



# Extract from the National Native Title Register

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## Determination Information:

**Determination Reference:** Federal Court Number(s): QUD6002/2002  
NNTT Number: QCD2006/002

**Determination Name:** [Nona and Manas v State of Queensland](#)

**Date(s) of Effect:** 13/04/2006

**Determination Outcome:** Native title exists in the entire determination area

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## Register Extract (pursuant to s. 193 of the *Native Title Act 1993*)

**Determination Date:** 13/04/2006

**Determining Body:** Federal Court of Australia

### ADDITIONAL INFORMATION:

Not Applicable

### REGISTERED NATIVE TITLE BODY CORPORATE:

Badu Ar Mua Migi Lagal (Torres Strait Islanders) Corporation  
RNTBC  
Trustee Body Corporate  
PO Box 164  
THURSDAY ISLAND QLD 4875

*Note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations [www.oric.gov.au](http://www.oric.gov.au)*

### COMMON LAW HOLDER(S) OF NATIVE TITLE:

The Badualgal and Mualgal Peoples, being:

(a) the descendants of one or more of the following apical ancestors:

Getawan, Sagul, Uria, Baira, Inor, Zimoia, Newar, Sagigi, Jawa, Wairu, Paipe, Waria, Kamui, Mabua, Laza, Gainab, Zaua, Walit, Namagoin, Alageda, Mariget, Bazi, Ugarie, Karud, Dauwadi, Gizu, Aupau, Zarzar, Samukie and Tuku, Babun, Kupad, Goba, Maga, Kanai, Kulka, Anu Namai, Maiamaia, Gai, Nakau, Iaka/Aiaka and Dadu, Waina and Jack Moa and Koia; and

(b) Torres Strait Islanders who have been adopted by the above people in accordance with the traditional laws acknowledged and traditional customs observed by those people.

## MATTERS DETERMINED:

BY CONSENT THE COURT DETERMINES THAT:

1. Native title exists in relation to the land and waters on the landward side of the High Water Mark of Lot 124 on Crown Plan TS267 known as Matu Island (also referred to as Whale Island), Lot 129 on Crown Plan TS267 known as Zurat Island (also referred to as Phipps Island), Lot 132 on Crown Plan TS267 known as Kulbai Kulbai Island (also referred to as Spencer Island), Lot 53 on Crown Plan TS272 known as Ngurtai Island (also referred to as Quoin Island), Lot 59 on Crown Plan TS272 known as Maitak Island (also referred to as Wilson Island), Lot 64 on Crown Plan TS272 known as Kanig Island (also referred to as Duncan Island), Lot 85 on Crown Plan TS276 known as Ilapnab Island (also referred to as Green Island), Lot 96 on Crown Plan TS276 known as Tukupai Island (also referred to as Clarke Island), Lot 101 on Crown Plan TS276 known as Ngul Island (also referred to as Browne Island), Lot 103 on Crown Plan TS276 known as Tuin Island (also referred to as Barney Island), Lot 106 on Crown Plan TS276 known as Wia Island (also referred to as High Island), Lots 118 and 119 on Crown Plan TS267 known as Logan Rocks, Lots 120-123 on Crown Plans TS267, Lots 125-128 on Crown Plan TS267, Lots 130, 131 & 133 on Crown Plan TS267, Lot 174 on Crown Plan TS267 known as Gainaulai Island, Lot 175 on Crown Plan TS267 known as Tuft Rock, Lot 176 on Crown Plan TS267, Lots 54-56 on Crown Plan TS272, Lot 57 on Crown Plan TS272 known as Meth Islet, Lot 58 on Crown Plan TS272, Lots 60-63 on Crown Plan TS272, Lots 65-80 on Crown Plan TS272, Lots 82-84, 86-89, 97-100, 102, 104, 105 and 107 on Crown Plan TS276, Lot 182 on Crown Plan TS279 known as Dadalai Island (also referred to as Canoe Island) and Lots 183-184 on Crown Plan TS279 and shown on the plans in Schedule 1 ("the Determination Area") as shown on the plan in Sch 1 to this order.
2. The persons holding the communal or group rights comprising the native title are set out in Sch 2 to this order.
3. The nature and extent of the native title rights and interests in relation to the determination area are:
  - (a) to possession, occupation, use and enjoyment of all land in the determination area to the exclusion of all others; and
  - (b) in relation to all water in the determination area, the right to:
    - (i) hunt and fish in or on, and gather from, the water for the purpose of satisfying personal, domestic or non-commercial communal needs; and
    - (ii) take, use and enjoy the water for the purpose of satisfying personal, domestic or non-commercial communal needsprovided that such right to water does not confer any right to possession, use or enjoyment thereof to the exclusion of others.
4. Such native title is subject to, and exercisable in accordance with:
  - (a) the laws of the Commonwealth of Australia and the State of Queensland including the common law;
  - (b) traditional laws acknowledged, and traditional customs observed, by the native title holders; and
  - (c) other interests in relation to the determination area as set out in Sch 3 to this order, the relationship between the native title and those other interests being that:
    - (i) such other interests continue to have effect, and the rights conferred by, or held thereunder, may be exercised notwithstanding the existence of the native title; and
    - (ii) such other interests and any activity done in exercise of the rights conferred by, or held thereunder, prevail over the native title and any exercise of the native title.
5. If a word or expression is not defined in this order, but is defined in the Native Title Act 1993 (Cth), then it has the meaning given to it in the Native Title Act 1993 (Cth). In addition to the other words defined in this order:
  - (a) "high water mark" has the meaning given to it in the Land Act 1994 (Qld);
  - (b) "laws of the Commonwealth of Australia and the State of Queensland" means the common law and the laws of the Commonwealth of Australia and the State of Queensland;
  - (c) "local government" has the meaning given to it in the Local Government Act 1993 (Qld); and
  - (d) "water" has the meaning given to it in the Water Act 2000 (Qld).
6. The native title be held in trust by the Badu Ar Mua Migi Lacial (Torres Strait Islanders) Corporation for the benefit

of the native title holders.

## SCHEDULE 1 - NATIVE TITLE DETERMINATION PLAN

(See Attachment 1)

## SCHEDULE 2 - NATIVE TITLE HOLDERS

The Badualgal and Mualgal Peoples, being:

(a) the descendants of one or more of the following apical ancestors:

Getawan, Sagul, Uria, Baira, Inor, Zimoia, Newar, Sagigi, Jawa, Wairu, Paipe, Waria, Kamui, Mabua, Laza, Gainab, Zaua, Walit, Namagoin, Alageda, Mariget, Bazi, Ugarie, Karud, Dauwadi, Gizu, Aupau, Zarzar, Samukie and Tuku, Babun, Kupad, Goba, Maga, Kanai, Kulka, Anu Namai, Maiamaia, Gai, Nakau, Iaka/Aiaka and Dadu, Waina and Jack Moa and Koia; and

(b) Torres Strait Islanders who have been adopted by the above people in accordance with the traditional laws acknowledged and traditional customs observed by those people.

## SCHEDULE 3 - OTHER INTERESTS

The nature and extent of the other interests in relation to the determination area are:

(a) the interests of the State of Queensland in the following reserves, the interests of the persons in whom they are vested and the interests of the persons entitled to access and use those reserves for the respective purposes for which they are reserved:

- (i) Reserve 215 over Lot 124 on Crown Plan TS267; and
- (ii) Reserve 222 over Lot 129 on Crown Plan TS267;
- (iii) Reserve 221 over Lot 132 on Crown Plan TS267;
- (iv) Reserve 92 over Lot 53 on Crown Plan TS272;
- (v) Reserve 216 over Lot 59 on Crown Plan TS272;
- (vi) Reserve 217 over Lot 64 on Crown Plan TS272;
- (vii) Reserve 77 over Lot 85 on Crown Plan TS276;
- (viii) Reserve 79 over Lot 96 on Crown Plan TS276;
- (ix) Reserve 81 over Lot 101 on Crown Plan TS276;
- (x) Reserve 80 over Lot 103 on Crown Plan TS276; and
- (xi) Reserve 78 over Lot 106 on Crown Plan TS276.

(b) the interests, powers and functions of the Torres Shire Council as Local Government for Lot 124 on Crown Plan TS267; Lot 129 on Crown Plan TS267, Lot 132 on Crown Plan TS267, Lot 53 on Crown Plan TS272, Lot 59 on Crown Plan TS272, Lot 64 on Crown Plan TS272, Lot 85 on Crown Plan TS276, Lot 96 on Crown Plan TS276, Lot 101 on Crown Plan TS276, Lot 103 on Crown Plan TS276, and Lot 106 on Crown Plan TS276, Lots 118 and 119 on Crown Plan TS267, Lots 120-123 on Crown Plan TS267, Lots 125-128 on Crown Plan TS267, Lots 130, 131 & 133 on Crown Plan TS267, Lot 174 on Crown Plan TS267, Lot 175 on Crown Plan TS267, Lot 176 on Crown Plan TS267, Lots 54-56 on Crown Plan TS272, Lot 57 on Crown Plan TS272, Lot 58 on Crown Plan TS272, Lots 60-63 on Crown Plan TS272, Lots 65-80 on Crown Plan TS272, Lots 82-84, 86-89, 97-100, 102, 104, 105 and 107 on Crown Plan TS276, Lot 182 on Crown Plan TS279 and Lots 183-184 on Crown Plan TS279.

(c) the interests recognised under the Treaty between Australia and the Independent State of Papua New Guinea concerning Sovereignty and Maritime Boundaries in the area between the two Countries, including the area known as Torres Strait, and Related Matters signed at Sydney on 18 December 1978 as in force at the date of this order including the interests of indigenous Papua New Guinea persons in having access to the determination area for traditional purposes; and

(d) any other interests that may be held by reason of the force or operation of the laws of the Commonwealth of Australia or the State of Queensland including the common law.

**REGISTER ATTACHMENTS:**

1. Attachment 1 - SCHEDULE 1 - NATIVE TITLE DETERMINATION PLAN, 5 pages - A4,  
13/04/2006

*Note: The National Native Title Register may, in accordance with s. 195 of the Native Title Act 1993, contain confidential information that will not appear on the Extract.*