



ATTACHMENT IA

CONDITIONS UNDER SECTION 251BA OF THE ACT ON THE AUTHORITY OF THE APPLICANT TO MAKE THE APPLICATION AND TO DEAL WITH MATTERS ARISING IN RELATION TO IT

(See Schedule IA)

TORRES STRAIT REGIONAL SEAS CLAIM PART B APPLICANTS' PROTOCOL

1. On 18 June 2022, the Torres Strait Regional TSRSC Part B (TSRSC) group authorised the Applicants to replace the previous applicant for the TSRSC Part B native title determination application (QUD27/2019) (TSRSC Part B).

APPLICANTS TO ACT JOINTLY

2. The Applicants agree that they are, jointly, the applicant for the TSRSC Part B on behalf of the whole of the TSRSC group.

COMPLIANCE WITH THIS PROTOCOL

3. Each Applicant agrees that:
 - (a) their appointment has been authorised by the TSRSC group on the condition that they exercise their authority as an Applicant in accordance with this Protocol;
 - (b) they will exercise their authority as an Applicant and deal with each matter arising in relation to the TSRSC Part B, in accordance with this Protocol; and
 - (c) a failure to comply with this Protocol will mean that they have exceeded their authority and are no longer authorised by the TSRSC Part B Group.

THE APPLICANTS' AUTHORITY

4. Each Applicant agrees that in the event they:
 - (a) consent to their removal;
 - (b) die or become incapacitated;
 - (c) are unwilling or unable to continue to act as an Applicant; and
 - (d) exceed their authority or and are otherwise no longer authorised by the TSRSC group, they will cease to be authorised by the TSRSC group to be an Applicant and the remaining Applicants may continue to act, jointly, as the applicant for the TSRSC Part B without the need for the TSRSC group to authorise a replacement;
5. Each Applicant agrees that:
 - (a) they will work cooperatively with each of the other Applicants;
 - (a) they will attend each meeting of the Applicants; and
 - (b) if they do not attend two consecutive meetings of the Applicants they will be regarded, on the face of it, as unwilling or unable to continue to act as an Applicant.



THE WESTERN AND EASTERN OVERLAP AREAS

6. The TSRSC Part B is separated into two areas as shown on the map annexed to this Protocol; the Western Overlap and the Eastern Overlap areas:
 - (a) That part of the TSRSC group for the Western Overlap is Badualgal and Mualgal.
 - (c) That part of the TSRSC group for the Eastern Overlap is:
 - (i) Kulkalgal: Iamalgal, Masigalgal, Porumalgal and Warraberalgal; and
 - (ii) Kemer Kemer Meriam: Erubam Le, Meriam and Ugarem Le.

DECISION MAKING

7. Decisions in relation to matters arising in relation to the TSRSC Part B may only be made by resolution of the applicant:
 - (a) at a meeting attended by at least a majority of the:
 - (i) Badualgal and Mualgal Applicants;
 - (ii) Kulkalgal Applicants; and
 - (iii) Kemer Kemer Meriam Applicants,

being a meeting at which there is a quorum; or
 - (b) by written communication to the TSRSC Part B group's legal representative demonstrating the consent of at least a majority of the:
 - (i) Badualgal and Mualgal Applicants;
 - (ii) Kulkalgal Applicants; and
 - (iii) Kemer Kemer Meriam Applicants.
2. In the event that one or more Applicants do not attend a meeting at which there is a quorum the Applicants in attendance may make binding decisions despite the absence of such Applicant or Applicants.
3. Decisions in relation to matters arising in relation to the TSRSC Part B may only be made by consensus, or where consensus cannot be achieved, by a resolution supported by at least a majority of the:
 - (a) Badualgal and Mualgal Applicants;
 - (b) Kulkalgal Applicants; and
 - (c) Kemer Kemer Meriam Applicants.

The Western Overlap

4. The Badualgal and Mualgal Applicants may progress the Western Overlap area towards a native title determination(s) in such manner as they consider appropriate, including by engaging with:
 - (a) the applicant for Kaurareg People #1 (QU26/2019);
 - (b) the State and Commonwealth; and
 - (c) any other respondent party that asserts an interest in the Western Overlap.



but nothing in this clause shall be taken to mean that the Badualgal and Mualgal Applicants may, without the agreement of the applicant jointly and in accordance with this protocol make binding decisions in relation to any matters arising in relation to the claim.

5. The Kulkalgal and Kemer Kemer Meriam Applicants agree that, upon request, they will give particular consideration to doing all things reasonably necessary to give effect to the views of the Badualgal and Mualgal Applicants in relation to progressing the Western Overlap towards a native title determination(s).

The Eastern Overlap

6. The Kulkalgal and Kemer Kemer Meriam Applicants may progress the Eastern Overlap area towards a native title determination(s) in such manner as they consider appropriate, including by engaging with:
 - (a) the applicant for the North Eastern Peninsula Sea Claim Group (QUD115/2017);
 - (b) the applicant for Kaurareg People #1 (QUD26/2019);
 - (c) the State and Commonwealth; and
 - (d) any other respondent party that asserts an interest in the Eastern Overlap.

but nothing in this clause shall be taken to mean that the Kulkalgal and Kemer Kemer Meriam Applicants may, without the agreement of the applicant jointly and in accordance with this protocol make binding decisions in relation to any matters arising in relation to the claim.

7. The Badualgal and Mualgal Applicants agree that, upon request, they will give particular consideration to doing all things reasonably necessary to give effect to the views of the Kulkalgal and Kemer Kemer Meriam Applicants in relation to progressing the Eastern Overlap area towards a native title determination(s).

PROGRESSING THE CLAIM

8. Each Applicant agrees to do all things necessary to implement the resolutions of the TSRSC group passed at the authorisation meeting held on 18 June 2022 and any other authorisation meetings of the TSRSC group held after their appointment and to not act inconsistently with those resolutions.
9. Except to the extent that the TSRSC group has at an authorisation meeting resolved otherwise or as set out otherwise in this Protocol, the Applicants acting jointly and in accordance with the decision-making processes set out in this Protocol, hold the TSRSC group's authority to:
 - (a) appoint or replace a legal representative or any other adviser to act on behalf of the TSRSC group;
 - (b) give instructions to such advisers on behalf of the TSRSC group in relation to all steps of and incidental to the prosecution or advancement of the TSRSC Part B.
10. Each Applicant agrees that they will not, without first obtaining a resolution of the TSRSC group authorising them to do so, consent to:
 - (a) a determination of native title in relation to any part of the TSRSC Part B; or
 - (b) any agreement that has the effect of extinguishing or confirming the extinguishment of native



title in relation to any part of the TSRSC Part B; or

(c) the discontinuance of the TSRSC Part B,

but may, in the course of negotiations or mediations, agree to seek such resolutions.

11. The Applicants acting jointly and in accordance with the decision-making processes set out in this Protocol may, without first seeking the consent of the TSRSC group, seek orders that provide for one or more of the following:

- reduction of the TSRSC Part B area;
- amendment of the TSRSC group to remove the claim group(s) for any area(s) so removed;
- splitting of the TSRSC Part B into separate proceedings; and
- amendment of the group description(s) for such separated proceeding so that each is made on behalf of the claim group(s) for that part.

ANNEXURE – MAP OF THE SEA CLAIM SHOWING THE WESTERN OVERLAP AND THE EASTERN OVERLAP

