

## NATIONAL NATIVE TITLE TRIBUNAL

*Leedham Papertalk & Ors on behalf of Mullewa Wadjari/Western Australia/Image Resources NL* [2014] NNTTA 106 (5 November 2014)

**Application No:** WO2014/0714

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

- and -

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

Leedham Papertalk & Ors on behalf of Mullewa Wadjari (WC1996/093) **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:** Ms Lesleigh Bower, Corser & Corser Lawyers

**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 20 August 2014, Leedham Papertalk & Ors on behalf of Mullewa Wadjari (WC1996/093) registered from 19 August 1996 ('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 WC1996/093.

### **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 WO2014/0714 is dismissed pursuant to s 148(a) of the *Native Title Act 1993* (Cth).

**Helen Shurven**  
**Member**  
**5 November 2014**