



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 ORDERS THAT:

1. The parties are to provide the list of questions in the Annexure, together with an agreed list of materials, to any expert who intends to provide evidence in the proceedings including for the purposes of the joint conference of experts.

Date orders authenticated:


Registrar

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



Annexure

Federal Court of Australia

District Registry: Queensland Registry

Division: General

No: QUD356/2025

QUD357/2025

- 1 How, if at all, do the traditional laws and customs that govern land and marine tenure in the Overlap Area, extend into the sea from the adjacent local estates in the land?
- 2 Under the traditional land tenure model for the landed estates adjacent to the Overlap Area, were the primary owners of local estates constituted via recruitment through patrifilial descent?
- 3 Since effective sovereignty has local group organisation become attenuated in and around the land adjacent to the Overlap Area, such that language and dialect labelled groupings, that are larger than the original local estate areas, are now the relevant land holding groups?
- 4 What do the early ethnographic sources indicate in respect of which groupings held rights in the land adjacent to the Overlap Area?
- 5 Can ancestors listed in the APSC Form 1 and/or the GYPSC Form 1 be identified as having held ancestral rights and interests, or as having been descended from persons who held ancestral rights and interests, in the land adjacent to the Overlap Area?
- 6 Have members or ancestors of the Ankamuthi, and members or ancestors of the Gudang Yadhaykenu peoples, intermarried or shared residential communities? If they have, is this relevant to how families from both groups have accessed resources in the Overlap Area?
- 7 Under traditional law and custom, does the nature of marine estates in the Overlap Area give rise to permissive shared resource use and harvesting?
- 8 If the answer to question 9 is yes, under traditional law and custom is the permissive use that primary holders of rights and interests accord to others nevertheless contingent on intergroup relationships prevailing at any particular point in time?
- 9 Based on your answers to the above questions, do the Ankamuthi People hold native title rights and interests in the Overlap Area?
- 10 Based on your answers to the above questions, do the Gudang Yadhaykenu People hold native title rights and interests in the Overlap Area?
- 11 For the purpose of the above questions, the experts should rely on the following assumptions:



- a) **“Ankamuthi People”** means the descendants of the apical ancestors identified in Schedule A to the APSC Form 1;
 - b) **“ASPC Form 1”** means the Ankamuthi People Sea Claim Form 1 Application filed on 30 May 2025;
 - c) **“Effective sovereignty”** is to be understood as referring to the approximate year or years by which the acknowledgement and observance of traditional laws and custom by any Aboriginal peoples then occupying or using the Overlap Area are likely to have been materially affected by the presence or activities of non-Aboriginal people on or near the Overlap Area. The Experts are requested to provide their opinions on the date when effective sovereignty likely occurred;
 - d) **“Gudang Yadhaykenu People”** means the descendants of the apical ancestors identified in Schedule A to the GYPSC Form 1;
 - e) **“GYPSC Form 1”** means the Amended Gudang Yadhaykenu People Sea Claim Form 1 Application filed 17 October 2025;
 - f) **“Overlap Area”** means the area of land and waters subject to the Ankamuthi People Sea Claim Form 1 Application filed on 30 May 2025 (QUD356/2025) and the Amended Gudang Yadhaykenu People Sea Claim Form 1 Application filed 17 October 2025 (QUD357/2025);
 - g) that sovereignty was acquired by the Imperial Crown over the land and waters within the external boundaries of the claim area in 1788;
- 12 The Experts are asked to assume that for native title purposes certain terms and expressions that must be considered in order to determine whether native title exists, have particular meanings which must be acknowledged and assumed for the purposes of any report, regardless of whether or not they have different (or indeterminate) meanings within the discourse of anthropology. Thus, the Experts are to assume that:
- a) **“connection”** means the connection referred to in s 223(1)(b) of the NTA, namely connection, “by” the traditional laws and customs under which the rights and interests are possessed. That connection may be spiritual or cultural and need not be demonstrated by physical acts.
 - b) **“native title”** or **“native title rights and interests”** has the same meaning as in s 223(1) of the NTA, namely, the communal, group or individual rights and interests of Aboriginal peoples or Torres Strait Islanders in relation to land or waters, where:
 - (i) the rights and interests are possessed under the traditional laws acknowledged, and the traditional customs observed, by the Aboriginal peoples or Torres Strait Islanders; and
 - (ii) the Aboriginal peoples or Torres Strait Islanders, by those laws and customs, have a connection with the land or waters; and



(iii) the right and interests are recognised by the common law of Australia.

- 13 The Experts are also asked to assume that references to “the traditional laws acknowledged” and “the traditional customs observed” are to be understood in the sense described in s 223(1) of the NTA as above.



Schedule

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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