

NATIONAL NATIVE TITLE TRIBUNAL

Frederick Taylor & Ors on behalf of Amangu/Western Australia/Image Resources NL
[2014] NNTTA 105 (5 November 2014)

Application No: WO2014/0695

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

- and -

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

Frederick Taylor & Ors on behalf of Amangu (WC2004/002) (native title party)

- and -

The State of Western Australia (Government party)

- and -

Image Resources NL (grantee party)

DECISION TO DISMISS OBJECTION APPLICATION

Tribunal: Member Helen Shurven
Place: Perth
Date: 5 November 2014

Catchwords: Native title – future act – proposed grant of exploration licence – expedited procedure objection application – excision of tenement from native title claim – tenement granted – Tribunal has no jurisdiction – objection application dismissed

Legislation: *Native Title Act 1993* (Cth) ss 29, 148(a)

Cases: *David Daniel & Ors/Western Australia/Raymond J T Butler and Stanley A MacDonald*, NNTT WO99/197, [2000] NNTTA 294 (11 August 2000), (*Daniel v Butler and MacDonald*)
Gregory and Kelvin Garlett/Western Australia/Sipa Exploration NL, NNTT WO97/220, [1997] NNTTA 167 (27 October 1997), (*Garlett v Sipa Exploration*)

Representative of the native title party: Mr Michael Raj, Yamatji Marlpa Aboriginal Corporation

Representatives of the Government party: Ms Bethany Conway, Department of Mines and Petroleum

Representative of the grantee party: Ms Lydia Brisbout, McMahon Mining Title Services Pty Ltd

REASONS FOR DECISION TO DISMISS OBJECTION APPLICATION

Background

[1] On 23 April 2014 the Government party gave notice under s 29 of the *Native Title Act 1993* (Cth) of its intention to grant exploration licence E70/4572 to Image Resources NL ('the grantee party') and included in the notice a statement that it considered that the grant attracted the expedited procedure.

[2] On 2 August 2014, Frederick Taylor & Ors on behalf of Amangu (WC2004/002) registered from 3 March 2005 ('the native title party') lodged an objection against the application of the expedited procedure to the proposed license with the National Native Title Tribunal ('the Tribunal') – this application was accepted by the Tribunal as a valid objection.

[3] On 5 November 2014 the Government party advised the Tribunal that exploration licence E70/4572 was granted on 5 November 2014 with the exclusion of all land able to be claimed within the area WC2004/002.

Relevant facts

[4] The Tribunal has decided that it does not have jurisdiction to conduct an inquiry once a grant has been made (see *Daniel v Butler and MacDonald*). Further, in this case the grant was not a future act as native title was not affected (see *Garlett v Sipa Exploration*).

Decision

[5] Expedited procedure objection application WO2014/0695 is dismissed pursuant to s 148(a) of the *Native Title Act 1993* (Cth).

Helen Shurven
Member
5 November 2014