

## **Indigenous groups support call to reverse onerous burden of proof in Native Title Act**

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**The Chairperson of the world's leading research, collecting and publishing institution in the field of Australian Indigenous studies has backed calls for an overhaul of native title legislation to shift the presumption in favour to indigenous claimants.**

Speaking at a National Native Title Conference in Brisbane today, AIATSIS Chairperson Professor Mick Dodson AM, says that he fully supports the comments by former Prime Minister Paul Keating to reverse the onus of proof in the Native Title Act so that Aboriginal claimants are no longer required to establish a continuous association with their land.

Instead, the former Prime Minister suggests that it should be native title objectors who should be required to prove a continuous attachment no longer exists.

“Such an overhaul would make native title more equitable and efficient and remove the unjust and onerous burden of proof on those native title claimants who have suffered the most severe dispossession and social disruption.”

Professor Dodson said that such a move may provoke more consent determination and make the current system more efficient and effective.

“After fifteen years of the Native Title Act 1993, we have only had 121 native title determinations of the some 1300 claims that have been lodged.”

Dodson said that the former Prime Minister was correct in noting that the onus of proof has substantially slowed the right of redress by Aboriginal people to adequate recognition of their rights in respect of land, water and other natural resources.

Keating's comments at the annual Lowitja O'Donoghue Oration at Adelaide University last night, also drew the support of Brian Wyatt, the Chief Executive Officer of the National Native Title Council.

“Paul Keating knows what he is talking about as he was the one who made the Native Title Act fairer in the first instance and it was changed later under the Howard Government’s 1998 Amendments and the Ten Point Plan,” he said.

“It was those Howard government amendments – as Paul Keating rightly argues – that cut across the spirit of the Keating government’s 1993 Native Title Act.”

“As the former primer minister and other judicial figures have pointed out, the notion that the Act was, first and foremost, legislation of a beneficial kind – enacted to redress historic inequities – rather than to compound ones sanctioned by earlier acts,” Mr Wyatt said.

Professor Dodson and Mr Wyatt are among some 650 delegates attending the annual National Native Title Conference – which officially starts at Brisbane’s Convention Centre tomorrow.

The Conference - Australia’s largest Indigenous policy conference – promotes public debate about native title and Indigenous peoples’ interests in land and waters, agreement making, natural resource management and economic development.

This year’s conference theme of *Our Country, Our Future* will explore various native title themes including Decisions, Actions, Results, Enduring Cultures, Resilient Societies, Country, Heritage and Development and Tenure, Title and Possession.

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