

Determination of native title—non-claimant application

Darkinjung Local Aboriginal Land Council v Minister for Lands
(NSW) [2005] FCA 1861

Jacobson J, 7 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 in Lot 562 in Deposited Plan 1010370 at Blue Haven, Local Government Area of Wyong, Parish of Munmorah, County of Northumberland, 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](#).