

***Naghir People #1 v Queensland* [2010] FCA 1265**

Greenwood J, 15 November 2010

Issue

The issue here was whether to adjourn mediation meetings because of the death of two members of the Nagilgaul People's claim group, one of the claim groups involved in the mediation. The court published reasons for allowing the adjournment because there was significant public and private expenditure associated with convening the meetings.

Decision

Justice Greenwood held that, having regard to the evidence that traditional laws and customs prevented any members of the Nagilgaul People travelling or engaging in meetings until after the funerals, the proper course was to adjourn the mediation. Costs and expenses associated with the adjournment were reserved. The applicant was ordered to file an affidavit within 21 days of the date of the funerals setting out whether, in the period between the time he first became aware of each death and the funeral for each person, he had travelled by air to Canberra (or elsewhere) or had engaged in any meetings in Canberra with a member or officers of the Commonwealth Government or ministerial staff in Canberra (or elsewhere). His Honour considered this would need to be taken into account in determining whether an order for costs should be made—at [10] to [12].