

Determination of native title—non-claimant application

Awabakal Local Aboriginal Land Council v NSW Native Title Services, unreported, FCA, (P) NSD23/2005

Edmonds J, 6 December 2005

Issue

The question was whether to make a determination that native title did not exist in relation to the area covered by a non-claimant application made under s. 61(1) of the *Native Title Act 1993* (Cwlth) (the NTA). The Federal Court determined that native title did not exist over Lot 3211 DP 722246, Parish of Newcastle, New South Wales. The determination was made essentially to facilitate the transfer of land under the *Aboriginal Land Rights Act 1983* (NSW) and was unopposed. See also *Hillig v Minister for Lands* (NSW) [2005] FCA 1712 and *Hillig v Minister for Lands* (NSW) [2005] FCA 1713, summarised in *Native Title Hot Spots Issue 17*.