Native Title in the Torres Strait

Ned David – Chair, Magani Lagaugal
Torres Strait

• 100 islands plus, scattered over 48,000 square kilometres between tip of Cape York and the Kiwai coast of PNG.

• Population of approx 6,500 not including a significant transient population.
History

- August 23, 1937 Masig
- The Mabo Decision 1992
- Saibai and Mualgal
- June 1996, 69 claims registered, (3 mile)
Native Title Determinations in the Torres Strait

- 26 successful determinations
- 25 uncontested
- 34 ILUAs
- 4 Outstanding claims – including the Sea Claim
Traditional Context

- Meriam (Eastern)
- Gudamaluilgal (Lower Western)
- Kulkalgal (Central)
- Maluilgal (Top Western)
Political Context

- TSRA (Torres Strait Regional Authority)
- TSIRC (Torres Strait Island Regional Council)
- Torres Shire Council
- Commonwealth and State agencies
- NGOs
- Religion
- Torres Strait Treaty
- State and Federal members
Queensland – won last night

• QLD is leading the nation in Native Title claims

• 40 out of the 43 claims have resulted in mediated agreements between both parties

• Torres Strait has the highest number of Native Title claims in one region.
Sea Claim

- 2002 Sea Claim lodged
- Covers the sea from 10 nautical miles from Western PNG, to the tip of the Inner Island Clusters – Thursday Island, Hammond and Prince of Wales
- Evidence and documents collated and being presented for the final hearing on the 20th July 2009
Sea Claim
PBCs in the Torres Strait

- 20 PBCs in the Torres Strait
- Have regular workshops to discuss emerging issues and identify opportunities that will take us forward into the future
Challenges with Native Title

• Climate Change
• Lack of possible industries to gain a financial gain / economic independence
• International boarder / treaty
• Chronic disease
• Traditional owners having to exercise their powers to protect their identity and livelihood from Government constraints
Future Directions

• Torres Strait Land Act Review

• MOU – TSRA / TSIRC