

WUTHATHI PEOPLE SEA CLAIM

(Federal Court Proceeding
QUD570/2023)



WHAT IS THE WUTHATHI PEOPLE SEA CLAIM AREA?

The claim area includes all Wuthathi sea country south of the Wuthathi northern neighbours – the Gudang Yadhaykenu People and north of the Wuthathi southern neighbours – the Kuuku Ya'u People, and extends out to the outer Great Barrier Reef and beyond to include Wishbone Reef, Yule Detached Reef, Great Detached Reef, Raine Island, Saunders Reef and Moulter Reef. See map of the claim area below. The claim area consists of:

- a. the Raine Island Indigenous Land Use Agreement (ILUA) area where the ILUA was registered by the National Native Title Tribunal (NNTT) in 2007; and
- b. the Wuthathi Traditional Use of Marine Resources Agreement (TUMRA) area which was accredited by GBRMPA in 2008.

WHY IS A WUTHATHI PEOPLE SEA CLAIM NECESSARY?

There have been two other native title sea claims filed with the Federal Court which overlap Wuthathi sea country being:

- a. The North Eastern Peninsula Sea Claim of the Gudang Yadhaykenu People filed in 2017; and
- b. The Torres Strait Regional Sea Claim (TSRSC) (Part C) of the Eastern and Central Islands People filed in 2022.

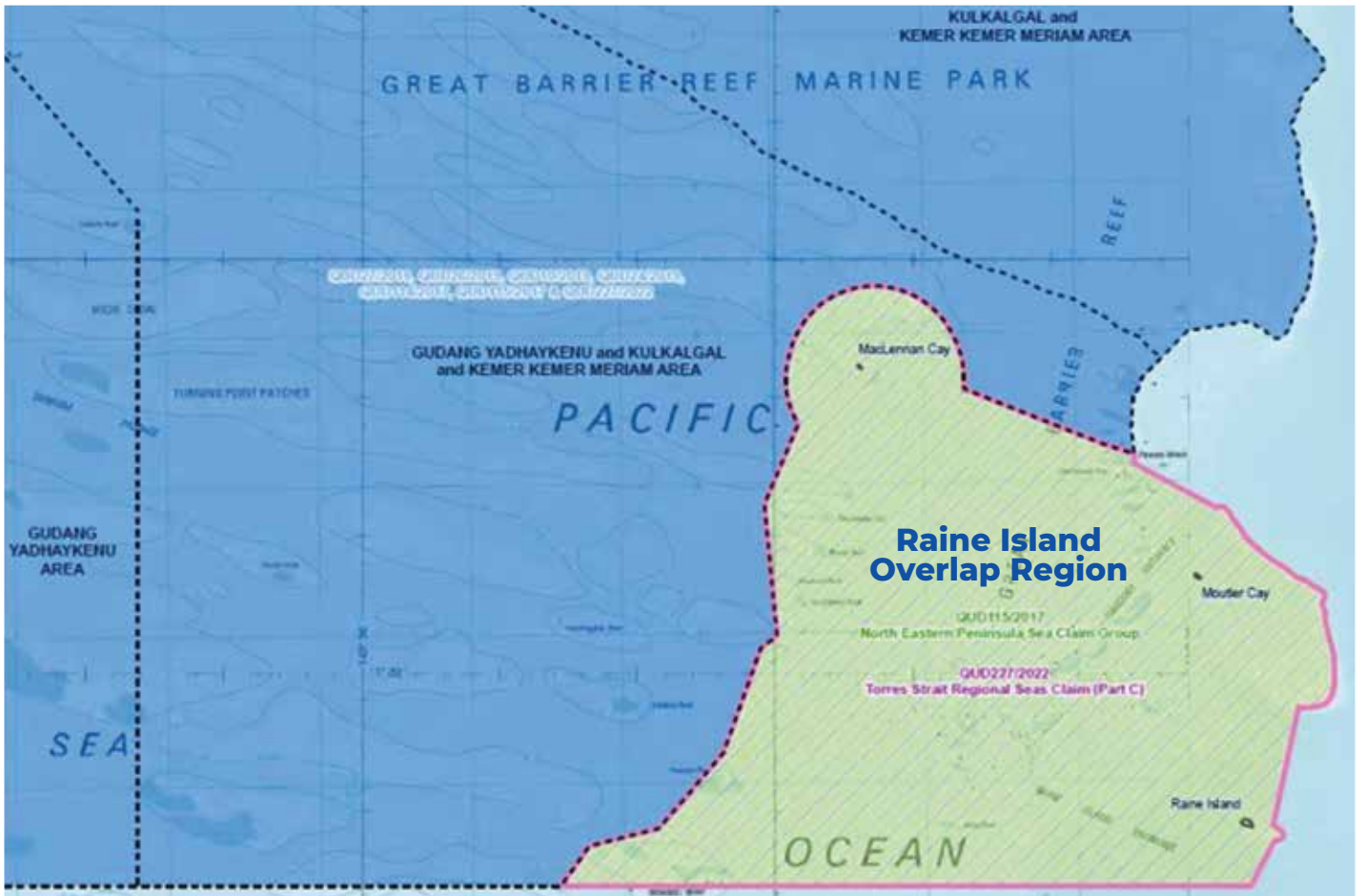
While the Gudang Yadhaykenu People have agreed to meet with Wuthathi People who did not become Respondent Parties to the 2017 Sea Claim, Wuthathi representatives have become Respondent Parties to the TSRSC Part C filed in 2022.

These steps have been taken to protect Wuthathi rights and interests in Wuthathi sea country but a sea claim by the Wuthathi People must be filed with the Court to enable a determination of native title to be made by the Court in favour of the Wuthathi People. That is why filing this sea claim has been necessary.

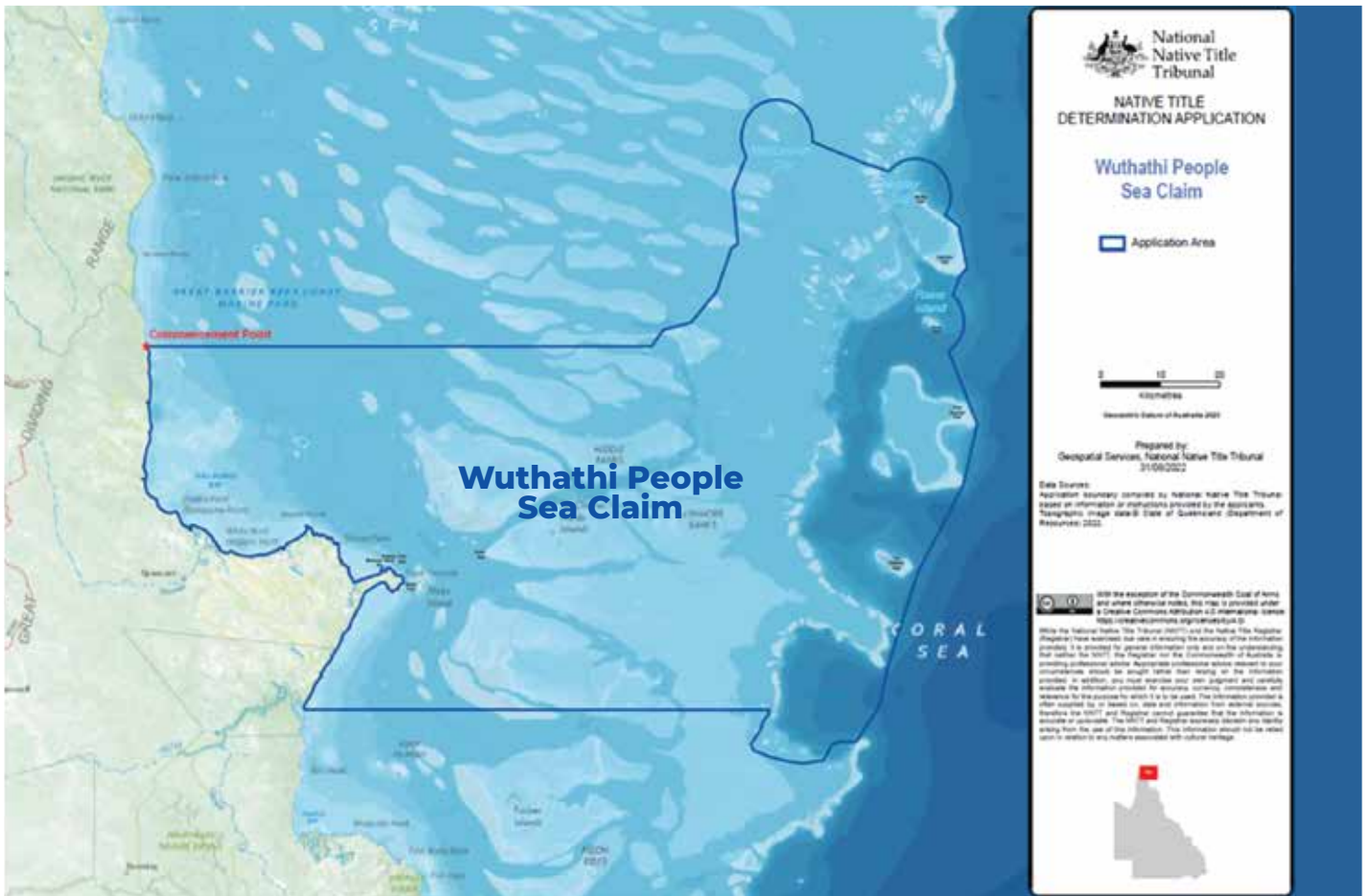


WHERE IS THE OVERLAP AREA?

This area has been referred to by the Federal Court as the Raine Island Region Overlap.



MAP OF WUTHATHI PEOPLE SEA CLAIM AREA



WHAT STEPS WERE TAKEN TO APPROVE THE FILING OF THE WUTHATHI PEOPLE SEA CLAIM?

After a request for facilitation and assistance was made to and approved by CYLC, and the requisite funding was secured, a series of information meetings were held at:

- Bamaga (20 August 2022)
- Thursday Island (21 August 2022)
- Lockhart River (22 August 2022, deferred to 3 February 2023)
- Cairns (3 December 2022)
- Weipa (8 March 2023)

With positive responses from these meetings, a series of further information and pre-authorisation meetings were held at:

- Cairns (24 July 2023)
- Thursday Island (25 July and 4 September 2023)
- New Mapoon (26 July 2023)
- Lockhart River (27 July 2023)
- Weipa (31 July 2023)
- Normanton (3 August 2023)

With further positive responses of these meetings, a meeting to authorise the Wuthathi People Sea Claim was scheduled to take place in Cairns on 14 September 2023.

Notice of this meeting was given by post to over 480 people for whom addresses were held; it was notified on the CYLC website and Facebook page; notified by text and by phone by CYLC and Wuthathi Aboriginal Corporation RNTBC as well as notices being published in the relevant newspapers.



THE AUTHORISATION MEETING

The meeting was duly held on 14 September 2023 in Cairns with the required resolutions passed including:

- a. Definition of the Native Title Claim Group by reference to descent by birth or traditional adoption from the well established list of 12 apical ancestors
- b. Confirmation of the claim area (see map)
- c. Selection of Johnson Chippendale, Brian Macumboy, Smithy Wilson and Keron Murray to make and prosecute the claim
- d. Authorising the Principal Legal Officer of CYLC to act for the claim Applicant, prosecute the claim, and deal with matters arising and incidental to the claim.

It should be noted that any final decisions regarding the claim must be referred back to the Wuthathi People for decision.

SINCE AUTHORISING THE CLAIM

The claim was filed with the Federal Court on 14 December 2023 as proceeding number QUD570 of 2023.

THE RAINE ISLAND OVERLAP REGION PROCESS AGREEMENT

When the Wuthathi representatives became Respondent Parties to the TSRSC Part C, the Federal Court made orders requiring Wuthathi representatives, Gudang Yadhaykenu representatives, Central and Eastern Islander representatives to meet with a Judicial Registrar of the Federal Court to develop an agreed process to address issues regarding the overlap area – named the Raine Island Overlap Region – as shown in the map.

After some preliminary meetings the representatives met together with the Judicial Registrar on 30 October 2023 when a process agreement was finalised for signature by all representatives of each of the four groups.

A Working Group was established with no more than four representatives from each interest group. The Wuthathi Working Group members are the four elected Applicants for the Wuthathi People Sea Claim. The next working group meeting has been scheduled for 8 February 2024 in Cairns.

WHAT HAPPENS NEXT WITH THE WUTHATHI PEOPLE SEA CLAIM?

When the claim was filed, the Federal Court provided a copy of the claim documents to the Registrar of the NNTT who was required to provide copies to the State and CYLC and to consider whether the claim meets what is known as the registration test to determine whether the Claim will be registered.

The Registrar provided the copy of the claim documents to CYLC on 21 December 2023.

As was pointed out in the information, pre-authorisation and authorisation meetings, it is known that the claim will not pass the registration test because some Wuthathi People also have connection to the Gudang Yadhaykenu People and/or to the Central or Eastern Islander People. Registration status does not affect whether or not a native title determination can be made.

The Registrar of the NNTT will provide formal notice that the claim is not accepted for registration.

The next step to be taken by the Registrar of the NNTT involves public notification that the claim has been made by publication of a newspaper notice to that effect which advises any persons or entities that contend they have an interest in the Claim Area to file a form with the Federal Court detailing the interest claimed. The notice which will be published in the newspaper will specify a “notification period” within which these forms have to be filed with the Court.

The persons or entities which file such forms become known as Respondent Parties to the claim and have to specify what interest that they assert.



WHAT ELSE WILL BE HAPPENING?

In the meantime, the following matters will be pursued:

- a. Research by Mr. Ray Wood, the independent expert anthropologist engaged for the Wuthathi People for this claim required for the preparation of an anthropological connection report supporting the claim;
- b. Research of the tenure of the claim area that are above the mean high water mark; and
- c. Discussion with other groups regarding the Raine Island Overlap Region.

Wuthathi People are encouraged to assist Mr. Ray Wood in the provision of information about the occupation and use of the sea claim area by Wuthathi People from before first white settlement in the sea claim area in order to assist him in the preparation of the connection report required to support the claim.

NEXT NEWSLETTER

The next Newsletter will be distributed after the “notification period” expires and details of any Respondent Parties to the claim are known.









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ACKNOWLEDGEMENT

We acknowledge Australian Aboriginal People and Torres Strait Islander People as the first inhabitants of the nation, and acknowledge Traditional Owners of the lands where we live and work.