

Expedited procedure – registered sites

Tambling/NT Gold Pty Ltd/Northern Territory [2002] NNTTA 209

Member Sosso, 23 September 2002

Issue

This was an 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). There were two registered sites in the vicinity of the area of the proposed grant. The native title party presented no evidence and made no assertions to the National Native Title Tribunal about these sites.

Subsection 237(b)

The Tribunal was of the view that:

- the fact that a site has been registered in accordance with the *Aboriginal Sacred Sites Act 1989* (NT) was ‘a useful starting point’ in this context but was not determinative;
- the finding that a site is a ‘sacred site’ and can be registered is to be distinguished from a finding that a site is of particular significance in an inquiry under s. 237(b) of the *Native Title Act 1993* (Cwlth);
- the native title party must inform the Tribunal whether there are any sites of particular significance in the area or vicinity and explain the sacredness by means of evidence adduced from persons with the authority to speak on the sites—at [14].

The native title party presented no evidence about the two registered sites and made no assertions to the Tribunal about these sites, with the result that they were not considered in the s. 237(b) assessment. The existence of a women’s business site within the area was not supported by any evidence of its significance from any person who had authority to speak for the site. A male deponent, who acknowledged he had no authority for the site, gave some evidence. The Tribunal concluded there was insufficient evidence to make a predictive assessment pursuant to s. 237(b)—at [40] to [42].