
Media Release | Historic win for homeownership rights in the Torres Strait

The Torres Strait Island Regional Council welcome the landmark decision of the Land Court of Queensland handed down on Monday 3 April 2017 by President Kingham. This clears the way for the immediate grant of potentially more than 100 pending valid LHA (Katter) leases in the Torres Strait region after nearly 30 years of waiting by lease entitlement holders.

The Land Court found that native title was not a 'practical obstacle' preventing the immediate grant of the valid lease entitlements, provided there were no other practical obstacles, such as roads or public infrastructure constructed on the lease areas since they were applied for between 1985 and 1991, to now.

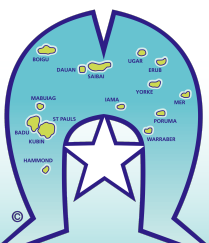
Further, the Land Court applied section 24IB of the *Native Title Act 1993* (Cth) to find that where a lease entitlement is valid and no other practical obstacle exists, the LHA lease will extinguish native title over the lease site, granting exclusive possession to the entitlement holder (lessee) perpetually (forever).

This is as close to ordinary Freehold as a homeowner can presently get in the Torres Strait, and enables the grant of ordinary Freehold at a future time if the Trustee of the land makes this option available, and the LHA lessees agree to accept the grant.

The State and Council (as Trustee) both agreed in the litigation, that the applicants' original LHA lease applications had followed the appropriate open, transparent and compliant legislative processes of the day, resulting in the applicants receiving a valid and legally enforceable interest in land.

Council wish to acknowledge and applaud the courage of Mr Seriako Dorante, and Mr Peter Sabatino who decided to assert their legal rights as lease entitlement holders over their two parcels of land on Hammond Island to the Land Court of Queensland in Brisbane, and now walk away with a Court order directing the Minister for Lands to change his decision not to grant their leases due to a practical obstacle (native title) existing.

This decision of the Land Court now puts beyond doubt, that there is, without question, a clear and fast legal pathway available to the Minister for Lands to immediately grant the remaining 100+ valid and eligible LHA leases not only on Hammond Island, but across the entire Torres Strait region and mainland remote Aboriginal communities.



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Council calls upon the Minister for Lands and the State of Queensland, after 30 years of waiting, to now utilise this legal pathway set by Mr Dorante and Mr Sabatino, to immediately grant remaining valid LHA lease entitlements across the Torres Strait, without any further delay.

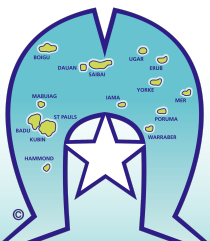
Unfortunately, already too many LHA lease entitlement holders will never get to see the grant of their valid leases, having now sadly passed away. If this legal pathway is finally taken by the Minister for Lands, all surviving lease entitlement holders / beneficiaries across the region can reasonably expect to receive their leases very soon.

Council continues to respect the primacy of Native Title rights and interests which continue to exist across our region, and acknowledge that they must be addressed via Indigenous Land Use Agreement for the grant of any lease other than these historical LHA (Katter) leases.



Cr Fred Gela
Mayor

For further queries please contact Manager Engagement, Bianca Barling-Seden through Bianca.Barling-Seden@tsirc.qld.gov.au or 0400 856 333.



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