



Federal Court of Australia

District Registry: Queensland Registry

Division: General

No: QUD356/2025

**CHARLES WOOSUP** and others named in the schedule  
Applicant

**STATE MINISTER FOR THE STATE OF QUEENSLAND** and others named in the  
schedule  
Respondent

No: QUD357/2025

**BERNARD CHARLIE** and others named in the schedule  
Applicant

**STATE MINISTER FOR THE STATE OF QUEENSLAND** and others named in the  
schedule  
Respondent

### **ORDER**

**JUDGE:** Chief Justice Mortimer

**DATE OF ORDER:** 3 June 2026

**WHERE MADE:** Melbourne

### **THE COURT NOTES THAT:**

- A. The Court made orders in these proceedings on 17 March 2026 stating a separate question for determination and setting that question down for the hearing of lay evidence for a period of 13 days beginning on 14 September 2026.
- B. In these orders:
- (a) “Active Parties” means all of the following:
    - (i) the Ankamuthi Applicant;
    - (ii) the Gudang Yadhaykenu Applicant;
    - (iii) the State;
    - (iv) any other party who files a notice in accordance with Order 1 of these orders;
  - (b) “Active Respondents” means the Active Parties other than the Ankamuthi Applicant and the Gudang Yadhaykenu Applicant;



- (c) “Ankamuthi Applicant” means the applicant in QUD356/2025;
- (d) “Gudang Yadhaykenu Applicant” means the applicant in QUD357/2025;
- (e) “NTA” means the *Native Title Act 1993* (Cth);
- (f) “Separate Questions Hearing” means the hearing of the separate questions set out in Order 2 of the orders of the Court dated 17 March 2026.

## **THE COURT ORDERS THAT:**

### **Active parties**

1. By 12 June 2026 any respondent, other than the State, who intends to participate in the Separate Questions Hearing must file a notice indicating that they wish to take an active part in the proceedings.
2. The Active Parties are excused from serving documents on any party who is not one of the Active Parties.
3. Any party who is not one of the Active Parties will be bound by the outcome of the Separate Questions Hearing.

### **Concise statements**

4. By 19 June 2026, the Active Respondents other than the State are to file a concise statement in accordance with CPN-1.
5. By 3 July 2026, the State is to file a concise statement in accordance with CPN-1.
6. By 10 July 2026, the Ankamuthi Applicant and the Gudang Yadhaykenu Applicant are to file a concise reply.

### **Initial filing of lay evidence**

7. By 31 July 2026, the Ankamuthi Applicant and the Gudang Yadhaykenu Applicant are each to file:
  - (a) a list of the proposed witnesses (other than expert witnesses) upon whose evidence they will rely in the Separate Questions Hearing; and
  - (b) any witness statements (other than of expert witnesses) upon which they will rely in the Separate Questions Hearing; and
  - (c) a copy of any photograph or other document (appropriately captioned or described) which they propose to tender.

### **Reliance upon evidence under s 86(1) of the NTA**



8. By 31 July 2026, any party who intends, pursuant to s 86(1) of the NTA, to request the Court to receive into evidence the transcript of evidence in any other proceedings, must file a document clearly identifying the relevant parts of the transcript.

#### **Initial filing of expert evidence**

9. By 7 August 2026, the Active Parties are each to file and serve any expert reports upon which they intend to rely for the purpose of the proceeding.

#### **Draft lay evidence hearing timetable**

10. By 14 August 2026, the Ankamuthi Applicant and the Gudang Yadhaykenu Applicant are to file a joint draft timetable for the conduct of the hearing of lay evidence, including likely locations for evidence and duration of time to be spent in and traveling to each location, with sufficient detail to enable the Court and the Active Parties to confirm travel and accommodation arrangements.

#### **Further filing of lay evidence**

11. By 21 August 2026, the Active Parties are to file:
  - (a) any witness statements (other than of expert witnesses) in response to any witness statements filed in accordance with Order 7(b); and
  - (b) a copy of any photograph or other document (appropriately captioned or described) which they propose to tender in response to any evidence filed in accordance with Order 7.

#### **Leading evidence from non-expert witnesses**

12. No party may lead evidence from a non-expert witness where a witness statement has not been filed in accordance with Orders 7 or 11 without first obtaining leave of the Court.

#### **Conference of experts**

13. On 25–26 August 2026, the expert witnesses retained by the Active Parties are to attend a conference at the Brisbane Registry before a Judicial Registrar for the purpose of narrowing or removing any differences in their preliminary opinions.
14. At the conference, the experts must produce for the use of the Active Parties and the Court one or more documents identifying matters and issues within their expertise:
  - (a) with which their opinions agree, and the basis for that agreement of opinion; and



- (b) with which their opinions differ, and the basis for the difference of opinion.

### **Final lay evidence hearing timetable**

15. On 26 August 2026, the Active Parties are to attend a case management conference before a Judicial Registrar to discuss and make arrangements to finalise the hearing timetable.
16. The final hearing timetable is to include:
- (a) the parties' best estimates for when each witness will be called to give evidence and how long each party will examine or cross-examine the witness;
  - (b) proposed arrangements for interpreters;
  - (c) the on-country locations on or near the claim area where evidence is to be given; and
  - (d) options for flexible days or re-ordering of witnesses to allow for contingencies of weather preventing access to on-country locations.

### **Objections to evidence**

17. By 28 August 2026, the Active Parties are to give each other (but not the Court) notice of any parts of witness statements, expert reports or documents to which they intend to object.
18. The parties are to use their best endeavours, including with the assistance of Judicial Registrar McGregor, to resolve any objections prior to the hearing of lay evidence.
19. The Court:
- (a) will determine any unresolved objections over witness statements immediately before the relevant witness gives evidence; and
  - (b) will determine any other unresolved objections at the time that the relevant report or document is sought to be tendered.

### **Written outlines**

20. By 31 August 2026, the Ankamuthi Applicant and the Gudang Yadhaykenu Applicant each must file written outlines of their case not exceeding 5 pages in length.
21. By 4 September 2026, the Active Respondents must each file written outlines of their case not exceeding 5 pages in length.

### **Agreed facts**



22. By 7 September 2026, the Active Parties are to file a statement of agreed facts.

**Further filing of expert evidence**

23. By 4 November 2026, the Ankamuthi Applicant and the Gudang Yadhaykenu Applicant are each to file and serve any supplementary expert report they intend to rely upon.

**Timing of expert evidence**

24. The proceedings be set down for the hearing of expert evidence for a period of 3 days beginning on 15 December 2026 in Cairns.

**Timing of closing submissions**

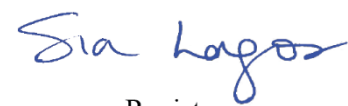
25. The proceedings be set down for the hearing of oral closing submissions for a period of 3 days beginning on 10 February 2027 in Cairns.

**Case management and mediation**

26. Pursuant to s 86B of the NTA, the proceedings are referred to mediation before Judicial Registrar McGregor.

27. Judicial Registrar McGregor is to explore with the parties the appropriate time to conduct a mediation, after which she will make a recommendation as to the timing of the mediation to the Court and list the mediation.

Date orders authenticated: 3 June 2026

  
Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



### Schedule

Federal Court of Australia

District Registry: Queensland Registry

Division: General

No: QUD356/2025

|                   |                                          |
|-------------------|------------------------------------------|
| Applicant         | GEORGE ROPEYARN                          |
| Applicant         | TAPEE SALEE                              |
| Applicant         | JEAN TAMWOY                              |
| Respondent        | TORRES SHIRE COUNCIL                     |
| Respondent        | TALEI ELU                                |
| Respondent        | NORTHERN PENINSULA AREA REGIONAL COUNCIL |
| Second Respondent | COMMONWEALTH OF AUSTRALIA                |

No: QUD357/2025

|                   |                                          |
|-------------------|------------------------------------------|
| Applicant         | TREVOR LIFU                              |
| Applicant         | CONWELL YOUNG                            |
| Applicant         | MYIESHA YOELU                            |
| Applicant         | TREVINA LIFU                             |
| Respondent        | TALEI ELU                                |
| Respondent        | REGINALD WILLIAMS                        |
| Respondent        | NORTHERN PENINSULA AREA REGIONAL COUNCIL |
| Second Respondent | COMMONWEALTH OF AUSTRALIA                |
| Respondent        | TORRES SHIRE COUNCIL                     |
| Respondent        | CHARLES WOOSUP                           |
| Respondent        | GEORGE ROPEYARN                          |
| Respondent        | JEAN TAMWOY                              |



Respondent

TAPEE SALEE