

## ***Lovett v Victoria (No 2)* [2010] FCA 1283**

North J, 15 November 2010

### **Issue**

In this case, the court dealt with a failure to comply with orders in relation to retaining respondent status.

### **Background**

On 7 October 2010, the Framlingham Aboriginal Trust (the trust), was ordered to confirm its intention to remain a party to the Gunditjmara People's claimant application by 6 October 2010. In response, the trust indicated it wanted to remain as a party and advised the Federal Court's Registrar that it was seeking to rectify some difficulties it had in retaining legal representation. It also attached a list of what it said were its parcel specific interests. However, this simply listed all the parcels covered by the application without indicating any particular interest in respect of any of them. The next day, the court gave the trust an extra few weeks to comply and ordered that, if there was no compliance by that date, the trust would cease to be a party unless it appeared before the court on 15 November 2010 and satisfied the court it should remain a party. Before the hearing, the court's registrar received a fax with a letter that attached exactly the same list of parcel specific interests and stating that the trust would have a representative present at the hearing. However, despite being called, no-one appeared to represent the trust.

### **Decision**

In accordance with the orders made 7 October 2010, the trust ceased to be a party to the application—at [7].