



CAPE YORK
LAND COUNCIL
YUK PUYNGK

Wuthathi People Sea Claim Newsletter April 2026

FEDERAL COURT PROCEEDING OUD570/2023

Background

The Wuthathi People Sea Claim was filed with the Federal Court in December 2023. The first Newsletter was distributed in January 2024 reporting on the position at that time. The second Newsletter was distributed in early 2025 reporting in detail on the position as at December 2024 when Respondent parties to the Claim had become known. Recent developments render it desirable to issue this third Newsletter to keep Wuhathi people advised of developments.

A map of the Claim Area is seen below



Respondent Parties

The Respondent parties were detailed in the second Newsletter and there has been progress.

1. The State of Queensland

The initial concern of the State involves its assessment of connection of the Wuthathi Claim Group to the country in the Claim area. Initial material evidencing Wuthathi People’s connection (‘Connection Material’) to the Claim area was provided to the State and Commonwealth. The State has advised that it anticipates being able to respond on this aspect by 30 April 2026. As indicated below, that response will bear on the future course of the Claim.

2. Commonwealth of Australia

The Commonwealth has responded positively to the Connection Material provided and indicated preparedness to negotiate towards a possible native title determination by consent over at least part of the Claim area. Initial communications have occurred regarding tenure, definition of claimed native title rights and interests, aids to navigation on Moody and Young Reefs (located south-west of Haggertson Island) and the lighthouse south of Clerke Island.

3. Cook Shire Council

The Council has indicated that it will seek to be recorded in any native title agreement as the local government authority for the Claim area in terms well established in earlier determinations of

native title. The Council has advised that it does not have any public works located within the Claim area.

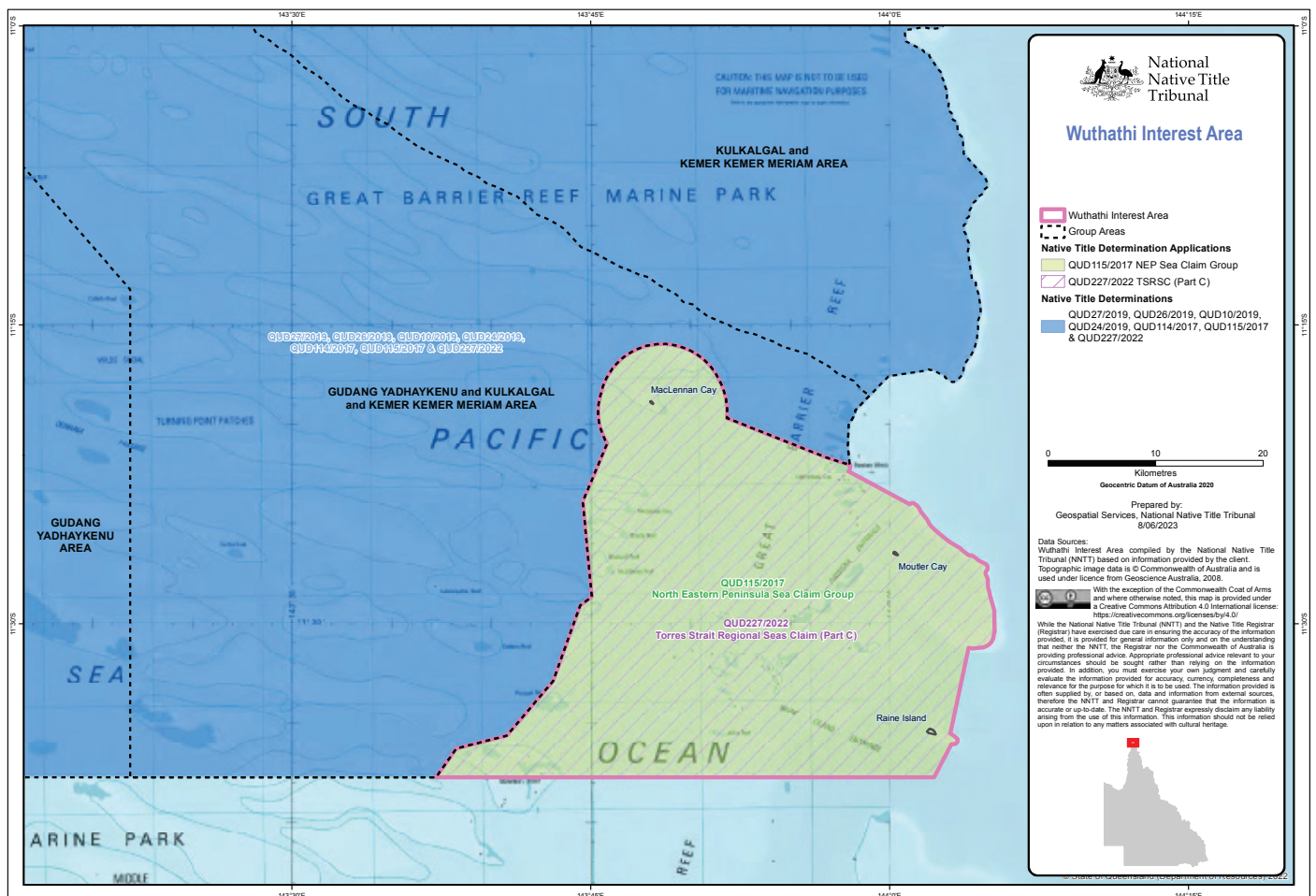
4. Haggerston and Hicks Island leaseholders

As a result of earlier leases granted by the State of Queensland over Haggerston Island (Lot 4 on Crown Plan 866939) and Hicks Island (Lot 3 on Crown Plan SH5), native title rights have been extinguished under the present law. These Lots will therefore not be included in any determination of native title and the leaseholders will accordingly cease to be active Respondent parties. That said, the Haggerston Island leaseholder, Catherine Joanna Heyer, is also the holder of a Permit authorising the conduct of tourist programs and the conduct of charter operations and the operation of a jetty within the Great Barrier Reef Far Northern Management Area. This Permit would need to be recognised in any determination of native title. Because the Lots will not be included in any determination of native title presently contemplated, it is still open to Wuthathi People to make a claim to the Lots in the future, for example, if the law changes and native title extinguishment over the Lots can be disregarded.

6. Kulkalgal and Kermer Kermer Meriam Respondents

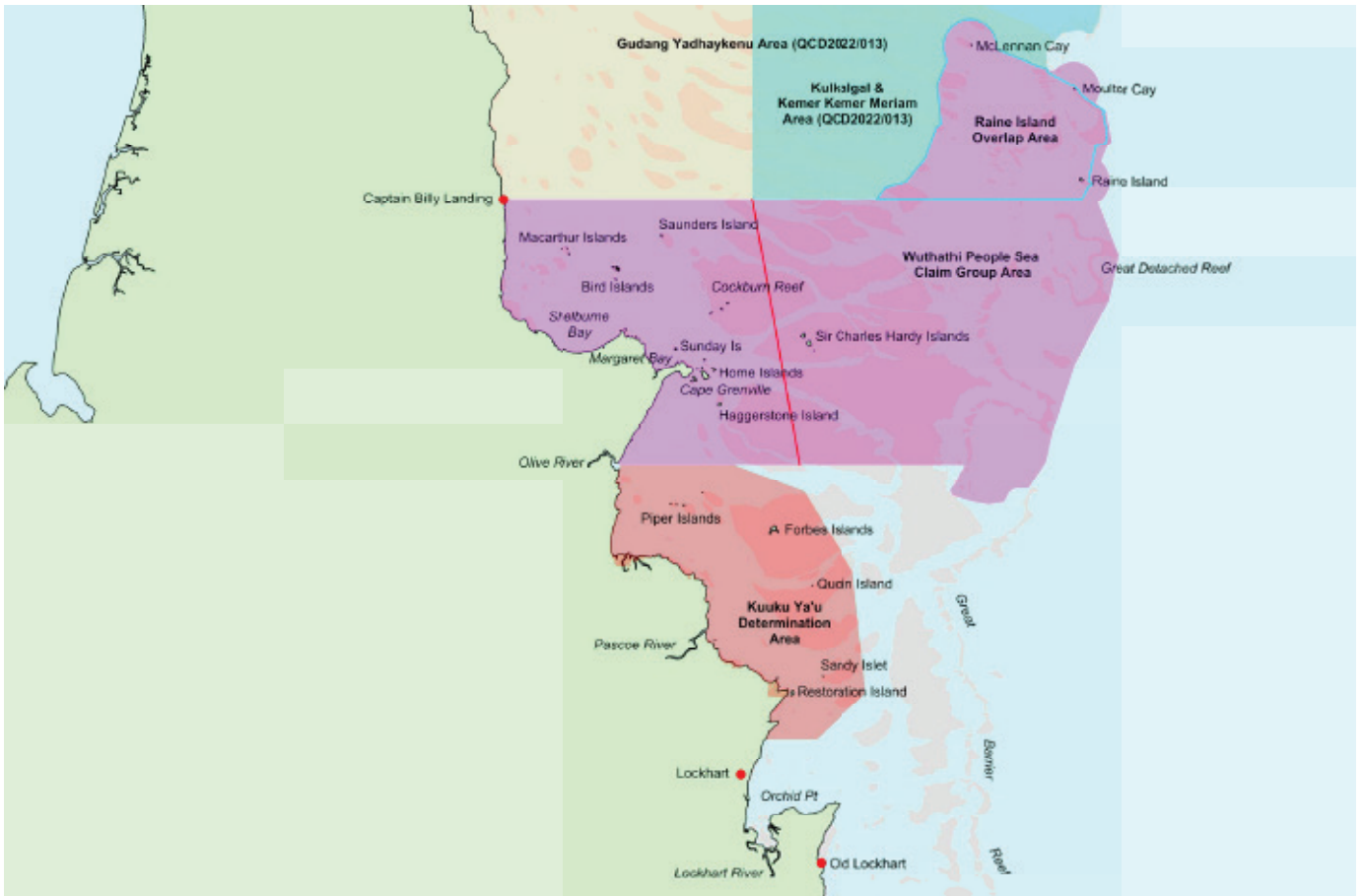
As detailed in the second Newsletter, the Torres Strait Regional Seas Claim (‘TSRSC’) Part C which had been filed earlier (in 2022), claims part of the Wuthathi People Sea Claim area known as the Raine Island Overlap Region as depicted in the map below.

A map of the Raine Island Overlap Region is seen below (formerly referred to as the Wuthathi Interest Area)



In December 2024 and again as detailed in the second Newsletter Brian Bruce William Snr., Kapua George Getchen, Lui Ned David and Frank Ned Fauid became Respondent parties to the Wuthathi

People Sea Claim asserting interests in the Wuthathi People Sea Claim area by reference to the map below.



These Kulkalgal and Kemer Kemer Meriam Respondents asserted that they and those they represent claimed-

- (a) Native title rights over the area east of the red line on the map above; and
- (b) Customary or secondary rights and interests in relation to the area west of the red line on the map above.

In order to pursue the assertions of native title, these Kulkalgal and Kemer Kemer Meriam Respondents would need to seek authorisation of and the filing of a further Claim over the area east of the red line on the map above.

Subsequent events

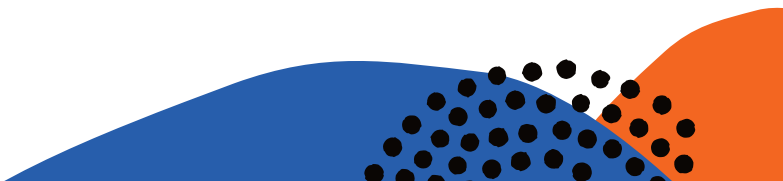
As detailed in earlier Newsletters a Working Group had earlier been established under an agreement to facilitate negotiations between competing parties over the Raine Island Overlap Region. That Working Group was reformed after the Gudang Yadhaykenu People withdrew their interest over the Raine Island Overlap Region in favour of the Wuthathi People.

The Working Group met on 24 March 2025 and 30-31 July 2025 following which there was a further exchange of connection material. Federal Court Judicial Registrar McGregor then convened a further conferral between the expert anthropologists in Sydney on 8-9 October 2025 to generate a joint expert report directed to assist continued mediation by the Court.

Following separate meetings of the parties in late November 2025, Judicial Registrar McGregor convened a further mediation meeting in Brisbane on 3-4 February 2026. That mediation failed to achieve an agreement and the Working Group process came to an end. Judicial Registrar McGregor invited legal representatives of the State and Commonwealth to attend part of that mediation and prepared and filed a Mediation Report with the Court on 6 February 2026.

The Mediation Report informed the Court that the parties had agreed that as agreement between them could not be reached it was appropriate to commence the steps required to seek a judicial determination by way of a contested Court hearing as to the distribution of native title rights and interests over the contested part of the Wuthathi People Sea Claim area (being that part to the east of the red line shown on the map above but not including the above high water mark areas of the Sir Charles Hardy Islands (I'inthal and Rukuya)).

It was also agreed at this mediation that, subject to any native title connection issues raised by the State (in its response expected by 30 April 2026), negotiations should continue with a view to exploring an early determination of native title by consent in favour of the Wuthathi People over the unoverlapped part of the Wuthathi People Sea Claim area - being that part to the west of the red line on the above map plus those parts of the Sir Charles Hardy Islands (I'inthal and Rukuya) above the high water mark.



Latest developments and present status.

These Claims were last listed for case management before Federal Court Chief Justice Mortimer on 12 March 2026. At that time the Court had not only the Mediation Report but also an extensive Joint Report to Court from the parties, detailed draft orders programming steps towards a contested hearing process prepared by the Parties in mediation with Judicial Registrar McGregor and an outline for a possible alternative process involving an expert referee.

The Chief Justice did not favour the alternative process and wished to reserve dates for the hearing of evidence from witnesses in the foreshadowed contested hearing. Orders were made-

- (a) That there be a case management conference before Judicial Registrar McGregor on 5 May 2026 (following expected receipt of the response of the State on Wuthathi People's native title connection (as outlined above)) directed to finalise the draft of the proposed orders programming steps towards a contested hearing.
- (b) Setting aside dates in various locations (in Cairns, Cape York and Torres Strait) for the purpose of the Court hearing evidence from elderly or more vulnerable Indigenous witnesses required to give evidence for 5 days commencing 9 November 2026 and for other Indigenous witnesses between 3 and 14 May 2027.

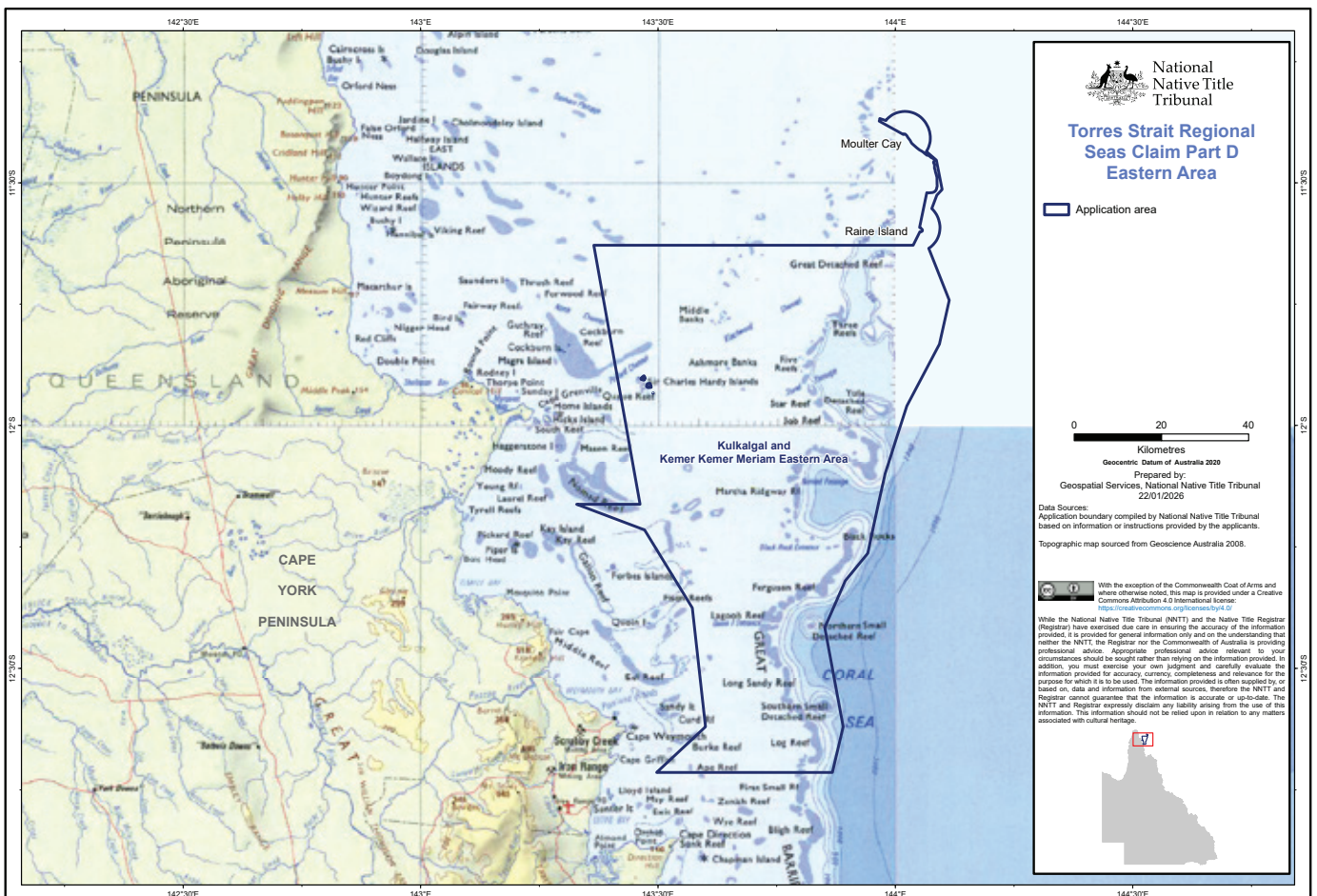
(c) That there be a case management hearing before the Chief Justice on 25 May 2026.

It had been understood that the Kulkalgal and Kemer Meriam Respondents had arranged for an authorisation meeting for their proposed new Claim to be held on 28 February 2026 and that this new Claim would be filed with the Federal Court in March 2026.

That new Claim known as TSRSC (Part D) was filed on 20 March 2026. For technical reasons, that new Claim has two parts - a western part which does not concern Wuthathi People (over uninhabited islands in Western Torres Strait) and an eastern part that overlaps the contested part of the Wuthathi People Sea Claim area (east of the red line on the map above) and extends into part of the sea country of the Kuuku Ya'u People east of their already determined sea country. This new Claim relates only to areas of sea in Wuthathi and Kuuku Ya'u country and does not include those parts of the Sir Charles Hardy Islands (I'inthal and Rukuya) above the high water mark. The map of this new Claim area is below.

On 1 April 2026 the Kuuku Ya'u, Uutaalnganu and Umpila People authorised the making of a joint native title claim over their sea country areas which do not yet have a native title determination. Part of that claim overlaps with the TSRSC Part D area within Kuuku Ya'u sea country.

A map of the map of TSRSC (part d) eastern area is seen below



Future conduct of the Wuthathi People Sea Claim

At this stage the Wuthathi People Sea Claim with the overlapping parts of the TSRSC Part C and Part D will be proceeding to a Federal Court contested hearing with early evidence witnesses (Indigenous witnesses who are elderly or have health concerns) to give their evidence from 9 November 2026 and other Indigenous witnesses to give evidence between 3 and 14 May 2027.

If the State of Queensland advises by the proposed date of 30 April 2026 that it is prepared either then or subject to specific obtainable additional evidence prepared to negotiate towards a consent determination in relation to the area west of the red line on the above map (where there is no Indigenous Respondent party) it is likely that this part of the Claim area could take a different course towards a separate determination of native title by consent.

What is clear is that intensely concentrated attention needs to be directed to preparation for the Federal Court hearing in any event.

Dr Tony Redmond has been engaged in addition to Mr Ray Wood to provide the required anthropological expertise.

It is important that any Wuthathi people who have knowledge or evidence of activities which show Wuthathi connection to the Sea Claim area including islands (particularly Raine Island and Sir Charles Hardy Islands), and particularly those people who have not already come forward, make contact with CYLC directly or through Wuthathi Aboriginal Corporation (WAC) so their evidence can be recorded and assessed. It is also important to promptly identify any Indigenous witnesses who due to age or health concerns should be included in the early evidence hearings in November rather than waiting until the second part of the hearing next May.

CYLC lawyers assisting the Wuthathi People on the Claim are now actively taking steps in contemplation of a contested Court hearing by preparing further native title connection material in support of the Wuthathi People Sea Claim (and opposition to the TSRSC Part C and Part D Claims). This includes preparation of further evidence from Wuthathi People, members of neighbouring native title groups including Torres Strait Islander People who support the Wuthathi People Sea Claim in the form of witness statements or affidavits. If you know of such people it is important that you please let CYLC or WAC know their names and contact details (with their permission) so they can be approached without delay. Preparation also includes the research for and preparation of an anthropological report by consultant anthropologist, Dr. Tony Redmond.

Further Newsletters will be issued as required to keep Wuthathi People informed.

Contact and important message

Please urgently contact Deputy Principal Legal Officer, Parky Wirrick of CYLC or WAC, if you or someone you know has traditional knowledge of Wuthathi People's connection to the Claim area, such as, stories, songs, language names, videos, photos or can recount experiences on Wuthathi sea country, including on commercial vessels such as luggers - particularly to the following areas under Claim to the east of the red line on the above map: Cockburn Reef (Nhii'inthal), Sir Charles Hardy Islands (I'inthal / Rukuya), Sir Charles Hardy Islands Reef, Inman Rock, Tynemouth Rock, Middle Banks, Ashmore Banks, Salamander Reef, Three Reefs, Wood Reef, Great Detached Reef, Jukes Reef, Blackwood Channel, Bowles Reef, Pearson Reef, Shadwell Reef, Risk Reef, Maclennan Cay, Maclennan Reef, Moulter Cay, Pandora Entrance, Saunders Reef, Raine Island (Thukurru), Raine Island Entrance, Five Reefs, Stead Passage, Star Reef, Yule Detached Reef, Job Passage, Single Rock Entrance, Wishbone Reef, Nimrod Passage, Martha Ridgway Reef (North), Marth Ridgway Reef (South), Safe Entrance, Wreck Bay, Mason Reef, and Nomad Reef.

Contact

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