

NOTICE OF FILING

Details of Filing

Document Lodged:	Non-Prescribed Report
Court of Filing	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	2/04/2026 9:44:51 AM AEST
Date Accepted for Filing:	2/04/2026 10:36:35 AM AEST
File Number:	QUD356/2025
File Title:	CHARLES WOOSUP & ORS ON BEHALF OF THE ANKAMUTHI PEOPLE SEA CLAIM AND STATE MINISTER FOR THE STATE OF QUEENSLAND
Registry:	QUEENSLAND REGISTRY - FEDERAL COURT OF AUSTRALIA



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.



No. QUD 356 of 2025

Federal Court of Australia
District Registry: Queensland
Division: General

CHARLES WOOSUP AND OTHERS ON BEHALF OF THE ANKAMUTHI SEA CLAIM GROUP

Applicant

STATE MINISTER FOR THE STATE OF QUEENSLAND

Respondents

AMENDED CONCISE STATEMENT OF FACTS, ISSUES AND CONTENTIONS

Filed pursuant to order 4 made by Mortimer CJ on 17 March 2026 as varied

Contents

A. DEFINITIONS	1
B. FACTS	2
Prior to and after sovereignty	2
Ankamuthi People	3
The Claim Area	3
Ankamuthi determinations adjoining the Claim Area	3
Rights and interests claimed	4
C. ISSUES	5
D. CONTENTIONS	6
1 Contemporary society and laws and customs	6
2 Acquiring rights and interests in land	7
3 Continuity of society and laws and customs since Sovereignty	7
4 Connection to the Overlap Area by the laws and customs	8
5 Possession of rights and interests under the laws and customs	9
6 Recognition of native title rights and interests by the common law	9
E. MAPS A.1 – A.6	10

A. DEFINITIONS

1. In this document:

“**Ankamuthi People**” has the meaning given in Schedule A of the Application;

“**apical ancestors**” means the persons referred to as the ancestors of the Ankamuthi People in Schedule A of the Application;

Filed on behalf of	The Applicant
Prepared by	Philip Hunter
Law firm	HWL Ebsworth Lawyers
Tel	(07) 3169 4700
	Fax 1300 368 717
Email	phunter@hwle.com.au
Address for service	HWL Ebsworth Lawyers, Level 24, 360 Queen Street, Brisbane, QLD 4000

“Application” means the Form 1 claimant native title determination application QUD356/2025 filed by the Ankamuthi Applicant on 30 May 2025;

“Claim Area” means the area the subject of the Application described in its Schedule B and as shown on the map which is Attachment C to the Application;

“effective sovereignty” means the time when European settlement in relation to the Claim Area occurred from the 1860s on;

“Gudang Yadhaykenu People Sea Claim” means the native title claimant application QUD357/2025 filed on 30 May 2025 by the Gudang Yadhaykenu Applicant;

“Native Title Act” means the *Native Title Act 1993* (Cth); and

“Sovereignty” refers to when sovereignty was asserted over the Claim Area by the British on 26 January 1788.

B. FACTS

Prior to and after sovereignty

2. Prior to and at Sovereignty and also at effective sovereignty, the Claim Area was occupied and used by Aboriginal people.
3. Those Aboriginal people accessed and used all parts of the Claim Area, the manner of access and use being subject to seasonal variation.
4. The occupation and use of the Claim Area was done as of right under a body of laws acknowledged and customs observed by those Aboriginal people.
5. Under that body of laws and customs, the Aboriginal people who occupied and used the Claim Area at Sovereignty, and at effective sovereignty, possessed rights and interests in relation to and had a connection with the lands and waters of the Claim Area.
6. The Aboriginal people who occupied and used the Claim Area at Sovereignty, and at effective sovereignty, were members of a society comprising people who belonged to a Regional Society, who acknowledged and observed the same body of laws and customs relating to rights and interests in the lands and waters of the Claim Area.
7. The laws and customs of the Regional Society had bearing upon local and social organisation, language affinities, kinship and marriage customs, ceremonial and cosmological beliefs, perspectives on their relative sameness and difference with their neighbours and regional dispute resolution practices.
8. Features of that Regional Society included intermarriage and sharing of resources between members of that Regional Society, including between Ankamuthi, Gudang and Yadhaykenu peoples.
9. There were close cultural and social ties between members of the Regional Society, including Ankamuthi, Gudang and Yadhaykenu peoples.

10. Laws and customs acknowledged and observed by members of that Regional Society gave and continue to give rise to rights and interests in the Claim Area and the allocation of rights and interests in the Claim Area.

Ankamuthi People

11. The Ankamuthi People, are those Aboriginal persons who are descendants by birth, or adoption in accordance with the traditional laws acknowledged and the traditional customs observed by the Ankamuthi People, from one or more of the following apical ancestors:
- (a) Woobumu and Inmare;
 - (b) Bullock (father of Mamoose Pitt, husband of Rosie/Lena Braidley);
 - (c) Charlie Mamoose (father of Silas, Larry, Johnny and Harry Mamoose);
 - (d) Charlie Seven River;
 - (e) Toby Seven River (father of Jack Toby);
 - (f) Asai Charlie;
 - (g) Sam and Nellie (parents of George Stephen);
 - (h) Mammus/Mamoos/Mark/Mamoose plus his siblings Peter and Elizabeth;
 - (i) Charlie Maganu (husband of Sarah McDonnell); or
 - (j) Polly (wife of Wautaba Charlie Ropeyarn),
- who held, and continue to hold, native title rights and interests in the Claim Area.
12. The nature of those native title rights and interests are set out in Schedule E of the Application and below at [16].

The Claim Area

13. The Claim Area covers lands and waters immediately off shore from north western Cape York within Endeavour Strait including those islands lying within the claim boundary being land above the high water mark, including (running roughly from north to south) Meddler (Gaibait) Island, Quoin Islet, Possession Island (off shore from Roonga Point and Peak Hill), Wurka Island, Little Roko and Roko Island, Wassel Islet, Terau (Dayman) Island, Wuwurrka Islet, Karniga Island, Markailag Islet, Mouinndo Rock, Parau Island, Tolusa Islet and Red Island (off shore from Seisia).

Ankamuthi determinations adjoining the Claim Area

14. The Ankamuthi People as defined above at [11] have been determined by the Federal Court to hold native title rights and interests under their traditional laws and customs in lands and waters immediately to the east, south-east and south of the Claim Area in the following determinations:
- (a) *Woosup on behalf of the Northern Cape York Group #1 v State of Queensland (No 3)* [2014] FCA 1148 (30 October 2014) (**Woosup (No 3)**) covering the most northern part of Cape York above the high water mark, abutting the Claim Area on the western shore of

the Cape, comprising areas of exclusive and non exclusive possession as shown on the map attached marked **A.1**;

- (b) *Anderson on behalf of the Northern Cape York #3 Native Title Claim Group v State of Queensland* [2017] FCA 830 (26 July 2017) (**Anderson**) over an area excised from the previously overlapping parts of both the Ankamuthi People #1 application (QUD6158/1998) and the Northern Cape York #1 application (QUD780/2016) north of the Ducie River, north east of Mapoon, on the western Cape south of the Claim Area, comprising areas of exclusive and non exclusive possession as shown on the map attached marked **A.2**;
- (c) *Woosup on behalf of the Ankamuthi People #1 v State of Queensland* [2017] FCA 831 (26 July 2017) comprising two discrete parcels on the western Cape the more northern one being an area where Ankamuthi non-exclusive possession has been recognised, the more southern comprising areas where Ankamuthi exclusive and non exclusive possession has been recognised bounded in the north by the Skardon River and south by the Ducie River, abutting on its western side the area shown on Map A.2, as shown on the map attached marked **A.3**;
- (d) *Woosup on behalf of the Ankamuthi People #2 v State of Queensland* [2017] FCA 832 (26 July 2017) being the portion of the Ducie River most proximate to its entry into the Gulf of Carpentaria, north of Mapoon Aboriginal Shire, adjoining to their south the areas shown on Maps A.2 and A.3, as shown on the map attached marked **A.4**; and
- (e) *David on behalf of the Torres Strait Regional Seas Claim v State of Queensland* [2022] FCA 1430 (30 November 2022) (**David**) for the Ankamuthi members of the native title holding group recognising non-exclusive native title in the waters off-shore from the western Cape in Endeavour Strait and the Arafura Sea, north west and south of the entry of the Jardine River into Endeavour Strait, recognising exclusive possession over Crab Island, Red Wallis Islet and Woody Wallis Island, immediately abutting the Claim Area on its south western boundary, as shown on the map attached marked **A.5** (*David* Map 3 of Schedule 7 with Sheets 1 and 2).

15. In *Woosup* (No 3) and *Anderson* the Gudang Yadhaykenu were also determined to hold native title rights and interests that co-exist in the determination areas with the native title rights and interests of the Ankamuthi people. In *David* the Gudang Yadhaykenu were determined to hold non-exclusive native title in the off-shore area and exclusive possession over various islands and islets off shore from eastern Cape York as shown on the map attached marked **A.6** (*David* Map 4 of Schedule 7).
16. Kaurareg people have been determined to hold native title over the islands and waters immediately abutting the Claim Area to the north in *David*.

Rights and interests claimed

17. The rights and interests claimed by Ankamuthi People in the Claim Area are set out in Schedule E of the Application in the following terms, where consistently with the terms of the abutting determination in *David*, non exclusive rights are claimed below the high water mark and exclusive rights and interests are claimed above the high water mark:

"(a) Below high-water mark:

The claimed rights and interests for the areas below the ordinary high-water mark at spring tides (**high-water mark**) are the rights to:

- (a) access, to remain in and to use the area;
- (b) access resources and to take for any purpose, resources in the area;
- (c) maintain places and areas of significance, to the members of the native title claim group under their traditional laws and customs on the area and protect those places and areas from harm;
- (d) be accompanied on to the area by those persons who, though not members of the native title claim group, are:
 - (i) spouses of members of the claim group;
 - (ii) people who are members of the immediate family of a spouse of a member of the native title claim group; or
 - (iii) people reasonably required by members of the native title claim group under traditional law and custom for the performance of ceremonies or cultural activities on the area.

(b) Above high-water mark

Where exclusive native title can be recognised above the high-water-mark, the claimed rights and interests for areas above the high water mark are the rights to:

- (a) other than in relation to Water, the right to possession, occupation, use and enjoyment of the area to the exclusion of all others; and
- (b) in relation to Water, the non-exclusive right to take the Water of the area for personal, domestic and non-commercial communal purposes."

18. The Gudang Yadhaykenu Applicant claims their rights and interests in the Claim Area in the same terms in Schedule E to their Form 1.
19. The Ankamuthi People managed and continue to manage the Claim Area through the traditional laws and customs passed down by their apical ancestors which include continuity of observation and transmission of knowledge regarding mythology, resources and the spiritual landscape of the Claim Area.

C. ISSUES

20. ~~Whilst s~~Separate questions for hearing by the Court have ~~not yet~~ been set down to address the issues in dispute between the Ankamuthi and Gudang Yadhaykenu peoples, to be determined by the Court which are as follows:
 - (a) Are native title rights and interests held in the Claim Area?
 - (b) If the answer to (a) is yes, who are the people who hold those rights and interests?
 - (c) If the answer to (a) is yes, what are the rights and interests held by the native title holders?
 - ~~(d) If the answer to (a) is yes, where are the rights and interests held by the native title holders?~~
21. If determining the answers to issues (b) ~~and (d)~~ above, the Court must consider whether Ankamuthi people or Gudang Yadhaykenu people or both (or neither) are native title holders over the whole or any parts of the Claim Area.

D. CONTENTIONS

22. The Ankamuthi Applicant contends that there is no distinction to be drawn between the areas in which native title rights and interests are held above the high water mark and below the high water mark.
23. The Ankamuthi Applicant sets out its contentions with respect to the matters to be determined by the Court when assessing the evidence relevant to determination of the Issues below. The Ankamuthi Applicant contends that the evidence it will file will make good the following contentions.

1 Contemporary society and laws and customs

24. The Regional Society, including the Ankamuthi and Gudang Yadhaykenu peoples has continued to exist since Sovereignty as a body of persons united in and by their acknowledgment and observance of substantially the same body of shared laws and customs as at Sovereignty.
25. This body of shared laws and customs includes those concerning how rights and interests in lands and waters are acquired.
26. These laws and customs have been adapted to the changed situation applying since effective sovereignty without losing their nexus with the laws and customs acknowledged and observed by the forebears and apical ancestors of the Ankamuthi people.
27. The body of laws and customs concerning particularly how persons are recognised as Ankamuthi and how they transmit their knowledge of Ankamuthi country including rights and interests in the Claim Area to their descendants include:
 - a. Ankamuthi people still observe a fundamental principle of spiritual connection to country that is transferred via serial cognatic descent from forebears recognised as connected to the Claim Area.
 - b. Ankamuthi people still follow protocols regarding access to and use of the Claim Area. These protocols enable the transmission of knowledge to younger generations;
 - c. Ankamuthi people believe that some sites on and beside the Claim Area have potency and power, such that country, or visitors to country, may be physically or spiritually harmed if proper protocols are not followed. Ankamuthi People are obliged to protect those sites as well as both strangers and other people who have no knowledge of those dangers from the potency and power of those sites on and beside the Claim Area;
 - d. Ankamuthi people have rules about the use of the Claim Area and its resources, including that such use is constrained by rules and cultural protocols about how resources should be used and country should be accessed, including that, due to the presence of gender restricted sites, women and children cannot access all areas; likewise, neither can men. Put plainly, not everybody can go everywhere; and, with flora and fauna, not everyone can use or eat everything;

- e. Ankamuthi people believe that decisions about the Claim Area should be made by those with the authority to 'speak for country', with the concept of 'right families' for country (i.e., those having a descent based connection to country) pre-eminent in that context. Sacred knowledge is also important in determining who can speak for country and make decisions about it;
- f. Ankamuthi people define the Claim Area with reference to concepts including:
 - i. areas of country to which Ankamuthi People have a descent based and spiritual connection;
 - ii. knowledge of stories for the Claim Area, its mythological sites and its resources; of certain sacred sites and ceremonial responsibility for them; and of areas of country where forebears were born and/or are buried;
 - iii. forebears living on and utilising the resources of the Claim Area.

28. It is through acknowledgement and observance of these laws and customs that Ankamuthi people are part of the Regional Society.

2 Acquiring rights and interests in land

- 29. Since effective sovereignty to the present, both Ankamuthi and Gudang Yadhaykenu groups have shared the same laws and customs in relation to how rights and interests are acquired in land.
- 30. At Sovereignty, the traditional land tenure system was likely characterised by the existence of a number of "estate groups" (alternatively called "local descent groups" or "country groups") within broader areas of country associated with Ankamuthi people and language.
- 31. At sovereignty, it is likely that membership of estate groups was determined principally by patrilineal descent in the context of spiritual imbuelement to totemic centres. However other mechanisms for acquiring rights and interests in country were probably also in play, including matrilineal and ritual knowledge or experience.
- 32. As a result of the disruptive effects of colonisation post-sovereignty on Aboriginal populations, the on-ground operation of individual estate groups was significantly altered. However, the fundamentals of the system have remained in place to the present day, albeit with some adaptations and modifications.
- 33. For the members of the Ankamuthi claim group, the contemporary principles by which rights and interests in land are acquired remain consistent with the essential aspects of the pre-sovereignty system. That is, rights and interests in land are acquired through descent (albeit it is now cognatic).

3 Continuity of society and laws and customs since Sovereignty

- 34. The laws and customs of the Regional Society, including those of Ankamuthi People, are traditional in the sense that they have been passed down by word of mouth and common

practice without substantial interruption from generation to generation of the members of that Regional Society.

35. The normative system constituted by the laws and customs has had a continuous existence and vitality since Sovereignty meaning the Regional Society has substantially maintained its identity and existence from generation to generation from Sovereignty to the present.
36. The changes or adaptations to the laws and customs since Sovereignty have been such that acknowledgement and observance of the laws and customs within the Claim Area have continued substantially uninterrupted. These laws and customs can therefore be said to be traditional.
37. In this regard, the Ankamuthi Applicant relies on the facts outlined in Section B of this Statement.
38. Where there are gaps in the historic and ethnographic record for the Claim Area and for the region generally, the Court may draw inferences; i.e. the existence of a particular state of affairs at a particular time between Sovereignty and the present may be inferred as if the same state of affairs existed at earlier and later points in time.
39. Further, the Court may draw relevant inferences from the fact that the Claim Area is surrounded on all sides by areas of land or waters that are already subject to native title determinations, as set out from [14] – [16] above. In particular, those determinations already recognise that:
 - a. the laws and customs of the Regional Society have been found to support the recognition of native title in relation to other parts of the areas of lands or waters covered by those laws and customs;
 - b. the boundaries of the land or waters in relation to which surrounding groups of common law holders hold native title have been determined by the Court.
40. There has been no substantial interruption to the enjoyment or exercise of native title rights and interests in the period since sovereignty.

4 Connection to the Overlap Area by the laws and customs

41. The Ankamuthi People have had a continuous connection with the land or waters of the Claim Area by the continued acknowledgement of traditional laws and observance of traditional customs.
42. This continuous connection by the laws and customs is evidenced by the facts outlined in Section B of this Statement.
43. As their evidence will show, successive generations of Ankamuthi People have grown up, or resided from time to time, beside the Claim Area, including at Seisia, New Mapoon, Umagico, Bamaga and Injinoo. They have also otherwise occupied the lands or waters of the Claim Area in accordance with the laws and customs of the Regional Society. Significant numbers of Ankamuthi People continue to live beside and use the Claim Area.

44. Ankamuthi People and their forebears have continuously and publicly asserted their relationship with their country including the Claim Area, maintained the knowledge of their stories and maintained regular visitation to places of importance in and beside the Claim Area.

5 Possession of rights and interests under the laws and customs

45. In determining the rights and interests with respect to the Claim Area that arise from Ankamuthi traditional laws and customs, it is not necessary to consider just the laws and customs connected with rights and interests in land or waters. While it is necessary to provide evidence of the laws and customs that give rise to such rights and interests, evidence of other laws and customs is also relevant, particularly as to the continued vitality of the normative system as a whole.
46. The Applicant therefore will be filing evidence in support of the contentions made above that Ankamuthi People possess native title rights and interests in the Claim Area under Ankamuthi traditional laws and customs.
47. These contentions, and the facts outlined in Section B above, support the contention that, under the traditional laws and customs of the Regional Society referred to above, which have their origin in pre-sovereignty society, Ankamuthi people possess the rights and interests in the Claim Area set out at [17] above:
48. These rights and interests continue to be possessed under the traditional laws observed and the traditional customs acknowledged by the Regional Society, including Ankamuthi People, in the Claim Area. They enable Ankamuthi People to carry out activities and practices on and relating to the land or waters in the Claim Area and maintain knowledge which fulfils their obligations under their traditional belief system.

6 Recognition of native title rights and interests by the common law

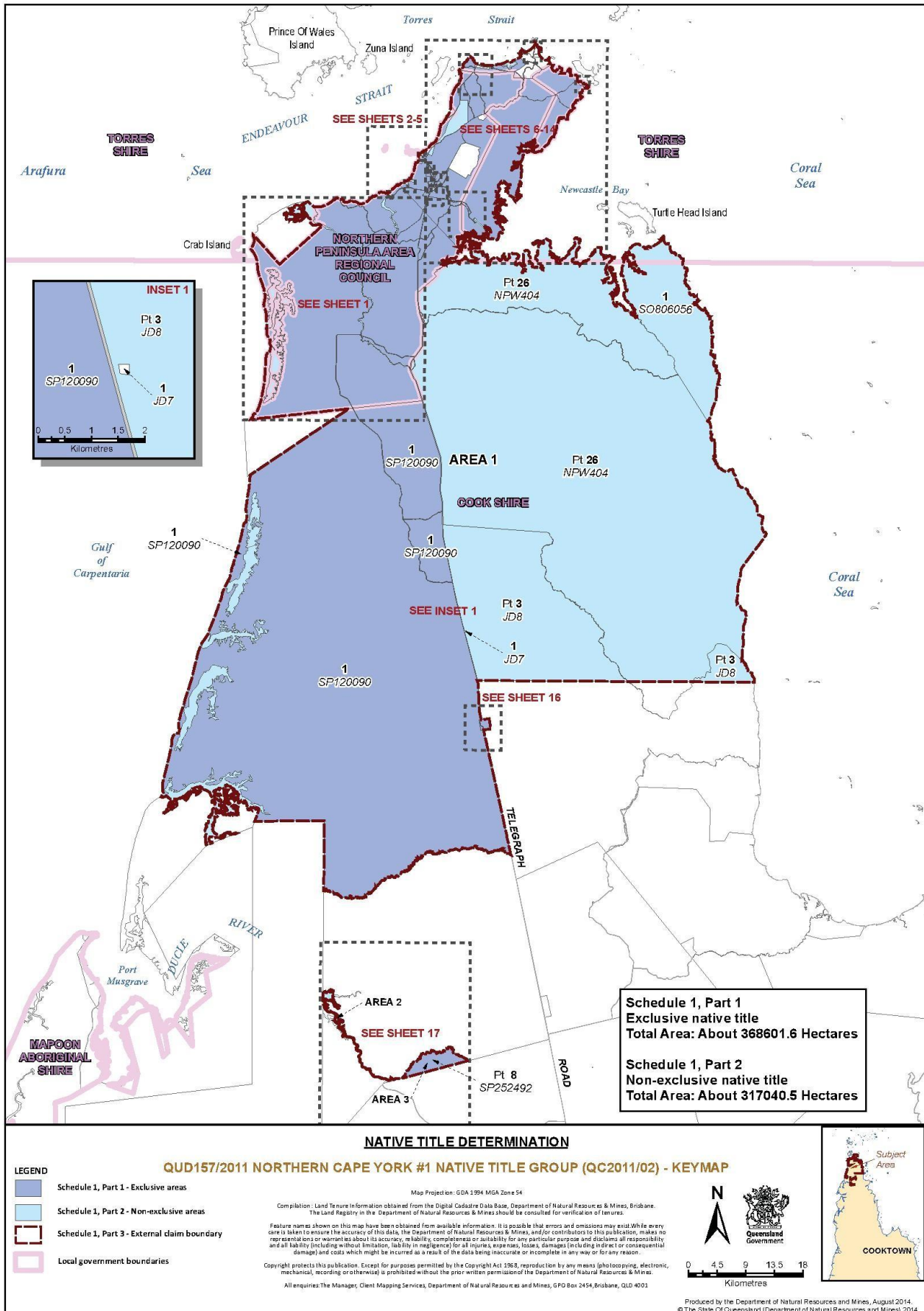
49. The native title rights and interests of the Ankamuthi People in relation to land or waters in the Claim Area:
1. are not 'antithetical to fundamental tenets of the common law'; and
 2. existed at sovereignty, survived that fundamental change in legal regime, and now, by resort to the processes of the new legal order, can be enforced and protected.
50. Therefore, the native title rights and interests referred to in paragraph [17] are capable of recognition by the common law of Australia.



Susan Phillips
13 St James Hall
Date: ~~31 March~~ 2 April 2026

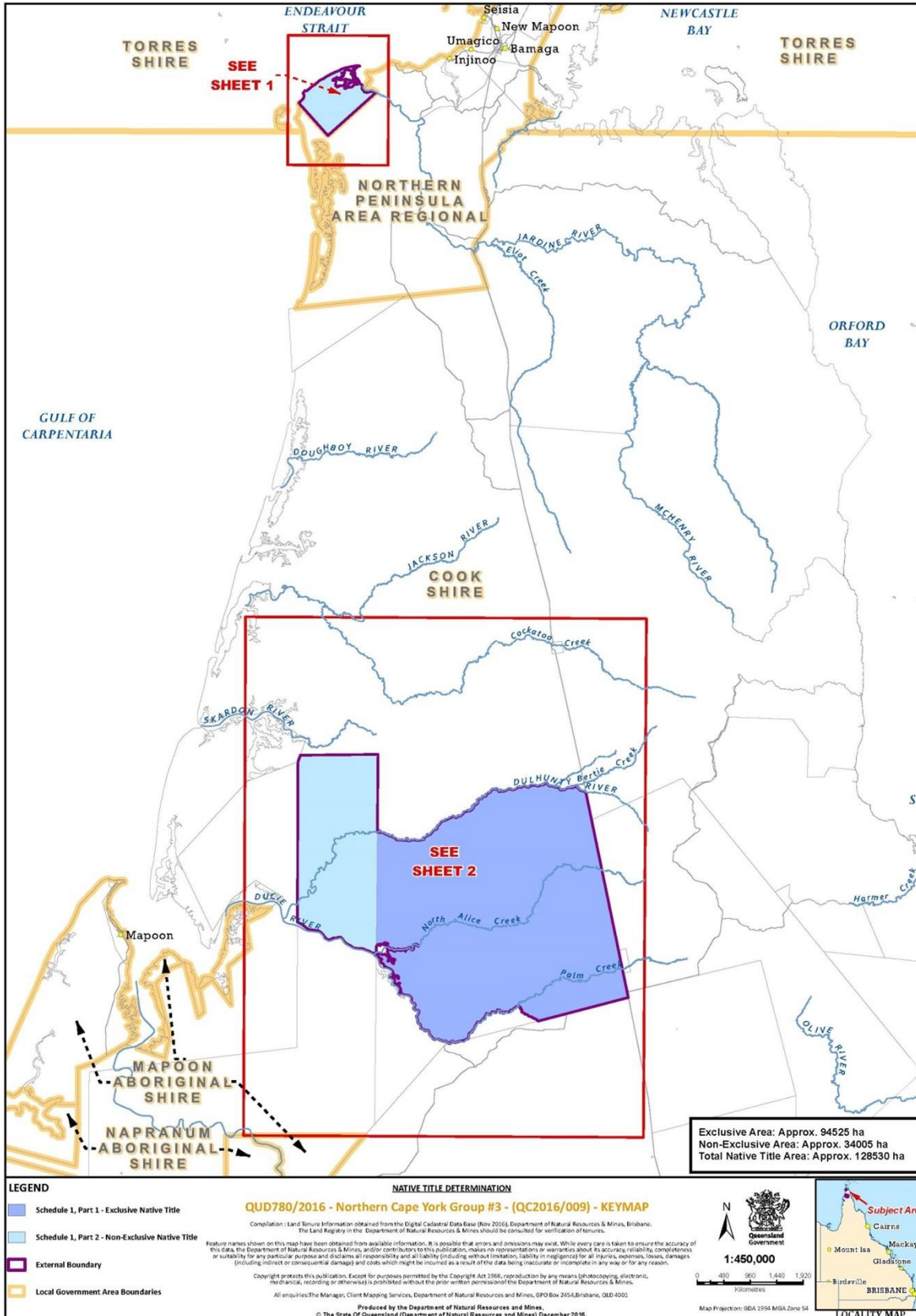
MAP A.1

Woosup on behalf of the Northern Cape York Group #1 v State of Queensland (No 3) [2014]
FCA 1148 (30 October 2014)



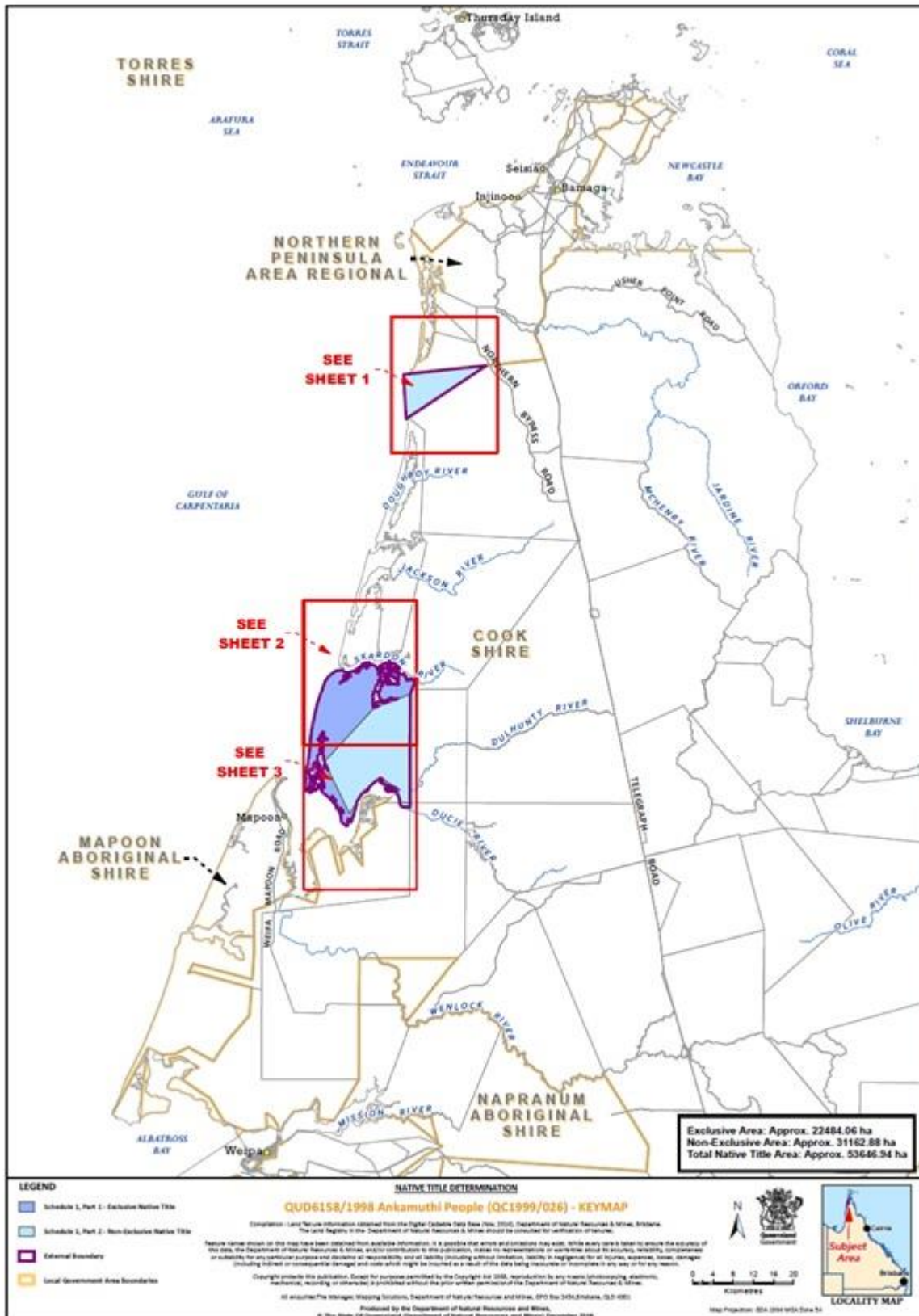
MAP A.2

Anderson on behalf of the Northern Cape York #3 Native Title Claim Group v State of Queensland [2017] FCA 830 (26 July 2017)



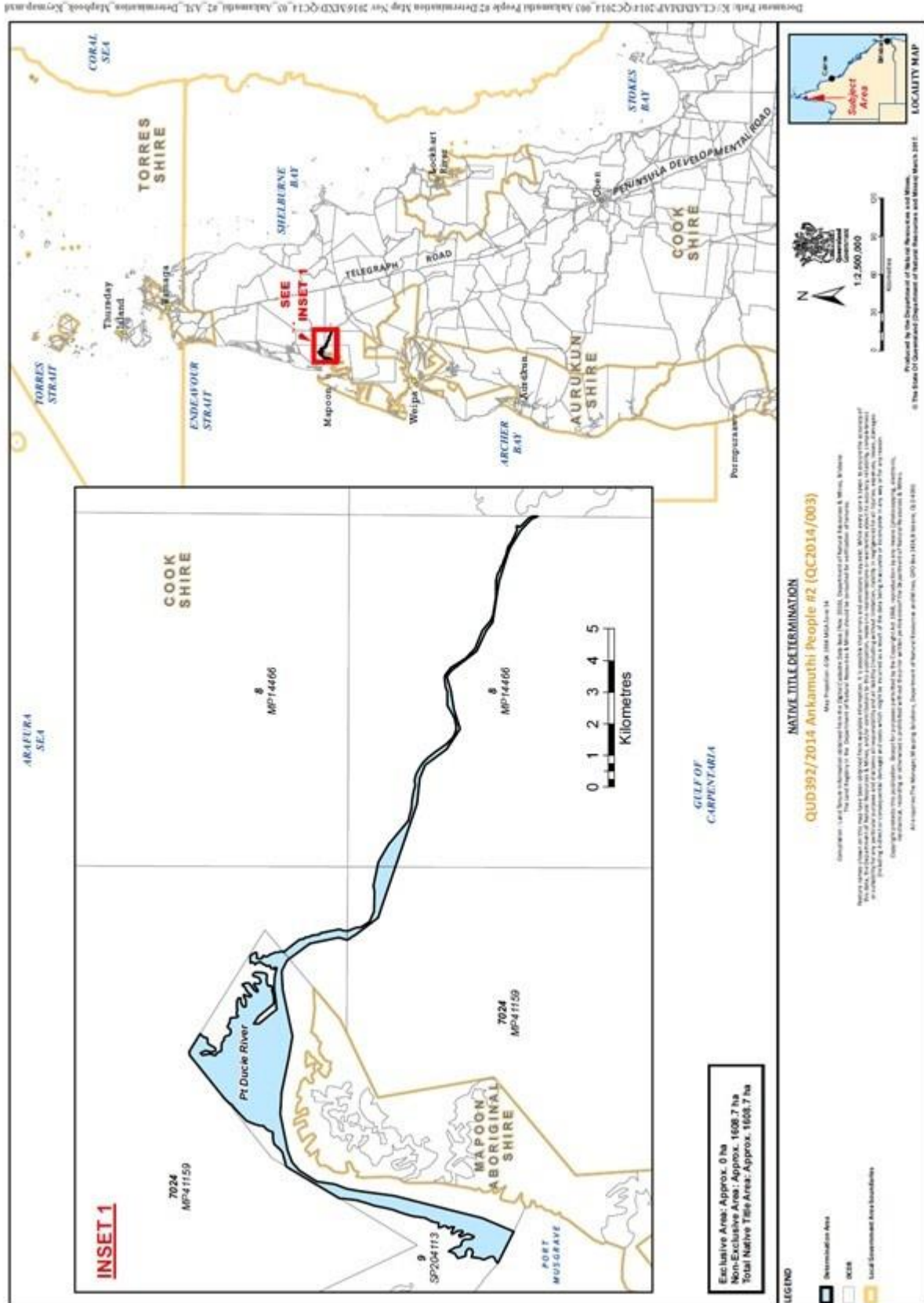
MAP A.3

Woosup on behalf of the Ankamuthi People #1 v State of Queensland [2017] FCA 831 (26 July 2017)

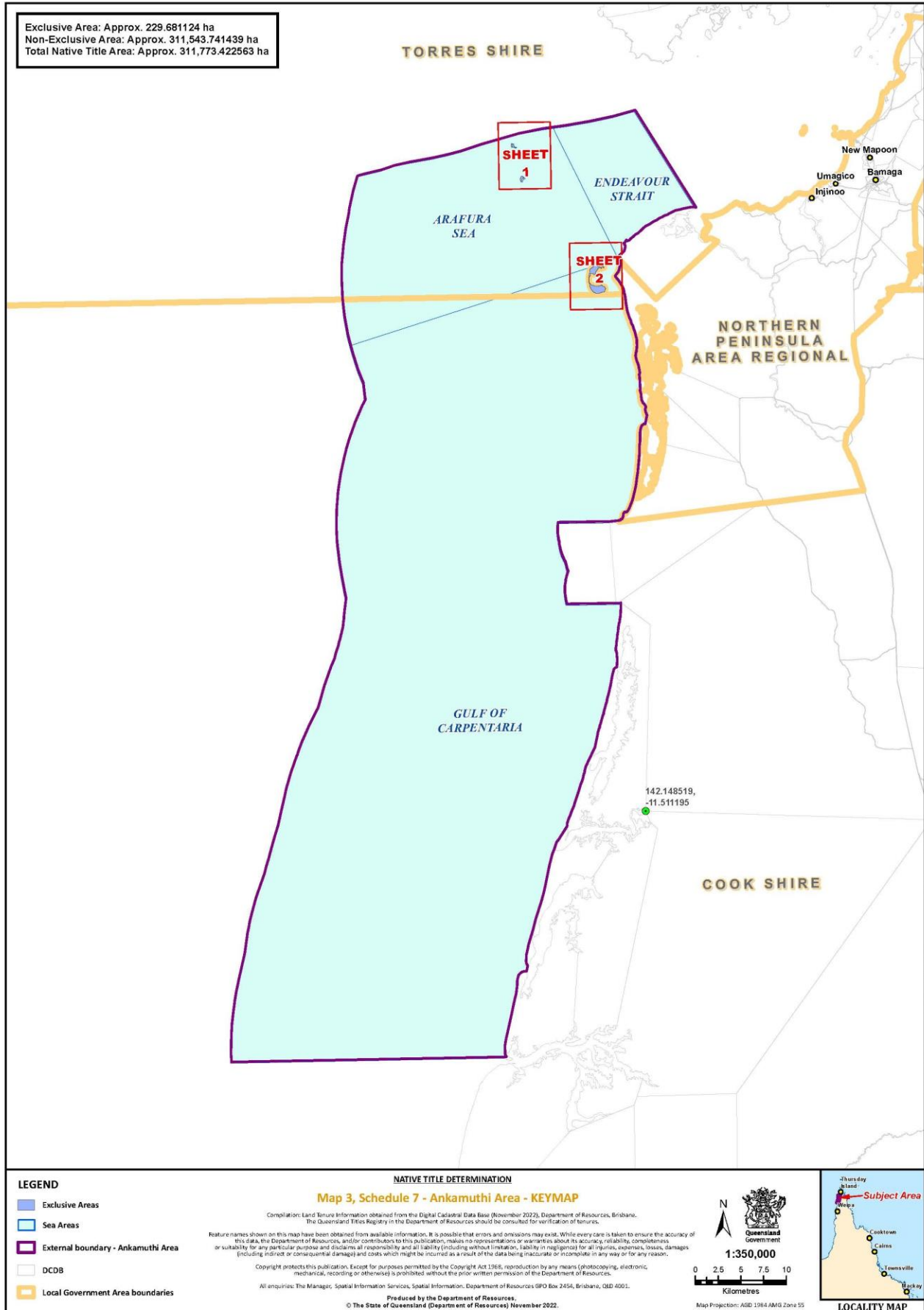


MAP A.4

Woosup on behalf of the Ankamuthi People #2 v State of Queensland [2017] FCA 832
(26 July 2017)

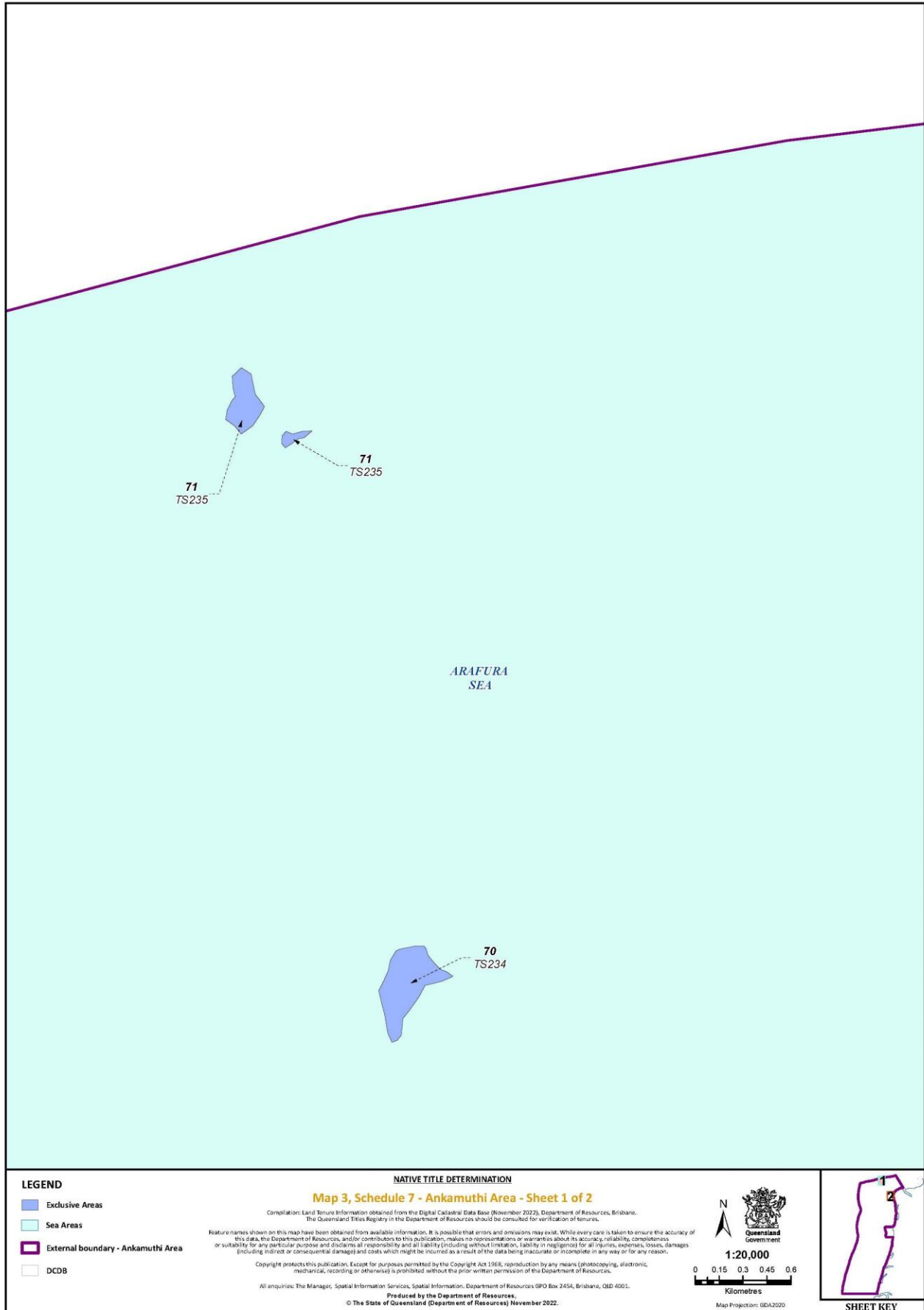


MAP A.5 (David Map 3 of Schedule 7 with Sheets 1 and 2)
David on behalf of the Torres Strait Regional Seas Claim v State of Queensland [2022] FCA 1430 (30 November 2022) Ankamuthi area off-shore from western Cape York

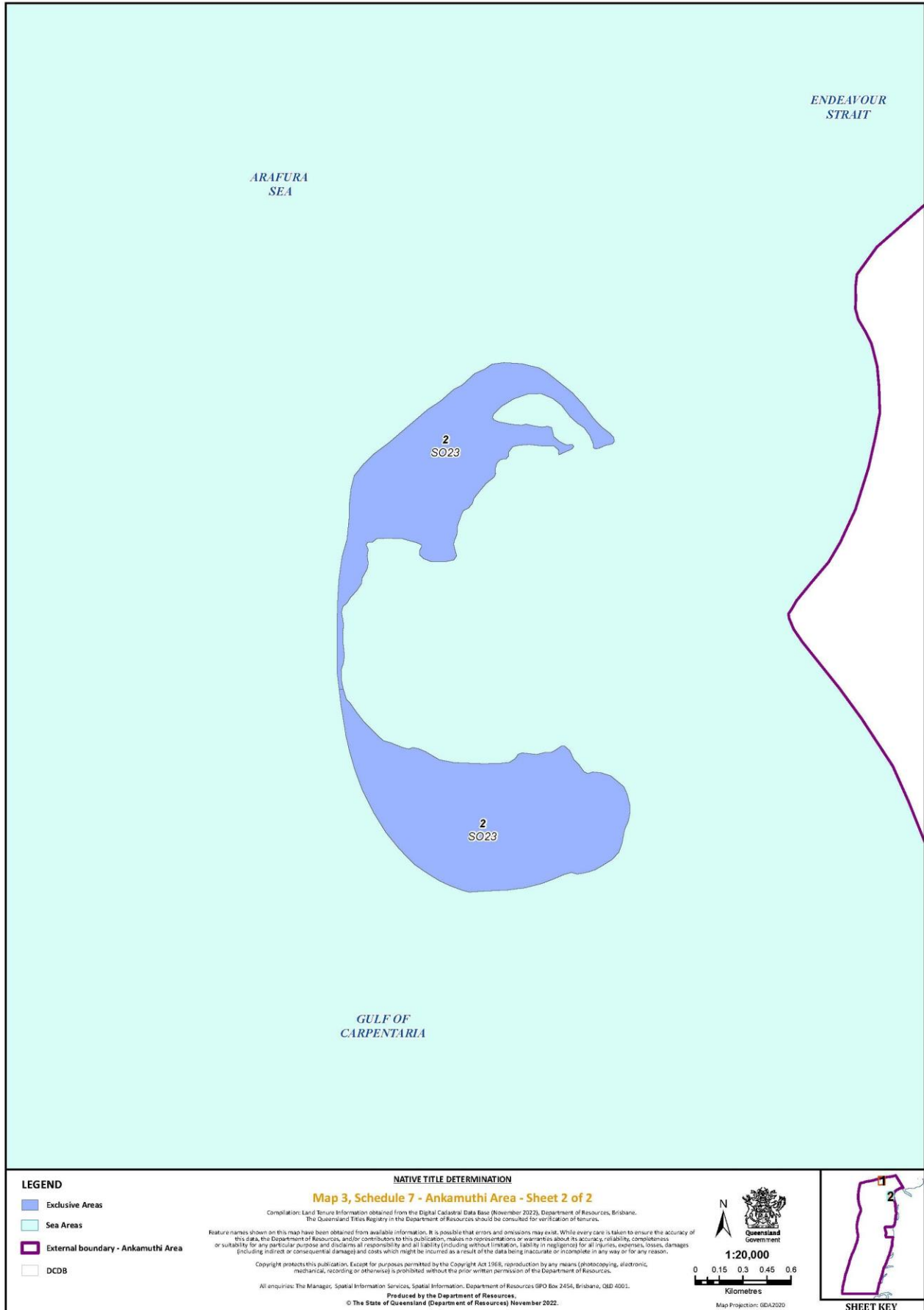


MAP A.5 (David Map 3 of Schedule 7 Sheet 1)

David on behalf of the Torres Strait Regional Seas Claim v State of Queensland [2022] FCA 1430 (30 November 2022) Ankamuthi area off-shore from western Cape York



MAP A.5 (David Map 3 of Schedule 7 Sheet 2)
David on behalf of the Torres Strait Regional Seas Claim v State of Queensland [2022] FCA 1430 (30 November 2022) Ankamuthi area off-shore from western Cape York



MAP A.6 (David Map 4 of Schedule 7)

David on behalf of the Torres Strait Regional Seas Claim v State of Queensland [2022] FCA 1430 (30 November 2022) Gudang Yadhaykenu area off shore from eastern Cape York

