

first co-managed national parks, protecting nature and Indigenous culture, and respecting Aboriginal people as land owners and managers. Kimberley Traditional Owners are leading a direct action and legal campaign to make this opportunity a reality.

For further information contact the Kimberley Land Council at [media@bme.klc.org.au](mailto:media@bme.klc.org.au)

### **Torres Strait Determinations**

On the 6<sup>th</sup> and 7<sup>th</sup> July 2000 the Federal Court sat for the first time in its history in the Torres Strait. The sitting of the Court was to give effect to six consent determinations relating to native title applications. These covered the islands of Dauan, Mabuiag, Warraber, Poruma, Masig and Damuth. The determinations formally recognise, under Australian law, the native title rights and interests held by those communities under traditional law.

This latest round of successful applications brings the total number of native title determinations within the Torres Strait to nine. Eight of these have been obtained under the *Native Title Act 1993* and follow on from the initial Murray Islands (*Mabo*) court case handed down by the High Court in 1992.

The consent determinations handed down in July come 18 months after the first native title determinations under the amended *Native Title Act 1993*. These were in relation to Moa and Saibai Islands. Saibai Island, at the time, was put forward as a test case by the Torres Strait Regional Authority and was considered as having implications for other native title applications in the Torres Strait.

At issue in reaching these outcomes has been how one party's rights will articulate with those of others. Native title determinations in the Torres Strait (excluding the *Mabo* case) have been preceded by formal agreements between the native title applicants and other parties. These have predominantly been struck with companies providing infrastructure to the area and have followed from the successful strategy employed by Torres Strait Regional Authority in the Saibai Island application.

The determinations obtained under the *Native Title Act 1993* only apply to areas of land. Native title rights in relation to the sea are yet to be claimed. The Torres Strait Regional Authority is currently engaging in consultation with communities across the region. It is hoped that putting in a regional application covering relevant marine areas will get over the difficulty of trying to delineate between different claim boundaries out at sea.

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