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Native Title
Chairman's Introductory Comments – Roland Woods

Roland Woods

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NATIVE TITLE

Chairman's Introductory Comments - Rowland Woods

The subject for this session is Native Title. It is not a term with which the agricultural economics profession has been familiar - at least until recently. For this reason I think that it might be appropriate for me to make a few introductory comments.

First, the term 'Native Title' is an Australian term, that does not appear in the New Zealand statute book. In New Zealand the equivalent term is "aboriginal title".

Secondly, the Australian term, which is defined in s 223 of the Native Title Act 1993, has a very wide definition. It is defined to include all rights and interests possessed by the indigenous people under traditional laws and customs - including non-territorial interests such as food-gathering rights, cultural and spiritual rights and other non-property rights and interests. In other words, for Australians the term "Native Title" is synonymous with "native rights and interests".

In New Zealand, as in Canada, "aboriginal title" is distinguished from the more general concept of "aboriginal rights". In both countries we equate aboriginal title with "aboriginal property rights". So in New Zealand, we have a narrower and, for economists, a more certain and quantifiable definition.

Finally, issues relating to aboriginal rights and aboriginal title are far less in the public eye in New Zealand than are native title rights issues in Australia. This is because in New Zealand the reference point for Maori/non-Maori relationships in New Zealand is the Treaty of Waitangi, and not the common law doctrine of aboriginal title. For this reason the first of our papers, dealing with New Zealand, will tend to focus more on the Treaty of Waitangi and the claim settlement process than on aboriginal title. However, it is fair to say that there is a good deal of confusion in New Zealand regarding the relationship between the Treaty and the doctrine of aboriginal title.

But I shall leave it to our two speakers, Sir Douglas Graham and Mr Allan Padgett to illuminate, if not resolve, some of these issues.

Our first speaker is the Right Honourable Sir Douglas Graham, Minister in Charge of Treaty of Waitangi Negotiations. I should like to take this opportunity, personally and on behalf of all those here today, to congratulate you on the high and richly deserved honour bestowed on you in the New Year's list.

Sir Douglas needs no introduction, at least to the New Zealanders present. He has a legal background, and has held various ministerial portfolios. More significantly, for the last eight years he has personified the Treaty of Waitangi settlement process and in so doing has extended, and elevated the level of the debate on the relationship between Maori and non-Maori in New Zealand. He has done so with a mixture of determination, courage, graciousness and integrity that has earned him the respect of political parties of all colours, and the majority of the citizens of this country, both Maori and non-Maori. No mean achievement for a politician! Sir Douglas will address us on the topic “Native Title and Resource Use Issues: New Zealand”.

Mr Allan Padgett has an Australian background in science and education and more recently in aboriginal affairs, including responsibility for the implementation of the Aboriginal Land Act 1991. Since 1994 he has been with the Native Title Tribunal and is currently responsible for the management of “future act applications” - he will tell you what these are - dealing primarily with proposed grants of mining and exploration titles. His subject today is “Native Title and Associated Resource Use Issues: Australia”.