

# Expedited procedure inquiry – relevance of registered sites

## *Camfoo/Exploration and Resource Development Pty Ltd/Northern Territory* [2002] NNTTA 197

Member Sosso, 30 August 2002

### **Issue**

The relevance of registered sites to the proceedings was one of the matters considered in this inquiry into an objection to the application of the expedited procedure to the grant of an exploration licence — see ss. 32, 75, 139(b) and 237 of the *Native Title Act 1993* (Cwlth).

### **Subsection 237(b) and registered sites**

The National Native Title Tribunal found that:

- no adverse inference should be drawn when a site has not been registered or recorded;
- registration or recording of sites is not determinative of whether a site is of particular significance to native title holders. It is for the native title party to provide primary evidence, from a person with authority to speak for the area, of the significance of the site;
- in this matter, there were scant details of 10 unnamed sites before the Tribunal, such that the conditions precedent to a s. 237(b) assessment i.e. the identification, description of and information about the sacredness of the site to the native title holders, were not met;
- of three named and recorded sites, only one was within the boundary of the proposed grant and there was no primary evidence of its particular significance. Of the other named sites, the extracts from ALRA land claim reports submitted provided little material on the sites mentioned by the native title party;
- there was no direct evidence to make a finding of particular significance or that a site outside the boundaries of the claim would be directly affected by the exploration activities if the tenement was granted—at [19] to [20], [31] and [54] to [55].