

Native Title Report 2007 profiles some of these innovative projects.

Winner of the 2007 Eureka Prize for innovative solutions to climate change, the Western Arnhem Land Fire Abatement (WALFA) project utilises traditional fire burning practices to reduce carbon emissions and generate income for local communities.

The Central Queensland Indigenous Land Use Agreement (ILUA) template was developed after three years of negotiation and involved the Gurang Land Council Aboriginal Corporation working with three native title claim groups from central Queensland, the Local Government Association of Queensland and 16 local governments to develop a 'template' for future ILUA negotiations. The Central Queensland ILUA template could serve as a model for other agreements involving local government, allowing groups to learn and build on the experiences of others.

In light of the recent National Apology and the move toward reconciliation between Indigenous and non-Indigenous Australians, I hope this federal government will consider the report and how to better recognise Indigenous peoples' unique and essential relationship with land. As the preamble to the *Native Title Act 1993* recognises, the dispossession of lands is closely linked to the disadvantage of Indigenous people today.

The full report and a community guide are available at http://www.humanrights.gov.au/social_justice/index.html

Traditional native title holders meet again on Masig

George Mye from the Erubam Le Traditional Land and Sea Owners (TSI) Corporation



Front Row (Left to Right): Dan Mosby, Jenny Mye, George Mye, Jack Billy and Albert Mosby.

Back Row (Left to Right): Terrence Whap, Herbert Warusam, Milton Savage, William Akee, Stanley Marama, Joel Gaidan, Lota Warri, Horace Baira and Ruth Whap.

Native title holders from the Torres Strait met on Masig (Yorke) Island, 28 – 30 April 2008 to discuss how practical outcomes can be achieved once native title has been recognised. This is the second meeting of the prescribed bodies corporate

(PBCs) of the Torres Strait, providing Traditional Owners with a rare opportunity to meet and develop a culturally appropriate strategic plan to raise the

profile and authority of PBCs and bring economic development to their communities.

Traditional owners expressed their continued frustration with the native title process post determination and felt that the legal recognition of native title rights and interests failed to deliver any meaningful changes to their communities. George Mye from the Erubam Le Traditional Land and Sea Owners (TSI) Corporation said 'we need to give justice to our people'. Terrence Whap from Goemulgaw (TSI) Corporation agreed, 'we want transparency and a sense of order around how business is done'.

The PBC representatives felt that educating visitors, non native title holders and other stakeholders in the region was the first step to building the authority of PBCs and respect for traditional owners. They agreed on a set of shared principles for engagement with other stakeholders reiterating that *Ailan Lore* and *Kastom* need to be respected at all times and that PBCs need to be consulted on all matters that relate to their land and sea. Horace Baira from Mura Badulgal (TSI) Corporation said that ‘there is no small impact’ and people who do not understand how traditional laws and customs operate on the island communities should consult PBCs before carrying out activities that affect their native title lands. Pastor Jack Billy from the Porumalgal (TSI) Corporation felt that there was no real recognition and that the State Government is not faithful to its consent determination recognising the traditional owners of the Torres Strait.

The lack of consultation has become particularly evident with the recent amendments to the *Torres Strait Islander Land Act 1991* (Qld) which, while enabling PBCs to hold land in trust for their communities, also removes the need for an act of parliament before land can be compulsory acquired for infrastructure on the island communities. Many PBCs felt that the consultation process for such sweeping changes were inadequate.

The inability of PBCs to engage in meaningful negotiations has been a key factor limiting opportunities for development in the region despite having legal recognition of exclusive possession over their native title lands. The meeting turned its focus to business development and planning, and building robust corporations with appropriate legal structures. The PBCs all expressed interest in utilising their land and natural resources effectively to provide benefits to the community and the region as a whole through agriculture, tourism and other local businesses on their islands.

The PBC representatives felt that it is important to clarify governance roles in the region. Dan Mosby from the Kulkagal (TSI) Corporation said that there is a need to reach an understanding with the Torres Strait Island

Regional Council ‘they need to know what our role is, they need to understand our representative roles’.

Traditional owners have the most knowledge and understanding about the land and sea areas in the Torres Strait and can provide the most authoritative and accurate responses to any consultations. PBCs are the culturally and legally recognised entity that can assist with the coordination and communication of any land and sea matters within all native title areas.

NTRU Project Report

Happy Birthday: The Native Title Research Unit (NTRU) turns fifteen

By Tran Tran, Research Officer and Jessica Weir, Visiting Research Fellow

The NTRU was established in 1993 as a research unit within AIATSIS after the 1992 High Court decision in *Mabo v Queensland (No.2)*,¹ which recognised Indigenous peoples’ rights to land under the common law concept of native title. This judgement challenged the whole system of land tenure in Australia and laid the basis for profound changes to the relationship between Indigenous peoples and the rest of the nation.

In response to *Mabo*, the former Aboriginal and Torres Strait Islander Commission (ATSIC) convened a meeting of Aboriginal and Torres Strait organisations to evaluate the scope and implications of the decision in order to develop a national strategy for ‘mainland’ land claims, cognisant of the differing situations across the States and Territories. The resulting strategy

¹ (1992) 175 CLR 1.