

# Senate Finance and Public Administration Legislation Committee

## ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates 26 May-6 June 2014

Prime Minister and Cabinet Portfolio

**Department/Agency:** Torres Strait Regional Authority

**Outcome/Program:** 1.1 Prime Minister and Cabinet

**Topic:** Native title holders in the Torres Strait

**Senator:** Senator Cory Bernardi

**Question reference number:** 285

**Type of Question:** Written

**Date set by the committee for the return of answer:** 11 July 2014

**Number of pages:** 2

**Question:**

1. Can you explain what rights and interests have been granted to native title holders in the Torres Strait? And any sea rights that may have been recognised?
2. How do you think communities on the Torres Strait will benefit from these rights? Are there any barriers that will limit your communities' ability to pursue economic opportunities from these rights?
3. Do you think that the Indigenous Land Corporation could provide any assistance to native title holders in response to economic opportunities from the sea?

**Answer:**

1. There have been 21 Determinations of Native Title in the Torres Strait Region covering the 13 outer island communities and the Regional Sea Claim which covers approximately 40,000 square kilometres of the Sea.

The native title determinations which cover the island communities are exclusive native title which gives the traditional owners the right to live, fish and hunt and carry out traditional activities and to control who has access to their land.

The Regional Sea Claim resulted in a native title determination. It gives non-exclusive native title rights to traditional owners which include the right to access the area and to use the resources of the area for any purpose including for commercial purposes. The native title rights do not give the traditional owners the right to exclude other people and do not over rule existing fisheries legislation.

2. By securing legally recognised rights under the Native Title Act, Government and other stakeholders must engage fully with the traditional owners through their respective Prescribed Bodies Corporate (PBCs) on activities which affect their land and seas. This can build capacity within the communities which have a flow on effect into other areas and can provide for employment and economic development.

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3. The Indigenous Land Corporation could assist with buying out non-traditional owner commercial fishing licences. This could provide a mechanism to assist traditional owners achieve 100% ownership and control of fisheries in the Torres Strait, similar to the Maori controlled 'Sea Lords' fisheries in New Zealand. The fishing industry is the major industry in the Torres Strait for traditional owners.