

## **NATIONAL NATIVE TITLE TRIBUNAL**

*Linda Champion a named applicant and representative of the Central West Goldfields People/Western Australia/ Kim James Harris, Peter Romeo Gianni, [2005] NNTTA 49 (18 July 2005)*

**Application No:** WO04/40

**IN THE MATTER of the *Native Title Act 1993* (Cth)**

- and -

**IN THE MATTER of an inquiry into an expedited procedure objection application**

**Linda Champion a named applicant and representative of the Central West Goldfields People – (WC99/29) (native title party)**

- and -

**The State of Western Australia (Government party)**

- and -

**Kim James Harris, Peter Romeo Gianni (grantee party)**

## **DECISION TO DISMISS OBJECTION APPLICATION**

**Tribunal:** The Hon C J Sumner, Deputy President

**Place:** Perth

**Date:** 18 July 2005

**Catchwords:** Native title – future act – proposed grant of prospecting licence – expedited procedure objection application – Government party granted the prospecting licence in error – Tribunal has no jurisdiction – objection application dismissed.

**Legislation:** *Native Title Act 1993* (Cth) s 148(a)

## **REASONS FOR DECISION TO DISMISS OBJECTION APPLICATION**

### **Background**

[1] On 25 February 2004, the Government party gave notice under s 29 of the *Native Title Act* 1993 (Cth) of its intention to grant prospecting licence P24/3878 to Kim James Harris, Peter Romeo Gianni ('the grantee party') and included in the notice a statement that it considered that the grant attracted the expedited procedure.

[2] On 20 April 2004, Linda Champion a named applicant and representative of the Central West Goldfields People ('the native title party') made an expedited procedure objection application to the Tribunal.

[3] On 14 January 2004, the Government party advised the Tribunal that the licence was granted on 22 November 2004 due to an administrative error.

[4] The Tribunal has no jurisdiction to conduct an inquiry in these circumstances as there is no longer a future act to which the right to negotiate provisions of the *Native Title Act* 1993 (Cth) apply (*Trevor Brownley & Ors/Western Australia/Heron Resources NL & Ors*, NNTT WO97/564 & Ors, [1999] NNTTA 125 (29 April 1999), Hon C J Sumner).

### **Decision**

[5] The expedited procedure objection application is dismissed pursuant to s 148(a) of the *Native Title Act* 1993 (Cth).

**The Hon CJ Sumner**  
**Deputy President**  
**18 July 2005**