

NOTICE OF FILING

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No. 357 of 2025

Federal Court of Australia
District Registry: Queensland
Division: General

**BERNARD CHARLIE & ORS ON BEHALF OF THE GUDANG YADHAYKENU PEOPLE
SEA CLAIM**

Applicant

STATE OF QUEENSLAND

Respondent

**Outline of case for the Applicant to the Gudang Yadhaykenu People sea claim
QUD357/2025**

1. On 30 May 2025, the Applicant in the Gudang Yadhaykenu People Sea Claim QUD357/2025 (**GY Applicant, GY claim and GY claim group**) and the Applicant in the Ankamuthi People Sea Claim (QUD 356/2025) (**Ankamuthi Applicant and Ankamuthi claim**) filed their respective native title claims over the same area in the Endeavour Strait (**Overlap Area**). On 27 March 2026, the GY Applicant filed a Statement of Facts, Issues and Contentions (**GY SFIC**) as did the Ankamuthi Applicant (**Ankamuthi SFIC**).
2. The ethnographic evidence for the Overlap Area indicates that the traditional laws and customs governing the allocation of rights and interests in marine estates acknowledged and observed by both claim groups are common across the Northern Cape York Peninsula and Torres Strait Islands region. Both claim group have had their native title rights and interests recognised in adjacent or nearby Determinations of native title. Accordingly, there is no need for either the Gudang Yadhaykenu or the Ankamuthi to prove that they acknowledge and observe a normative system of laws and customs under which they (each) possess rights and interests in and have a connection with, country. So much must be accepted: *Ross on behalf of the Cape York United #1 Claim Group v State of Queensland (No.40)* [2026] FCA 980 at [317]. The existence of those traditional laws and customs can be taken as the starting point. The only question is whether by those traditional laws and customs, the Gudang Yadhaykenu and/or the Ankamuthi, have a connection to the Overlap Area.
3. In this respect the GY Applicant relies on:
 - a. the lay witness statements filed on 10 August 2026¹ and the responsive lay witness statements filed on 24 August 2026;²
 - b. the expert report of Dr Anthony Redmond dated 11 August 2026 and filed on the same day;³ and
 - c. the Ankamuthi People's genealogical charts 2.1.1.1 to chart 2.1.1.10 in Appendix 3 to the report of Dr Tony Redmond dated August 2012.⁴

¹ Witness statements of **Bernard Charlie** dated 4 August 2026, **Amy Walker** dated 6 August 2026, **Trevina Lifu** dated 6 August 2026, **Cecilia Ropeyarn** dated 7 August 2026, **Eric Cottis** dated 8 August 2026, **Trevor Lifu** dated 8 August 2026, **Conwell Young** dated 9 August 2026, Michael Solomon dated 9 August 2026, **Myiesha Yoelu** dated 9 August 2026, **Pauline Lifu** dated 9 August 2026.

² Witness statements of Trevor Lifu dated 20 August 2026, Amy Walker dated 20 August 2026, Cecilia Ropeyarn dated 22 August 2026, Myiesha Yoelu dated 22 August 2026, and Pauline Lifu dated 22 August 2026.

³ Expert report of Dr Anthony Redmond dated 11 August 2026, filed on the same day (**Redmond report**).

⁴ Section 86 Notice filed on 31 July 2026.

Outline of the GY claim

4. At effective sovereignty in approximately 1863 and today, marine tenure in the Overlap Area hinges upon the principle of a seaward extension of adjacent landed estates. The mainland adjacent to the Overlap Area was occupied at effective sovereignty by local groups who were regarded as the “owners”. A patrifilial estate model existed although matrification was also important for country group membership.
5. The ethnographic and expert evidence will establish that a local group, most often referred to as the “Gumakudin”, occupied the land on the south-west shores of Endeavour Strait between the Jardine River and the top of Cape York. Shortly after effective sovereignty the Gumakudin became severely weakened through frontier conflicts and merged or coalesced with neighbouring groups to become part of a wider Red Island / Gudang / Yadhaykenu grouping. The members of the GY claim group are the descendants of that wider grouping.
6. Dr Redmond will give evidence that, in his opinion, the ethnographic and historical evidence supports a finding that the Gudang Yadhaykenu people have an ancestral connection with the land and waters in the Overlap Area, from which they derive their rights and interests in relation to that area. That is, the descendants of the ancestors identified in Schedule A to the Amended Gudang Yadhaykenu Form 1 Application can be identified as the descendants of the Gumakudin / Oiyamkwi / Red Island grouping which owned and occupied that area of country at effective sovereignty.
7. The GY claim group includes the descendants of ancestral Gudang People and the descendants of ancestral Yadhaykenu People. Gudang Yadhaykenu ancestors can be traced back to the Gumakudin or Red Island People at or just after effective sovereignty on the mainland adjacent to and in the Overlap Area.
8. Post effective sovereignty the patrifilial estate model has undergone adaptation such that recruitment into the Gudang Yadhaykenu land owning group is now by way of cognatic descent. Language and dialect labelled groupings, of which the Gudang Yadhaykenu are one, are now the descriptors of the relevant land holding groups in the region. The Gudang Yadhaykenu claim group share in common their native title rights and interests in the Overlap Area, just as they share in common their native title rights and interests in the consent Determinations in the surrounding areas.
9. The Gudang and the Yadhaykenu hold adjacent country, are extensively inter-married and commonly act as a single entity in decision-making processes. While they may at times speak of their respective countries as lying alongside each other, it is more common for them to identify themselves as Gudang Yadhaykenu and to say that they

can use any part of Gudang Yadhaykenu country without needing to ask permission. That is, any member of the group be they Gudang, Yadhaykenu or both, has the right to access and use all of Gudang Yadhaykenu country.

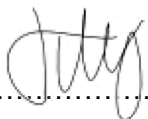
10. The lay and the expert evidence will establish that the Gudang Yadhaykenu claim group have maintained a close and continuing connection with the land and waters of the Overlap Area through their continued occupation and use and their intimate knowledge of the area. They will give evidence of their belief that the spirits of their ancestors and other spirits, inhabit the land and waters of the Overlap Area and that they call out to and communicate with those spirits (“chuck talk”), whenever they go hunting or fishing. They will say that they feel safe on the land and waters of the Overlap Area because the spirits know them and will bring them good luck when they are hunting or gathering.
11. Their evidence will be that under their laws and customs they can access and use all parts of the Overlap Area without having to ask anybody’s permission. On the other hand, under those laws and customs, people who are not members of their group should ask permission before hunting or gathering within the Overlap Area. They will acknowledge, however, that these days most people do not ask permission but by failing to do so they put themselves at risk of spiritual harm.
12. As a result of intermarriage and shared residential histories, members of a number of other groups, including the Ankamuthi, have generally been able to access the Overlap Area to hunt and fish without activating permission-seeking protocols with the Gudang Yadhaykenu claim group. The permissive use accorded to members of other groups is contingent on intergroup relationships prevailing at any particular point in time. The Gudang Yadhaykenu lay witnesses will say that the Ankamuthi do not hold native title rights and interests in the Overlap Area and cannot speak for that area. Such rights as they may have derive from personal relationships and from long term residence at places adjacent to the Overlap Area. There will be evidence, expert, lay and ethnographic, that the Ankamuthi People’s (“*Seven Rivers*”) country is south of the Overlap Area and does not extend to it.

The experts and the Ankamuthi People’s claim

13. The GY Applicant relies on the expert evidence of Dr Tony Redmond and the Applicant relies on that of Mr Ray Wood. Dr Redmond and Mr Wood attended a conference of experts on 25-26 August 2026. A joint report was subsequently filed. In that joint report the experts appear to have agreed that the Gudang Yadhaykenu People hold native title rights and interests in the Overlap Area. In Dr Redmond’s opinion, the Ankamuthi

People do not possess native title in the Overlap Area. In Mr Wood's opinion, they do. Mr Wood bases his opinion on the Ankamuthi People's ancestors having participated with the Gudang Yadhaykenu People in a joint succession – or “conjoint succession” – process in 1912-14. The solicitors for the Ankamuthi Applicant subsequently advised in a letter dated 27 August 2026 that the Ankamuthi hold non-exclusive native title rights and interests in the Overlap Area that are “shared” or “co-exist” with other native title holding groups including the Gudang Yadhaykenu.

14. Succession or con-joint succession is not and certainly has not been a part of the Ankamuthi's pleaded case to hold native title rights in the Overlap Area. There is no reference in the Ankamuthi Form 1 or SFIC to conjoint succession and the Ankamuthi Applicant has not sought to amend either its Form 1 or its SFIC to plead conjoint succession and a shared native title.
15. The ethnographic evidence and that of Dr Redmond will demonstrate that contemporary Ankamuthi People as defined in the Ankamuthi claim are the descendants of ancestors whose traditional estates were located in the lower catchments of the west coast rivers of the Cape York region, commonly known as the Seven Rivers. The earliest references placed them between the Jardine River in the north and the Skardon River in the south. We understand that Mr Wood accepts this, putting the Ankamuthi to the west of the Jardine River. He also accepts that the Gumakudin held the primary rights on the mainland coast adjacent to the Overlap Area.
16. The GY Applicant accepts that Seven Rivers Ankamuthi people travelled to Injinoo in around 1912 – 1913. The records indicate there was a mass forced relocation of Seven Rivers Ankamuthi people at that time. Mr Wood says that a process of conjoint succession then occurred with the Gudang Yadhaykenu People. This opinion is rejected by Dr Redmond and is not supported by the Ankamuthi or the Gudang Yadhaykenu lay evidence.



Signed by Matilda Vaughan

Solicitor for the Gudang Yadhaykenu Applicant

Dated: 31.08.2026