



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: QUD98/2007  
NNTT number: QC2007/003

**Application Name:** Kulkalgal People #2

**Application Type:** Claimant

**Application filed with:** Federal Court of Australia

**Date application filed:** 29/03/2007

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**Current status:** Full Approved Determination - 19/06/2014

**Registration information:** Please refer to the Register of Native Title Claims/National Native Title Register (as appropriate) for registered details of this application.

**Date claim entered on Register of Native Title Claims:** 05/07/2007

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 5/07/2007 to 26/06/2014,

**Date claim / part of claim determined:** 19/06/2014

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**Applicants:** Dan Murray Mosby

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Torres Haus  
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Thursday Island QLD 4875  
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## Additional Information

Not applicable

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## Persons claiming to hold native title:

The claim group are the Kulkalgal, being:

(a) the members of the Warraberalgal, Porumalgal and Masigalgal who are the descendants of one or more of the following apical ancestors: Garibu, Panipani, Gaibiri, Largud, Gagabe, Wawa, Mapoo, Baki, Laieh, Gavid, Kalai, Sidmu, Aklan, Gewe Jack, Auara, Wabu, Asaia Messiah, Alau Messiah, Apelu, Tabu, Seregay, Maudar, Ikasa or Kudin; and

(b) Torres Strait Islanders who have been adopted by one or more of the descendants of the above listed apical ancestors in accordance with the traditional laws acknowledged and traditional customs observed by those people.

### **Native title rights and interests claimed:**

#### Native Title Rights and Interests

The native title rights and interests possessed under traditional laws acknowledged and traditional customs observed by the applicants are the same as those identified by the High Court of Australia in *Mabo v Queensland (No 2)* 107 ALR 1 in respect of Mer Island.

That is, the Native Title Claim Group were and are "entitled as against the whole world to possession, occupation, use and enjoyment" of the Claim Area.

Accordingly, the Native Title Claim Group states as follows:

1. The Native Title Claim Group are traditional owners of the Claim Area, and as such have exclusive proprietary and beneficial rights in the Claim Area. The Native Title Claim Group believes that their native title rights to the Claim Area includes:

- (a) the right of possession, occupation, use and enjoyment to the exclusion of all others;
- (b) the right to manage and care for the Claim Area, including its material resources;
- (c) the right to transmit rights of ownership to others, in particular to descendants of members of the Native Title Claim Group.

2. Rights deriving from the proprietary and beneficial rights include:

- (a) the right to access and occupy the Claim Area;
- (b) the right to take, use, enjoy and develop the natural resources of the Claim Area;
- (c) the right to derive economic benefit from the Claim Area, including trade in its resources;
- (d) the right to share in the benefit of resources taken from the Claim Area by others.
- (e) the right to make decisions about, speak authoritatively for and manage and conserve the Claim Area and its resources;
- (f) the right to control access, occupation, use and enjoyment of the Claim Area and its resources by others;
- (g) the right to speak for, protect and control access to the indigenous cultural heritage of the Claim Area, including places of particular significance;
- (h) the right to maintain, manage, develop and transmit the indigenous cultural heritage of the Claim Area;
- (i) the right to conduct social, cultural and religious activities on the Claim Area;
- (j) the right to resolve disputes concerning the Claim Area or membership of the native title group.

No native title rights or interests are claimed where such rights have previously been extinguished and such extinguishment cannot be disregarded by virtue of sections 47(2), 47A(2) and 47B(2).

**Application Area:**           **State/Territory:** Queensland  
**Brief Location:** Zuizin (Half Way Island)  
**Primary RATSIB Area:** Torres Strait  
**Approximate size:** 0.1394 sq km  
(Note: There may be areas within the external boundary of the application that are not claimed.)  
**Does Area Include Sea:** Yes

**Area covered by the claim (as detailed in the application):**

The area covered by the application (the Claim Area) is Zuizin (Half Way Island), being the land described as Lot 49 on Survey Plan TS208, in the County of Torres in the State of Queensland.

AND INCLUDES all that land, waters, seas, seabeds, reef, rivers, riverbeds and banks encompassed within the abovementioned area to the high water mark\*.

\*High water mark has the meaning ascribed to it in the Land Act 1994 (Qld).

**Attachments:**           1. Boundries of claim area, 1 page - A4, 21/05/2014  
                                  2. General locality of the claim area, 1 page - A4, 21/05/2014

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