

*STATE OF QUEENSLAND & ANOR*  
v  
*BLUCHER & ORS ON BEHALF OF THE GAANGALU NATION PEOPLE &  
ORS*

[2026] HCADisp 168  
B18/2026  
B27/2026

- 1       The applicants seek special leave to appeal from judgments of the Full Court of the Federal Court of Australia (Murphy, Sarah C Derrington and Bennett JJ) which set aside a negative determination of native title by the primary judge (Rangiah J) and ordered that the first respondent before the Full Court pay the costs of the appellant of the appeal. The applicants require an extension of time within which to seek special leave to appeal in respect of the Full Court's setting aside of the negative determination of native title by the primary judge.
- 2       The proposed grounds of appeal concerning the Full Court's setting aside of the negative determination of native title concern the application of established principles concerning s 223(1)(a) of the *Native Title Act 1993* (Cth) and do not have sufficient prospects of success to warrant a grant of special leave to appeal. It would therefore be futile to grant the extension of time that is sought. In those circumstances, an appeal from the Full Court's costs orders would not be a suitable vehicle to consider the proposed ground of appeal concerning the application of s 85A of the *Native Title Act* to the award of costs on an appeal. The applicants accept that there is no reason why costs should not follow the event on these special leave applications.
- 3       Special leave to appeal is refused in each application with costs.

Gageler CJ  
Gordon J  
Edelman J  
Steward J  
Jagot J  
Beech-Jones J

6 August 2026