic.gov.au/wps/wcm/connect/DOJ+Internet/resources/file/ebf9a00adc6c233/FINAL%20SC%20Report%2013May09.pdf>

Responses to the proposal:

Victorian Traditional Owners Land Justice Group: "Settlement Framework".

<http://www.landjustice.com.au/?t=3>

Australians for Native Title and Reconciliation: "Native Title reform a positive opportunity for all Victorians". 6 January 2009.

http://www.antar.org.au/native_title_reform_a_positive_opportunity

National Native Title Tribunal: "Victorian framework promises faster, better native title outcomes". 4 June 2009.

http://www.nntt.gov.au/News-and-Communications/Media-Releases/Pages/Victorian_framework_promises_faster_better_native_title_outcomes.aspx

The Premier of Victoria: "Victoria leads the nation in native title settlement". 4 June 2009.

<http://www.premier.vic.gov.au/attorney-general/victoria-leads-the-nation-in-native-title-settlement.html>

Media/newspaper articles:

The Sydney Morning Herald: "Native title proposal wins praise". 6 January 2009.

<http://news.smh.com.au/national/native-title-proposal-wins-praise-20090106-7b1x.html>

The Age: "Native title reform bid". 6 January 2009.

<http://www.theage.com.au/national/native-title-reform-bid-20090105-7aik.html?page=-1>