



The Hon Anastacia Palaszczuk MP  
Premier and Minister for Trade  
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The Hon Jackie Trad MP  
Deputy Premier, Treasurer and Minister for  
Aboriginal and Torres Strait Islander Partnerships  
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The Hon Dr Anthony Lynham MP  
Minister for Natural Resources, Mines and Energy  
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The Hon Cameron Dick MP  
Minister for State Development, Manufacturing, Infrastructure and Planning  
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12 July 2018

Dear Premier, Deputy Premier, Minister Lynham, and Minister Dick

**Re: Wangan Jagalingou people, the Adani Mining Project and native title extinguishment**

We write to you at the direction of the Wangan and Jagalingou Traditional Owners Family Council (“the W&J Council”). The W&J Council received its most recent mandate from Wangan and Jagalingou Traditional Owners at an authorisation meeting of the W&J claim group on 2 December 2017.

As we have stated in previous communications, the W&J Council opposes the Adani Mining Pty Ltd project because of the damage that it will cause to the laws and customs and culture, and the lands and waters, of the Wangan and Jagalingou People.

We uphold the decisions of the Wangan and Jagalingou native title claim group of 1<sup>st</sup> December 2012, 4<sup>th</sup> October 2014, 19<sup>th</sup> March 2016 and 2<sup>nd</sup> December 2017, opposing an Indigenous land use agreement (“ILUA”) with Adani Mining; as well as the decision of the 22<sup>nd</sup> November 2014 of the authorised Family Representative Council, to oppose the application by Adani Mining for a future act determination in the issuing of the mining leases. We also oppose and reject the conduct and resolutions of the meeting of 16<sup>th</sup> April 2016 purporting to authorise the Adani ILUA.

As you know, we are contesting the authorisation, certification and registration of the Adani ILUA in the Federal Court.

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During the proceeding, we sought an injunction to restrain the Queensland Government from acting on the registration of the ILUA to give effect to freehold land transfers that would result in the extinguishment of native title in parts of our lands and waters.

The injunction application was dismissed and, notwithstanding that the Government has not proceeded to extinguishment, the matter remains open. The State and Adani Mining have argued that the extinguishment could proceed and, notwithstanding a later determination that the ILUA was invalid, would not be reversible.

On 22<sup>nd</sup> February 2018, we yet again wrote to you asking that your government not extinguish our native title in parts of our claim area, at least until all matters before the Courts are resolved, including by way of appeal if necessary, and unless and until Adani Mining has signed the Royalty Agreement with the State, and has publicly confirmed that it has financial close for the project.

We believe we remain at substantial risk of an injustice in the face of a project that appears to have little real prospect of going ahead, and where it should be clear that genuine free, prior and informed consent of Wangan and Jagalingou People has not been provided.

It would be unfair and unreasonable to act prematurely to extinguish our Native Title by any means until the litigation is fully completed. Any pressure from Adani to act upon the Adani ILUA should be resisted, as extinguishment of native title involves the exercise by your Government of statutory discretions that cannot be fettered in advance (whether by contract or otherwise).

We have considered legal advice from our Counsel. We now believe that it is clear that the State is under no obligation under the Adani ILUA to extinguish native title by granting freehold to Adani Mining (whether before or after the registration of the Adani ILUA). Indeed, it is reasonable to assume that the State may refuse to undertake the extinguishment and title transfers as a matter of ongoing public policy.

We share this advice with you and ask that you consider it and take further pause before acting to extinguish our rights, irrespective of the outcome of the pending Judgment from His Honour, Justice Reeves, in the current proceeding.

We expect the litigation will proceed through all the appeal levels no matter who is successful at first instance and on the initial appeal.

To reiterate, we are calling upon you not to extinguish any of Wangan and Jagalingou People's native title and rights and interests in the land, on application by Adani Mining under the terms of the ILUA, or by compulsory acquisition by the State, unless and until at least:

- a. All court proceedings relating to the Adani ILUA are exhausted, including an appeal to the Full Federal Court, and the application for leave to appeal to the High Court (and any resultant appeal), should they be necessary
- b. Full and final financial close has been obtained by Adani Mining
- c. Royalty agreements with the State have been signed and
- d. Rehabilitation bonds have been paid in full in advance.

In a further matter of significance to us, which is the protection of our sacred springs and cultural and natural resources associated with water, we ask that outstanding State approvals for water use and extraction are refused until it can be scientifically guaranteed that those approvals do not permanently damage the springs, aquifers, and ground water dependent ecosystems.

Yours faithfully

A handwritten signature in black ink, appearing to be 'LB' with a long horizontal stroke extending to the right.

Linda Bobongie  
Chairperson

A handwritten signature in black ink that reads 'Burragubba' in a cursive style.

Adrian Burragubba  
Senior spokesperson