

# Replacing the applicant—s. 66B

***Walker v Queensland* [2006] FCA 1769**

Allsop J, 14 December 2006

## **Issue**

The question in this case was whether the court should make an order under s. 66B(2) of the *Native Title Act 1993* (Cwlth) to remove one of the persons constituting the applicant in a claimant application.

## **Background**

A notice of motion was filed seeking an order to remove of one of the persons who jointly comprised the applicant in the Yalanji Peoples' claimant application. The effect of the order sought was to replace the remaining five people for the existing six as 'the applicant'—at [1] to [2] and see ss. 61(2)(c) and 66B(1).

## **Decision**

The name of one of the individuals who jointly comprised 'the applicant' was removed, on the grounds that he was no longer authorised by the native title claim group to make the application and deal with matters arising in relation to it. The applicant was then 'replaced' by the remaining five individuals. The Native Title Registrar was then notified by the court to amend the Register of Native Title Claims accordingly—see s. 66B(3).