

Ugar Traditional Boundaries Project

After the determination comes innovation!

Introduction

According to the native Title Prescribed Body Corporate (PBC) Regulations 1999 (Cth), PBCs must consult with native title holders who will be affected by a native title decision.....BUT

Who are the affected native title holders?

How can they be identified in a timely manner?

How can uncertainties about discrete local rights in land be resolved?

The Traditional Ugar Boundaries Project takes an innovative approach to resolving these difficult questions

Ugar Island (Stephen Island)



Project Drivers

- Disputes over the identity of native title holders for particular areas of land affected by native title decisions
- Traditional owner desire for clarity about individual and family group native title rights over land
- Backlog of infrastructure and social housing projects
 - Extension of community hall
 - Upgrade of helipad
 - Construction of a desalination plant
 - Installation of a fuel bowser
 - Construction of a freezer facility



Project Scope

- PBC decision to address uncertainties about location of discrete local land rights
- Identify, peg and record all traditional boundaries
- Identify affected native title holders for each of the infrastructure projects
- Participate in the QLD Government's Community Survey Program

Project Collaborators

Agencies involved:

- Native Title Office of the Torres Strait Island Regional Authority (NTO) and Gilkerson Legal
- National Native Title Tribunal (NNTT)
- Torres Strait Island Regional Council (TRISC)
- QLD Government Department of Aboriginal and Torres Strait Islander Partnerships



Project Phase 1: Planning

- Sold concept to State and local government
- Identified elders and families for initial consultation
- Prepared detailed project plan
- NNTT convened planning meetings
- Identified key support staff (TSIRC and NTO) for logistical management



Project Phase 1: Planning

- Barged in pegging and survey equipment
- Held advanced meetings with traditional owners
- NNTT mediated related issues with potential to negatively impact the project
- NNTT prepared and circulated mapping information and proposed instructions for boundary recognition
- Planning and preparation took approximately 6 months



Project Phase 2: Boundary Mapping

- Provision of background information to Traditional Owners
- Agreed an approach to identifying and confirming traditional boundaries
- Marked preliminary boundaries on a map for discussion



- Site visits to peg and photograph boundaries
- Boundary mapping took approximately 2 weeks

Project Phase 2: Boundary Mapping

- Disputed boundaries mediated by the NNTT
- NNTT Geospatial staff recorded GPS coordinates



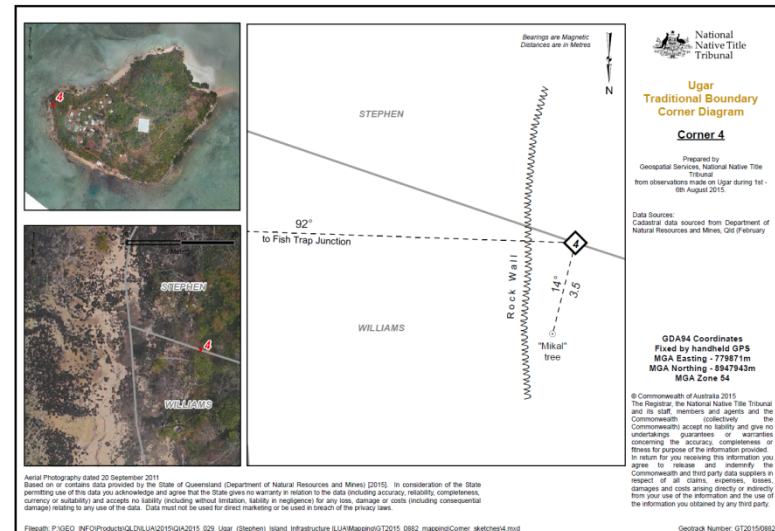
- Upon agreement, signatures of the traditional owners were captured and recorded
- Report back to broader community

Project Phase 2: Boundary Mapping

- Locations for proposed infrastructure discussed
- Hard copy of the map of agreed boundaries presented to the island community
- PBC Directors resolved to enter into ILUAs and Project Agreements associated with the five infrastructure projects



Project Phase 3: Boundary Mapping



- NNTT collated the GPS and other data collected and prepared an electronic map
- The map contains boundary markers, traditional owner signatures, photos of boundary pegs and photos of the traditional owners placing the pegs

Project Outcomes

- Traditional boundaries for the whole island were identified, agreed and recorded
- Agreements executed for the backlog of infrastructure projects
- Decision making and consultation for all future projects on Ugar streamlined, improving service delivery
- Increased community confidence in managing their native title appropriately



Why the Project Succeeded

- Strong leadership from the PBC
- Adequate funding
- Comprehensive project planning with clear objectives and outcomes
- Participants well prepared in advance of the project
- Involvement of an independent NNTT mediator
- Availability of NNTT Geospatial expertise
- Traditional owner values articulated, understood and reinforced

Ugar Traditional Boundary Map Demonstration

