

***Roberts v Northern Territory* [2011] FCA 242**

Mansfield J, 18 March 2011

Issue

The issue before the Federal Court was whether to grant leave to amend a claimant application under s. 64 of the *Native Title Act 1993* (Cwlth) (NTA). The court went on to consider the consequences of the amendment having regard to ss. 64 and 66A of the NTA.

Background

The applicant sought leave to amend the application in a range of ways including by replacing the applicant and revising the claim group description and the native title rights and interests claimed.

Leave to amend

Justice Mansfield made the orders granting leave to amend because he was satisfied that each of the respondents had been notified of the application to amend and that there was no opposition to it—at [2] and [3].

Consequences - 66A

His Honour noted that s. 66A imposed certain obligations on the Native Title Registrar if the Registrar is given a copy of an amended application under s. 64(4). However, these obligations only arise if the amendments result in a change to the area of the land or waters the application covers. In this case, the Registrar would not be obliged to give notice of the amended application because there would be no change to the area covered by the application—at [8], [11] and [13].

Decision

Leave granted to amend the application.