YUMI NATIVE TITLE NEWSLETTER

INTRODUCTIONS

Debe Gerger, Kapu Goeyga
We would like to present to you GBK's first Native Title Service Provider newsletter, brought to you by your Native Title and PBC Support teams.

Meet GBK's Team

Members of GBK's team (from left to right): Frank David, Kerry Lui, Nadja Mack, Charlie Kaddy, Leeann Ketchell, Cassie Lang.

GBK's Native Title Team

Nadja Mack

Executive Officer - Native Title

Nadja Mack [spelt with a "J" but confusingly pronounced NAADIA] is based on Thursday Island and has worked in native title ever since she left law school 23 years ago.

Her workplaces included the Pilbara Land Council in Port Hedland, WA, the North Queensland Land Council in Cairns, the National Native Title Tribunal in Melbourne, the National Indigenous Australians Agency and TSRA where she helped with the transition of the native title function to GBK.

Leeann Ketchell

Executive Support Officer

Leeann Ketchell is the native title section's Executive Support Officer. She is based in the Cairns office and has a wealth of experience working in native title, having worked in TSRA for 4 years, not just in TSRA's native title office but also in their travel team.

Cassie Lang

Founder & Principal Solicitor
Parallax Legal

Our Native Title team works closely with Cassie Lang from Parallax Legal who we feel does not need any

Nadja Mack and Cassie Lang with Justice Mortimer (now Chief Justice) at the Sea Claim Determination in November 2022

introduction. For the few of have not yet met her and her ever-changing rainbow coloured hair, Cassie is a Bundjalung woman and has been working in the Torres Strait Region as a lawyer for 15 years, first with TSRA, then GBK and now as a consultant and advisor to GBK, running her own law firm in Brisbane, Parallax Legal and working for native title groups and PBCs around the country.

GBK's PBC Support Team

Charlie Kaddy

Executive Officer - PBC Support

Charlie manages the PBC support program. Having previously worked in the native title area for the TSRA for a number of years, Charlie is passionate about native title and making sure Traditional Owners' rights are protected, and they are supported to continue to practice social, cultural, spiritual and economic activities on their traditional lands.

Charlie works closely with the PBC team to provide guidance and support to deliver targeted outcomes within GBK's PBC program as

Maxine See Kee

PBC Support Officer

Maxine is working in the PBC Support Team as the PBC Support Officer based in Cairns. A couple of Maxine's previous workplaces include TSRA and Cape York Land Council. Maxine has the desire to continue working closely with PBCs to provide support and guidance to strengthen their foundations and build capacity at the community level.

GBK
GUR A BARADHARAW KOD
GUR A BARADHARAW KOD
TORRES STRAIT SEA
ND COUNCIL
Keriba Gesep; Ngalpu
umi Time
Our Homeland; Ou
Time

well as supporting his fellow Executive colleagues with whole of organisation activities. Charlie also works closely with PBC Chairs across our region to ensure PBC needs and aspirations are being addressed.

Frank David

PBC Liaison Officer

Frank has been GBK's PBC Liaison Officer for more than 2 years. Everyone knows Frank... and Frank knows everyone. Before joining GBK, Frank worked at the Hospital as an Operations Officer, for TSRA as the Cultural Officer at the Cultural Centre welcoming tourists to the island. Meeting and greeting and networking is in Frank's blood and bone.

TORRES STRAIT AND NORTHERN CAPE YORK SEA CLAIMS DETERMINATION

Kia Sirriss

PBC Administration Officer

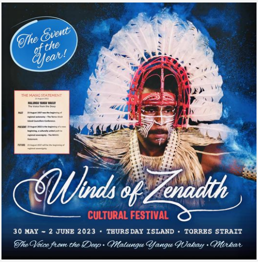
Kia is based in Cairns. She works within GBK's PBC Support Team to provide administration support to the team and all PBC's.
Kia is looking forward to working with the MGNM team to provide support to new PBC Support Admin Staff for each of the PBCs.

Koeyma Eso Kerry Lui

Earlier in May, the PBC Support team farewelled Kerry Lui. Kerry was an instrumental member of our small but dynamic team. In her role as Compliance Manager, she led rulebook updates and Directors ID workshops, and supported many PBCs with their AGMs and Directors meetings.

We acknowledge and *Au Esoau, Koeyma Eso* Kerry for her contributions to the PBC Support Team, as well as PBCs and communities. We wish her the best in her future endevours.

MEET US AT THE CULTURAL FESTIVAL


The Event of the Year!
THE MASIG STATEMENT
Winds of Zenadth
CULTURAL FESTIVAL
30 MAY – 2 JUNE 2023 • THURSDAY ISLAND • TORRES STRAIT
The Voice from the Deep • Malungu Yangu Wakay • Mirkar

30 May to 2 June 2023

GBK will have a stall at the Winds of Zenadth Cultural Festival. Make sure to meet us there. We will hand out lots of information about native title and GBK's work. We will also have gifts and **offer a very special cultural activity. Make sure you don't miss us at the festival!**

Update from the Native Title Team

FACTSHEETS

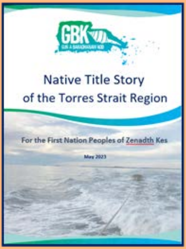
The Native Title team has been **working on a number of factsheets** including:

- a booklet that tells the Native Title Story of the Torres Strait Region, covering everything every native title holder should know;
- a factsheet for each PBC and native title holder group explaining their native title determination;
- a factsheet for PBCs who are party to the Infrastructure and Housing ILUA (also known as Regional ILUA) explaining the way the ILUA operates;

We are also liaising with the Office of the Registrar of Indigenous Corporations (ORIC) about creating factsheets about the CATSI Act in Yumplatok.

Make sure that you check our Website for these factsheets www.gbk.org.au and our stall at the Cultural Festival where we will hand out a copy of the Native Title Story of the Torres Strait Booklet.

Please call us if you have any questions about our work or if you would like to speak to us. You can reach the native title team on 0448 526 099 or nativetitle@org.au.



Native Title Story of the Torres Strait Region

For the First Nation Peoples of Zenadth Kes

May 2023

GBK's NEW CAIRNS OFFICE

GBK has recently relocated to a new office space - located in the heart of the Cairns CBD: Cairns Corporate Tower, 15 Lake Street.

Once renovations are completed, GBK will occupy two office spaces - one on the ground floor and one on Level 15. Together, these areas will provde office spaces for our teams as well as multiple meeting rooms for our work with stakeholders.

Our formal office blessing and opening celebration is scheduled for 28th June. All are welcome. Check our website for details closer to the day.

GBK also has an office on Thursday Island.
Visit us at our Thursday Island office above Col Jones, on Level 1, 82 Douglas St.

GBK
GUR A BARADHARAW KOD

giftware
Col Jones
computers
clothing
MONDAY - FRIDAY
8:30am – 5:00pm
admin@gbk.org.au

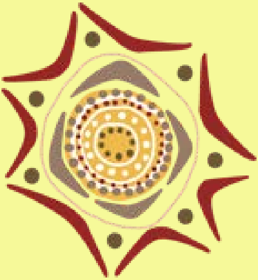
Strait Sea and

PBC NEWS

Rule Book Review Update

The 25th March 2023 deadline for Registered Native Title bodies corporates to lodge their updated Rule Books has now passed. This required PBCs to change their rules about disputes and membership eligibility.

A Rule Book change requires a special resolution at a members meeting. If you like assistance to review your PBC's rule book or call a members' meeting, please contact pbcsupport@gbk.org.au



Annual General Meetings (AGMs)

An AGM is an important meeting held once a year. An AGM provides the members with information of what has happened over the last 12 months. This includes giving the members reports and financial information, and giving members an opportunity to ask questions about how the PBC is managed.

The CATSI Act says that an AGM must be held **before the end of November each year**. If you have not held your 2022 AGM, you could be in breach. Your PBC must hold its AGM as soon as possible. If you require assistance in setting up your AGM please contact pbcsupport@gbk.org.au .

Looking forward to the 2023 AGMs, you can start planning to hold your AGMs now. AGMs must be held between 1 July and 30 November every year.

DIRECTOR IDS

You need to apply for a director ID if you're a director (or an alternate director who is acting for a director) of an Aboriginal and Torres Strait Islander corporation registered under the CATSI Act or a company registered under the *Corporations Act 2001*.

Directors who were appointed **on or before 31 October 2022** have **until 30 November 2023** to apply

Directors who were appointed **from 1 November 2022** had to apply **before being appointed**.

You only ever need one director ID. You don't have to apply for another one if you are a director of other corporations or companies registered under the *Corporations Act 2001*. You keep the same number forever even if you change corporations or companies, stop being a director, change your name or move interstate or overseas.

Digital Application – After you verify your identification through the MyGovID App - you can then make application via the Australian Business Registry Services (ABRS) portal.

Paper Application – Have your identification verified in person and lodge a paper application with the Australian Business Registry Services (ABRS) by mail or email.

If you need assistance with your identification documents or if you have gone through cultural adoption, you may be able to seek assistance from Meriba Omasker Kaziw Kazipa Cultural Support Officer Elsie Seriat on 0457 045 896 or elsie.seriat@dsdsatsip.qld.gov.au. Or contact us at pbcsupport@gbk.org.au to start the process.

PBC CAPACITY BUILDING WORKSHOPS

The PBC Support Team will be available for Corporate Governance capacity building workshops up until June 30, 2024.

These workshops are for PBC Directors and aim to strengthen PBCs and may include the following topics:

GOOD GOVERNANCE

including ORIC Standards, Rule Book vs CATSI Act

PBC PLANNING

including planning, budgets and roles of directors, staff and members

OPERATIONAL ISSUES

including Directors IDs, managing finances and using technology

If your PBC Directors are interested in taking up this opportunity please contact pbcsupport@gbk.org.au

Feedback from our first
PBC CAPACITY BUILDING WORKSHOP

Torenzo Elisala:
Dauanalgaw PBC Chair

“Such an integral part to any organisation is the board and how they conduct business. I strongly recommend all PBC's to access this training delivered from ORIC and utilise our wonderful staff in GBK who are more than happy to assist; cannot thank the GBK staff enough for behind-the-scenes efforts to put everything together.

This has been the first time Dauanalgaw PBC engaged in this type of workshop, it was a great opportunity for my directors to reflect on their roles and responsibilities as a director of a corporation and what the role really entails. In the past because of funding restraints, it has been hard organising training for any corporation in the region.

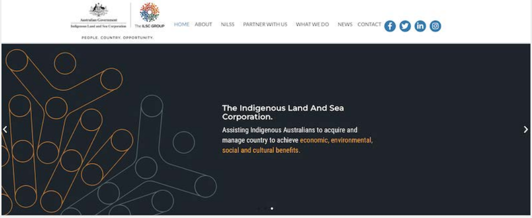
After this has been delivered it really put things into perspective for my directors on how we conduct business and how as a director they play the key role to make important decisions to represent our people and have a positive outcome to benefit our future generations to come”

Introducing GBK Stakeholders

Each newsletter will introduce a stakeholder GBK is working with which is of interest to our Native Title Holders.

Our first stakeholder is the ILSC

INDIGENOUS LAND AND SEA CORPORATION (ILSC)



The Indigenous Land And Sea Corporation.

Assisting Indigenous Australians to acquire and manage country to achieve economic, environmental, social and cultural benefits.

Welcome to the Indigenous Land and Sea Corporation
Connecting People, Country and Opportunity

Welcome to the ILSC

Returning and managing Country 2021-22

Our Country. Our Future - At a glance

The Indigenous Land and Sea Corporation (ILSC) was established in 1995 to provide for the contemporary and future land needs of Indigenous Australians, particularly those unlikely to benefit from Native Title or Land Rights.

As the custodian of funds held in trust for Aboriginal and Torres Strait Islander people, the ILSC assists Indigenous Australians to acquire and manage land and waterrelated rights so that they can enjoy the rightful entitlements, opportunities and benefits that the return and management of country brings.

In redressing dispossession, the ILSC's acquisition and management functions serve to assist Indigenous Australians to:

1. Maintain and grow the value and productivity of country;
2. Own and manage country sustainably;
3. Influence policy and opportunity for country; and
4. Strengthen culture through re-connection to country

The ILSCs' grant program – *Our Country Our Future* – provides assistance for acquiring and managing rights and interests in land, salt water and fresh water country in order to achieve this vision.

The *Our Country Our Future* grant program is an ongoing opportunity – to learn more, check out the Program Guidelines

NEWS OF INTERESTS TO NATIVE TITLE HOLDERS

AUSTRALIA
FEDERAL COURT
OF AUSTRALIA

On Monday, 27 February 2023, Justice Mortimer of the Federal Court of Australia delivered her judgment in the Warral and Ului Imagenative title claim. Her Honour decided that "the Badulgal and Mualgal hold joint native title in Warral and Ului, in the same way they hold joint native title over neighbouring islands like Dadalai, Zurath and Tuin and the other islands near them".

Learn More

Justice Mortimer was also involved in another key native title decision this month. Together with two other Federal Court judges, judges Moshinsky and Banks-Smith, she had to make a decision about a compensation claim made by Gumatj clan leader Dr Galarrwuy Yunupingu in 2019.

Dr Yunupingu, who passed away in April this year, argued that the Commonwealth did not pay his people compensation when in 1968 the government allowed a mining company to mine his traditional country in Arnhem Land without seeking the agreement of the Traditional Owners. He argued that the Commonwealth did have to pay compensation under section 51 of the Constitution, which says that the Commonwealth can take away land if they pay the landowner 'just terms' compensation.

The Commonwealth argued that it did not have to pay compensation. On 22 May, in their decision, the judges rejected all of the arguments of the Commonwealth. The case will now go on and the judges will most likely be asked to decide about how much compensation the government has to pay to the Traditional Owners. Some newspapers reported that the Traditional Owners are seeking up to $ 700m in compensation.

Link to decision: Yunupingu on behalf of the Gumatj Clan or Estate Group v Commonwealth of Australia [2023] FCAFC 75 (fedcourt.gov.au)

Message from Marine Safety Queensland who has engaged GBK to assist with consultations about important navigation aids:

$3.9m upgrade to marine navigation network

The waters of the Torres Strait are used daily as a workplace and commuter routes as well as for cultural and recreational activities, with marine aids to navigation crucial to making sure those using these waters return home safely.

The Queensland Government has committed $3.9 million to upgrade the maritime aids to navigation network in the Torres Strait to ensure safe passage in the region. As the lead agency for the delivery of this initiative, Maritime Safety Queensland has a long and successful history of working with traditional owners and key stakeholders in the Torres Strait region to delivery maritime infrastructure and safety services.

Maritime Safety Queensland (MSQ) is undertaking consultation with waterway users and key stakeholders as well as conducting site visits to assess the requirements for aids to navigation in the region. From the consultation so far, MSQ has been able to identify options to upgrade the aids to navigation in the region.

MSQ is now seeking the feedback from native title holders on the suitability of the marine aids to navigation in your area. MSQ will work through GBK to arrange consultation meetings with the PBCs over the coming weeks.

MSQ expects the project to take around two years to complete, with any changes to the existing aids to navigation expected to commence from late 2023.

ABC News coverage

2022 Sea Claim Determiantion

We thought you might also be interested in two stories that the ABC has published on the sea determination.

The first is a long article on the connection of native title holders in the Torres Strait region to their sea country. Decades after Eddie Mabo's historic native title case, a new court victory brings his dream full circle - ABC News

The article follows a podcast by ABC law reporter Damien Carrick who spent a couple of days on TI interviewing native title holders at the sea claim determination in November 2022. You can listen to the report here: Singing to the sea - ABC Radio National

Both reports include beautiful recordings of Betty Tekahika, Falen Passi, Kapua George Gutchen, Brian Williams and Enid Tom singing about their sea country.

Traditional singing was an important part of the evidence in the claim.

Those of you who were able to attend the native title determination celebrations on TI , will remember Justice Mortimer, the Federal Court judge who is responsible for the sea claim, speaking about the evidence that was presented to her. She said that she has never seen such a treasure trove of material. She was struck by people's understanding of their sea country, how they "talked about the waves crashing on the Great Barrier Reef and the sound they heard after that, the way they could navigate at night with the stars, the way they knew one reef from another reef". She also said that the "depth of knowledge is something I think that it's hard for outsiders to comprehend".

If you would like to listen to the Justice Mortimer's moving comments when she delivered her judgment, you watch the Youtube Clip posted by Cape York Land Council:

CAPE YORK LAND COUNCIL
www.cylc.org.au

Justice Mortimer calls for truth-telling to begin at historic sea claims determinations in Waiben.
Cape York Land Council (Link https://youtu.be/ecmbmVRO9-I)

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GET IN TOUCH
WITH US

07 4083 1000 | admin@gbk.org.au

GBK Complaints and Review Process