

NOTICE OF FILING

Details of Filing

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A handwritten signature in blue ink that reads "Sia Lagos".

Registrar

Important Information

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Form 59
Rule 29.02(1)

Affidavit

No. VID622 of 2021

Federal Court of Australia
District Registry: Victoria
Division: General

PABAI PABAI AND GUY PAUL KABAI

Applicants

COMMONWEALTH OF AUSTRALIA

Respondent

Affidavit of: **Boggo Billy**

Address: [REDACTED]

Occupation: Commercial Diver

Date: 24 January 2023

I, **Boggo Billy** of [REDACTED], Commercial Diver, swear:

1. I make this affidavit from my own knowledge unless otherwise stated. Where I make statements on the basis of information provided to me, I set out the source of my information and my belief that that information is true.

Personal Background

2. My full name is Boggo Ettiekai Billy.
3. I was born on Thursday Island, on [REDACTED] 1967. I am 55 years old.

Filed on behalf of	Pabai Pabai and Guy Paul Kabai, Applicants
Prepared by	Brett Spiegel, Phi Finney McDonald
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4. When I was born, my family were living on Poruma (Coconut Island). My family are the Pearson and Billy families. The Billy family are one of the Traditional Owner groups of Poruma.
5. Through my family, I have a cultural connection to all of the central islands of the Torres Strait, including Poruma, Warraber, Masig (Yorke Island) and Iama (Yam Island). There is a lot of movement between these islands, as they are fairly close together, and it is common for people to move from one island to another, for work or family reasons.
6. I lived on Poruma as a small child, and grew up there, including going to primary school. I then went to Thursday Island to do grade 8 of high school. I then did grade 9 in Brisbane. I finished formal schooling at the end of grade 9, and then went back to Poruma to live and to work as a diver in 1984.
7. In 1986, I married Ruth Sorogo. We lived in Poruma and we travelled back and forth to Warraber frequently. In 1997, we moved to Warraber to raise our family. I have 4 children, 2 adopted children and 13 grandchildren. Some of my kids still live at home with me (like my son, Ralph, who is 13 years old), as do some of my grandkids (or close by in Warraber).
8. My wife's family are all from Warraber. I have lived and worked on Warraber since 1997. My grandfather was originally from Warraber. I am an elder and a native title holder of Warraber. I am *Warraberalgal*. I was involved in the sea claims case brought by the people living in many of the islands of the Torres Strait, which sought native title rights over the sea areas. I was one of the representatives for the central and eastern islands.
9. After I moved to Warraber, I continued to work as a commercial diver. I dive for things like crayfish and trochus shells. I do this by free diving. I have worked as a commercial diver since I finished school. I run my own business doing this, and now my sons help me in that work. My sons do most of the diving now, and I run the boat. I talk more about diving below at paragraph 45.

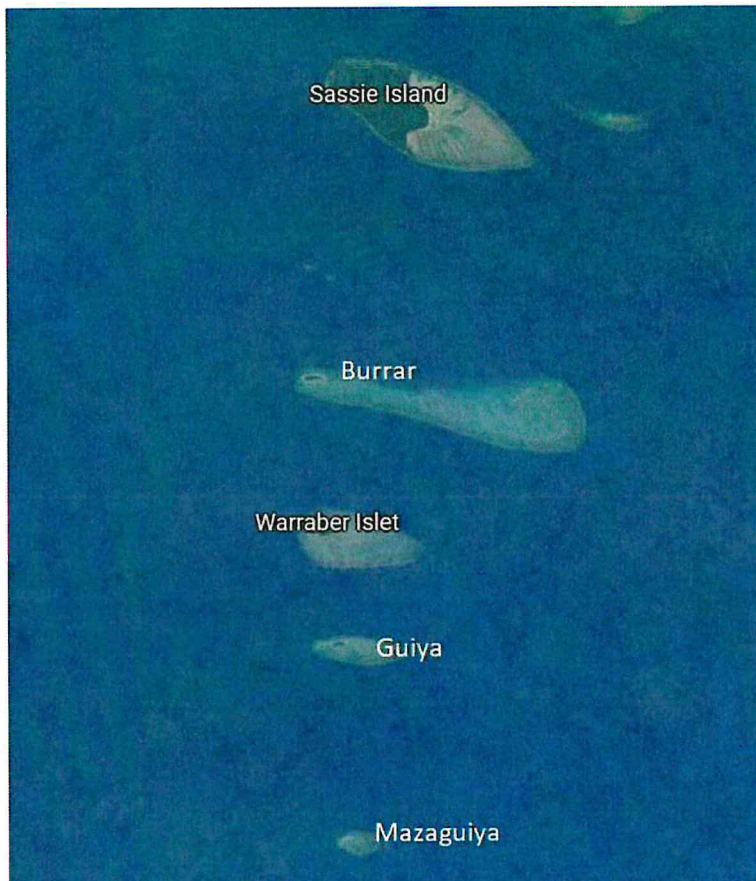
Warraber

10. Warraber is one of the islands in the central island group of the Torres Strait. About 250 people live on Warraber. My people speak the *Kala Lagau Ya* and Creole languages.
11. Below at paragraph 12 is a map showing the location of Warraber in the Torres Strait.
- 12.

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13. Warraber is a small coral island, and is oval in shape. It is about 1.4 kilometres long and about 700 metres wide. It is low lying, and very flat. Most of the land is only a few metres above the sea. I think that at its highest point, it's only about 6m above sea level. There are coral reefs all around it.
14. To the north of the island is an islet called Burrar, and then further north is Sassie Island. To the south of Warraber is another islet called Poll or Guiya (also spelled Guijar), and to the south of Poll is another islet which we call Mazaguiya, where many birds nest. All of these places are shown or marked on the map at paragraph 15 below. I talk about these places more below.
- 15.



16. lama Island is located to the north/northwest of Warraber, and Poruma is located to the northeast.
17. Below at paragraph 24 is a map of Warraber, on which I have marked certain locations.
18. Most of the houses are built on the eastern side of the island. The airstrip runs through the middle of the island, and cuts the island almost in half. On the southwest side of the island there is a reservoir, which supplies the island's water. It was built in about 1991 or 1992.
19. I live at [REDACTED]. My house is about 20 or 30 metres from the water. It's built on the highest side of the island. I picked this side of the island to build because I had seen all of the erosion that was happening (which I talk about further below), so I wanted to make sure my house was built somewhere higher, to try to protect it. I have marked my house on the map at paragraph 24 in blue.
20. The wharf is to the west of my house on the map at paragraph 24.

21. There is an IBIS supermarket just down the street from my house. It is marked in yellow on the map at paragraph 24.
22. The cemetery is also located on the Esplanade, to the east of my house. I have marked the cemetery's location in purple on the map at paragraph 24. The church is near the cemetery, and I have marked it in orange on the map.
23. On the eastern end of the island are the guesthouses. I have marked these in pink on the map at paragraph 24 below. The guesthouses are where visitors to the island sometimes stay, but it is also an area which is used by the elders for ceremonies and other things.
- 24.



Culture

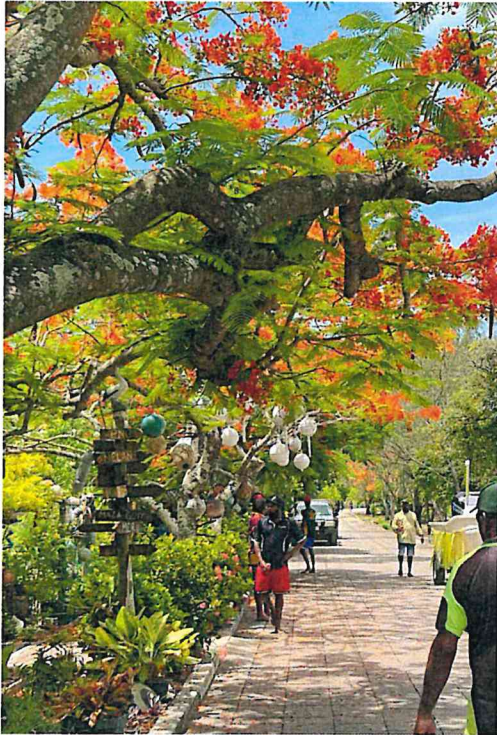
25. The main totems on Warraber are birds. Birds are important on Warraber.
26. The *womerre* (frigate bird) is the totem of the island. My clan's totem is the *gaw* (the nankeen night-heron) which is a little brown and black bird, that looks a bit like a sandpiper. It is the same clan on Poruma and Warraber.
27. I am really proud of my totem, it connects me to my ancestors. It's part of my identity, my family and it connects my bloodline. It is really important to me to be able to see my totem on the island. If I cannot see my totem animal anymore, I would feel very upset.

28. As a child on Poruma, I was taught to look to things like the birds, the stars, the winds and the currents, to understand the seasons and when to do certain things. You follow the signs from nature - like the birds and the fruit and the flowers - to know when it is time to fish for certain animals and when the seasons will change. This cultural knowledge that I describe below is the same on Poruma and Warraber.
29. Back when I was a child, in the 1970s and 1980s, I understood when the time for fishing, hunting and gardening was. Gardening time used to be between about October to Easter time the next year. You would start by clearing the gardens in October, ready to plant. Then you have to plant the garden crops by the time of the first rain, which usually happened around the end of November. You have to do this to make sure there is the right amount of moisture in the soil. It is important to plant the crops at the right time, otherwise the plants will burn or not grow.
30. Once the rains started in November, they would normally just continue for the next few months. This helped the crops to grow properly.
31. One of the signs for the first rains of the monsoon was the *biribiri* (rainbow bee-eater) that would migrate from Papua New Guinea. I was taught that when the *biribiri* came through, the rainy or monsoon season was about to start. Seeing them was a prompt to start planting my garden. By Easter time, March or April, the crops would be ready for harvesting. A couple of weeks after the *biribiri* migration, the pelicans would come through.
32. Climate change has changed how we grow and harvest. In the past we knew it was harvest time when the soil was cracked around the sweet potato plant, and the little leaf on the stems of the watermelon plant have dried up, for pumpkin too. For corn you knew it was time to harvest when the leaves went dry. This was knowledge passed down from our ancestors. Now, with climate change the signs are different and the crops don't grow. Today, you need fertilizer to try to grow anything and still there's not much success growing crops. Watermelon, corn and pumpkin are now especially hard to grow, and sweet potato is not good anymore. These changes have made it much more difficult to grow crops.
33. One of the other changes is that the trees are fruiting and flowering out of season. In the past, a certain type of tree would usually flower in about September or October, and continue flowering until February. We call it the Christmas tree because it is always flowering at Christmas. Because they are red flowers, we would often refer to them as

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Christmas flowers. Below at paragraph 34 is a photo that was taken in December 2022 on Warraber, which shows these trees.

34.

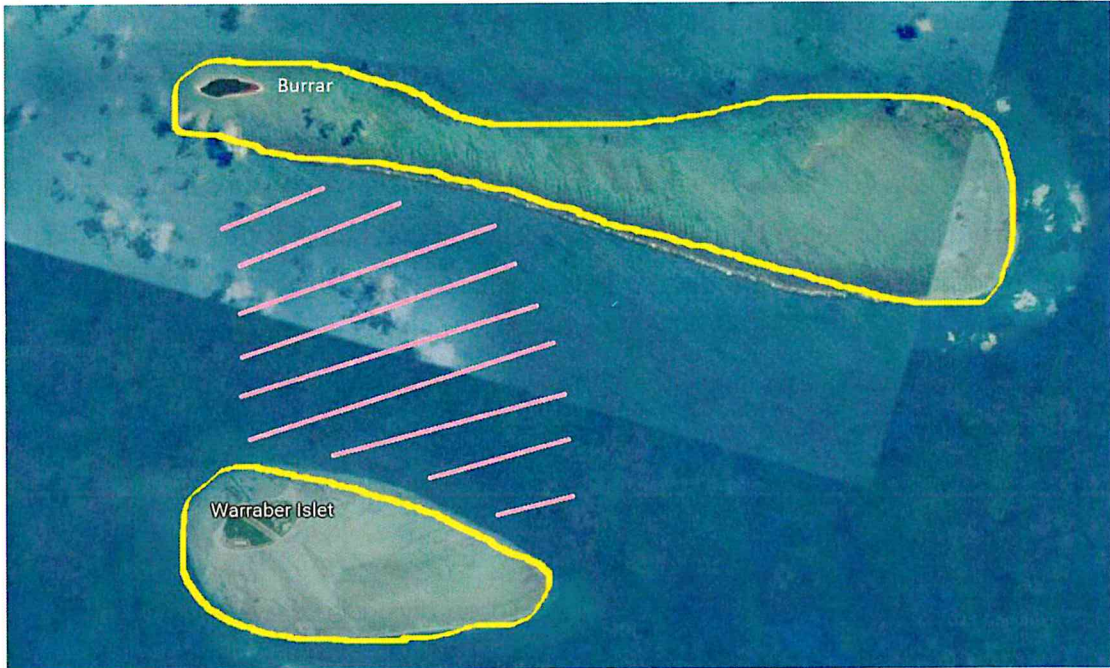


35. In 2021, however those trees started flowering in August and in 2022 they started flowering in November, and continued to flower until April. For about 20 years, they have started flowering anywhere between August to November, sometimes early, sometimes late.
36. Another connection that is no longer the same is the flowering of the *naywa* (island coral tree). The *naywa* flowers in June/July. When I was younger, when it flowered, that used to mean the temperature changed and the cold weather had started. However, about 15 years ago this started to change. The *naywa* still flowers at the same time, but the weather doesn't turn cold at the same time anymore. The *naywa* flowering also used to tell us that it was time to plant cassava cuttings, because the soil was moist. But we don't do that anymore. It's not moist under the soil anymore. Now, the *naywa* flowering doesn't tell us about the temperature or when to plant cassava.
37. Another bird, the *moke* (black-faced cuckoo-shrike), migrates through the Torres Strait to Papua New Guinea in about March to April. This is a sign of the end of *kuki* (the monsoon

north-westerly wind) and that *sager* (south-easterly wind) is soon approaching. These days, we still see *moke* migrating, but there are less of them.

38. Another difference is the rains. It is getting much drier. The heavy rains usually come by the end of November, and normally when the rains start it just continues. But now we have "grass rains", which are just light rains that come and go. They come at different times, and are not as much as before.
39. In 2021, the rains didn't come like they normally do in November. When the rains don't come at the right time, then the gardens die. As I explain below at paragraphs 40 to 42, the gardens dying affects how we can practice our culture; it also means we have less healthy food to eat and we have to spend more money on food from the shops.
40. Most of the crops grow too little now. There are a few reasons for this, including the sun is too hot and kills the crops and drains the moisture out of the soil, the loss of the topsoil, the rains don't come when they should, and the gardens are affected by saltwater. The saltwater comes in through the groundwater, and also over the land from the tides. When I have tried to grow corn in the last 4 or 5 years, it has only grown about knee high. The cobs were also very small.
41. This means that we can no longer grow our own food from the soil and instead have to go the supermarket. The supermarket is really expensive, and the food options are not as good. So I can't provide for my family in the same way that I used to. When I was younger, I used to help my mum and dad grow food that fed the whole family. This is changing the roles in the family and our lifestyles. I don't think the food is healthy, not like before.
42. It also means that I cannot teach my kids and grandkids about gardening, because it's all different now. This is a really big loss, as gardening is a very important way of life on Warraber. This means that my kids and grandkids don't understand traditional knowledge about gardening. I think that the knowledge has stopped with my generation. This is a very important part of Warraber culture that is being lost. This makes me very sad.
43. There is a lot of connection between gardening, harvesting and what season is coming. Food is part of our culture and tradition, and how we survive during different times of the year. For example, at Easter, you always harvest and then take the food to the church to feed the whole community. Not having the right foods for the right time of year doesn't allow us to practice culture the way we used to.

44. I was also taught by my parents when, where and how to go fishing. You learn where the fish or crays are, what signs to look for, when or what time of year they are there, and how to make sure you don't take too much.
45. Diving is in our blood – it's part of *Ailan Kastom*. It is part of our survival. Diving allows us to provide for our families. There are not many jobs in the Torres Strait, particularly in the outer islands like Warraber, so people who don't have jobs rely on diving for food and survival. My people are proud of our diving culture. I was taught how to dive by my dad and my uncles. It is a skill that is passed down through every generation. My dad and grandad were really proud of their diving.
46. Diving is the number one industry on Warraber. We generally fish for crays to sell, because there are a lot of reefs around Warraber.
47. Starting when I was 9 years old, I would go diving for crays all over the reefs around Poruma. Later, when I was 15 or 16 I started diving in the reefs all around Warraber and Burrar. There are coral reefs all in that area, and they used to have quite a lot of crays.
48. Because the temperatures are hotter now, the water is really warm now. This affects the reef, and the crayfish and other fish.
49. In the last 10 years or so, it has been much harder to find crayfish. They tend to stay in the deep water for most of the day, and only come up at night into the shallow water, where we can fish for them. They are also much smaller in size now. We think this is because the water is warmer, too.
50. About 5 years ago, a lot of the coral in the area between Warraber and Burrar was bleached. This made the reef die off, and the crayfish also left. I have marked this area with pink lines on the map below at paragraph 51.
- 51.



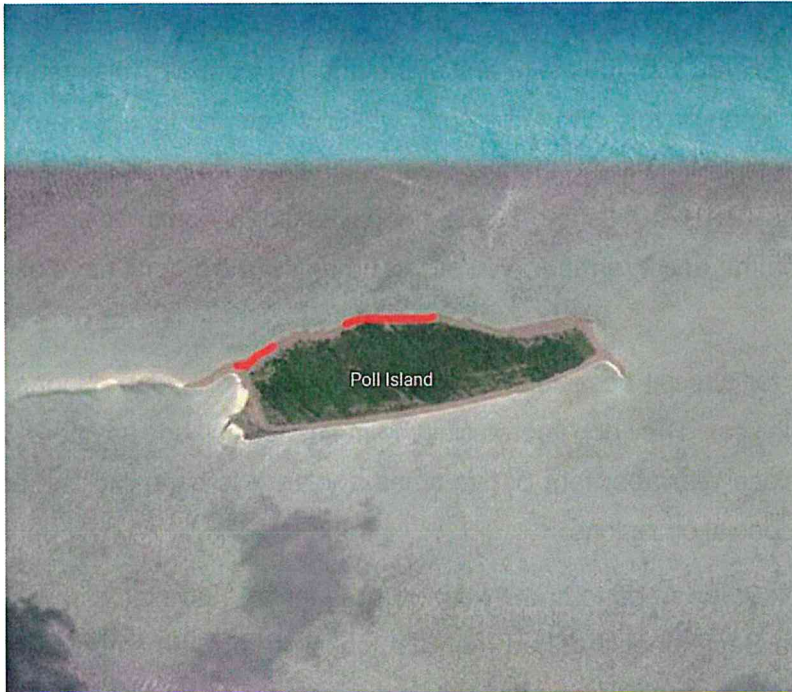
52. After this bleaching event, the area where you can find crayfish is much less. While before you could find crayfish pretty much anywhere in the areas around Warraber and Burrar (including in the channel between them), now you can really only find crayfish in certain areas. I have marked these areas in yellow on the above map at paragraph 51.
53. In order to get anything more than a small number of crayfish, now you have to fish at night, since you don't see very many during the day.
54. Crayfishing is done by quota. The quota is based upon the weight of the crayfish, so you need to take more crayfish to meet the quota, because the crayfish are smaller. Even fishing at night, I find it hard now to meet the quota for crayfish. In the past, it was easy to meet the quota fishing in the daytime.
55. The reef bleaching also affected the number of fish in the area. When I was younger, I would see huge schools of fish around the reef areas. Now, they are not there, and you have to go to the deeper waters near the reef drop off to find these fish and even there, there are not as many.
56. The erosion of the sand on Warraber also causes sand to be washed out over the sea grasses. The sand ends up on top of the sea grass and kills it. When I was younger, there used to be lots of sea turtles around Warraber, Burrar and Poruma. You could find them at almost anytime. I remember Burrar being covered in turtles during the mating season.

57. Before, the turtles would lay their eggs almost everywhere around places like Burrar, Warraber, Guiya and Sassie Island. There used to be quite a lot of turtle eggs on these islands, and the general practice was to take some eggs, and leave others. This made sure that there were enough eggs left to ensure some turtles hatched and the cycle continued. Now, they are much lower numbers of turtle eggs. There are less nests, and it is not often that you can find any eggs at all. Because the practice has always been only to take some eggs, and leave others, now if you can see that someone else has been to the island before you, you just don't take any of the turtle eggs at all. This means that we don't get to eat turtle eggs very often anymore, which is sad. Turtle eggs are a special food in Warraber. You generally eat them at celebration times and cultural events. When I was younger in the 1970s, 1980s and 1990s, people would rely on turtle eggs as a main food source on Poruma and Warraber. We still eat them, but we don't have as many to eat.
58. We catch dugong for special occasions. Now we might see only one dugong close to Warraber in a whole year. They don't come close to the central islands anymore. We used to see a dugong close Warraber four or five times a year. It is harder to find and catch dugongs now, for special occasions.
59. We would also look at the trees to know when to go hunting. For example, when a tree fruited in August to September that had fruit that looks like a turtle embryo, this was a signal that it was turtle mating season and it was a good time to go and look for turtle eggs. This tree is called *kubilgim* (sea ebony). The fruit would turn yellow in October or November and that would tell us that there were mating turtles. Now, the fruit doesn't turn yellow at the same time and there are very few turtles.
60. We would also hunt birds. Back in the 1980s, we would use slingshots to hunt the *woeyba* (rose-crowned fruit dove), the *kalawoeyba* (superb fruit dove), and magpie geese. There were a lot of different bird species that used to migrate through Poruma and Warraber.
61. Mazaguiya was a place where many birds nested, and this was one of the areas where we would go to hunt birds.
62. My family would also go camping on Poll, as well as Burrar. We would go to Poll a couple of times a year and stay there for a few days. It is a place where we hunt and fish, and generally connect with the land. Usually, in those days, you would camp pretty close to

the beach. The campsites now have a lot of erosion, so we've had to move where we camp inland.

63. Below at paragraph 64 is a map showing Poll. I have marked on it where my family would go camping.

64.



65. Also below at paragraph 66 is a map showing Burrar. Again, I have marked on it where my family would go camping.

66.



67. Growing up, I was taught by my parents and grandparents 'don't take too much' to sustain our food and seafood. The teachings about how we harvest and hunt have changed due to climate change. Now, people don't go out very often, we still try hard to protect species but there are less of them and it's harder to apply the old teachings to sustain them.

History of observing climate change

68. Back in the 1970s, when I was still living on Poruma, there was a lot of erosion occurring on the island. The administrator of the island told the people to move to Somerset in Queensland (which is located on the tip of Cape York).
69. I remember my grandfather saying that he did not want to move. He did not want to leave Poruma. So instead the people tried to stop the erosion from occurring. We would gather dirt and coconut leaves and build a barrier on the beach where the high-water mark was.
70. When I lived on Poruma, my family would often go to Warraber. In the 1960s and early 1970s, this was around a five-hour trip on a sailing boat. From the late 1970s, we used motorboats which took around two hours. We would go there for different reasons, but often it was to get fresh water. Warraber used to have bore water that you could drink, which Poruma didn't. We would go to Warraber regularly.

71. Around this time, in the 1970s Warraber was bigger than it now is. Warraber elder Uncle Jeffrey Bob has explained to me the history of Warraber and the erosion from when he was young in the early 1950s and I set out that information below.
72. We used to talk about "Big" Warraber and "Little" Warraber. "Big" Warraber is the main part of the island. It is still there today. "Little" Warraber was a small part of the island on the southwestern side where there were wongai and *mur* (bay cedar) trees. About 50 metres of that area has been washed away and the trees are gone.
73. Below at paragraph 74 is a council aerial photograph of Warraber from the 1970s. You can see on the far southwest side of the island some trees. I have circled these trees in red. This is what was left of what we called "Little" Warraber. There had already been some trees eroded away by the time this photo was taken in the late 1970s. These trees are now gone and this area is now ocean.
- 74.



75. Back in the 1950s, when "Little" Warraber existed, even during high tide the beach went out further on both the southwest side, and the northeast side of the island than it does now. The area where "Little" Warraber used to be is now ocean. The island is now smaller than it used to be. Below at paragraph 77 is a map on which I have marked in red

approximately the areas where the beaches used to be located on the northeast and southwest of the island.

76. The erosion has moved some of the sand to create new areas of land at the eastern and western ends of the island today. The erosion has moved some of the sand from the southwest, where "Little" Warraber used to be, to the west of the island. It has also moved some of the sand from the northeast beach and in front of the church to the east of the island. I have also marked in yellow on the map at paragraph 77 below these new areas of the island.

77.



78. The sea water comes in from both sides on Warraber. In general, on the south side of the island, the current goes from the east to the west. This impacts the southwest side of the island.
79. On the north side of the island, the current goes from the west to the east. This impacts the north side of the island. The beach on the northeast side of the island is being eroded as well.
80. Since about the 2000s, the erosion on the northeast and southwest sides of Warraber has got worse. The beaches continue to erode at every king tide during the monsoon when it is raining.

81. I have marked the directions of the currents (showing which direction they flow) on the map at paragraph 24, in green.
82. In the 1950s, everywhere on the island was a garden area. The people lived next to the beach in the north/northeast. They would plant sweet potatoes, watermelon, sugarcane, pumpkin, pawpaw, yam, corn, chillies, *gasi* (native arrowroot) and cassava in clearings underneath and between trees. In the late 1950s, they started to build the village, store, radio room, health centre and school. Today, the garden areas are still there but they are smaller than they used to be. They are less useful because of climate change, as I described above. Garden areas aren't being worked because they don't grow anything or only grow unpredictably and only small crops.
83. In the late 1970s, part of the cemetery in Warraber washed away. Some of the bones were washed out to sea. The people came around and picked up the remains that they could find. However, because some of the remains were washed away from their graves, it was difficult to tell where they belonged. Instead of returning the remains to their former sites, a big hole was dug and all of the remains were reburied there. So nobody knows who is who.
84. This made everyone really sad. In our culture you do not move people once they are buried. It is like waking them up again, and it is not good. Having to move the remains, and having them all mixed up made it very difficult, both for us and the ancestors. Our culture is that we talk to our ancestors. We go and talk to them before we travel or knock down trees that belong to them. Those of us still living on Warraber are very concerned that this will happen again. Uncle Jeffrey Bob has told me that in the 1950s there were 17 graves in the cemetery and, during the 1990s, there were 9 left. Now, there are only 6.
85. After this happened, the locals built a seawall in about the early 1980s on the northeast side of the island, by the Esplanade. The wall was first made of old truck tyres, then in the 1990s it was re-made of rocks by contractors who were building a shipping channel. They did the community a favour by putting the rocks on the seawall. I have marked the area of this seawall on the map at paragraph 24 above, with a brown line. Two or three times it has been re-packed after the water has loosened the rocks from the seawall. It is backfilled with sea soil from the channel that comes out from the island.
86. Also below at paragraphs 87 to 90 are photos of this sea wall.
- 87.



88.



89.



90.



91. There is another seawall that goes out the front of my house. It was built by the council in the late 1990s and early 2000s out of concrete and rocks from the channel. I have marked the area of this seawall on the map at paragraph 24 above, with a black line. Below at paragraph 92 is a photo that was taken from the beach looking towards my house. You can see the stones of the rock wall.

92.



93. Since the 1980s, I remember there being some erosion on Warraber, but it has become much worse in the last 10 years or so.

More recent impacts of climate change

94. In the last decade, I have really noticed that things are changing on Warraber.
95. Around 4 or 5 years ago, the beach on the northeast side of the island, above where the guesthouses are located, used to go out another 10 metres or so than it does now. This is the beach that used to extend much further out into the ocean, as shown in red on the map at paragraph 77 above. This area has really been affected by soil erosion, as it is the lowest area on the island.
96. The reason it is affected by soil erosion is because during the monsoon season, the waves come in from the northwest side of the island and this beach is not protected by a seawall

so the waves erode the beach. The waves also come over the seawall and flood onto the Esplanade that runs along the north edge of the island. Even with the seawall, the water comes into the Esplanade, and then floods it with salt water. The water sits on the ground, and comes right in the island, eventually flowing around to the east side of the island (as it is lower).

97. Along with the northeast beach above the guest house, the area near the church and the cemetery are the most affected.
98. The photo at paragraph 99 below shows the erosion at the northeast beach above the guesthouse area.
- 99.



100. The area on the southwestern side of the island, where "Little" Warraber used to be, is still eroding today. Below at paragraph 101 is a photo of the southwest beach. You can see exposed sewerage piping in the soil. This piping used to be buried about 2 meters deep in the sand.
- 101.



102. The soil on Warraber is a bit different to some of the other islands. There is a layer of topsoil on the surface, which is only about half a metre or so thick. This soil is generally dark brown in colour, and this is the soil that is needed to grow vegetation in, such as the crops in the gardens. Underneath the topsoil layer is fine sand. This sand is no good for growing things in.
103. When the water comes in it washes away the topsoil, and the vegetation, and erodes the sand underneath, which just makes the problem even worse. The sand erodes more easily than the topsoil. When the sand is eroded underneath, the topsoil collapses.
104. Below at paragraphs 105 to 107 are more photos of erosion on the northeast side of the island. The dark layer at the top is the topsoil, below it is just sand.
- 105.



106.



107.



108. We have tried to slow the erosion around these areas in a number of ways.
109. Around the northeast beach above the guesthouse area, the ranger planted coconut trees and native plants to try to stop the erosion. It helps a little bit but it won't stop the erosion.
110. Below at paragraphs 111 to 112 are photos of these coconut trees.
- 111.



112.



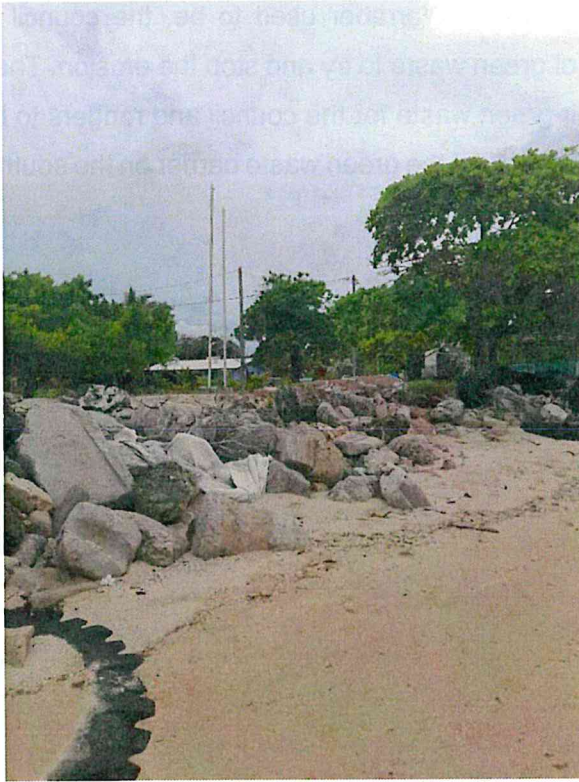
113. On the southwestern beach, where "Little" Warraber used to be, the council and the rangers have put in a barrier made of green waste to try and stop the erosion. The council asked the community to collect their green waste for the council and rangers to build the barriers. Below at paragraph 114 is a photo of the green waste barrier on the southwestern beach.

114.



115. In other areas, particularly around the church and the northeast side of the island, we have put things like large truck tyres and construction rubble to try and keep the soil from disappearing. However, it's still eroding. We've done everything we can but it doesn't work. The tides just keep coming in. Water always finds a way.
116. Below at paragraphs 117 to 121 are photos of the church and construction rubble that we have put there.

117.



118.



119.



120.



121.



122. In the photo above at paragraph 121, the coconut tree is where my mum's house used to be in the 1950s. The beach used to extend out in front of the house by about 100 metres.
123. The erosion on the northeast side of the island is really bad. The council has been talking to the community about the seawall and how it is going to protect us. The seawalls project has been ongoing for some time on other islands in the Torres Strait. But we don't know when the seawall in Warraber is going to be built. The Australian Government has not had a consultation with us about the seawall.
124. The erosion isn't only affecting Warraber. On Poll, the rangers built water tanks and a gazebo for people to use when they visit the island. However, because of the existing erosion and worry that the water would come further in, the rangers deliberately built the tanks and the gazebo 30 metres back from the beach, which is much further inland than they used to be. I told the ranger we had to move it so far back because otherwise in the next ten years they would be gone.
125. There are two sandbars called *Tim* and *Beka* that are about 15 kilometres to the east and southeast of Poruma that have already gone underwater. We would go to these sandbars

and grab eggs from the birds' nests for food. But those birds have gone now, they do not come there to nest any more, because the area is mostly underwater.

126. There are a lot less birds migrating through Warraber now, as I described above. I don't see the parrot birds anymore, so we can no longer hunt them. It is the same for the honeyeaters. When I was a child, they used to migrate through the islands around the time of the monsoon season starting. However, in the last five or six years, I haven't seen them anymore. I also don't see magpie geese as much anymore. In the 1970s a lot of birds would migrate through the Torres Strait before monsoon season starts. At least 20 different types of birds. Now, only pelicans plus three or four others are passing through. In general, there are less birds than there used to be when I was young.

The future

127. I am very worried about the future of Warraber.
128. It was very upsetting when the cemeteries washed away, and the community had to bury all of the ancestors together after they were recovered.
129. I am very afraid that this will happen again, especially because that side of the island is affected a lot by erosion.
130. There is some talk in the community about moving the cemetery. But that is difficult. It would not be good to move the ancestors. In our culture, you do not move people once they are buried. To connect with them, you go to where they're buried.
131. I am also really concerned about our culture, our *Ailan Kastom*. If my children and grandchildren, or their children and grandchildren, can't grow up on the island, they won't know our culture. They won't know who they are, or where they belong. They won't know about the lands or the seas, or the animals. They won't know how to tell the seasons, where to hunt and fish, and how to look after the land. This makes me very sad.
132. When I die, I will be buried on Warraber. Even though I will be buried here, even though I want my children and grandchildren to know our culture, I have encouraged my children to move away to the mainland when they're grown up because of climate change making Warraber unsafe. They don't want to leave. Warraber is their home too.
133. It is very difficult to think about the loss of Warraber. I cannot imagine what my life would be like if Warraber was gone or lost to the water. The island is a big part of who I am. You could take me away from the island, but you couldn't take the island away from me.

134. I do not want to ever leave Warraber. I am connected to my people here. It is my identity.
If I could not stay here, I do not know what I would do.


Sworn by the deponent
at Cairns
in Queensland
on 24 January 2023

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Signature of deponent

Before me:



Signature of witness

Grahame Best

An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law
(Victoria).