

NOTICE OF FILING

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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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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

Concise Reply

(filed by the Applicant to the Gudang Yadhaykenu People Sea Claim QUD 357/2025)

1. The Applicant in the Gudang Yadhaykenu People Sea Claim QUD357/2025 (**GY Applicant** and **GY Claim**) files this Concise Reply pursuant to order 6 of the programming orders of Chief Justice Mortimer dated 3 June 2026.
2. The GY Applicant previously filed its Concise Statement of Facts, Issues and Contentions on 27 March 2026 (**GY SFIC**).
3. The Applicant to the Ankamuthi People Sea Claim (QUD 356/2025) (**Ankamuthi Applicant** and **Ankamuthi claim**) filed its SFIC on 31 March 2026 (**Ankamuthi SFIC**).
4. The State Minister for the State of Queensland filed their SFIC in the GY claim proceedings on 1 July 21026 (**State SFIC**).
5. This Concise Reply responds to the Ankamuthi SFIC. It uses the term **Overlap Area** to refer to the area covered by both the GY claim and the Ankamuthi claim. It uses the term Active Parties to refer to the GY Applicant, Ankamuthi Applicant and the State.
6. The State's SFIC is short and non-contentious and responds to only parts of the GY SFIC and Ankamuthi SFIC. The GY Applicant does not consider it is necessary to respond to the State SFIC,

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other than to say that, on the basis that the State says at paragraph 3(a) of its SFIC that it is likely that native title exists in the Overlap Area, the GY Applicant will approach the hearing in these proceedings on the basis that it is an agreed fact as between the Active Parties that native title exists in the Overlap Area.

Ankamuthi SFIC

7. The GY Applicant does not plead to paragraph 1.
8. The GY Applicant admits paragraphs 2 to 10, save as to say:
 - a. If the reference in paragraphs 8 and 9 to the “Gudang and Yadhaykenu peoples” is a reference to the one group of people described as the Gudang Yadhaykenu People who make up the claim group in the GY claim, the paragraphs are admitted;
 - b. If the reference in paragraphs 8 and 9 to the “Gudang and Yadhaykenu peoples” is an attempt to assert that “Gudang” and “Yadhaykenu” people are different groups or peoples, then the paragraphs are denied to that extent.
9. In response to paragraph 11, the GY Applicant admits that the Ankamuthi People are the descendants by birth or adoption in accordance with Ankamuthi traditional law and custom from the apical ancestors listed at sub-paragraphs (a) to (j), but otherwise denies the paragraph.
10. The GY Applicant denies paragraph 12.
11. The GY Applicant admits paragraphs 13 to 16.
12. In response to paragraph 17, the GY Applicant:
 - a. Admits that the Ankamuthi Applicant claims in the Overlap Area the non-exclusive rights and interests set out in Schedule E to the Ankamuthi Form 1 below the high-water mark;
 - b. Admits that in its Form 1 the Ankamuthi Applicant claims in the Overlap Area exclusive native title rights and interests to areas above the high-water mark;
 - c. Says that by letter dated 21 April 2026 it sought further and better particulars from the Ankamuthi Applicant with respect to paragraph 22 in the following terms:

5 Practically speaking, we are unable to determine from the Ankamuthi Statement if the Ankamuthi Applicant is asserting that for the purposes of s 225(a) of the Native Title Act 1993 (Cth) (NTA) the persons that hold the common or group rights comprising the native title in the Overlap Area are:

 - a) the persons identified in the Ankamuthi Form 1 only; or*
 - b) the persons identified in both the Gudang Yadhaykenu Form 1 and the Ankamuthi Form 1.*

6. Please identify which of the two propositions in paragraph 5 above is correct, or if neither of those propositions is correct, please identify who the persons are that the Ankamuthi Applicant contends holds the native title in the Overlap area for the purposes of s 225(a) of the NTA.

- d. Says that by letter dated 29 April 2026 the Ankamuthi Applicant responded to the GY Applicant's request with the following statement:

3. By the Ankamuthi Statement, the Applicant contends (consistent with the Form 1 Application filed by the Ankamuthi Applicant on 30 May 2025) that Ankamuthi People hold native title rights and interests in the Ankamuthi Sea Claim area. Whether others do also is a matter for them to establish on the evidence to be led during the course of the proceedings.

4. Your request for particulars at paragraph 6 of your letter would be assisted by reference to the Form 1 Application filed by the Ankamuthi Applicant on 30 May 2025, particularly, paragraphs [2] and [32] - [34] of Schedule F to that Form 1 Application, in addition to the terms of the determinations of native title made in favour of the Ankamuthi People which are detailed in paragraph 14 of the Ankamuthi Statement.

- e. Contends that the Ankamuthi Applicant no longer claims in the Overlap Area exclusive native title rights and interests to the areas above high-water mark as the Ankamuthi Applicant does not deny that the GY Applicant holds native title rights and interests in those areas; and
- f. Says that it otherwise does not know and so cannot admit the paragraph.

13. The GY Applicant admits paragraph 18.

14. The GY Applicant denies paragraph 19.

15. In response to paragraphs 20 and 21, the GY Applicant says that the issues for the Court are set out at paragraphs 38 to 41 of the GY SFIC.

16. In response to paragraph 22, the GY Applicant:

- a. Says that it does not understand what is being asserted in this paragraph;
- b. Says that by letter dated 21 April 2026 it sought further and better particulars from the Ankamuthi Applicant with respect to paragraph 22 in the following terms:

If the correctness of the contention at paragraph 22 is accepted by the Court in respect of the Overlap Area, please identify what determination of native title would flow from that.

- c. Says that by letter dated 29 April 2026 the Ankamuthi Applicant responded to the GY Applicant's request with the following statement, and otherwise provided no specific response to the GY Applicant's request in relation to paragraph 22:

With respect, many of the requests for particulars pre-empt the filing of our lay-witness and expert evidence, and as such, we do not intent [sic] to interrupt that process. Presumably, if your clients object to the contents of the Ankamuthi Statement, they will do so in the course of their compliance with the programming orders (which are expected to be made circa 25 May 2026).

- d. Says that it otherwise does not know and so cannot admit the paragraph.

17. The GY Applicant does not plead to paragraph 23.

18. The GY Applicant admits paragraphs 24 to 26.

19. In response to paragraph 27, the GY Applicant:

- a. Says that by letter dated 21 April 2026 it sought further and better particulars from the Ankamuthi Applicant with respect to paragraph 27(a) in the following terms:

7 At paragraph 27(a) the Ankamuthi Applicant pleads that the fundamental principle of the Ankamuthi People's spiritual connection to country is via serial cognatic descent from ancestors connected to the claim area.

8 Please provide the following particulars in respect of paragraph 27(a):

a) Identify the apicals from the list at paragraph 11 of the Ankamuthi Statement (Ankamuthi Apicals) that are said to have been connected with the Overlap Area before or at sovereignty;

b) For those Ankamuthi Apicals identified:

i) Identify how each was connected to the Overlap Area; and

ii) Identify whether they were connected with all or part of the Overlap Area, and if only part, which part.

- b. Says that by letter dated 29 April 2026 the Ankamuthi Applicant responded to the GY Applicant's request with the following statement, and otherwise provided no specific response to the GY Applicant's request in relation to paragraph 27(a):

With respect, many of the requests for particulars pre-empt the filing of our lay-witness and expert evidence, and as such, we do not intent [sic] to interrupt that process. Presumably, if your clients object to the contents of the Ankamuthi Statement, they will do so in the course of their compliance with the programming orders (which are expected to be made circa 25 May 2026).

- c. Says that the Ankamuthi Applicant by its response dated 29 April 2026 failed to identify any Ankamuthi apical who was connected to the Overlap Area;
- d. Denies the paragraph to the extent it relates or purports to relate to the Overlap Area;

- e. Says that it otherwise does not know and so cannot admit the paragraphs.
20. In response to paragraph 28, the GY Applicant:
- a. Denies the paragraph to the extent it relates or purports to relate to the Overlap Area;
 - b. Says that it otherwise does not know and so cannot admit the paragraphs.
21. In response to paragraph 29, the GY Applicant does not know and so cannot admit the paragraph.
22. In response to paragraphs 30 to 32, the GY Applicant says:
- a. The land tenure system in the Overlap Area and the mainland immediately adjacent to the Overlap Area were and are as stated at paragraphs 18 to 37 of the GY SFIC; and
 - b. Otherwise does not admit the paragraphs.
23. The GY Applicant admits paragraphs 33 to 36.
24. In response to paragraph 37, the GY Applicant repeats paragraphs 8 to 14 above.
25. In response to paragraph 38 and 39, the GY Applicant admits those paragraphs but does not know and cannot admit what particular inferences the Ankamuthi Applicant will ask the Court to draw, and:
- a. Says that by letter dated 21 April 2026 it sought further and better particulars from the Ankamuthi Applicant with respect to paragraph 38 in the following terms:

In relation to paragraph [38] of the Ankamuthi Statement, please identify the gaps in the historical and ethnographical record for the Overlap Area for which the Ankamuthi Applicant will be seeking an inference to be drawn.
 - b. Says that by letter dated 29 April 2026 the Ankamuthi Applicant responded to the GY Applicant's request with no reference to any particular inference it would seek the Court to make;
 - c. Does not understand the Ankamuthi Applicant to be asking the Court to draw any particular inference;
 - d. Accepts that the Court has the power in particular circumstances to draw inferences of a kind suggested by the Ankamuthi Applicant in this paragraph; and
 - e. The GY Applicant otherwise does not know and so cannot admit this paragraph.
26. In response to paragraph 40, the Ankamuthi Applicant in this paragraph does not reference any particular place, group of people, particular laws and customs, or rights and interests that the paragraph is said to be referable to, and so the GY Applicant does not know and so cannot admit this paragraph.
27. The GY Applicant denies paragraphs 41 and 42.
28. In response to paragraph 43, the GY Applicant does not know and so cannot admit this paragraph.

29. In response to paragraph 44, the GY Applicant says that:

- a. To the extent the paragraph relates to the Overlap Area, the paragraph is denied; and
- b. It otherwise does not know and so cannot admit the paragraph.

30. In response to paragraph 45, the GY Applicant says that:

- a. To the extent the paragraph relates to the Overlap Area, the paragraph is denied; and
- b. It otherwise does not know and so cannot admit the paragraph.

31. The GY Applicant does not plead to paragraph 46.

32. The GY Applicant denies paragraphs 47 to 50.

Date: 10 July 2026

A handwritten signature in black ink, appearing to read "Vance Hughston", is written above a horizontal dotted line.

Signed by

Vance Hughston SC