

NOTICE OF FILING

Details of Filing

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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.

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N0. QUD 356 of 2025
QUD 357 of 2025

Federal Court of Australia
Queensland District Registry
General Division

CHARLES WOOSUP & Ors on behalf of the Ankamuthi People Sea Claim Group
Applicant

BERNARD CHARLIE & Ors on behalf of the Gudang Yadhaykenu People Sea Claim
Applicant

STATE MINISTER FOR THE STATE OF QUEENSLAND and others
Respondents

**CONCISE STATEMENT OF FACTS, ISSUES AND CONTENTIONS OF THE STATE
MINISTER FOR THE STATE OF QUEENSLAND**

INTRODUCTION

1. This Concise Statement sets out the position of the State Minister for the State of Queensland (the **State**) in response to the following native title determination applications made over wholly overlapping claim areas (the **Overlap Area**):
 - (a) Gudang Yadhaykenu People Sea Claim (QUD 357/2025) (**GY Claim**); and
 - (b) Ankamuthi People Sea Claim (QUD 356/2025) (**Ankamuthi Claim**).
2. This Concise Statement also specifically responds, where relevant to:
 - (a) the Concise Statement of Facts, Issues and Contentions of the Applicant in the GY Claim filed 27 March 2026 (the **GY CS**); and
 - (b) the Amended Concise Statement of Facts, Issues and Contentions of the Applicant in the Ankamuthi Claim filed 2 April 2026 (the **Ankamuthi CS**).
3. In summary, the State's position in regard to the respective claims in this matter is that:

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- (a) the State accepts that it is likely that native title exists within the Overlap Area;
 - (b) the State does not know and therefore does not have a position at this stage as to which group holds native title in the Overlap Area or the nature of that native title; and
 - (c) the State will participate in the hearing and make submissions based on the evidence heard as to what the answers to the separate questions should be.
4. In the above context, to the extent that specific paragraphs of the GY CS or the Ankamuthi CS are not expressly addressed in this document, it should not be interpreted as the State admitting those matters.

FACTS

Surrounding Determinations

5. The Overlap Area is surrounded on all sides by land and waters which are the subject of positive determinations of native title. The State admits paragraphs 5 – 10 of the GY CS including the map at Annexure 1 of the GY CS.

Effective Sovereignty

6. The State agrees with paragraph 11 of the GY CS and paragraph 1 of the Ankamuthi CS that effective sovereignty with respect to the Overlap Area was from the 1860s onwards.

Membership of Groups

7. The State admits paragraph 11 of the Ankamuthi CS.
8. The State accepts that the claim group description in Schedule A of the Form 1 filed for the GY Claim corresponds to the description of the GY native title holding group in Section C of Schedule 1 of the determination of native title in *David on behalf of the Torres Strait Regional Seas Claim v State of Queensland* [2022] FCA 1430.

The Claimants as native title holders

9. The State accepts that both the Ankamuthi People and the Gudang Yadhaykenu People are constituent members of a body of persons united in and by its acknowledgement and observance of a body of traditional laws and customs under which they each

possess native title rights and interests in areas adjacent to and nearby the Overlap Area.

10. The State does not admit, as it does not know, whether the persons who held native title rights and interests in the Overlap Area as at effective sovereignty were the forebears of the Ankamuthi People or the Gudang Yadhaykenu People.

Continuity

11. The State accepts that if the forebears of either of the Ankamuthi People or the Gudang Yadhaykenu People held native title rights and interests in the Overlap Area as at effective sovereignty (which is not admitted) then it is more likely than not that the group (or groups) that held such rights and interests at sovereignty has continued, substantially uninterrupted since sovereignty, to acknowledge and observe the traditional laws and customs under which that group (or groups) possess rights and interests in relation to the Overlap Area.

ISSUES

12. In the context of the surrounding determinations of native title, the State accepts that both the Ankamuthi People and the Gudang Yadhaykenu People acknowledge and observe traditional laws and customs under which they each possess native title rights and interests in areas adjacent to and nearby the Overlap Area. The State agrees with paragraph 39 of the GY CS.
13. The critical issue in this proceeding is whether the Ankamuthi People or the Gudang Yadhaykenu People hold native title rights and interests in the Overlap Area. The State agrees with paragraphs 40 and 41 of the GY CS and paragraph 21 of the Ankamuthi CS.

CONTENTIONS

Contentions Generally

14. As set out above, the State does not know, and therefore does not have a position at this stage as to who holds native title in the Overlap Area or the nature of the native title. In the premises, other than the specific matters identified below, the State does not respond to paragraphs 22 to 48 of the Ankamuthi CS and paragraph 42 of the GY CS.

Overlapping Native Title and Exclusive Rights

15. The State notes that both the GY CS and the Ankamuthi CS raise the possibility of overlapping native title rights and interests. The State accepts that this is a possibility.
16. If the Court were to find that there is an area (or areas) above the high water mark within the Overlap Area where the respective native titles of the respective groups overlap, then the State will contend that the common law did not, and does not, recognise that either group possessed a native title right to control access to or make decisions about the use of that part (or parts) of the Overlap Area. The State will develop this contention further if it is required.
17. In this context, the State does not agree with paragraph 22 of the Ankamuthi CS.

Date: 1 July 2026



Nitra Kidson KC

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Marc McKechnie