



# Extract from Schedule of Native Title Applications

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**Application Reference:** Federal Court number: QUD24/2019  
NNTT number: QC2010/003

**Application Name:** Milton Savage & Ors on behalf of the Kaurareg People #3 and State of Queensland & Ors (Kaurareg People #3)

**Application Type:** Claimant

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

**Date application filed:** 30/08/2010

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**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:** 03/12/2010

**Registration decision status:** Accepted for registration

**Registration history:** Registered from 3/12/2010

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

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

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## **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.

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### **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

Gaugabiri (sometimes spelt 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 right to possession, occupation, use and enjoyment as against the whole world. The Applicants only claim a right of exclusive possession, occupation, use and enjoyment in relation to those parts of the Claim Area which have not been the subject of a Previous Exclusive Act apart from those areas where ss.47, 47A or 47B apply.

Further and in the alternative, the Applicants claim the following non-exclusive rights in relation to the whole of the Application area:

- (a) The right to possession, occupation and enjoyment of the Application Area;
- (b) The right to access, traverse and be present on the Application Area;
- (c) The right to fish, hunt, gather and use natural resources on and from the Application Area;
- (d) The right to trade and exchange the natural resources of the Application Area;
- (e) The right to live on the Application Area;
- (f) The right to manage and conserve the land and the natural resources of the Application Area;
- (g) The right to speak for and about and make decisions with respect to the Application Area;
- (h) The right to access and to protect sites of spiritual or cultural significance on the Application Area;

- (i) The right to maintain and transmit knowledge in respect of the Application Area and its resources;
- (j) The right to conduct, transmit and maintain cultural, spiritual and religious practices in respect of the Application Area;
- (k) The right to inherit, succeed and transmit the Native Title Rights and Interests in the Application Area to other Native Title Holders;
- (l) The right to resolve disputes between the Native Title Holders in relation to the Application Area;
- (m) The right to build structures for the purposes of hunting, fishing and gathering in the Application area, including stone fish traps and dugong platforms;
- (n) The right to be buried on and bury native title holders on the Application Area; and
- (o) Such other rights and interests that the Court considers appropriate on the evidence.

**Application Area:**                    **State/Territory:** Queensland  
**Brief Location:** Torres Strait.  
**Primary RATSIB Area:** Torres Strait  
**Approximate size:** 34.7430 sq km  
 (Note: There may be areas within the external boundary of the application that are not claimed.)  
**Does Area Include Sea:** No

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

1. The area covered by the Application is land and waters described in Attachment B and shown on the Map comprising Attachment C but excluding:

- a) The land and waters the subject of Federal Court Proceedings QUD267/08 (Kaurareg People #2),
- b) The land and waters the subject of Federal Court Proceedings QUD 266/08 (Kaurareg People #1, and
- c) The land and waters the subject of Federal Court Proceedings QUD6040/01 (Torres Strait Regional Sea Claim).

2. Subject to (3) below, the areas of land and waters within the boundaries referred to in (1) and Attachment 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 interests 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. Notwithstanding anything contained elsewhere in this Application, the Application area excludes the land and waters the subject of:

- (a) the Determination of Dowsett J made 13 April 2006 in *Manas on behalf of the Mualgal People v State of Queensland* (QUD 6003 of 2002); and
- (b) the Determination of Dowsett J made 13 April 2006 in *Nona and Manas on behalf of the Baduagal and Mualgal People v State of Queensland* (QUD 6002 of 2002); and
- (c) the Application of *Nona on behalf of the Badu People (Warral and Ului)* (Federal Court proceedings QUD 6005 of 2002) filed 4 March 2002.

5. 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. Mpa of Claim Area, Attachment C of the application, 1 page - A4, 30/08/2010
  2. External Boundary Description, Attachment B of the application, 5 pages - A4, 30/08/2010
  3. QC2010\_003 Description of Undetermined Area, 3 pages - A4, 30/11/2022
  4. QC2010\_003 Map of Undetermined Area, 1 page - A3, 30/11/2022
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End of Extract