



Extract from Schedule of Native Title Applications

Application Reference: Federal Court number: QUD10/2019
NNTT number: QC2008/007

Application Name: Milton Savage & Ors on behalf of the Kaurareg People #2 and State of Queensland & Ors (Kaurareg People #2)

Application Type: Claimant

Application filed with: Federal Court of Australia

Date application filed: 28/08/2008

Current stage(s): Notification complete, Part Determination

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: 13/02/2009

Registration decision status: Accepted for registration

Registration history: Registered from 13/02/2009

Date claim / part of claim determined: 30/11/2022

Applicants: Milton Seeka Savage, Donald Paul Marou, Thomas Ned Savage, Paul Tom, Elizah Wasaga

Address(es) for Service: James Walkley
Chalk & Behrendt Lawyers and Consultants
Level 1, 63 Foveaux Street
Surry Hills NSW 2010
Phone: (02) 9231 4544
Fax: (02) 9231 4244

Additional Information

On 30 November 2022, the Federal Court determined that native title exists in parts of the application area - see David on behalf of the Torres Strait Regional Seas Claim v State of Queensland [2022] FCA 1430. That determination was registered on the National Native Title Register on 5 December 2022. Pursuant to s 190(4)(e) the application remains on the Register of Native Title Claims only to the extent that it relates to the undetermined area. A map and technical description showing the area of the application that remains to be determined, as interpreted by the National Native Title Tribunal, are attached for information only. These attachments do not form part of the application. On 14 September 2023, the Federal Court ordered by consent that the determination made on 30 November 2022 be varied. Please refer to the NNTR extract - QCD2022/013 for further details.

Persons claiming to hold native title:

The Native Title Claim Group on whose behalf the claim is made is the Kaurareg Aboriginal People, being the descendants of the following people:

Makaku & Buiya
Kaugapiri
Zagra Snr/Jack Prince of Wales & Kamur
Kaitap & Serei
Urui
Daiam & Duni
Baetie
Bagie
Rattler Tom
Papoose & Pau Pai Kai
Kanamuri & Neru Pearson
Panipan

Native title rights and interests claimed:

The Applicants claim the following non-exclusive rights in relation to the whole of the Application area:

- (a) The right to access, traverse and be present on the Application Area;
- (b) The right to fish, hunt, gather and use natural resources on and from the Application Area, including the right to hunt and take turtle and dugong;
- (c) The right to trade and exchange the natural resources of the Application Area;
- (d) The right to manage and conserve the sea, seabed and the natural resources of the Application Area;
- (e) The right to speak for and about and make decisions with respect to the Application Area;
- (f) The right to access and protect sites of spiritual or cultural significance on the Application Area;
- (g) The right to maintain and transmit knowledge in respect of the Application Area and its resources;
- (h) The right to conduct, transmit and maintain cultural, spiritual and religious practices in respect of the Application Area;
- (i) The right to inherit, succeed and transmit the Native Title Rights and Interests in the Application Area to other Native Title Holders;
- (j) The right to resolve disputes between the Native Title Holders in relation to the Application Area;
- (k) The right to build structures for the purposes of hunting, fishing and gathering in the Application area, including stone fish traps and dugong platforms;
- (l) The right to anchor and moor vessels; and
- (m) Such other rights and interests that the Court considers appropriate on the evidence.

Application Area: **State/Territory:** Queensland
Brief Location: Torres Straits
Primary RATSIB Area: Torres Strait
Approximate size: 0.2805 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):

1. The area covered by the Application is the land and waters described in Attachment B and shown as within the red line on the Map comprising Attachment C but excluding:
 - (a) the lands and waters the subject of Federal Court Proceedings QUD 6040 of 2001 (*Akiba & Ors v State of Queensland & Ors*) which is shown by the Red Hatching on the Map comprising Attachment C;
 - (b) the land and waters between High Water Mark and Low Water mark for that part of the claimed land and waters which adjoins the mainland of Cape York; and
 - (c) the Determination of Drummond J made 23 May 2001 in *Kaurareg People v Queensland* (QG 6023 of 1998, QG 6024 of 1998, QG 6025 of 1998, QG 6026 of 1998 and QG 6027 of 1998).
2. Subject to (3) below, the areas of land and waters within the boundaries referred to in Attachments B and C which are not covered by the application are:
 - (a) any area that is, or was, subject to any of the following acts as defined in the *Native Title Act 1993* (Cwlth) or the *Native Title (Queensland) Act 1993* (Qld):
 - (i) Category A Past Act;
 - (ii) Category A Intermediate Period Act;
 - (iii) Category B past act that is wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests;
 - (iv) Category B Intermediate Period Act that is wholly inconsistent with the continued existence, enjoyment or exercise of any native title rights or interests;
 - (v) Previous Exclusive Possession Act;
 - (b) any other area in relation to which native title rights and interest have otherwise been wholly extinguished;
 - (c) any area for which there is an approved determination of native title, as defined in the Native Title Act.
3. Notwithstanding anything contained elsewhere in this Application, the area covered by the Application includes any area in relation to which the non-extinguishment principle (as defined in section 238 of the Native Title Act) applies, including any area to which section 47, 47A or 47B of the Native Title Act applies.
4. Where there is any discrepancy between the map provided at Attachment C and the written description contained in this schedule, the latter prevails.

Attachments:

1. External Boundary Description, Attachment B of the application, 3 pages - A4, 28/08/2008
2. Map of Claim Area, Attachment C of the application, 1 page - A4, 28/08/2008
3. QC2008_007 Description of Undetermined Area, 2 pages - A4, 30/11/2022
4. QC2008_007 Map of Undetermined Area, 1 page - A3, 30/11/2022

End of Extract