

Regional PBC workshop in the Torres Strait

By James Akee, Chairperson, Mer Ged Kem Le (TSI) Corporation

A meeting of Torres Strait Prescribed Bodies Corporate (PBCs) was held on Thursday Island from December 4-6.



Representatives of Prescribed Bodies Corporate (PBCs) at a meeting of the Torres Strait PBCs on Thursday Island.

PBCs are the corporations established to hold and manage native title following a native title determination under the *Native Title Act 1993* (Cth).

The PBCs were welcomed to the meeting by the Chairman of the Kaiwalagal Aboriginal Corporation with the meeting providing a rare opportunity for PBCs to come together to discuss their roles and responsibilities in relation to their communities and land and sea country.

While there is a significant investment in native title processes to arrive at determinations and to establish

PBCs, PBCs then have little or no resources to carry out their statutory functions under the NTA.

This lack of funding is also a problem for Government agencies and other stakeholders who are required to work with PBCs.

A major concern for PBCs is the lack of recognition of and respect for their critical status as native title holders and the lack of consultation with PBCs. This has been particularly problematic for PBCs in recent discussions about local government reforms and the amalgamation of local shire councils, in which they feel they have not been included and their status recognised.

PBCs wish to meet directly with relevant Government Ministers and will consider the legal issues involved in the transfer of land (DOGIT) and assets.

Seriako Stephen, the Chairperson of the Ugar Ged Kem Le Zeuber Er Kep Le (TSI) Corporation said: 'We need the state government to publicly explain to traditional owners the transition from local government to regional government. Because we haven't given our consent, and have not been thoroughly consulted on this transition process, we, as traditional owners, want to know how our traditional lands will be managed and we want to be involved in that process.'

The meeting recommended that a Torres Strait summit be held to discuss regional governance and the role of PBCs and traditional owners in governance arrangements and local government reforms.

PBCs also decided to establish a peak body and considered the relationship of such a body to any regional PBC which might be established in relation to the sea claim which is currently proceeding. PBCs also discussed their roles and responsibilities in relation to developing good local governance for each of their PBCs as important building blocks in realising their aspirations.

Fred Joe, of the Mualgal TSI Corporation, noted that 'We need to review our constitution so that will guide us and made us strong. We need the commitment and motivation of our members to have a strong PBC to look after the future of our islands.'

PBCs were provided with a range of information at the meeting about potential sources of Commonwealth and State Government funding by Department representatives.

PBCs noted however, that to make the necessary submissions for funding, they require administrative assistance and resources. PBCs will continue to meet to build on the discussions and issues identified in this meeting with the next meeting proposed for early 2008.

Native Title and Ecology

By Jessica Weir, Research Fellow, NTRU

At the AIATSIS Conference 2007, NTRU research fellow Jessica Weir convened the session 'Native Title and Ecology: political/legal transformations and sustaining ecologies' to discuss the management of native title lands. Gunditjmarra Elder Kenny Saunders and Andy Govanstone from the Victorian Department of Sustainability and Environment presented on the re-activation of the eel fishery on Gunditjmarra native title lands. Projects currently being undertaken include a Kooyang (Eel) Aquaculture Feasibility Study, biodiversity benchmarking study of Lake Condah and Darlots Creek, the Lake Condah water restoration project, and sustainable tourism. Jessica gave a paper on the fundamentally different conceptualising behind environmental management vis a vis caring for country. These two approaches have a lot of common ground, as evident in Indigenous peoples' targeted engagement with environmental management institutions and programs, however the different conceptual approaches make such collaborations a complex engagement. A third paper was prepared for the session by Benjamin Richard Smith from the Australian National University, discussing how decisions about how best to recognize Aboriginal traditional and customary connection to country have articulated with different contemporary relationships between 'home' and 'diaspora' families and

the country with which they identify, leading to a series of conflicts which have focused on competing plans for management of particular homelands. The papers are now being re-drafted as part of a forthcoming publication about native title and ecology.

National Parks Initiative and Native Title

Department of Environment and Conservation, Western Australia

In November 2007, the State Government welcomed Western Australia's twenty-first native title determination. The determination, over the largest claim in the Kimberley region, recognised that the Ngurrara claimants hold native title over about 76 000 square kilometres of land. It was the thirteenth such consent determination negotiated by the Gallop and Carpenter Labor Governments and put Western Australia at the forefront of native title in Australia.

There is a strong interest by Aboriginal people in being involved in the management of conservation lands and strengthening cultural ties with the land.

Working together with Aboriginal people to care for the land is beneficial to the preservation of natural and cultural heritage, as well as enriching cross cultural awareness.

The State Government is supportive of joint management arrangements for many parts of the conservation estate with traditional owners, particularly in terms of reconciliation and providing long-term secure employment for Indigenous Western Australians.

The integration of traditional land management practices is critical to managing sensitive areas, including in the arid zone such as the Goldfields and Pilbara and in the tropical Kimberley region.