

# Expedited procedure — effect of grant of pastoral lease over objection area

*Hughes/Western Australia/Blackjack Resources Pty Ltd* [2002] NNTTA 191

DP Franklyn, 23 August 2001

## Issue

The area to which these objection proceedings relate was in Western Australia and was subject to the grant of a pastoral lease. The objectors contended (amongst other things) that traditional law and custom required others to make agreements with the native title holders for access to the land to pursue activities.

## Tribunal's findings

On this point, the Tribunal was of the view that the objector's contention that traditional law and custom required others to make agreements with the native title holders for access to the land concerned was not supported by the decision in *Western Australia v Ward* (2002) 191 ALR 1; [2002] HCA 28 (summarised in *Native Title Hot Spots Issue 1*) at [192], where it was found that the grant of a pastoral lease in Western Australia extinguished the right to control access to the land.