

NOTICE OF FILING

Details of Filing

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Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink, reading "Sia Lagos".

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 59
Rule 29.02(1)

Affidavit

No. VID 622 of 2021

Federal Court of Australia
District Registry: Victoria
Division: General

PABAI PABAI AND GUY PAUL KABAI

Applicants

COMMONWEALTH OF AUSTRALIA

Respondent

Affidavit of: **Brett David Orion Spiegel**
Address: Level 3, 325 Flinders Lane, Melbourne VIC 3000
Occupation: Legal Practitioner
Date: 2 June 2023

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Filed on behalf of	Pabai Pabai and Guy Paul Kabai, Applicants
Prepared by	Brett Spiegel, Phi Finney McDonald
Law firm	Phi Finney McDonald
Tel	(03) 9134 7100 Fax
Email	[REDACTED]
Address for service	Phi Finney McDonald, Level 3, 325 Flinders Lane, Melbourne VIC 3000

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I, **BRETT DAVID ORION SPIEGEL** of Level 3, 325 Flinders Lane, Melbourne in the State of Victoria, legal practitioner, affirm:

1. I am a Principal Lawyer in the firm of Phi Finney McDonald (**PFM**). I have the care and conduct of this proceeding on behalf of the Applicants and I am authorised to make this affidavit on their behalf.
2. I make this affidavit from my own knowledge unless otherwise stated. Where I make statements on the basis of information provided to me, I believe that information to be true and correct.
3. Annexed hereto and marked "**BDOS-4**" is a paginated bundle containing materials referred to in this affidavit. I have referred to documents by page number in **BDOS-4**, using the style **BDOS-4**: [page number].
4. I make this affidavit to confirm:




- a) the steps taken by the Applicants' solicitors to facilitate the distribution of the opt out material in accordance with the procedure set down in paragraph 2 of the orders of her Honour Chief Justice Mortimer of 6 April 2023 (**the Orders**) (**BDOS-4**: 9-11); and
- b) that no group members communicated their intention to opt out of the proceeding by the conclusion of the Opt Out Period, being 31 March 2023 to 26 May 2023 per paragraph 2(a) of the Orders.

Opt Out Notice

- 5. Paragraph 2(b) of the Orders stipulates that the notice to group members in Annexure A to the Orders (**the Notice**) was to be posted to the entities listed in Annexure D to the Orders at the start of the Opt Out Period (**BDOS-4**: 16). The Notice comprised a three page notice and a one page poster.
- 6. I instructed Grahame Best, Senior Associate at PFM, to oversee the distribution of the opt out materials with the assistance of PFM lawyers. I am informed by Mr Best and believe that PFM lawyers took the following steps to ensure the entities in Annexure D received the Notice:
 - a) PFM lawyers identified the office addresses of the three local councils in Annexure D of the Orders. These addresses are set out in paragraphs 12 – 14 of my affidavit dated 10 March 2023 (**BDOS-4**: 25-27);
 - b) I instructed Mr Best to prepare letters to each of the local councils in Annexure D, attaching the Notice, and requesting that they display the Notice publicly for the community to see by posting the one-page poster on a community noticeboard or other public location and putting the longform notice in a public place such as the council front desk. Copies of those letters are at exhibited at (**BDOS-4**: 33, 34, 35);
 - c) On 12 April 2023, PFM lawyers mailed packages to each address set out in paragraphs 12 – 14 of my affidavit dated 10 March 2023 with the following materials:
 - i. the letter addressed to each council office;
 - ii. three copies of the Notice for each island overseen by the relevant council office;
 - iii. one copy of the one-page poster for each island overseen by the relevant council office.



7. I attended the offices of the Torres Strait Island Regional Council on Boigu and Saibai islands on 3 and 4 May 2023 respectively. I observed that the Notice was displayed at the front desk of each office.
8. On 2 May 2023, a Senior Legal Officer of the Torres Strait Island Regional Council confirmed by email to Mr Best that it agreed to display and distribute the notices. A copy of this email correspondence is exhibited at **BDOS-4: 36-37**.

Newspaper Advertisements

9. Paragraph 2(c) of the Orders stipulates that the advertisement in Annexure B (**Advertisement**) to the Orders was to be published once a week or fortnight as applicable during the Opt Out Period in each of the publications listed in Annexure E, in the first available print run after the date the Orders were made. (**BDOS-4: 19**).
10. I am informed by Mr Best and believe that the Torres News, which is a weekly publication, confirmed that it would publish the Advertisement on the following dates:
 - a) 13 April 2023;
 - b) 20 April 2023;
 - c) 27 April 2023;
 - d) 4 May 2023;
 - e) 11 May 2023; and
 - f) 18 May 2023.
11. I am informed by Mr Best and believe that the Koori Mail, which is a fortnightly publication, confirmed that it would publish the Advertisement on the following dates:
 - a) 19 April 2023;
 - b) 3 May 2023;
 - c) 17 May 2023.
12. I am informed by Mr Best and believe that the first publication dates above were the first available print runs after the Orders were made on 6 April 2023.
13. I am informed by Mr Best that PFM lawyers received tear sheets from the Torres News and Koori Mail confirming the publication of the Advertisement on each of the dates in paragraphs 10 and 11 above. These tear sheets are exhibited at **BDOS-4: 38-46**.



Social Media

14. Paragraph 2(d) of the Orders stipulates that the text of the announcement to be broadcast on radio at Annexure C to the Orders (**Radio Announcement**) was to be published in the Facebook groups listed in Annexure F of the Orders, to the extent that the administrators of those groups granted the Applicants permission to post the text of the Radio Announcement in those groups (**BDOS-4: 20**).
15. I am informed by Mr Best and believe that:
 - a) on 17 May 2023, PFM lawyers contacted each of the administrators of the Facebook groups in Annexure F to request they post the Radio Announcement; and
 - b) by 24 May 2023, the Radio Announcement had been posted to the following Facebook groups in Annexure F:
 - i. Boigu Community;
 - ii. Cairns Indigenous Network;
 - iii. Hammond Island Community Notice Board;
 - iv. Mabuyag Noticeboard;
 - v. NPA Community Notice Board.
 - c) for the remaining Facebook Groups, the administrators did not read and/or respond to the request from PFM lawyers after reading the request; and
 - d) on 24 May 2023, PFM lawyers contacted each of the administrators of the Facebook groups that had not posted the text of the Radio Announcement to repeat the request.

Radio Advertisements

16. Paragraph 2(e) of the Orders stipulates that the Radio Announcement was to be broadcast once each week during the Opt Out Period by each of the four stations in Annexure G to the Orders (**BDOS-4: 21**).
17. As there were approximately eight weeks in the Opt Out Period, the Orders contemplated that the Radio Announcement was to be broadcast eight times in total on each of the four stations, which was a total of 32 broadcasts.
18. I am informed by Mr Best and believe that:



- a) after additional consultation, the radio stations listed in Annexure G advised that they were only willing to broadcast the Radio Announcement if the Applicants satisfied a minimum requirement of ten broadcasts per week;
 - b) Mr Best therefore requested that each station broadcast the Radio Announcement ten times a week for one week per station during the Opt Out Period, and that the broadcasts be staggered throughout the Opt Out Period. This meant that the Radio Announcement would be broadcast in a different sequence than specified by the orders, however the Radio Announcement would be broadcast ten times per station and a total of 40 times, which is two more broadcasts per station and eight more broadcasts in total than contemplated by the Orders;
 - c) English and Yumpla Tok versions of the Radio Announcement were recorded and broadcast as part of this package.
19. I am informed by Mr Best and believe that a representative from Spot & Space Sales, which manages advertising distribution for the four radio stations, confirmed that the Radio Announcement was to be broadcast ten times (five times in each language) by each station on the following dates:
- a) on Radio4MW TSIMA in the week commencing 30 April 2023;
 - b) on BBM 4CIM in the week commencing 7 May 2023;
 - c) on 4K1G Radio in the week commencing 14 May 2023; and
 - d) on 4BSN in the week commencing 14 May 2023.
20. Now annexed and shown to me is a true copy of a spreadsheet provided to Mr Best on 26 April 2023 by the representative from Spot & Space Sales (**BDOS-4: 47**). This spreadsheet discloses the scheduled dates for the broadcast of the Radio Announcement on each of the stations listed in the Orders.

Communication with Victorian Registry of Federal Court

21. I am informed by Mr Best and believe that, on 24 May 2023, PFM lawyers contacted the Victorian registry of the Federal Court of Australia by phone to confirm whether it had received any written opt out notices from Group Members. A Registrar confirmed that the Federal Court had not received any notices electronically or by mail.
22. On 31 May 2023, PFM lawyers received an email from the Registry confirming that it had not received any written opt out notices since 24 May 2023 (**BDOS-4: 48-49**).



Conclusion of Opt Out

23. In accordance with paragraph 2(a) of the Orders, the Opt Out period concluded on 26 May 2023. I am informed by Mr Best and believe that, as of 26 May 2023 no Group Member had communicated their intention to opt out of the Proceeding by written notice to the Court or by email to PFM.

Affirmed by the deponent
at Melbourne
in Victoria
on 2 June 2023

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)
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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).

No. VID 622 of 2021

Federal Court of Australia

District Registry: Victoria

Division: General

PABAI PABAI AND GUY PAUL KABAI

Applicants

COMMONWEALTH OF AUSTRALIA

Respondent

CERTIFICATE IDENTIFYING ANNEXURE “BDOS-3”

This is the annexure marked “**BDOS-4**” referred to in the affidavit of Brett David Orion Spiegel dated 2 June 2023.

Before me:



.....
Signature of witness

Grahame Best

An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law



Federal Court of Australia
 District Registry: Victoria
 Division: General

No: VID622/2021

PABAI PABAI
 First Applicant

GUY PAUL KABAI
 Second Applicant

COMMONWEALTH OF AUSTRALIA
 Respondent

ORDER

JUDGE: JUSTICE MORTIMER

DATE OF ORDER: 06 April 2023

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. Pursuant to ss 33X(1)(a) and 33Y of the *Federal Court of Australia Act 1976 (FCAA)*, the Court approves the form and content of:
 - (a) the notice to Group Members at Annexure A to these orders (**Notice**);
 - (b) the advertisement at Annexure B to these orders (**Advertisement**); and
 - (c) the announcement to be broadcast on radio at Annexure C to these orders (**Radio Announcement**).

2. Pursuant to s 33Y(3) of the FCAA, the material is to be distributed according to the following procedure:
 - (a) The **Opt Out Period** is 31 March 2023 to 26 May 2023.
 - (b) The Notice is to be posted to the entities listed in Annexure D to these orders at the start of the Opt Out Period.
 - (c) The Advertisement is to be published once a week or once a fortnight as applicable during the Opt Out Period in each of the publications listed in Annexure E to these orders, in the first available print run after the date these orders are made.



- (d) The text of the Radio Announcement is to be posted once during the Opt Out Period in the Facebook groups listed in Annexure F that are identified as relevant to Group Members, to the extent that those groups grant the Applicants permission to post the Radio Announcement in those groups.
 - (e) The Radio Announcement is to be broadcast once a week during the Opt Out Period by each of the stations listed in Annexure G to these orders.
 - (f) The Court shall cause the Notice and the Court's Orders dated 6 April 2023 to be posted on the Federal Court's website and made available for inspection at the Cairns District Registry of the Federal Circuit and Family Court during the Opt Out Period.
 - (g) The Applicants may also distribute the Notice in a manner as they consider will best bring it to the attention of Group Members.
3. Pursuant to ss 33J and/or 33ZF of the FCAA, a group member may opt out of the proceeding by:
- (a) written notice to the Court by the end of the Opt Out Period; or
 - (b) email to Phi Finney McDonald expressing the intention to opt out, received by the end of the Opt Out Period. Phi Finney McDonald shall then complete the written notice on behalf of the group member and submit it to the Court.
4. Pursuant to rule 1.34 of the Federal Court Rules 2011, rule 9.34 is dispensed with to the extent necessary for the operation of order 3(b) above.

Amended pleadings

- 5. The Applicants have leave to file and serve a Second Further Amended Statement of Claim in the form provided to the Respondent for comment on 24 March 2023.
- 6. The Respondent is to file and serve any amended defence within 28 days after the Respondent is served a copy of the Second Further Amended Statement of Claim.

Case management hearing

- 7. The proceeding be listed for a further judicial case management hearing in the week commencing 24 April 2023.



8. A pre-trial case management hearing be listed for 11.00 am (AEST) on Friday 26 May 2023.

Costs

9. The costs related to the distribution of the opt out material shall be paid by the Applicants in the first instance, but otherwise shall be costs in the proceeding.

Date that entry is stamped: 6 April 2023

Sia Lagos
Registrar



ANNEXURE A

Notice



NOTICE CLASS ACTION ABOUT CLIMATE CHANGE IN THE TORRES STRAIT ISLANDS

This is an important notice ordered by the Federal Court of Australia

What is this notice about?

Two Torres Strait Islander leaders have brought a legal case against the Australian Government on behalf of all Torres Strait Islanders. The case is about climate change and its effects on Torres Strait Islanders.

If you are a Torres Strait Islander and believe you have suffered loss or damage as a result of the Australian Government not doing things to protect Torres Strait Islanders from the effects of climate change you are automatically part of the case. You can:

1. Stay in the case by doing nothing; or
2. Leave the case by sending a form called an opt-out form, or by emailing Phil Finney McDonald and telling them you want to opt out, by 4:00pm AEST on 26 May 2023.

You do not need to pay money to stay in the case.

This notice explains what this means.

Information about the case

Uncle Pabai Pabai and Uncle Paul Kabai from Boigu and Saibai Islands in the Torres Strait have brought a legal case in the Federal Court against the Australian Government. The case is about climate change and its effects on Torres Strait Islanders. The Australian Government is defending the case.

The case is called a 'class action' because Uncle Pabai and Uncle Paul have brought the case on behalf of everyone who is a Torres Strait Islander (as explained below). The outcome of the case might affect all Torres Strait Islanders. This case is the first time that anyone in Australia has argued that the whole Australian Government has a duty to protect people from climate harm.



Uncle Pabai Pabai from Boigu and Uncle Paul Kabai from Saibai who are bringing the case. Photo credit: Connor Kerlin

Federal Court of Australia

The Federal Court of Australia has ordered that this notice be published for the information of persons who might be members of the class on whose behalf the action is brought and may be affected by the action.



What do Uncle Pabai and Uncle Paul want?

Uncle Pabai and Uncle Paul are arguing that the Australian Government should have done, and must do, more to protect Torres Strait Islanders from climate change. Uncle Pabai and Uncle Paul are asking the Federal Court to conclude that:

1. Torres Strait Islanders are at risk of having to leave the Torres Strait Islands because climate change is causing the seas to rise and flood the islands. Climate change is already harming the Torres Strait and its culture.
2. The Australian Government owes a special responsibility – called a duty of care – to protect all Torres Strait Islanders from harm caused by climate change.
3. The Australian Government has not done enough to protect Torres Strait Islanders from climate change and has breached its duty of care.
4. The Australian Government should have, and must, reduce Australia's greenhouse gas emissions (pollution) to protect Torres Strait Islanders.
5. The Australian Government must do more to help Torres Strait Islanders deal with the effects of climate change.
6. The Australian Government has to pay compensation to Torres Strait Islanders who have been harmed by climate change.

When is the trial?

The trial of the case will start on 6 June 2023. The Court will hear evidence on-country in the Torres Strait Islands, as well as in the Federal Court in Cairns. Another hearing about expert evidence will start on 30 October 2023 at the Federal Court in Melbourne.

Uncle Pabai and Uncle Paul's lawyers are a law firm called Phi Finney McDonald. They are helping Uncle Pabai and Uncle Paul bring the case.

What do you need to do to be part of the case?

The case is brought on behalf of everyone who is Torres Strait Islander (by descent or by customary adoption) (Torres Strait Islander) and who believes they have suffered loss or damage as a result of the Australian Government not doing things to protect Torres Strait Islanders from the effects of climate change. In legal terms, everyone who meets this description is a "Group Member".

If you meet the description, you are automatically a Group Member and you don't need to do anything to be a part of the case.

What will happen if you stay in the case?

If you do not opt out, then you might get a share of any payment of money the Court says should be paid to Torres Strait Islanders in a judgment of the Court. The Court might also order the Australian Government to take action that benefits Torres Strait Islanders overall.

The case might also "settle" if Uncle Pabai and Uncle Paul and the Australian Government all agree about what should happen. If the case settles, you might get a share of anything that is agreed.

A judgment or settlement might include a payment of money to Torres Strait Islanders, but it might not. You may also have to take further steps to get money from any judgment or settlement, such as providing evidence of any damage you believe you have suffered as a result of climate change.



If the case is unsuccessful or you do not get what you want from the case, you will not be able to bring the same case against the Australian Government yourself. You also might not be able to bring a similar case against the Australian Government yourself.

Will you have to pay any money if you stay in the case?

You won't have to pay any money simply to stay in the case. However:

- You may have to pay something if you get money from the case at the end. If the Australian Government pays money to Torres Strait Islanders, then Phi Finney McDonald might get some of that money to cover their legal fees. That means that you might have to pay Phi Finney McDonald some of the money that you get from the case. This will be up to the Court.
- If you want your own advice about this case or your rights in relation to climate change, you can ask Phi Finney McDonald or other lawyers to help you. That may cost money.

You won't have to pay any money if the case fails.

What do you need to do if you don't want to be part of the case?

If you don't want to be part of the case, you need to tell the Federal Court. This is called 'opting out' of the case. There are two ways you can opt out:

1. Download the opt out form from www.climatecase.com.au fill it out and post or email it to the Victorian Registry of the Federal Court at 305 William Street, Melbourne VIC 3000 or vicreg@fedcourt.gov.au.
2. Email Phi Finney McDonald on climateclassaction@phifinney-mcdonald.com and say you want to opt out.

If you want to opt out, you must send the form or email by 4:00pm on 26 May 2023.

What will happen if you opt out?

If you opt out, you will not be given a share of anything from either a judgment or settlement. But you will be free to start the same case or a similar case against the Australian Government yourself if you want to.

Where can you get more information or ask questions?

The Federal Court has published the important documents in this case online. You can access the documents at <https://fedcourt.gov.au/services/access-to-files-and-transcripts/online-files/pabai-v-australia>

If you have questions about the case or this notice, please do not ask the Court. You can contact Phi Finney McDonald on the details below. If you do not want to talk to Phi Finney McDonald, you should talk to your own lawyer.

1. Email: climateclassaction@phifinney-mcdonald.com
2. Visit: www.climatecase.com.au
3. Call: +61 (0)3 9134 7100

A copy of this notice is available for inspection at Phi Finney McDonald's offices, Level 3, 325 Flinders Lane Melbourne 3000, and at the Cairns Registry of the Federal Circuit and Family Court at Level 3, 94-104 Grafton St, Cairns City QLD 4870.



CLASS ACTION ABOUT CLIMATE CHANGE IN THE TORRES STRAIT ISLANDS

This is an important notice ordered by the Federal Court of Australia

What is this notice about?

Two Torres Strait Islander leaders have brought a legal case against the Australian Government on behalf of all Torres Strait Islanders. The case is about climate change and its effects on Torres Strait Islanders.

If you are a Torres Strait Islander, and believe you have suffered loss or damage as a result of the Australian Government not doing things to protect Torres Strait Islanders from the effects of climate change you are automatically part of the case. You can:

1. Stay in the case by doing nothing; or
2. Leave the case by sending a form called an opt-out form, or by emailing Phi Finney McDonald and telling them you want to opt out, by 4:00pm AEST on 26 May 2023.

You do not need to pay money to stay in the case.

Information about the case

Uncle Pabai Pabai and Uncle Paul Kabai from Boigu and Saibai Islands in the Torres Strait have brought a legal case in the Federal Court against the Australian Government. The case is about climate change and its effects on Torres Strait Islanders. The Australian Government is defending the case.

Uncle Pabai and Uncle Paul's lawyers are a firm called Phi Finney McDonald. They are helping Uncle Pabai and Uncle Paul to bring the case.

What do you need to do to be part of the case?

The case is called a "class action" because Uncle Pabai and Uncle Paul have brought the case on behalf of everyone who is Torres Strait Islander (by descent or by customary adoption) (Torres Strait Islander) and who believes they have suffered loss or damage as a result of the Australian Government not doing things to protect Torres Strait Islanders from the effects of climate change. In legal terms, everyone who meets this description is a "Group Member".

If you meet the description, you are automatically a Group Member and you don't need to do anything to be a part of the case.

What do you need to do if you don't want to be part of the case?

If you don't want to be part of the case, you need to tell the Federal Court. This is called 'opting out' of the case. There are two ways you can opt out:

1. Download the opt out form from www.climatecase.com.au, fill it out and post or email it to the Victorian Registry of the Federal Court at 305 William Street, Melbourne VIC 3000 or vicreg@fedcourt.gov.au.
2. Email Phi Finney McDonald on climateclassaction@phifinney-mcdonald.com and say you want to opt out.

If you want to opt-out, you must send the form or email by 4:00pm on 26 May 2023.

Where can you get more information or ask questions?

If you have questions about the case or this notice, please do not ask the Court. You can contact Phi Finney McDonald on the details below. If you do not want to talk to Phi Finney McDonald, you should talk to your own lawyer.

1. Email: climateclassaction@phifinney-mcdonald.com
2. Visit: www.climatecase.com.au
3. Call: +61 (0)3 9134 7100

A copy of this notice is available for inspection at Phi Finney McDonald's offices, Level 3, 325 Flinders Lane Melbourne 3000, and at the Cairns Registry of the Federal Circuit and Family Court at Level 3, 94-104 Grafton St, Cairns City QLD 4870.

ANNEXURE B

Advertisement

CLASS ACTION ABOUT CLIMATE CHANGE IN THE TORRES STRAIT ISLANDS

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1. Stay in the case by doing nothing; or
2. Leave the case by sending a form called an opt-out form, or by emailing Phi Finney McDonald and telling them you want to opt out, by 4:00pm AEST on 26 May 2023.

You do not need to pay money to stay in the case.

Information about the case

Uncle Pabai and Uncle Paul Kabai from Boigu and Saibai Islands in the Torres Strait have brought a legal case in the Federal Court against the Australian Government. The case is about climate change and its effects on Torres Strait Islanders. The Australian Government is defending the case.

Uncle Pabai and Uncle Paul's lawyers are a firm called Phi Finney McDonald. They are helping Uncle Pabai and Uncle Paul to bring the case.

What do you need to do to be part of the case?

The case is called a "class action" because Uncle Pabai and Uncle Paul have brought the case on behalf of everyone who is Torres Strait Islander (by descent or by customary adoption) (Torres Strait Islander) and who believes they have suffered loss or damage as a result of the Australian Government not doing things to protect Torres Strait Islanders from the effects of climate change. In legal terms, everyone who meets this description is a "Group Member".

If you meet the description, you are automatically a Group Member and you don't need to do anything to be a part of the case.

What do you need to do if you don't want to be part of the case?

If you don't want to be part of the case, you need to tell the Federal Court. This is called 'opting out' of the case. There are two ways you can opt out:

1. Download the opt out form from www.climatecase.com.au, fill it out and post or email it to the Victorian Registry of the Federal Court at 305 William Street, Melbourne VIC 3000 or vicreg@fedcourt.gov.au.
2. Email Phi Finney McDonald on climateclassaction@phifinneymcdonald.com and say you want to opt out.

If you want to opt-out, you must send the form or email by 4:00pm on 26 May 2023.

Where can you get more information or ask questions?

If you have questions about the case or this notice, please do not ask the Court. You can contact Phi Finney McDonald on the details below. If you do not want to talk to Phi Finney McDonald, you should talk to your own lawyer.

1. Email: climateclassaction@phifinneymcdonald.com
2. Visit: www.climatecase.com.au
3. Call: +61 (0)3 9134 7100

A copy of this notice is available for inspection at Phi Finney McDonald's offices, Level 3, 325 Flinders Lane Melbourne 3000, and at the Cairns Registry of the Federal Circuit and Family Court at Level 3, 94-104 Grafton St, Cairns City QLD 4870.



ANNEXURE C

Radio Announcement

Text of Radio Announcement

Two Torres Strait Islander leaders, Uncle Pabai Pabai and Uncle Paul Kabai from Boigu and Saibai Islands, have brought a legal case in the Federal Court against the Australian Government. The case is about climate change and its effects on Torres Strait Islanders. Uncle Pabai and Uncle Paul are arguing that the Australian Government should have done more in the past, and must do more in the future, to protect Torres Strait Islanders from climate change.

The Australian Government is defending the case.

Uncle Pabai and Uncle Paul have brought the case on behalf of every Torres Strait Islander.

The outcome of the case might affect all Torres Strait Islanders.

You are part of this case if you are a Torres Strait Islander (by descent or by customary adoption) and you believe that you have suffered loss or damage as a result of the Australian Government not doing things to protect Torres Strait Islanders from the effects of climate change.

If you want to continue to be a part of the case, you don't need to do anything.

If you don't want to be part of the case, please contact Uncle Paul and Uncle Pabai's lawyers, Phi Finney McDonald on (0)3 9134 7100 or go to www.climatecase.com.au.

**ANNEXURE D**

Torres Strait Island Regional Council (TSIRC)

Torres Shire Council

Northern Peninsula Area Regional Council

**ANNEXURE E**

The Torres News

The Koori Mail



ANNEXURE F

Badu Community Information

Boigu Community

Cairns Indigenous Network

Erub Community Social Group

Iama Island Community Notice Board

Hammond Island Community

Mabuyag Notice Board

Masig Noticeboard

Mer Island Community Noticeboard

NPA Community Notice Board

Poruma Digital Noticeboard

Saibai Island (Mother Land)

Seisia Community Noticeboard

Thursday Island Events and Promotions

Torres Strait Islanders TSIRC Dauan Island Noticeboard

Warraberalgal Online Community Notices

**ANNEXURE G**

Radio4MW TSIMA

BBM 4CIM

4K1G Radio

4BSN

NOTICE OF FILING**Details of Filing**

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	10/03/2023 4:46:19 PM AEDT
Date Accepted for Filing:	10/03/2023 4:46:24 PM AEDT
File Number:	VID622/2021
File Title:	PABAI PABAI & ANOR v COMMONWEALTH OF AUSTRALIA
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads "Sia Lagos". The signature is fluid and cursive, with the first letters of "Sia" and "Lagos" being capitalized and prominent.

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.

Form 59
Rule 29.02(1)

Affidavit

No. VID 622 of 2021

Federal Court of Australia
District Registry: Victoria
Division: General

PABAI PABAI AND GUY PAUL KABAI

Applicants

COMMONWEALTH OF AUSTRALIA

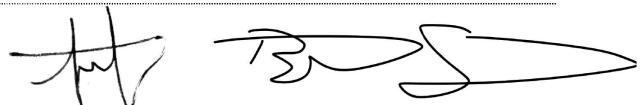
Respondent

Affidavit of: **Brett David Orion Spiegel**
Address: Level 3, 325 Flinders Lane, Melbourne VIC 3000
Occupation: Legal Practitioner
Date: 10 March 2023

I, **BRETT DAVID ORION SPIEGEL** of Level 3, 325 Flinders Lane, Melbourne in the State of Victoria, legal practitioner, affirm:

1. I am a Principal Lawyer in the firm of Phi Finney McDonald. I have the care and conduct of this proceeding on behalf of the Applicants and I am authorised to make this affidavit on their behalf.
2. 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 I believe that information to be true.
3. I make this affidavit in support of the Applicants' proposed orders regarding opt out.

Filed on behalf of	Pabai Pabai and Guy Paul Kabai, Applicants
Prepared by	Brett Spiegel, Phi Finney McDonald
Law firm	Phi Finney McDonald
Tel	(03) 9134 7100 Fax
Email	[REDACTED]
Address for service	Phi Finney McDonald, Level 3, 325 Flinders Lane, Melbourne VIC 3000



Location of Group Members

Group member definition

4. “Group Members” is defined in paragraph 1 of the Further Amended Statement of Claim as including all persons who, at any time during the period from 1985 to the date the Further Amended Statement of Claim was filed, are of Torres Strait Islander descent and suffered loss and damage as a result of the alleged conduct of the Respondent.

2021 Census data concerning the residence of Torres Strait Islander people

5. I instructed Grahame Best, Senior Associate at Phi Finney McDonald (**PFM**), to oversee the development of the opt out process with the assistance of PFM lawyers. I am informed by Mr Best and believe that PFM’s lawyers reviewed 2021 Census data released by the Australian Bureau of Statistics (**ABS**) to inform the proposed distribution method. This data, published on 31 August 2022, confirms the number of Torres Strait Islanders in Australia in 2021 and their state/territory of residence. I set out relevant extract of this data in the paragraph below.
6. National-level data is contained in the table entitled ‘Table 3.1 Census counts by Indigenous status (detailed), Place of Usual Residence, State/Territory, 2011-2021’. This table provides that 33,765 people in Australia identify as Torres Strait Islander; of which:
 - a) 21,772 reside in Queensland;
 - b) 5,127 reside in New South Wales;
 - c) 2,083 reside in Victoria;
 - d) 1,625 reside in Western Australia;
 - e) 1,225 reside in Tasmania;
 - f) 994 reside in South Australia;
 - g) 692 reside in Northern Territory; and
 - h) 230 reside in Australian Capital Territory.

Steps taken to identify methods to outreach to group members

7. I am informed by Mr Best and believe that, in order to determine how best to draw the Opt-Out Notice to Group Members’ attention, PFM’s lawyers:



- a) conducted extensive desktop research into print media, radio broadcasters and online sites with significant First Nations audiences;
- b) conducted extensive desktop research into community-facing entities in the Torres Strait including local councils;
- c) consulted Torres Strait Islanders involved in the Applicants' case including Uncle Pabai Pabai, Uncle Paul Kabai and Uncle Fred Pabai on the social and traditional media sources that Torres Strait Islanders in the Torres Strait frequently engage with;
- d) consulted Torres Strait Islanders involved in media communications in the Torres Strait, such as Aunty Jennifer Enosa, radio presenter for Radio4MW;
- e) reviewed 2021 Census data concerning the residence of Aboriginal and Torres Strait Islander people on mainland Australia and in the Torres Strait; and
- f) consulted First Nations Media Australia, the national peak body for First Nations broadcasting and media, on the most effective methods of reaching Torres Strait Islanders on mainland Australia.

Scope of proposed distribution methods

- 8. The proposed distribution methods are based on the research and consultation conducted by PFM lawyers, as set out in paragraph 7. In my view, based on this research and consultation, the proposed distribution methods are appropriately targeted towards reaching Torres Strait Islanders on mainland Australia and in the Torres Strait Islands.
- 9. The Applicants' Proposed Orders provide for the approval and distribution of three forms of notice:
 - a) a longform notice to Group Members to be posted to local councils in the Torres Strait and nearby areas;
 - b) a shortform advertisement to be printed weekly in two print newspapers and posted to Facebook groups utilised by Group Members; and
 - c) the text for a radio announcement to be broadcast weekly on radio stations in Queensland.
- 10. The geographical reach of the nominated entities (Annexure D), print media (Annexure E), social media (Annexure F) and radio broadcasters (Annexure G) is set out below.



Longform notice to Group Members

11. The three local councils in Annexure D of the Applicants' Proposed Orders, to which the longform notice will be posted, cover the entirety of the Torres Strait and Northern Peninsula Area. These are the Torres Shire Council, Torres Strait Island Regional Council and Northern Peninsula Area Regional Council. The notice will be posted to each local office for each Council.
12. The Torres Shire Council has an office at the following location:
 - a) 68 Douglas St, Thursday Island, QLD 4875. Postal Address: P.O Box 171, Thursday Island, QLD 4875.
13. The Torres Strait Island Regional Council has offices at the following locations:
 - a) Boigu (Talbot Is.): Chamber St, Boigu Island, QLD 4875.
 - b) Dauan (Mt Cornwallis Is.): Main Rd, Duaun Island, QLD 4875.
 - c) Saibai (Saibai Is.): Cnr Main Rd & School Rd, Saibai Island, QLD 4875.
 - d) Mabuiag (Jervis Is.): Map Rd, Mabuiag Island, QLD 4875.
 - e) Badu (Mulgrave Is.): Cnr Ahmat St & Nona St, Badu Island, QLD 4875.
 - f) Arkai (Kubin) Community: Ikilgau Yabu, Kubin Community, Mua Island, QLD 4875.
 - g) Wug (St Pauls) Community: Oza Bosun Rd, St Pauls Community, Mua Is., QLD 4875.
 - h) Kirirri (Hammond Is.): 12 Francis Rd, Hammond Island, QLD 4875.
 - i) Iama (Yam Is.): Mosby St, Yam Island, QLD 4875.
 - j) Warraber (Sue Is.): Cnr Aikuru St & Garnier St, Warraber Island, QLD 4875.
 - k) Poruma (Cocnut Is.): Mimia St, Poruma Island, QLD 4875.
 - l) Masig (Yorke Is.): Cnr Dans Rd & Barneys Rd, Masig Island, QLD 4875.
 - m) Ugar (Stephen Is.): Randal St, Ugar Island, QLD 4875.
 - n) Erub (Darnley Is.): Road No. 5, Darnley Island, QLD 4875.
 - o) Mer (Murray Is.): Marou Gab Rd, Mer Island, QLD 4875.
 - p) Waibene (Thursday Is.): Torres Haus, 46 Victoria de, Thursday Island, QLD 4875.
 - q) Cairns Office: Level 3, 111-115 Grafton St, Cairns, QLD 4870.



14. The Northern Peninsula Area Regional Council has an office at the following location:
 - a) Bamaga Head Office, 180 Adidi Street, Bamaga QLD 4876. Postal Address: PO Box 200, Bamaga QLD 4876
15. The longform notice will be accompanied by a cover letter requesting that each office post the notice at the council office and make copies available.
16. Based on my experience, from discussions with the Applicants, and the research and consultation set out in paragraph 7, I believe that the council offices are frequently used and attended by community members and are generally located around the centre of communities. I therefore believe that making the notice available in each council office is an appropriate method for it to come to the attention of community members.

Shortform advertisement in print media

17. The two print media publications in Annexure E of the Applicants' Proposed Orders are the Koori Mail and the Torres News.
18. I am informed by Mr Best and believe that the consultation set out at paragraph 8 identified that Torres Strait Islanders living in the Torres Strait and on the Australian mainland predominantly read these two newspapers.
19. The Koori Mail is a print newspaper published fortnightly and distributed nationally. On its website, it states that it is "wholly owned by five Bundjalung Aboriginal community organisations" and it reports on "the issues that matter to Aboriginal and Torres Strait Islander people." It is sold at metropolitan and regional newsagents in all states and territories. I am informed by Mr Best that the Koori Mail advised that each edition of the publication is read by 80,000 people. I am informed by Mr Best that the First Nations Media Australia advised that the Koori Mail is one of the largest and most widely available national First Nations news outlets.
20. The Torres News is a print newspaper published weekly and distributed in the Torres Strait and Northern Peninsula Area. It is also sold at newsagencies in Cairns, Mossman, Mareeba, Innisfail, Ingham, Palm Island, Townsville and Mackay.

Shortform advertisement on social media

21. The social media distribution outlets in Annexure F of the Applicants' Proposed Orders are all hosted on Facebook.



22. I am informed by Mr Best and believe that the consultation set out at paragraph 8 identified that Facebook is the most commonly used social media by Torres Strait Islanders.
23. Based on the desktop research set out at paragraph 8, PFM lawyers identified 17 private and public groups of Torres Strait Islanders generally and specific island-based communities. Below is a table containing each group's membership based on information reviewed by the Applicants' solicitors on Facebook.

Group	Members	Link
Badu Community Information	2,768	https://www.facebook.com/groups/189077631495076/members
Boigu Community	1,005	https://www.facebook.com/groups/368633357456130
Cairns Indigenous Network	2,100	https://www.facebook.com/groups/989307267826205
Dauan Island Noticeboard	338	https://www.facebook.com/groups/544925932348014
Erub Community Social Group	325	https://www.facebook.com/groups/2754184854878462
Iama Island Community Notice Board	423	https://www.facebook.com/groups/759068654623977
Hammond Island Community	452	https://www.facebook.com/groups/439041083319706
Mabuyag Notice Board	882	https://www.facebook.com/groups/2249056831842789
Masig Noticeboard	NA	https://www.facebook.com/masig.noticeboard

Mer Island Community Noticeboard	988	https://www.facebook.com/groups/1447402788809367
NPA Community Noticeboard	2,100	https://www.facebook.com/groups/490268491120648
Northern Peninsula Area Regional Council	3,000	https://www.facebook.com/NorthernPeninsulaAreaRegionalCouncil
Poruma Digital Noticeboard	626	https://www.facebook.com/profile.php?id=100079276855173
Saibai Island (Mother Land)	550	https://www.facebook.com/groups/424247910955124
Seisia Community Noticeboard	128	https://www.facebook.com/SeisiaCommunityNoticeboard
Thursday Island Events and Promotions	1,190	https://www.facebook.com/groups/1586409081654728/members
Torres Shire Council	7,000	https://www.facebook.com/torresshire
Torres Strait Islanders	8,300	https://www.facebook.com/groups/413878296045438
Torres Strait Island Regional Council	9,100	https://www.facebook.com/TorresStraitIslandRegionalCouncil
Warraberalgal Online Community Notices	393	https://www.facebook.com/people/Warraberalgal-Online-Community-Notices



24. I am informed by Mr Best and believe that PFM lawyers reviewed a sample of members of these groups which showed that the members reside all across the Australian mainland, as evidenced by their Facebook profiles.

Radio announcements in Queensland

25. I am informed by Mr Best and believe that the desktop research and consultation set out at paragraph 8 identified that the radio distribution outlets in Annexure G of the Applicants' Proposed Orders broadcast to areas with significant Torres Strait Islander audiences and are widely listened to by Torres Strait Islanders.
26. I am informed by Mr Best and believe that Radio4MW TSIMA is a 24-hour radio service broadcast across the Torres Strait and Northern Peninsula Area. It also livestreams online. Radio4MW states that 80% of remote community members residing in the Torres Strait region are weekly listeners and its broadcast has an estimated reach of 60,000 Torres Strait Islander people around Australia.
27. I am informed by Mr Best and believe that Bimma Bippera Media (BBM) is a First Nations radio service that broadcasts in Cairns and surrounding areas. BBM states that the station has a potential daily reach of 150,000 listeners.
28. I am informed by Mr Best and believe that 4K1G Radio is a broadcast radio station based in Townsville that provides Aboriginal and Torres Strait Islander news, information, views and music.
29. I am informed by Mr Best and believe that 4BSN Black Star Network is a First Nations community radio station that broadcasts to regions including the Bamaga, Injinoo, New Mapoon, Seisia and Umagico.

Proposed methods for Group Members to submit notices of their intention to opt out

30. I am informed by Mr Best and believe that the consultation and desktop research set out at paragraph 8 identified that the requirement to fill out and post a hard copy opt out form would be a significant barrier to some Group Members living in the Torres Strait from participating in the opt out process.
31. Proposed orders 3 and 4 therefore contemplate that Group Members can also opt out via email to PFM lawyers stating an intention to opt out. PFM lawyers would then complete and lodge the opt out form on behalf of the Group Member.



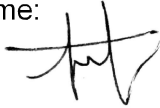
Affirmed by the deponent
at Melbourne
in Victoria
on 10 March 2023

)
)
)
)
)



Signature of deponent

Before me:



Signature of witness

Grahame Best

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

The requirements for witnessing by audio-visual link under section 12 of the Electronic Transactions (Victoria) Act 2000 have been met.

CLASS ACTION ABOUT CLIMATE CHANGE IN THE TORRES STRAIT ISLANDS

This is an important notice ordered by the Federal Court of Australia

What is this notice about?

Two Torres Strait Islander leaders have brought a legal case against the Australian Government on behalf of all Torres Strait Islanders. The case is about climate change and its effects on Torres Strait Islanders.

If you are a Torres Strait Islander, and believe you have suffered loss or damage as a result of the Australian Government not doing things to protect Torres Strait Islanders from the effects of climate change you are automatically part of the case. You can:

1. Stay in the case by doing nothing; or
2. Leave the case by sending a form called an opt-out form, or by emailing Phi Finney McDonald and telling them you want to opt out, by 4:00pm AEST on 26 May 2023.

You do not need to pay money to stay in the case.

Information about the case

Uncle Pabai Pabai and Uncle Paul Kabai from Boigu and Saibai Islands in the Torres Strait have brought a legal case in the Federal Court against the Australian Government. The case is about climate change and its effects on Torres Strait Islanders. The Australian Government is defending the case.

Uncle Pabai and Uncle Paul's lawyers are a firm called Phi Finney McDonald. They are helping Uncle Pabai and Uncle Paul to bring the case.

What do you need to do to be part of the case?

The case is called a "class action" because Uncle Pabai and Uncle Paul have brought the case on behalf of everyone who is Torres Strait Islander (by descent or by customary adoption) (Torres Strait Islander) and who believes they have suffered loss or damage as a result of the Australian Government not doing things to protect Torres Strait Islanders from the effects of climate change. In legal terms, everyone who meets this description is a "Group Member".

If you meet the description, you are automatically a Group Member and you don't need to do anything to be a part of the case.

What do you need to do if you don't want to be part of the case?

If you don't want to be part of the case, you need to tell the Federal Court. This is called 'opting out' of the case. There are two ways you can opt out:

1. Download the opt out form from www.climatecase.com.au, fill it out and post or email it to the Victorian Registry of the Federal Court at 305 William Street, Melbourne VIC 3000 or vicreg@fedcourt.gov.au.
2. Email Phi Finney McDonald on climateclassaction@phifinney-mcdonald.com and say you want to opt out.

If you want to opt-out, you must send the form or email by 4:00pm on 26 May 2023.

Where can you get more information or ask questions?

If you have questions about the case or this notice, please do not ask the Court. You can contact Phi Finney McDonald on the details below. If you do not want to talk to Phi Finney McDonald, you should talk to your own lawyer.

1. Email: climateclassaction@phifinney-mcdonald.com
2. Visit: www.climatecase.com.au
3. Call: +61 (0)3 9134 7100

A copy of this notice is available for inspection at Phi Finney McDonald's offices, Level 3, 325 Flinders Lane Melbourne 3000, and at the Cairns Registry of the Federal Circuit and Family Court at Level 3, 94-104 Grafton St, Cairns City QLD 4870.

PHI_x FINNEY_x MCDONALD

12 April 2023

Torres Strait Island Regional Council (TSIRC)
PO Box 7336,
Cairns QLD 4870

Dear Council,

An important notice to the communities of the Torres Strait ordered by the Federal Court

We represent Uncle Pabai Pabai and Uncle Paul Kabai, from Boigu and Saibai Islands in the Torres Strait, in their legal case against the Australian Government.

The case is about the harm that climate change is causing Torres Strait Islanders. Uncle Pabai and Uncle Paul have brought the case on behalf of all Torres Strait Islanders, to protect their communities from the impacts of climate change. For more information visit www.climatecase.com.au.

Request for council assistance in displaying an important notice

This parcel contains two important community notices, ordered by the Federal Court. The notices explain how Torres Strait Islanders can 'opt out' if they do not wish to be a part of the case.

The Court has ordered that we distribute the notices to local councils, and request that each council display the notices publicly for the community to see.

We kindly request your assistance to publicly display the notices. The package contains:

1. One copy of a one page poster, which we ask that you post on a community noticeboard.
2. Three copies of a three page notice, which we ask that you put on the front desk or somewhere public where community members can pick up a copy if they would like more information.

We would be grateful if you could display the notices until 26 May 2023. After that date, the 'opt out' period is over and you can take the notices down.

Thank you for your assistance. Please do not hesitate to contact Grahame Best if you have any questions on (03) 9134 7100.

Kind regards,



Brett Spiegel
Principal Lawyer
PHI FINNEY MCDONALD

PHI_x FINNEY_x MCDONALD

12 April 2023

Torres Shire Council
68 Douglas St,
Thursday Island QLD 4875

Dear Council,

An important notice to the communities of the Torres Strait ordered by the Federal Court

We represent Uncle Pabai Pabai and Uncle Paul Kabai, from Boigu and Saibai Islands in the Torres Strait, in their legal case against the Australian Government.

The case is about the harm that climate change is causing Torres Strait Islanders. Uncle Pabai and Uncle Paul have brought the case on behalf of all Torres Strait Islanders, to protect their communities from the impacts of climate change. For more information visit www.climatecase.com.au.

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2. Three copies of a three page notice, which we ask that you put on the front desk or somewhere public where community members can pick up a copy if they would like more information.

We would be grateful if you could display the notices until 26 May 2023. After that date, the 'opt out' period is over and you can take the notices down.

We have provided copies of these notices for you to distribute to the council offices on Thursday Island, Horn Island, Prince of Wales Island and Friday Island.

Thank you for your assistance. Please do not hesitate to contact Grahame Best if you have any questions on (03) 9134 7100.

Kind regards,



Brett Spiegel
Principal Lawyer
PHI FINNEY MCDONALD

PHI_x FINNEY_x MCDONALD

12 April 2023

Northern Peninsula Area Regional Council
PO Box 200,
Bamaga QLD 4876

Dear Council,

An important notice to the communities of the Torres Strait ordered by the Federal Court

We represent Uncle Pabai Pabai and Uncle Paul Kabai, from Boigu and Saibai Islands in the Torres Strait, in their legal case against the Australian Government.

The case is about the harm that climate change is causing Torres Strait Islanders. Uncle Pabai and Uncle Paul have brought the case on behalf of all Torres Strait Islanders, to protect their communities from the impacts of climate change. For more information visit www.climatecase.com.au.

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We would be grateful if you could display the notices until 26 May 2023. After that date, the 'opt out' period is over and you can take the notices down.

We have provided copies of these notices for you to distribute to the council offices in Bamaga, Injinoo, Umagico and New Mapoon.

Thank you for your assistance. Please do not hesitate to contact Grahame Best if you have any questions on (03) 9134 7100.

Kind regards,



Brett Spiegel
Principal Lawyer
PHI FINNEY MCDONALD

Alexandra George

From: Julia Mauro [REDACTED]
Sent: Tuesday, 2 May 2023 10:13 AM
To: Grahame Best
Cc: David Kempton
Subject: RE: Request for Council assistance in displaying opt-out notice - Pabai v Commonwealth VID622/2021 [PFM-AU_PFM.FID13052]

Caution: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning Grahame,

Council consents to your request to display the community notice in the matter of *Pabai v Commonwealth*.

In an effort to inform as many Torres Strait Islanders as possible, we intend to put the notice up on community noticeboards, put copies of the notice at Council's front desk, publish the notice on TSIRC's Facebook page and website, and send the notice to Councillors, for their information.

Eso / Thank you,

Julia Mauro | Senior Legal Officer (P/T Tuesday - Wednesday)

[Torres Strait Island Regional Council](#)



Phone: [REDACTED]
Email: [REDACTED]
Address: [Level 3, 111 - 115 Grafton Street, Cairns, QLD 4870](#)
Website: www.tsirc.qld.gov.au
Find us on:   

 This email and any attachments are confidential and are only to be read by the addressee as they may contain legally privileged information. If you are not the addressee indicated in this message (or responsible for delivery of such message to the addressee), you should destroy this message immediately and kindly notify the sender by return email.

From: Julia Mauro [REDACTED]
Sent: Wednesday, 26 April 2023 4:49 PM
To: Grahame Best [REDACTED]
Cc: David Kempton [REDACTED]
Subject: Request for Council assistance in displaying opt-out notice - Pabai v Commonwealth VID622/2021 [PFM-AU_PFM.FID13052]

Good afternoon Grahame,

We have received your request to display the community notice in the matter of *Pabai v Commonwealth* VID622/2021.

I am seeking instructions.

Regards,

TSIRC Office Closure Notice

Please be advised that all Torres Strait Island Regional Council offices will be closed on 01/05/2023.

Julia Mauro | Senior Legal Officer (P/T Tuesday - Wednesday)

Torres Strait Island Regional Council



Phone:

Email:

Address: Level 3, 111 - 115 Grafton Street, Cairns, QLD 4870

Website: www.tsirc.qld.gov.au

Find us on:   

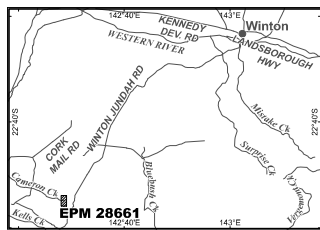
This email and any attachments are confidential and are only to be read by the addressee as they may contain legally privileged information. If you are not the addressee indicated in this message (or responsible for delivery of such message to the addressee), you should destroy this message immediately and kindly notify the sender by return email.

NOTICE OF PROPOSED GRANT OF EXPLORATION PERMIT FOR MINERALS, GRANT OF A MINING CLAIM AND GRANT OF MINING LEASES

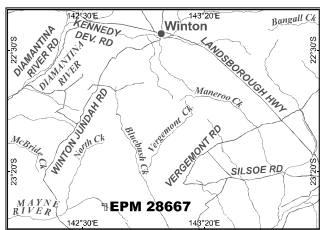
NATIVE TITLE ACT 1993 (CTH) SECTION 29

The Queensland Minister for Resources, PO Box 15216, City East, Queensland, 4002, hereby gives notice in accordance with section 29 of the *Native Title Act 1993* (Cth) of the proposed grant of Exploration Permit for Minerals (EPM) 28661 and 28667, grant of Mining Claim (MC) 300421 and grant of Mining Leases (ML) 100340 and 400033 shown below under the *Mineral Resources Act 1989* (Qld).

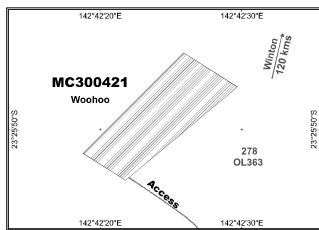
Exploration Permit for Minerals 28661 sought by Paul Mark (50%) and OPAL CREEK MINING PTY LTD (50%), ACN 002 322 634, over an area of 2 sub-blocks, centred approximately 81 km southwest of Winton, in the locality of the Winton Shire Council.



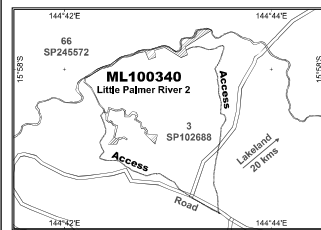
Exploration Permit for Minerals 28667 sought by Bruce John Jackson, over an area of 4 sub-blocks, centred approximately 136 km south-southwest of Winton, in the locality of the Winton Shire Council.



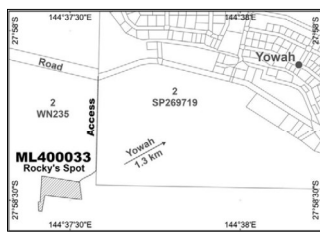
Mining Claim 300421 sought by Jack Michael Taranto, over an area of 3.44 ha, centred approximately 120 km south-southwest of Winton, in the locality of the Winton Shire Council.



Mining Lease 100340 sought by Kevin Alfred De Roma, over an area of 26.96 ha, centred approximately 20 km southwest of Lakeland, in the locality of the Cook Shire Council.



Mining Lease 400033 sought by QUEENSLAND OPAL MINES PTY LTD, ACN 093 563 798, over an area of 2 ha, centred approximately 1.3 km southwest of Yowah, in the locality of the Paroo Shire Council.



Nature of Act(s): The grant of Exploration Permit for Minerals 28661 under the *Mineral Resources Act 1989* (Qld) authorises the holder to mine and carry out associated activities subject to the *Mineral Resources Act 1989* (Qld) for a term not exceeding five (5) years, with the possibility of renewals for terms not exceeding five (5) years. The grant of Exploration Permit for Minerals 28667 under the *Mineral Resources Act 1989* (Qld) authorises the holder to mine and carry out associated activities subject to the *Mineral Resources Act 1989* (Qld) for a term not exceeding two (2) years, with the possibility of renewals for terms not exceeding two (2) years. The grant of Mining Claim 300421 under the *Mineral Resources Act 1989* (Qld) authorises the holder to mine and carry out associated activities subject to the *Mineral Resources Act 1989* (Qld) for a term not exceeding ten (10) years, with the possibility of renewals for terms not exceeding ten (10) years. The grant of Mining Lease 100340 under the *Mineral Resources Act 1989* (Qld) authorises the holder to mine and carry out associated activities subject to the *Mineral Resources Act 1989* (Qld) for a term not exceeding fifteen (15) years, with the possibility of renewals for terms not exceeding fifteen (15) years. The grant of Mining Lease 400033 under the *Mineral Resources Act 1989* (Qld) authorises the holder to mine and carry out associated activities subject to the *Mineral Resources Act 1989* (Qld) for a term not exceeding ten (10) years, with the possibility of renewals for terms not exceeding ten (10) years.

Name and address of person doing acts: It is proposed that the Exploration Permits for Minerals, Mining Claim and Mining Leases be granted subject to the provisions of the *Mineral Resources Act 1989* (Qld) by the Queensland Minister for Resources, PO Box 15216, City East, Queensland, 4002.

Native Title Parties: Under the *Native Title Act 1993* (Cth) any person who is a "native title party" is entitled to certain rights in relation to the proposed grant of a Exploration Permit for Minerals, Mining Claim and Mining Lease. Under section 30 of the *Native Title Act 1993* (Cth), persons have until three (3) months after the Notification Day to take certain steps to become native title parties in relation to this notice. Enquiries in relation to filing a native title determination application may be directed to the Federal Court, Brisbane Registry, Level 6, Harry Gibbs Commonwealth Law Courts Building, 119 North Quay, Brisbane, Queensland, 4000. Telephone: 1300 720 980 or Email: nativetitleQLD@fedcourt.gov.au. Enquiries in relation to the registration of a native title determination application may be directed to the National Native Title Tribunal, Brisbane Registry, Level 5, Harry Gibbs Commonwealth Law Courts Building, 119 North Quay, Brisbane, Queensland, 4000. Telephone: (07) 3052 4040.

Further Information: Further information about the proposed grant of a Exploration Permit for Minerals, Mining Claim and a Mining Lease, including extract of plans showing the boundaries of the Exploration Permit for Minerals, Mining Claim and Mining Lease Applications may be obtained from the Department of Resources, Mining Registrar, Mineral Assessment Hub, Level 9, Verde Tower, 445 Flinders Street, Townsville, Queensland, 4810. Telephone: (07) 4447 9230 or Email: MineralHub@resources.qld.gov.au.

Notification Day: 3 May 2023.



CLASS ACTION ABOUT CLIMATE CHANGE IN THE TORRES STRAIT ISLANDS

This is an important notice ordered by the Federal Court of Australia

What is this notice about?

Two Torres Strait Islander leaders have brought a legal case against the Australian Government on behalf of all Torres Strait Islanders. The case is about climate change and its effects on Torres Strait Islanders.

If you are a Torres Strait Islander, and believe you have suffered loss or damage as a result of the Australian Government not doing things to protect Torres Strait Islanders from the effects of climate change you are automatically part of the case. You can:

1. Stay in the case by doing nothing; or
2. Leave the case by sending a form called an opt-out form, or by emailing Phi Finney McDonald and telling them you want to opt out, by 4:00pm AEST on 26 May 2023.

You do not need to pay money to stay in the case.

Information about the case

Uncle Pabai Pabai and Uncle Paul Kabai from Boigu and Saibai Islands in the Torres Strait have brought a legal case in the Federal Court against the Australian Government. The case is about climate change and its effects on Torres Strait Islanders. The Australian Government is defending the case.

Uncle Pabai and Uncle Paul's lawyers are a firm called Phi Finney McDonald. They are helping Uncle Pabai and Uncle Paul to bring the case.

What do you need to do to be part of the case?

The case is called a "class action" because Uncle Pabai and Uncle Paul have brought the case on behalf of everyone who is Torres Strait Islander (by descent or by customary adoption) (Torres Strait Islander) and who believes they have suffered loss or damage as a result of the Australian Government not doing things to protect Torres Strait Islanders from the effects of climate change. In legal terms, everyone who meets this description is a "Group Member".

If you meet the description, you are automatically a Group Member and you don't need to do anything to be a part of the case.

What do you need to do if you don't want to be part of the case?

If you don't want to be part of the case, you need to tell the Federal Court. This is called 'opting out' of the case. There are two ways you can opt out:

1. Download the opt out form from www.climatecase.com.au, fill it out and post or email it to the Victorian Registry of the Federal Court at 305 William Street, Melbourne VIC 3000 or vicreg@fedcourt.gov.au.
2. Email Phi Finney McDonald on climateclassaction@phifinney-mcdonald.com and say you want to opt out.

If you want to opt-out, you must send the form or email by 4:00pm on 26 May 2023.

Where can you get more information or ask questions?

If you have questions about the case or this notice, please do not ask the Court. You can contact Phi Finney McDonald on the details below. If you do not want to talk to Phi Finney McDonald, you should talk to your own lawyer.

1. Email: climateclassaction@phifinney-mcdonald.com
2. Visit: www.climatecase.com.au
3. Call: +61 (0)3 9134 7100

A copy of this notice is available for inspection at Phi Finney McDonald's offices, Level 3, 325 Flinders Lane Melbourne 3000, and at the Cairns Registry of the Federal Circuit and Family Court at Level 3, 94-104 Grafton St, Cairns City QLD 4870.



NOTICE TO GRANT MINING TENEMENTS

NATIVE TITLE ACT 1993 (CTH) SECTION 29

The State of Western Australia HEREBY GIVES NOTICE that the Minister for Mines and Petroleum, C/- Department of Mines, Industry Regulation and Safety, 100 Plain Street, East Perth WA 6004 may grant the following tenement applications under the *Mining Act 1978*:

Tenement Type	No.	Applicant	Area*	Locality	Centroid	Shire
Exploration Licence	80/5248	BROCKMAN PROJECT HOLDINGS PTY LIMITED	31BL	13,3km SE'ly of Halls Creek	Lat: 18° 19' S: Long: 127° 44' E	HALLS CREEK SHIRE
Mining Lease	24/1005	ARCHER, Glenn Douglas	116,09HA	6,6km SE'ly of Ora Banda	Lat: 30° 25' S: Long: 121° 5' E	KALGOORLIE-BOULDER CITY
Mining Lease	28/408	BASTOW, Anthony Brian	148,14HA	43,4km S'ly of Edjudina	Lat: 30° 11' S: Long: 122° 27' E	KALGOORLIE-BOULDER CITY
Prospecting Licence	37/9682	SCOTT, Kayla	59,53HA	21,9km SE'ly of Leonora	Lat: 28° 58' S: Long: 121° 31' E	LEONORA SHIRE

Nature of the act: Grant of prospecting licences which authorises the applicant to prospect for minerals for a term of 4 years from date of grant. Grant of mining leases, which authorises the applicant to mine for minerals for a term of 21 years from notification of grant and a right of renewal for 21 years. Grant of exploration licences, which authorises the applicant to explore for minerals for a term of 5 years from the date of grant.

Notification day: 3 May 2023

Native title parties: Under section 30 of the *Native Title Act 1993 (Cth)*, persons have until 3 months after the notification day to take certain steps to become native title parties in relation to applications. The 3 month period closes on **3 August 2023**. Any person who is, or becomes a native title party, is entitled to the negotiation and/or procedural rights provided in Part 2 Division 3 Subdivision P of *Native Title Act 1993 (Cth)*. Enquiries in relation to filing a native title determination application to become a native title party should be directed to the Federal Court of Australia, 1 Victoria Avenue, Perth WA 6000, telephone (08) 9268 7100. The mining tenements may be granted if, by the end of the period of 4 months after the notification day (i.e. **3 September 2023**), there is no native title party under section 30 of the *Native Title Act 1993 (Cth)* in relation to the area of the mining tenements. For further information about the act (including extracts of plans showing the boundaries of the applications), contact the Department of Mines, Industry Regulation and Safety, 100 Plain Street, East Perth WA 6004, or telephone (08) 5222 3518.

* - 1 Graticule Block = 2.8 km²

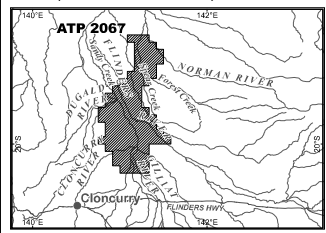
DMIRS 14902

NOTICE OF PROPOSED GRANT OF AN AUTHORITY TO PROSPECT

NATIVE TITLE ACT 1993 (CTH) SECTION 29

The Queensland Minister for Resources, PO Box 15216, City East, Queensland, 4002, hereby gives notice in accordance with section 29 of the *Native Title Act 1993 (Cth)* of the proposed grant of an Authority to Prospect (ATP) 2067 shown below under the *Petroleum and Gas (Production and Safety) Act 2004 (Qld)*.

Authority to Prospect 2067 sought by North Queensland Energy Pty Ltd ACN 638432612, over an area of 2475 Sub-blocks (7425 km²), approx. 78 km north-east of Cloncurry, in the localities of Carpentaria Shire Council, Cloncurry Shire Council and McKinlay Shire Council.



Nature of Act(s): The grant of an Authority to Prospect under the *Petroleum and Gas (Production and Safety) Act 2004 (Qld)* authorises the holder to explore for petroleum for a maximum term not exceeding six (6) years with the possibility of renewals for terms not exceeding six (6) years. Under the *Petroleum and Gas (Production and Safety) Act 2004 (Qld)* a holder of an Authority to Prospect may apply for a Petroleum Lease over land that is the subject of the Authority to Prospect. A Petroleum Lease entitles the holder to undertake regulated activities in order to develop and produce commercial quantities of petroleum.

Name and Address of person doing Act(s): It is proposed that the Authority to Prospect be granted under *Petroleum and Gas (Production and Safety) Act 2004 (Qld)* by the Minister for Resources, PO Box 15216, City East, Queensland, 4002.

Native Title Parties: Under the *Native Title Act 1993 (Cth)* any person who is a "native title party" is entitled to certain rights in relation to the proposed grant of an Authority to Prospect. Under section 30 of the *Native Title Act 1993 (Cth)*, persons have until three (3) months after the Notification Day to take

certain steps to become native title parties in relation to this notice. Enquiries in relation to filing a native title determination application may be directed to the Federal Court, Brisbane Registry, Level 6, Harry Gibbs Commonwealth Law Courts Building, 119 North Quay, Brisbane, Queensland, 4000. Telephone: 1300 720 980 or Email: nativetitleQLD@fedcourt.gov.au. Enquiries in relation to the registration of a native title determination application may be directed to the National Native Title Tribunal, Brisbane Registry, Level 5, Harry Gibbs Commonwealth Law Courts Building, 119 North Quay, Brisbane, Queensland, 4000. Telephone: (07) 3052 4040.

Further Information: Further Information about the proposed grant of the Authority to Prospect, including extracts of plans showing the boundaries of the Authority to Prospect application may be obtained from the Department of Resources, Level 4, 1 William Street, Brisbane, Queensland, 4000. Telephone: (07) 3199 8119 or Email: petroleumhub@resources.qld.gov.au.

Notification Day: 17 May 2023



CLASS ACTION ABOUT CLIMATE CHANGE IN THE TORRES STRAIT ISLANDS

This is an important notice ordered by the Federal Court of Australia

What is this notice about?

Two Torres Strait Islander leaders have brought a legal case against the Australian Government on behalf of all Torres Strait Islanders. The case is about climate change and its effects on Torres Strait Islanders.

If you are a Torres Strait Islander, and believe you have suffered loss or damage as a result of the Australian Government not doing things to protect Torres Strait Islanders from the effects of climate change you are automatically part of the case. You can:

1. Stay in the case by doing nothing; or
2. Leave the case by sending a form called an opt-out form, or by emailing Phi Finney McDonald and telling them you want to opt out, by 4:00pm AEST on 26 May 2023.

You do not need to pay money to stay in the case.

Information about the case

Uncle Pabai Pabai and Uncle Paul Kabai from Boigu and Saibai Islands in the Torres Strait have brought a legal case in the Federal Court against the Australian Government. The case is about climate change and its effects on Torres Strait Islanders. The Australian Government is defending the case.

Uncle Pabai and Uncle Paul's lawyers are a firm called Phi Finney McDonald. They are helping Uncle Pabai and Uncle Paul to bring the case.

What do you need to do to be part of the case?

The case is called a "class action" because Uncle Pabai and Uncle Paul have brought the case on behalf of everyone who is Torres Strait Islander (by descent or by customary adoption) (Torres Strait Islander) and who believes they have suffered loss or damage as a result of the Australian Government not doing things to protect Torres Strait Islanders from the effects of climate change. In legal terms, everyone who meets this description is a "Group Member".

If you meet the description, you are automatically a Group Member and you don't need to do anything to be a part of the case.

What do you need to do if you don't want to be part of the case?

If you don't want to be part of the case, you need to tell the Federal Court. This is called 'opting out' of the case. There are two ways you can opt out:

1. Download the opt out form from www.climatecase.com.au, fill it out and post or email it to the Victorian Registry of the Federal Court at 305 William Street, Melbourne VIC 3000 or vicreg@fedcourt.gov.au.
2. Email Phi Finney McDonald on climateclassaction@phifinney-mcdonald.com and say you want to opt out.

If you want to opt-out, you must send the form or email by 4:00pm on 26 May 2023.

Where can you get more information or ask questions?

If you have questions about the case or this notice, please do not ask the Court. You can contact Phi Finney McDonald on the details below. If you do not want to talk to Phi Finney McDonald, you should talk to your own lawyer.

1. Email: climateclassaction@phifinney-mcdonald.com
2. Visit: www.climatecase.com.au
3. Call: +61 (0)3 9134 7100

A copy of this notice is available for inspection at Phi Finney McDonald's offices, Level 3, 325 Flinders Lane Melbourne 3000, and at the Cairns Registry of the Federal Circuit and Family Court at Level 3, 94-104 Grafton St, Cairns City QLD 4870.



NOTICE TO GRANT MINING TENEMENTS

NATIVE TITLE ACT 1993 (Cth) SECTION 29

The State of Western Australia HEREBY GIVES NOTICE that the Minister for Mines and Petroleum, C/- Department of Mines, Industry Regulation and Safety, 100 Plain Street, East Perth WA 6004 may grant the following tenement applications under the *Mining Act 1978*:

Tenement Type	No.	Applicant	Area*	Locality	Centroid	Shire
Exploration Licence	15/1892	PASCOE, Brett Charles	98L	14.9km E'ly of Kambalda	Lat: 31° 14' S: Long: 121° 48' E	COOLGARDIE SHIRE
Exploration Licence	27/710	METAL HAWK LIMITED	58L	57.7km SW'ly of Edjudina	Lat: 30° 10' S: Long: 121° 55' E	KALGOORLIE-BOULDER CITY, MENZIES SHIRE
Exploration Licence	28/3314	SOLSTICE MINERALS LIMITED	168L	98.5km SE'ly of Edjudina	Lat: 30° 11' S: Long: 123° 17' E	KALGOORLIE-BOULDER CITY
Exploration Licence	38/3809	MATSA GOLD PTY LTD	248L	63.1km SE'ly of Laverton	Lat: 28° 54' S: Long: 122° 57' E	LAVERTON SHIRE
Exploration Licence	38/3825	EAST LAVERTON EXPLORATION PTY LTD	88L	125.5km N'ly of Laverton	Lat: 27° 30' S: Long: 122° 7' E	LAVERTON SHIRE
Exploration Licence	38/3826	EAST LAVERTON EXPLORATION PTY LTD	328L	78.7km N'ly of Laverton	Lat: 27° 55' S: Long: 122° 30' E	LAVERTON SHIRE
Exploration Licence	45/6468	EWP RESOURCES PTY LTD	158L	38.3km SW'ly of Marble Bar	Lat: 21° 28' S: Long: 119° 34' E	EAST PILBARA SHIRE
Exploration Licence	46/1498	GREATLAND PTY LTD	348L	23.1km NW'ly of Nullagine	Lat: 21° 48' S: Long: 119° 54' E	EAST PILBARA SHIRE
Exploration Licence	46/1501	VALROC VENTURES PTY LTD	18L	41.4km E'ly of Nullagine	Lat: 21° 50' S: Long: 120° 30' E	EAST PILBARA SHIRE
Exploration Licence	57/1379	AUSTRALIAN TITANIUM PTY LTD	18L	78km N'ly of Sandstone	Lat: 27° 17' S: Long: 119° 24' E	SANDSTONE SHIRE
Prospecting Licence	15/6774	GREENSTONE RESOURCES LIMITED	146.11HA	9.5km S'ly of Coolgardie	Lat: 31° 2' S: Long: 121° 9' E	COOLGARDIE SHIRE
Prospecting Licence	15/6775	GREENSTONE RESOURCES LIMITED	199.58HA	11.4km S'ly of Coolgardie	Lat: 31° 3' S: Long: 121° 8' E	COOLGARDIE SHIRE
Prospecting Licence	15/6785	WILTSHIRE, Peter Andrew	9.69HA	23.3km SW'ly of Coolgardie	Lat: 31° 3' S: Long: 120° 57' E	COOLGARDIE SHIRE
Prospecting Licence	24/5645	HARTLEY, Roderick Ryan	183.52HA	9km SE'ly of Ora Banda	Lat: 30° 24' S: Long: 121° 8' E	KALGOORLIE-BOULDER CITY
Prospecting Licence	24/5646	HENDERSON, Neville Walter	190.52HA	7.7km SE'ly of Ora Banda	Lat: 30° 24' S: Long: 121° 7' E	KALGOORLIE-BOULDER CITY
Prospecting Licence	25/2756-S	KINGSWOOD, Gregory James Alan	8.00HA	43.9km E'ly of Kambalda	Lat: 31° 3' S: Long: 122° 5' E	KALGOORLIE-BOULDER CITY
Prospecting Licence	25/2758	BOWDEN, Graeme Fredrick	9.83HA	27.3km E'ly of Kalgoorlie	Lat: 30° 47' S: Long: 121° 45' E	KALGOORLIE-BOULDER CITY
Prospecting Licence	26/4695	WELSH, Owen Kai	131.63HA	23.8km N'ly of Kambalda	Lat: 30° 59' S: Long: 121° 37' E	KALGOORLIE-BOULDER CITY
Prospecting Licence	27/2558-2559	GOLDEN STRIKE PTY LTD	339.36HA	42.7km NE'ly of Kalgoorlie	Lat: 30° 33' S: Long: 121° 51' E	KALGOORLIE-BOULDER CITY
Prospecting Licence	39/6385-6389	MATSA GOLD PTY LTD	787.35HA	49.4km E'ly of Leonora	Lat: 28° 52' S: Long: 121° 50' E	LEONORA SHIRE
Prospecting Licence	57/1522	STONE, Martin John	6.44HA	19.7km SW'ly of Sandstone	Lat: 28° 7' S: Long: 119° 10' E	SANDSTONE SHIRE
Prospecting Licence	57/1523	STONE, Martin John	9.20HA	17.8km SW'ly of Sandstone	Lat: 28° 6' S: Long: 119° 10' E	SANDSTONE SHIRE
Prospecting Licence	57/1524	STONE, Martin John	2.94HA	19.7km SW'ly of Sandstone	Lat: 28° 7' S: Long: 119° 9' E	SANDSTONE SHIRE
Prospecting Licence	57/1525	COMPLETE PROSPECTING PTY LTD	199.76HA	70.2km NE'ly of Sandstone	Lat: 27° 25' S: Long: 119° 36' E	SANDSTONE SHIRE

Nature of the act: Grant of prospecting licences which authorises the applicant to prospect for minerals for a term of 4 years from date of grant. Grant of Special Prospecting Licences, which authorises the applicant to prospect for minerals for a term up to 4 years from the date of grant. Grant of exploration licences, which authorises the applicant to explore for minerals for a term of 5 years from the date of grant.

Notification day: 17 May 2023

Native title parties: Under section 30 of the *Native Title Act 1993 (Cth)*, persons have until 3 months after the notification day to take certain steps to become native title parties in relation to applications. The 3 month period closes on **17 August 2023**. Any person who is, or becomes a native title party, is entitled to the negotiation and/or procedural rights provided in Part 2 Division 3 Subdivision P of *Native Title Act 1993 (Cth)*. Enquiries in relation to filing a native title determination application to become a native title party should be directed to the Federal Court of Australia, 1 Victoria Avenue, Perth WA 6000, telephone (08) 9268 7100.

Expedited procedure: The State of Western Australia considers that these acts are acts attracting the expedited procedure. Each licence may be granted unless, within the period of 4 months after the notification day (i.e. **17 September 2023**), a native title party lodges an objection with the National Native Title Tribunal against the inclusion of the statement that the State considers the grant of the licence is an act attracting the expedited procedure. Enquiries in relation to lodging an objection should be directed to the National Native Title Tribunal, Level 5, 1 Victoria Avenue, Perth, or GPO Box 9973, Perth, WA 6848, telephone (08) 9425 1000.

For further information about the act (including extracts of plans showing the boundaries of the applications), contact the Department of Mines, Industry Regulation and Safety, 100 Plain Street, East Perth WA 6004, or telephone (08) 9222 3518.

* - 1 Graticular Block = 2.8 km²

DMIRS 15168

CLASS ACTION ABOUT CLIMATE CHANGE IN THE TORRES STRAIT ISLANDS

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What is this notice about?

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Information about the case

Uncle Pabai Pabai and Uncle Paul Kabai from Boigu and Saibai Islands in the Torres Strait have brought a legal case in the Federal Court against the Australian Government. The case is about climate change and its effects on Torres Strait Islanders. The Australian Government is defending the case.

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Where can you get more information or ask questions?

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Calls for CASA to apply exclusions to Skytrans flights

(Continued from P1)

Torres Strait Island Regional Council CEO James William said new regulations introduced by CASA stopping flights in and out of Darnley and Mabuiag Islands did not take into account legacy issues.

"Some infrastructure, for example, were built when this regulation that currently exists, didn't exist," he said.

"And the new regulations impose, and I don't want to say this, lightly, fairly onerous requirements that do not consider things like the track record of the supplier.

"Skytrans has maintained an exceptional record and a standard as an operator in a region and it's done the right thing."

Mayor Phillemos Mosby said he had written to the Federal Minister Catherine King seeking urgent intervention in to what was becoming a worsening air transport crisis for the two islands.

"The Regular Public Transport (RPT) service offered by Skytrans is a life line to the islands providing access to vital goods and services and travel to and from the islands for health, personal and work purposes," he said.

"We don't want to see community members and families forced into sea travel in open dinghies due to this unnecessary rule."

Skytrans CEO Alan Milne said despite a safe record of more than 20-years, CASA had not allowed the exemption.

"Mabuiag's got a stone wall in the area that we use that we call the safe area, which is before the start of the runway," Mr Milne said.

"And because of that stone wall, we can't count anything on the other side of it as a safe area.

"So that's where the hiccup is with Mabuiag.

"Darnley is going to be even worse because it gets a little bit technical.

"The runway has a two degree slope on it and the problem is the



Mabuiag Airstrip. Pic by Alf Wilson.

regulations make you apply the penalty for a sloping runway, but doesn't give you any credit for going the other way.

"Obviously, there's a benefit if you're taking off downhill because the aeroplane accelerates faster, and a penalty if you're taking off uphill, but they only let you apply the negative factor."

He said he "absolutely" supported CASA's push to align Australia's regulations with world standards.

"We're in this situation, not because the new regulations put a bigger penalty on us, it's because one of

the old regulations that allowed us to operate in accordance with the aircraft manufacturer's performance data was rescinded," he said.

He said their 20-year record of safe flights counted for nothing, but his biggest concern was for the islands.

"My biggest concern is if they continue down this path of making it commercially unviable for us, all they're trying to do is make us say, 'we've decided not to fly in there anymore'," he said.

"And that is not the case. We have been prevented from flying in there in a commercially viable way, and that's the concern.

"The issue is that if we don't go in there, then there is no regular public transport operation into those islands.

"If you want to fly into Mabuiag or Darnley, you will have to charter the whole aeroplane, you can't just buy one seat, which again, is a ludicrous situation when we've been doing it for 20 years quite safely."

Mabuiag resident Cygnet Repu said they hoped to enjoy the return of affordable, same day return services.

"We have to have a community discussion and really plan the servicing future," he said.

"We are looking

forward for the resuming of the airline, but are also considering the extension of our airport."

Mr Milne said they were obliged to operate making a profit.

"We have to do it making a margin, we're not going to do it at a loss," he said.

"There was, I think 12 islands, when this rule came in, nine of them were extremely payload limited, and three of them we just couldn't operate into at all – Murray, Mabuiag and Darnley.

"So we continued to operate to those nine islands at a huge loss because we were only able to carry three or four passengers, but we couldn't just turn off all RPT services to the Torres Strait Islands.

"Our flight ops team worked 24 hours a day crunching the numbers to try to work out how we were going to get back in there with this performance factor added, and the way we did it was by modifying the aeroplanes – spending US\$17,000 on each aeroplane to

do this modification that allowed for better performance... because we just want to run the service again.

"And do we want to run it profitably? Of course, that's what the business is about.

"It's not a huge profit margin up there by any means, but as long as we're not making a loss, we're prepared to do it."

Mr William said their ultimate ambition was to achieve an integrated infrastructure and service model for transport for cargo and people in the region, and that involved air, land and sea.

"Transport is such a vital thing, without a strong spine in infrastructure and service that delivers good transport for people and cargo throughout the region, those regions just can't survive," he said.

"They're marginal at best, and will continue to require significant investment from government – greater investment than it would otherwise require."

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Natalie takes up NITV's national Indigenous news reins

National Indigenous Television (NITV) has announced the appointment of Mudburra and Wagadagam woman, Natalie Ahmat, as their new Head of Indigenous News and Current Affairs.

In the role, the award-winning journalist, producer and presenter will lead the editorial direction and oversees the output of NITV's distinctive daily news, its current affairs line-up including weekly show *The Point* and the long-running *Living Black*, and news coverage of special events.

Natalie joined NITV in 2008 as a member of its inaugural news team and has been at the forefront of reporting news and events from a First Nations perspective in the Australian media.

As the long-time anchor of *NITV News*, Australia's only dedicated First Nations national news bulletin, and weekly news review program show *Nula*, Natalie has reported and broadcast from communities across the continent for more than 15 years.

She has also presented live coverage of a range of significant national events, including NITV's rolling coverage on January 26 each year, and from on the ground in northeast Arnhem Land for the annual Garna Festival, in addition to her extensive work behind the



NITV's new Head of Indigenous News and Current Affairs Natalie Ahmat. Pic supplied.

camera as a producer and senior member of NITV's news and current affairs team.

General Manager of NITV, Peter

Noble, a Girramay and Bandjin man, said she was one of Australia's most experienced Indigenous affairs journalists, trusted by communities

to tell their NITV stories.

"She's passionate about exploring issues through a First Nations lens and embedding

Aboriginal and Torres Strait Islander perspectives into the stories that matter for all Australians," he said.

"Her determination and dedication to the work she does is underpinned by a wonderful warmth that sees her connect with people in a unique way, whether on Country, on screen, or in the newsroom.

"We're thrilled to have Nat leading the team, and at such an important time in the national conversation."

Natalie said NITV's news and current affairs play a vital role in providing a platform for First Nations voices to be heard.

"There are so many wonderful stories of the people and places of this country that we have unique access to and are privileged to share, along with the trust of communities to shine a light on issues and explore them with nuance and understanding unlike any other broadcaster," she said.

"I'm proud to have the opportunity to work with the incredibly talented news and current affairs team at NITV, as we continue to amplify and elevate these stories, at a time when we know the importance of ensuring Australians are listening."

Natalie will continue to maintain an on-air presence on *Nula* and across special events coverage.

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TSLIB sings for march

[Continued from P1]

Cecily Zaro, daughter of TSLIB member Enemarki Zaro, said it was a beautiful day to celebrate their fathers and forefathers.

"I was in tears when we were singing the light infantry song as we marched," she said.

"We should do this every year, it's beautiful."

Norman Idai said he felt he was singing with them.

"This is a start of something that will roll on in the future," he said.

"I felt emotional when singing that song – those soldiers were singing it back then, we're keeping them alive."

Norman's son Jonas had served in the army and said he thought the ANZAC parade was very special.

"It was an honour to march today and that they (TSLIB) were recognised for serving this country," he said.

There was no doubt TSLIB was the talk of the day.

"The Torres Strait Islander Light Infantry Battalion is a unique story and was the only Indigenous one formed in World War II," a march commentator, sitting in a stand erected from scaffolding outside of the park, said.

Emotional Geoff Wilson was wearing a medal earned by his late

father Tommy Wilson who was born on TI.

"Dad served up on TI in WWII and I proudly wear this every ANZAC Day and march with my mate Adrian Clancy," he said.

"I am going to TI arriving on Thursday to see the graves of many of my family, and I hope to do some fishing."

The Townsville event was broadcast live around Australia on ABC Radio, where further recognition was offered by yet another special mention of TSLIB.

The TSLIB Townsville committee had planned for the march finale since December last year.

Committee member Therese Cowley said she felt it was a dream come true.

"I had mixed emotions, happy and sad, thinking of all our veterans," she said.

"It was amazing today and I eso everyone in the committee and families for their support."

Grandsons of Mebai Warusam, Benjamin and Marcus, were overwhelmed by the support from the Townsville Torres Strait Community and would like to return again next year for the ANZAC events.

Earlier that morning a dawn service was held at the Townsville ANZAC Park.



Marchers with the TSLIB banner. Pic Alf Wilson.



Local TSLIB committee members Therese Cowley, left, & Velma Gara. Pic Alf Wilson.



Kevin Zaro, Norman Idai, Lilah Yoelu, Jonas Idai, Joseph Blanco & Kenneth Drinkwater (East Timor Veteran). Pic Velma Gara.



(L-R) Geoff Wilson, who arrives on Waiben today (Thursday) to see family graves, Cape York woman Kiara Clancy & Adrian Clancy. Pic Alf Wilson.



Margaret Sagigi, left, & Tara Idai at the ANZAC Park cenotaph. Pic Alf Wilson.



Family of Enemarki Zaro - Back L-R: Kevin Zaro, Cecily Zaro, Serai Lui Front L-R: Kozani Zaro, Tom Lui & Ziai Lui. Pic Velma Gara.

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First northern girl's team to try for AFL Cup

PICS BY
CHRISTINE HOWES

For the first time in history, a junior girls team from further north than Cairns has competed in the AFL QSchoools Cup in Cairns this week.

The team of 18 students from Years 7, 8 and 9 at Tagai and NPA state colleges will make the 2000km+ return trip down south to take on Cairns high schools in an AFL carnival.

AFL Cape York Development Officer Kieran Sciberras said it was 'first contact' for many of the girls.

"For a lot of students it will be their first full-contact AFL game on a full-size AFL oval," he said.

"It will be great to see students put the skills they've learned at school to use into a more competitive environment.

"The team was selected based on behaviour, attendance and their effort shown

during in-school AFL sessions."

The carnival kicked off at Cairns North on Tuesday, after arriving on Monday night for pizza and jersey presentations (pictured).

"We wouldn't be able to offer opportunities like this for young people from the Far North without the help from our partners, so a massive thank you to AFL Queensland, Hinterland Aviation, Torres Strait Youth Recreation and Sporting Association, Bamaga Enterprises Ltd and CEQ for their support," he said. "The playing kit worn by the girls was designed by AFL Cape York house for Girls resident and former NPA State College student Edna-Grey Muhammad from Seisia.

"Whilst down in Cairns, the team will visit AFL Cape York house for Girls for a tour and will be involved in team-building and leadership activities."

More pics next week!



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'Life changing' – what 50 years of community-controlled housing at Yumba-Meta tells us about home and health

How does having a safe, reliable place to call "home" affect the health of people and communities across generations? We spoke to staff and families at Yumba-Meta Ltd in Townsville, Queensland to find out...

Yumba-Meta is a community-controlled organisation that has delivered comprehensive support programs for 50 years to Aboriginal and Torres Strait Islander people.

This includes short-term accommodation, such as for people experiencing homelessness, domestic violence, or people at risk of incarceration due to intoxication.

Medium to long-term housing options include community home ownership, seniors' housing, and transitional housing to facilitate employment, education or to break the cycle of addiction.

Our collaborative research project with Yumba-Meta, which will be released mid-year for Yumba-Meta's 50th anniversary, explores the power of home and how services can support intergenerational wellbeing.

What we did

We interviewed Yumba-Meta staff and used yarning and photoyarning with Yumba-Meta residents and Elders to hear about the history and evolution of Yumba-Meta.

Photoyarning draws on Indigenous storytelling and

JESSA ROGERS, First Nations Senior Research Fellow, Queensland University of Technology;

JANYA MCCALMAN, Professorial Research Fellow, Jawun Research Centre, CQUniversity Australia;

VICKI SAUNDERS, Postdoctoral research fellow, CQUniversity Australia

conversation. Photographs are used as both prompts and a way for participants to share their thoughts and ideas.

Yumba-Meta has grown from managing eight houses, to now managing over 203 tenancies. This includes homes under the employment and education program, supported accommodation, women's shelters and diversionary places.

Yumba-Meta has also developed a housing estate, Hillside Gardens, with 41 privately-owned lots.

Safe at home

Our research found a sense of pride is instilled when families and individuals have a home – somewhere grandchildren can visit, a place where young people can learn from Elders, and a safe place to go.

We found health improves over time with safe and affordable housing, especially for older generations who have struggled in the past with housing issues such as chronic overcrowding, and racism that prevents Indigenous people renting and purchasing homes in Townsville. Those we spoke with talked of a "new normal" being conveyed to children.

Young people saw that having

their own bed and homes with less people allowed better sleep and space for learning and study.

Reliable sanitation practices and facilities (including bathrooms and toilets) along with healthy and sufficient nutrition had direct health benefits.

Overcrowded housing has been linked to chronic eye and ear infections, skin problems, gastroenteritis, respiratory infections, exacerbation of family violence and mental health issues.

Before and after

One interviewee said sustainable housing was transformative for families.

"Seeing ... people coming from the park and getting into house, like, the pride they have in there ... it's life changing for them ... and they say, 'Oh, my grandkids are coming over on the week', their faces are lit up like this [smiling]"

For residents who had experienced homelessness and addiction, having a safe and affordable home was spoken of as a major achievement.

Descriptions of life living rough with little ability to eat healthy food were juxtaposed with their new life in a stable home: having food in the

fridge and cupboard, and making good personal choices.

These yams showed the impact organisations like Yumba-Meta can have, by providing supports on multiple fronts while people heal and make positive changes in their lives.

"A bit of money I made ... to buy more, more stuff for my little place ... to do it up, and I take pride in my place ... Furniture you know, and things that are needed. A bed and washing machine, and fridge and all that sort of stuff and few other things to brighten my place up, you know ... and I got ornaments, you know ... and make it comfortable for me. That I call 'home'."

What 'home' means

So, "home" was about physical resources: access to washing, showers, toilets, health care providers, medicines and opportunities to remain sober and access healthy food.

But it was also spiritual: feeling connected, strong in spirit, good about one's self.

It fulfilled emotional needs with space to grieve loss, talk about feelings, heal from relationship breakdown and domestic violence, pass on culture and stories and a

place to hold photos of family and ancestors.

Home was described as somewhere family can be raised with continuity and stability, where children do not need to move schools all the time and where neighbours become friends.

These things might be taken for granted in other communities, but previously for Yumba-Meta residents, this stability was often out of reach.

Yumba-Meta continues to have a lasting positive impact on the Townsville community, through provision of safe, secure and affordable housing and "wrap-around" services.

Support for community-controlled housing like Yumba-Meta will help more Aboriginal and Torres Strait Islander families remain strong and connected, through improved intergenerational wellbeing.

This article is republished from *The Conversation* under a Creative Commons license. Read the original article here: <https://theconversation.com/life-changing-what-50-years-of-community-controlled-housing-at-yumba-meta-tells-us-about-home-and-health-203907>

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Local MP spends time on Waiben and Saibai

Local MP Cynthia Lui has been in the Torres Straits since last week, and has spent some time on Waiben and Saibai.

Ms Lui's first visit was to Our Lady of Sacred Heart School to check on the progress of a \$5.2 million investment from the non-state schools capital fund granted to the school in September last year.

Similarly on Saibai earlier this week, the MP, with guests Member for Redlands, and Chair of the Education, Employment and Training Committee Kim Richards, Member for Kurwongbah, and Chair of the Transport and Resources Committee Shane King, visited the Council, school, health and marine infrastructure.

"The Palaszczuk Government continues to invest in services and vital infrastructure to meet the ongoing needs of community," she said.

"Kim, Shane and I spent some time earlier this week with students and teachers at the Tagai State College Saibai Campus - Queensland's most northern recipients of the recent Round 1 of Go for Gold Schools Grants.

"This little school received \$4975 in funding for soccer goals and nets for the school through the Go For Gold funding which is providing vital sporting equipment that encourages active play and increases participation in sports at schools right across Queensland."

She said she was just as excited to meet Thursday Island TAFE students on Waiben over the weekend.

"Good to see these young men giving up their Sunday, and hard at work to complete their Coxswain training at Thursday Island



ABOVE: Coxswain trainees at Thursday Island TAFE with Ms Lui and her guests.

RIGHT: Ms Lui at the Tagai State College Saibai Campus.

Pics supplied.

TAFE," she said.

"I am passionate about training and employment pathways to ensure that courses such as these leads to good, stable jobs in the region."

Ms Lui also took the opportunity to set up a mobile office on Waiben, as well as

a visit the TI Hospital, Tagai Secondary Campus and MSQ officer Tony Dorante at the Maritime Safety Branch.

She spent Mother's day with her son Jonah and his girlfriend Rothanna, and good friends, Jacob, Calista and their little girls.



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Uncle Pabai and Uncle Paul's lawyers are a firm called Phi Finney McDonald. They are helping Uncle Pabai and Uncle Paul to bring the case.

What do you need to do to be part of the case?

The case is called a "class action" because Uncle Pabai and Uncle Paul have brought the case on behalf of everyone who is Torres Strait Islander (by descent or by customary adoption) (Torres Strait Islander) and who believes they have suffered loss or damage as a result of the Australian Government not doing things to protect Torres Strait Islanders from the effects of climate change. In legal terms, everyone who meets this description is a "Group Member".

If you meet the description, you are automatically a Group Member and you don't need to do anything to be a part of the case.

What do you need to do if you don't want to be part of the case?

If you don't want to be part of the case, you need to tell the Federal Court. This is called 'opting out' of the case. There are two ways you can opt out:

1. Download the opt out form from www.climatecase.com.au, fill it out and post or email it to the Victorian Registry of the Federal Court at 305 William Street, Melbourne VIC 3000 or vicreg@fedcourt.gov.au.
2. Email Phi Finney McDonald on climateclassaction@phifinney-mcdonald.com and say you want to opt out.

If you want to opt-out, you must send the form or email by 4:00pm on 26 May 2023.

Where can you get more information or ask questions?

If you have questions about the case or this notice, please do not ask the Court. You can contact Phi Finney McDonald on the details below. If you do not want to talk to Phi Finney McDonald, you should talk to your own lawyer.

1. Email: climateclassaction@phifinney-mcdonald.com
2. Visit: www.climatecase.com.au
3. Call: +61 (0)3 9134 7100

A copy of this notice is available for inspection at Phi Finney McDonald's offices, Level 3, 325 Flinders Lane Melbourne 3000, and at the Cairns Registry of the Federal Circuit and Family Court at Level 3, 94-104 Grafton St, Cairns City QLD 4870.



PO Box 2692 Strawberry Hills, NSW 2012 SYDNEY: Ph (02) 8090 7711

COMMUNITY SERVED	RE P	TYPE	STATION / PUBLICATION	FREQUE NCY	STATE	DURATION	CAMPAIGN COST	April							May				BONUS SPOTS	VALUE OF BONUS	TOTAL CAMPAIGN VALUE	
								2	9	16	23	30	7	14	21	28						
INDIGENOUS	S&S	Regional	4BSN - Black Star	Various	QLD	English	75 Seconds	\$ 1,450.00						5					1.0	\$ 290.00	\$ 1,740.00	
INDIGENOUS	S&S	Regional	4BSN - Black Star	Various	QLD	Yumpla Tok	75 Seconds	\$ 1,450.00						5					1.0	\$ 290.00	\$ 1,740.00	
INDIGENOUS	S&S	Regional	4CIM - Bumma Bippira	96.7 FM	QLD	English	75 Seconds	\$ 625.00						5					1.0	\$ 125.00	\$ 750.00	
INDIGENOUS	S&S	Regional	4CIM - Bumma Bippira	96.7 FM	QLD	Yumpla Tok	75 Seconds	\$ 625.00						5					1.0	\$ 100.00	\$ 725.00	
INDIGENOUS	S&S	Regional	4K1G - TALMA	107.1 FM	QLD	English	75 Seconds	\$ 500.00							5				1.0	\$ 100.00	\$ 600.00	
INDIGENOUS	S&S	Regional	4K1G - TALMA	107.1 FM	QLD	Yumpla Tok	75 Seconds	\$ 500.00							5				1.0	\$ 100.00	\$ 600.00	
INDIGENOUS	S&S	Regional	4MW - Meriba Wakai	1260 AM	QLD	English	75 Seconds	\$ 565.00					5						1.0	\$ 113.00	\$ 678.00	
INDIGENOUS	S&S	Regional	4MW - Meriba Wakai	1260 AM	QLD	Yumpla Tok	75 Seconds	\$ 565.00					5						1.0	\$ 113.00	\$ 678.00	
								\$ 6,280.00												\$ 113.00	\$ 678.00	
								\$ 628.00													\$ 7,511.00	
								Minimum \$300 per station booking														

Alexandra George

From: Vic Federal Court Registry E-mail <E-mail.Victoria@fedcourt.gov.au>
Sent: Wednesday, 31 May 2023 2:59 PM
To: Alexandra George
Cc: Vic Federal Court Registry E-mail
Subject: RE: VID622/2021 Confirmation of opt out notices [SEC=OFFICIAL]

Caution: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

OFFICIAL

Dear Alex,

I acknowledge your email below.

I can confirm that the registry has not received any opt-out forms for matter VID622/2021.

Let me know if you need anything further.

Kind regards,

Nicholas Gunn | Client Service Officer | Court and Tribunal Services
 Federal Court of Australia | 305 William Street, Melbourne VIC 3000
 p. 1300 720 980 | e. vicreg@fedcourt.gov.au | www.fedcourt.gov.au

From: Alexandra George [REDACTED]
Sent: Wednesday, 31 May 2023 11:49 AM
To: Vic Federal Court Registry E-mail <E-mail.Victoria@fedcourt.gov.au>
Subject: VID622/2021 Confirmation of opt out notices

Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

Pabai Pabai & Anor v Commonwealth ([VID622/2021](#))

Good morning,

We understand the VIC Federal Court Registry had not received any opt out notices filed in the above proceeding by the conclusion of the opt out period on 26 May 2023.

We would be grateful if a confirmation of this could be provided by reply email to us.

Please contact me should you have any questions.

Kind regards,
 Alex

ALEXANDRA GEORGE (SHE/HER)
 PARALEGAL

PHI_x FINNEY_x MCDONALD

LEVEL 3, 325 FLINDERS LANE, MELBOURNE VIC 3000



WWW.PHIFINNEYMCDONALD.COM

Liability limited by a scheme approved under Professional Standards Legislation.

Phi Finney McDonald respectfully acknowledges the traditional owners of the land on which we come together to meet, learn, and work. We recognise the continuing connection of all Aboriginal and Torres Strait Islander Peoples to their Country and we pay our respects to their Elders past, present, and emerging.