

# Extension of time to comply refused

## *Bell v Queensland* [2008] FCA 840

Collier J, 3 June 2008

### Issue

The issue for the Federal Court was whether to extend time for compliance with orders made almost a year earlier in relation to the Barunggam People's claimant application over part of the Darling Downs region in Queensland. Those orders were that the application either be discontinued or amended to address serious flaws relating to the claim group description and authorisation, as required under the *Native Title Act 1993* (Cwlth), in lieu of which it would be dismissed. The date for compliance was 5 June 2008. The court refused to extend time for compliance with those orders.

### Background

The applicant sought an extension for time to comply with orders made by her Honour Justice Collier in September 2007, submitting that:

- the applicant's failure to comply was due to difficulties Queensland South Native Title Services had in providing advice on the issues but the applicant was now prepared to hold a meeting to authorise a new claim;
- progress would be made because a senior consultant anthropologist was briefed to report on whether there should be a regional claim or separate claims for each family group.

The court noted (among other things) that:

- at the very least a proper claim group needed to be identified and that it was currently 'fundamentally flawed';
- at a conference held in December 2006, six anthropologists and an historian, all of whom were familiar with the Darling Downs region, had been unable to agree as to the description of the claim group for that region;
- even if yet another expert report was prepared, it would not endorse the application as currently filed;
- allowing the current application to 'limp along' was 'futile' — at [4] to [8].

### Decision

The application to extend time for compliance was dismissed and so, as at 5 June 2008, the Barunggam People's claimant application was dismissed.