

Party status — non-claimant application

Hillig v Minister for Lands (NSW) (No 3) [2006] FCA 1776

Bennett J, 19 December 2006

Issue

The issue in this matter was whether a person should be joined as a respondent to a non-claimant application made pursuant to s. 61(1) of the *Native Title Act 1993* (Cwlth).

Background

This decision should be read in conjunction with the decision in *Worimi v Minister for Lands (NSW)* [2006] FCA 1770 (the Worimi case, summarised *Native Title Hot Spots Issue 23*). Mr Dates (Worimi) sought to be joined as a respondent the non-claimant application brought by Mr Hillig (as administrator of the Worimi Local Aboriginal Land Council).

Justice Bennett noted that:

- issues different from those considered in the Worimi case may arise with respect to Worimi's application for joinder to the Hillig proceedings;
- evidence had been filed in the Hillig proceedings which was not taken into account in the Worimi case;
- the parties did not address the court separately on the application for joinder—at [2] to [4].

In the circumstances, her Honour proposed to give the parties opportunity to address the court on the joinder application—at [4].

Decision

The proceedings, including Mr Dates' (Worimi's) motion for joinder, were stood over to February 2007.