

Mer Gedkem Le (Torres Strait Islanders) Corporation RNTBC

OVERVIEW

The Mer Gedkem Le (Torres Strait Islanders) Corporation RNTBC, located on Mer Island, administers land on behalf of the Meriam people. The Meriam people's ownership of Mer, Waier and Dauar Islands was recognised in two distinct native title determinations: the *Mabo* decision and the *Meriam People* determination.

The celebrated *Mabo* decision was the first recognition that the common law of Australia required the recognition of pre-existing rights and interests in land and waters according to the traditional laws and customs of Aboriginal and Torres Strait Islanders people. Finally decided by the High Court of Australia in 1992, the struggle of the Meriam Islanders to have their native title recognised began much earlier when Eddie Mabo and others first began to claim their land.

The *Mabo* decision had a powerful impact upon Australian property law as it overturned the concept of terra nullius on which, Australia's whole land tenure system had been based. For the Meriam people, the Mabo decision recognised that they owned the island of Mer in the Murray Islands in the Torres Strait, under Ailan Lore and Kastom.

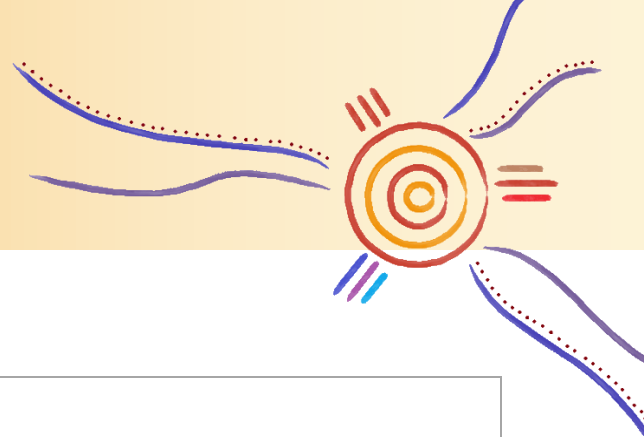
The *Meriam People* determination concerned two islands that had been early excluded from the *Mabo* decision because the factual arguments around these islands were harder to prove in court than the Mer Island claim.

In June 1998, Sam Wailu, James Rice, Andrew Passi, Fredwin Barsa, Terry Tapim, and George Kaddy claimed title to Waier and Dauar Islands in the National Native Title Tribunal on behalf of the Dauwereb people who are a subgroup of the Meriam people. This claim was successfully negotiated between the parties. All parties agreed to recognise the Meriam peoples' right to possess, occupy, use and enjoy the land. This agreement was approved by Justice Black as a consent determination in June 2001.

In addition to the *Mabo* decision and the *Meriam People* determination, the Mer Gedkem Le (Torres Strait Islanders) Corporation also administers two Indigenous Land Use Agreements between Meriam Islanders and the Australian Custom Service and Ergon Energy, respectively.

RNTBC PROFILE

NAME OF RNTBC ORIC	MER GEDKEM LE (TORRES STRAIT ISLANDERS) CORPORATION RNTBC
TYPE OF RNTBC ATNS	AGENT AND TRUSTEE
STATE/TERRITORY	QLD (TSI)
MAP NNTT HYPERLINK	National Native Title Tribunal Produced Map
CONTACT DETAILS ORIC HYPERLINK	The following contact details are subject to change. Check ORIC for recent details: Contact Officer: Aven Noah Mail Address: Douglas Falin Lassington Passi, Mer Island, Torres Strait via, THURSDAY ISLAND QLD Phone Number: 07 4069 4090 Email Address: lam@mergedkemle.org.au



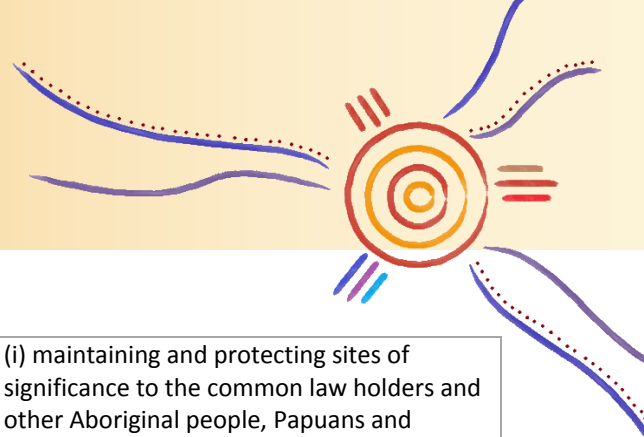
RNTBC ADMINISTRATION

INDIGENOUS CORPORATION NUMBER	3282
DATE OF INCORPORATION	04/08/1998
Documentation ORIC HYPERLINK	Documentation, Rules, Member List, etc.

NATIVE TITLE DETERMINATION INFORMATION

NNTT SHORT NAME NNTT HYPERLINK	MABO	MERIAM PEOPLE
CASE LAW AUSTLII HYPERLINK	Mabo v Queensland (No 2) [1992] HCA 23; (1992) 175 CLR 1 (3 June 1992)	Andrew Passi on behalf of the Meriam People v State of Queensland [2001] FCA 697
DATE OF DETERMINATION	03/06/1996	14/06/2001
TYPE OF DETERMINATION ATNS HYPERLINK	LITIGATED DETERMINATION	CONSENT DETERMINATION
DETERMINATION OUTCOME	NATIVE TITLE EXISTS IN PARTS OF THE DETERMINATION AREA	NATIVE TITLE EXISTS IN THE ENTIRE DETERMINATION AREA
TRIBUNAL FILE NO	QCD1992/001	QCD2001/006
FEDERAL COURT FILE NO	B012/1982	QUD6204/1998
NATIVE TITLE RIGHTS AND INTERESTS ¹	Putting to one side the Islands of Dauer and Waier and the parcel of land leased to the Trustees of the Australian Board of Missions and those parcels of land (if any) which have validly been appropriated for use for administrative purposes the use of which is inconsistent with the continued enjoyment of the rights and privileges of the Meriam people under native title, declare that the Meriam people are entitled as against the whole world to possession, occupation, use and enjoyment of the lands of the Murray Islands.	The nature and extent of the native title rights and interests in relation to the determination area are the rights and interests of the common law holders to possess, occupy, use and enjoy the determination area in accordance with their traditional laws and customs and in particular to: (a) live on the determination area; (b) conserve, manage, use and enjoy the natural resources of the determination area for the benefit of the common law holders including for social, cultural, economic, religious, spiritual, customary and traditional purposes; (c) maintain, use and manage the determination area for the benefit of the common law holders by:

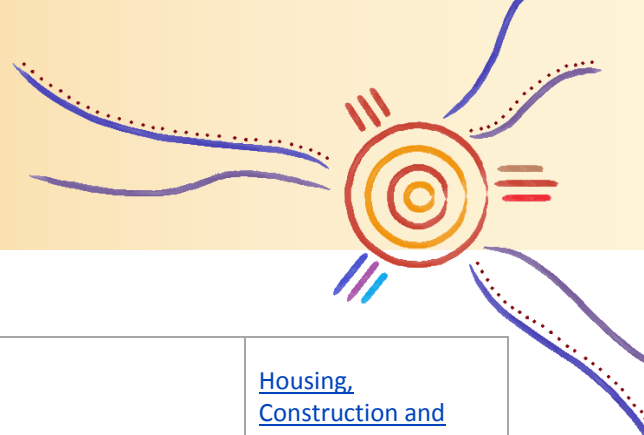
¹ These native title rights and interests are subject to the laws of the Commonwealth and the State of Queensland. They may also be subject to particular interests specified in the determination.



		<p>(i) maintaining and protecting sites of significance to the common law holders and other Aboriginal people, Papuans and Torres Strait Islanders on the determination area;</p> <p>(ii) inheriting, disposing of or giving native title rights and interests in the determination area to others being members of the common law holders pursuant to their traditional laws and customs;</p> <p>(iii) deciding who are the common law holders provided that such persons must be Torres Strait Islanders within the meaning of that term in the Native Title Act 1993 (Cth);</p> <p>(iv) regulating among, and resolving disputes between, the common law holders in relation to the rights of possession, occupation, use and enjoyment of the determination area;</p> <p>(v) conducting social, religious, cultural and economic activities on the determination area; and</p> <p>(d) make decisions about and control the access to, and the use and enjoyment of, the determination area and its natural resources.</p>
AREA OF LAND	5 SqKm	
GENERAL LOCATION OF DETERMINATION AREA	MER (ONE OF THE MURRAY ISLANDS) TORRES STRAIT	WAIER & DAUAR ISLANDS (MURRAY ISLANDS) TORRES STRAIT
NTRB REGION NTRB HYPERLINK	TORRES STRAIT REGIONAL AUTHORITY	

AGREEMENTS

AGREEMENT NAME ATNS HYPERLINK	NNTT FILE NO. NNTT HYPERLINK	TYPE OF AGREEMENT	SUBJECT MATTER (NNTT)	SUBJECT MATTER (ATNS) ATNS HYPERLINK
IBIS/MER GEDKEM LE CORPORATION/ABORIGINAL AND ISLANDER AFFAIRS CORPORATION ILUA	QI2012/067	BODY CORPORATE AGREEMENT	INFRASTRUCTURE	Housing, Construction and Infrastructure



AUSTRALIAN CUSTOMS SERVICE ANTENNA INDIGENOUS LAND USE AGREEMENT (ILUA)	QI2002/065	BODY CORPORATE AGREEMENT	INFRASTRUCTURE	Housing, Construction and Infrastructure Native Title Future Act Land Use
ERGON - MER INDIGENOUS LAND USE AGREEMENT (ILUA)	QI2005/019	BODY CORPORATE AGREEMENT	INFRASTRUCTURE	Housing, Construction and Infrastructure Native Title
Mer Island State School Indigenous Land Use Agreement (ILUA)	QI2010/027	BODY CORPORATE AGREEMENT	DEVELOPMENT	Education Housing, Construction and Infrastructure Local Government
Mer Reserve Transfer Indigenous Land Use Agreement (ILUA)	QI2012/128	BODY CORPORATE AGREEMENT	INFRASTRUCTURE	Economic Development Future Act Housing, Construction and Infrastructure Land Management Land Planning Land Use Local Government Management / Administration Native Title

ADDITIONAL ELECTRONIC RESOURCES

Media releases	National Native Title Tribunal, Tribunal acknowledges milestone in native title – 20 years since Mabo (28 May 2012) Available at: http://www.nntt.gov.au/News-and-Publications/latest-news/Pages/20yearssinceMabo.aspx
	National Native Title Tribunal, <i>Tribunal congratulates parties on ground breaking</i> (14 June 2001) Available at: http://www.nntt.gov.au/News-and-Publications/latest-news/Pages/Tribunal_congratulates_parties_on_ground.aspx
Digital Learning	National Film and Sound Archive, Mabo (2008)
Academic Commentary	Australian Bureau of Statistics, THE MABO CASE AND THE NATIVE TITLE ACT (1995)
	Strelein L 2009, Compromised Jurisprudence: Native title cases since Mabo, 2nd Edition, Chapter 1: Recognising native title in Australian law: Mabo v Queensland [No 2] , Aboriginal Studies Press
Case Summary	Native Title Newsletter (PDF 93KB), NATIVE TITLE IN THE NEWS – MAY & JUNE 2001 National (May/June 2001) p. 3.