

Gumulgal (Torres Strait Islanders) Corporation

OVERVIEW

The Gumulgal (Torres Strait Islanders) Corporation administers the native title rights and interests recognised over Mabuiag island.

The *Mabuiag People* determination of June 2000 approved the draft determination negotiated by the parties. The parties agreed that the Mabuiag were the common law holders of native title rights and interests in the claim area. Their native title rights and interests include possession, occupation, use and enjoyment of the land subject to traditional laws and customs.

This agreement also recognised the other Indigenous peoples in the area: Papua New Guinean Indigenous people are also entitled to access to the determination area for traditional purposes.

In approving this draft determination of native title, Justice Drummond of the Federal Court explicitly considered historical and contemporary evidence that made an acknowledgement of native title appropriate for the Mabuiag. For example, Justice Drummond mentioned a 1886 report by a government official on Thursday Island that 'there is no doubt that every acre has a reputed owner, that every grove or single tree of any value has its proper and legitimate hereditary owner'. In giving his judgment, Justice Drummond acknowledges that the court cannot confer title, but rather recognises what has long existed.

Aside from the *Mabuiag People* determination, the Gumulgal (Torres Strait Islanders) Corporation also administers an Indigenous Land Use Agreement with Ergon Energy on behalf of the Mabuiag.

RNTBC PROFILE

NAME OF RNTBC ORIC HYPERLINK	GUMULGAL (TORRES STRAIT ISLANDERS) CORPORATION
TYPE OF RNTBC ATNS HYPERLINK	TRUSTEE
STATE/TERRITORY	QLD (TSI)
MAP NNTT HYPERLINK	http://www.nntt.gov.au/Publications-And-Research/Maps-and-Spatial-Reports/Documents/Quarterly%20Maps/Determinations_PBCs_A4.pdf
CONTACT DETAILS ORIC HYPERLINK	C/o Torres Strait Regional Authority

RNTBC ADMINISTRATION

INDIGENOUS CORPORATION NUMBER	Not registered by ORIC
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NATIVE TITLE DETERMINATION INFORMATION

NNTT SHORT NAME NNTT HYPERLINK	MABUIAG PEOPLE
CASE LAW AUSTLII HYPERLINK	Mabuiag People v State of Queensland [2000] FCA 1065
DATE OF DETERMINATION	06/06/2000
TYPE OF DETERMINATION ATNS HYPERLINK	CONSENT DETERMINATION
DETERMINATION OUTCOME	NATIVE TITLE EXISTS IN THE ENTIRE DETERMINATION AREA

NNTT FILE NO	QC96/47
FEDERAL COURT FILE NO	QUD6062/98
NATIVE TITLE RIGHTS AND INTERESTS ¹	<p>The nature and extent of the native title rights and interests in relation to the determination area are the rights and interests of the common law holders to possess, occupy, use and enjoy the determination area in accordance with Order 6 but always subject to and in accordance with their traditional laws and customs and in particular to:</p> <p>(a) live on the determination area;</p> <p>(b) conserve, manage, use and enjoy the natural resources of the determination area for the benefit of the common law holders including for social, cultural, economic, religious, spiritual, customary and traditional purposes;</p> <p>(c) maintain, use and manage the determination area for the benefit of the common law holders, that is to:</p> <p>(i) maintain and protect sites of significance to the common law holders and other Aboriginal people, Papuans and Torres Strait Islanders on the determination area;</p> <p>(ii) inherit, dispose of or give native title rights and interests in the determination area to others, being members of the common law holders pursuant to their traditional laws and customs;</p> <p>(iii) decide who are the native title holders provided that such persons must be Torres Strait Islanders within the meaning of that term in the Native Title Act 1993 (Cth);</p> <p>(iv) regulate among, and resolve disputes between, the common law holders in relation to the rights of possession, occupation, use and enjoyment of the determination area;</p> <p>(v) conduct social, religious, cultural and economic activities on the determination area; and</p> <p>(d) make decisions about and to control the access to, and the use and enjoyment of, the determination area and its natural resources being animal, plant, fish and bird life found on or in the determination area from time to time and all water, clays and soils found on or below the surface of the determination area and all other matter comprising the determination area excluding minerals and petroleum and any other natural resources provided that these exclusions shall operate only to the extent to which native title has been extinguished or affected pursuant to laws of the Commonwealth and of the State of Queensland.</p>
AREA OF LAND	7.6 SqKm
GENERAL LOCATION OF DETERMINATION AREA	MABUIAG, AIPUS, WIDUL, WARUKUIKUL, TALAB, TALAB (FLORENCE) ISLANDS AND OTHER ISLETS, TORRES STRAIT
MAP ATNS HYPERLINK	http://www.atns.net.au/objects/pdfs/QC96_47.pdf
NTRB REGION NTRB HYPERLINK	TORRES STRAIT REGIONAL AUTHORITY

AGREEMENTS

AGREEMENT NAME ATNS HYPERLINK	NNTT FILE NO. NNTT HYPERLINK	TYPE OF AGREEMENT	SUBJECT MATTER (NNTT)	SUBJECT MATTER (ATNS) ATNS HYPERLINK
GUMUGAL AND ERGON ENERGY ELECTRICITY INDIGENOUS LAND USE AGREEMENT (ILUA)	QI01/68	BODY CORPORATE AGREEMENT	ACCESS AND INFRASTRUCTURE	Housing, Construction and Infrastructure Cultural Heritage Future Act Land Transaction Land Use Native Title

¹ These native title rights and interests are subject to the laws of the Commonwealth and the State of Queensland. They may also be subject to particular interests specified in the determination.

ADDITIONAL ELECTRONIC RESOURCES

Media releases	National Native Title Tribunal, <i>Native title agreements double with Torres Strait determinations</i> (07/07/00) http://www.nntt.gov.au/News-and-Communications/Media-Releases/Pages/Native_title_agreements_double_with_Torr.aspx
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