

# Party status denied to illegal occupier

## *Walker v Queensland* [2005] FCA 1517

Allsop J, 2 November 2005

### **Issue**

This case concerns an application to be joined as a party to a claimant application by a person in unlawful occupation of land subject to that application: see *Walker v Queensland* [2005] FCA 1316, summarised in *Native Title Hot Spots Issue 16*. The question here was whether the court should depart from the provisional view expressed in those reasons for decision, i.e. that the application for joinder should be dismissed.

### **Background**

On 20 September 2005, Justice Allsop published his provisional view that a notice of motion for joinder brought by Rodney Parker under s. 84(5) of the *Native Title Act 1993* (Cwlth) should be dismissed. The court gave the parties 14 days to make further submissions or request further hearings. The court was subsequently advised that none would be made. His Honour therefore saw no reason to depart from the provisional views.

### **Decision**

The notice of motion was dismissed with no costs order.