



# Extract from the National Native Title Register

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## Determination Information:

**Determination Reference:** Federal Court Number(s): QUD6003/2002  
NNTT Number: QCD2006/003

**Determination Name:** [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:

Mualgal (Torres Strait Islanders) Corporation RNTBC  
Trustee Body Corporate  
C/- Kubin Village  
MOA 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 Mualgal People, being:

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

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 185 on Crown Plan TS236 known as Murrabar Islet (also referred to as Channel Island, and Murbayl Islet) Lot 13 on Crown Plan TS247 known as Sarbi Islet (also referred to as Bond Island), Lot 14 on Crown Plan TS247 known as lem Islet (also referred to as North Possession Island), Lot 116 on Crown Plan TS277 known as Zagarsup Islet (also referred to as Zagarsum and also known as Tobin Island), Lot 117 on Crown Plan TS277 known as Kulbi Islet (also referred to as Portlock Island), Lots 113-115 on Crown Plan TS276, Lot 134 on Crown Plan TS277, Lot 10 on USL36708 known as Muknab Rock, and Lot 4 on USL36712 known as Kapril Rock and shown on the plan in Schedule 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 water 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 needs;

provided that such right to water does not confer any right to possession, use or enjoyment of the water 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 thereby, 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. That the native title be held in trust by the Mualgal (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 Mualgal People, being:

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

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 220 over Lot 13 on Crown Plan TS247; and
- (ii) Reserve 91 over Lot 117 on Crown Plan TS277;

(b) the interests, powers and functions of the Torres Shire Council as Local Government for Lot 185 on Crown Plan TS236, Lot 13 on Crown Plan TS247, Lot 14 on Crown Plan TS247, Lots 113-115 on Crown Plan TS276, Lot 116 on Crown Plan TS277, Lot 117 on Crown Plan TS277, Lot 134 on Crown Plan TS277, Lot 10 on USL36708 and Lot 4 on USL36712;

(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, 2 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.*