



# Extract from the Register of Native Title Claims

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## Application Information

<b>Application Reference:</b>	<b>Federal Court number:</b> QUD26/2019 <b>NNTT number:</b> QC2008/006
<b>Application name:</b>	Milton Savage & Ors on behalf of the Kaurareg People #1 and State of Queensland & Ors (Kaurareg People #1)
<b>Registration History:</b>	Registered from 13/02/2009

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## Register Extract (pursuant to section 186 of the *Native Title Act 1993* (Cth))

<b>Application filed with:</b>	Federal Court of Australia
<b>Date application filed:</b>	28/08/2008
<b>Date claim entered on Register:</b>	13/02/2009
<b>Additional Information:</b>	<p>On 30 November 2022, the Federal Court determined that native title exists in parts of the application area - see <i>David on behalf of the Torres Strait Regional Seas Claim v State of Queensland</i> [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.</p> <p>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.</p> <p>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.</p>

### APPLICANT:

<b>Person/s authorised as applicant:</b>	Milton Seeka Savage, Donald Paul Marou, Thomas Ned Savage, Paul Tom, Elizah Wasaga
<b>Condition/s on authority:</b>	Not Applicable
<b>Address for service:</b>	James Walkley Chalk & Behrendt Lawyers and Consultants Level 1, 63 Foveaux Street Surry Hills NSW 2010 <b>Phone:</b> (02) 9231 4544 <b>Email:</b> jwalkley@chalkbehrendt.com.au

### DESCRIPTION OF THE AREA COVERED BY THE CLAIM:

1. The area covered by the Application is that part of 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.

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.

## **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 descendents 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

## **REGISTERED NATIVE TITLE RIGHTS AND INTERESTS:**

**The following Native Title Rights & Interests were entered on the Register on 13/02/2009**

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;

- (f) The right to access and to protect sites of spiritual or cultural significance on 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;
- (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.

**REGISTER ATTACHMENTS:**

1. Map of Claim Area, Attachment C of the application, 1 page - A4, 28/08/2008
2. QC2008\_006 Description of Undetermined Area, 2 pages - A4, 30/11/2022
3. QC2008\_006 Map of Undetermined Area, 1 page - A4, 30/11/2022

*Note: The Register of Native Title Claims may, in accordance with section 188 of the Native Title Act 1993 (Cth), contain confidential information that will not appear on the Extract.*