

Party status

Doyle v Queensland [2007] FCA 1941 (claim group member seeks joinder and strike-out)

Dowsett J, 2 November 2007

Issue

The issues before the court were whether to join Mr Taylor as a party to proceedings and then, on his motion, order that the proceedings be struck out for failure to comply with the requirements of the *Native Title Act 1993* (Cwlth) (NTA). As the application was ‘misconceived’, it was dismissed.

Background

In November 2005, resolutions were passed to discontinue or withdraw a number of claimant applications made on behalf of the Kalakadoon People and to commence a new application, subsequently filed as the Kalkadoon People # 4 claim. Mr Taylor, who was a member of the group of people jointly comprising ‘the applicant’ in respect of some of the earlier applications but not for the Kalkadoon #4 claim, sought joinder to that application and an order that it be struck out for failure to comply with the requirements of the NTA.

His Honour Justice Dowsett was of the view that the grounds raised by Mr Taylor in his application were of no relevance:

He is clearly a member of the claim group, but he was not nominated by the claim group as an applicant. That is an end of the matter. If he wishes to revisit that position or to vary that position, he should seek to convene a meeting of the claim group and propose an appropriate resolution—at [3].

Decision

The court found that the motion was misconceived and so it was dismissed—at [5].