

Expedited procedure — evidence of right to speak for claim group

Groves/Exploration and Resource Development Pty Ltd/ Northern Territory [2002] NNTTA 205

Member Sosso, 13 September 2002

Issue

In this inquiry into an objection to the application of the expedited procedure to the grant of an exploration licence, the government party challenged the authority of one of the deponents to speak on behalf of the native title claim group, referring to the judgment of Justice Nicholson in *Little v Western Australia* [2001] FCA 1706.

Tribunal's findings

The National Native Title Tribunal confirmed the distinction between a challenge to the authority of a native title holder's evidence relating to community and social activities and major disturbance and a challenge to that person's authority to speak about sacred sites. In relation to the former, no special authority or status within the claim group is required to be demonstrated. The core issue for such evidence is that the person is a member of the claim group or a relevant native title holder. Once that is established, unless the evidence is challenged as to its veracity, the Tribunal can weigh the evidence in making the predictive assessment required by s. 237 — at [12].

The Tribunal commented that if the native title party wished to rely upon affidavit evidence given in another objection proceeding, they should inform the Tribunal of the following matters:

- the basis upon which reliance was placed on this affidavit evidence;
- the relevance of this to their objection;
- the relationship of the deponent to the relevant native title claim group.