



HIGH COURT OF AUSTRALIA

NOTICE OF FILING

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Details of Filing

File Number: D5/2023
File Title: Commonwealth of Australia v. Yunupingu (on behalf of the G
Registry: Darwin
Document filed: Form 27B - Appellant's chronology
Filing party: Appellant
Date filed: 28 Mar 2024

Important Information

This Notice has been inserted as the cover page of the document which has been accepted for filing electronically. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties and whenever the document is reproduced for use by the Court.

IN THE HIGH COURT OF AUSTRALIA
DARWIN REGISTRY

BETWEEN:

Commonwealth of Australia
 Appellant

-and-

**Yunupingu (on Behalf of the Gumatj Clan
 or Estate Group)**
 First Respondent
 and others named in the Schedule

APPELLANT'S CHRONOLOGY

Part I: Certification

1. This chronology is in a form suitable for publication on the internet.

Part II: List of principal events leading to the litigation

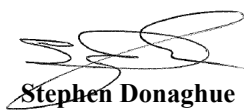
	Date	Event	Reference
1.	July 1863	Northern Territory was annexed to the colony of South Australia	Core Appeal Book (CAB) 57 [74]
2.	26.01.1886	Pastoral Lease No. 1095 granted pursuant to <i>Northern Territory Land Act 1872 (SA)</i> or <i>Northern Territory Crown Lands Consolidation Act 1882 (SA)</i>	CAB 57 [76]; Appellant's Book of Further Materials (BFM) 140-144,

	Date	Event	Reference
3.	15.08.1896	Pastoral Lease No. 1875 granted pursuant to <i>Northern Territory Crown Lands Act 1890</i> (SA)	CAB 57 [76]; BFM 145- 150
4.	13.10.1899	Pastoral Lease No. 1991 granted pursuant to <i>Northern Territory Crown Lands Act 1890</i> (SA)	CAB 57 [76]; BFM 151- 154
5.	01.01.1901	Commonwealth of Australia established – Northern Territory part of State of South Australia	CAB 57 [75]
6.	21.09.1903	Pastoral Lease No. 2229 granted pursuant to <i>Northern Territory Land Act 1899</i> (SA) (focus of ground 3)	CAB 57 [76]; BMF 155- 160
7.	01.01.1911	South Australia surrendered the Northern Territory under s 111 of Constitution; the Commonwealth accepted that surrender by the <i>Northern Territory Acceptance Act 1910</i> (Cth) upon which the Northern Territory became a territory under the exclusive jurisdiction of the Commonwealth	CAB 59 [83]-[84]
8.	01.01.1911	<i>Northern Territory (Administration) Act 1910</i> (Cth) commenced – by s 13, Governor-General authorised to make Ordinances having force of law in the Territory, subject to both Houses of Parliament having a power of disallowance (Ordinance-making power)	CAB 59 [86]
9.	04.06.1926	<i>Northern Australia Act 1926</i> (Cth) – Ordinance-making power found in s 59	

	Date	Event	Reference
10.	21.05.1931	<i>Northern Territory (Administration) Act 1910-1931</i> (Cth) – Ordinance-making power found in s 21	CAB 46 [31]
11.	18.05.1939	<i>Mining Ordinance 1939</i> (NT) (1939 Ordinance) commenced, including s 107 which deemed all minerals in the Territory to be the property of the Crown (other than in fee simple land) (grounds 1 and 2)	CAB 46 [31]- [32]
12.	12.06.1947	<i>Northern Territory (Administration) Act 1910-1947</i> (Cth) – Legislative Council established and empowered to make Ordinances under s 4U	CAB 46; J [34]
13.	22.04.1953	<i>Minerals (Acquisition) Ordinance 1953</i> (NT) commenced, including s 3 which provided that all minerals, not already the property of the Crown or of the Commonwealth, were acquired by and vested absolutely in the Crown in right of the Commonwealth. (applying to ground 1 only if s 107 is construed to apply only to a subset of minerals)	CAB 46- 47 [34]- [35]
14.	17.11.1958	Special Mineral Lease 1 granted pursuant to 1939 Ordinance (grounds 1 and 2)	CAB 47 [37]; BFM 164- 176
15.	11.03.1963	Special Mineral Leases 2, 3 and 4 granted pursuant to 1939 Ordinance (grounds 1 and 2)	CAB 47 [37]; BFM 170- 242
16.	29.05.1968	<i>Mining (Gove Peninsula Nabalco Agreement) Ordinance 1968</i> (NT) (1968 Ordinance) commenced	

	Date	Event	Reference
17.	30.05.1969	Special Mineral Lease 11 (purported) to be granted pursuant to 1939 Ordinance and 1968 Ordinance (grounds 1 and 2)	CAB 47 [38]; BFM 243- 275
18.	28.11.2019	First Respondent filed applications for determinations of native title and compensation pursuant to s 61 of the <i>Native Title Act 1993</i> (Cth)	CAB 36 [1]
19.	25.03.2022	First Respondent filed Statement of Claim	CAB 38 [11]; BFM 7- 378
20.	20.04.2022	Order of Jagot J requiring Appellant to file and serve a demurrer and setting down hearing of separate question to hear demurrer	CAB 8-16
21.	29.04.2022	Appellant filed demurrer to Statement of Claim	CAB 14- 16; BFM 379-385
22.	22.04.2022	Direction made by Allsop CJ under s 20(1A) of the <i>Federal Court of Australia Act 1976</i> (Cth) in respect of hearing of the demurrer by a Full Court	CAB 42 [17]
23.	26.10.2022	Order of Full Court restating the separate questions	CAB 17- 19 [18]
24.	22.05.2023	Orders of Full Court answering separate questions	CAB 170- 173
25.	19.10.2023	Order of Gageler and Gleeson JJ granting special leave to the whole of the judgment and order of the Full Court	CAB 177

Dated: 28 March 2024



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Schedule

High Court of Australia

Darwin Registry

Northern Territory of Australia
Second Respondent

East Arnhem Regional Council
Third Respondent

Layilayi Burarrwanga
Fourth Respondent

Milminyina Valerie Dhamarrandji
Fifth Respondent

Lipaki Jenny Dhamarrandji (nee Burarrwanga)
Sixth Respondent

Bandinga Wirrpanda (nee Gumana)
Seventh Respondent

Genda Donald Malcolm Campbell
Eighth Respondent

Naypirri Billy Gumana
Ninth Respondent

Maratja Alan Dhamarrandji
Tenth Respondent

Rilmuwurr Rosina Dhamarrandji
Twelfth Respondent

Wurawuy Jerome Dhamarrandji
Thirteenth Respondent

Manydjarri Wilson Ganambarr
Fourteenth Respondent

Wankal Djiniyini Gondarra

Fifteenth Respondent

Marrpalawuy Marika (nee Gumana)

Sixteenth Respondent

Guwanbal Jason Gurruwiwi

Eighteenth Respondent

Gambarrak Kevin Mununggurr

Nineteenth Respondent

Dongga Mununggurritj

Twentieth Respondent

Gawura John Wanambi

Twenty First Respondent

Mangutu Bruce Wangurra

Twenty Second Respondent

Gayili Banunydjil Julie Marika (nee Yunupingu)

Twenty Third Respondent

Bakamumu Alan Marika

Twenty Fifth Respondent

Wanyubi Marika

Twenty Sixth Respondent

Wurrulnga Mandaka Gilngilngma Marika

Twenty Seventh Respondent

Witiyana Matpupuyngu Marika

Twenty Eighth Respondent

Northern Land Council

Twenty Ninth Respondent

Swiss Aluminium Australia Limited (ACN 008 589 099)

Thirtieth Respondent

Telstra Corporation Limited (ABN 33 051 775 556)

Thirty First Respondent

Arnhem Land Aboriginal Land Trust

Thirty Second Respondent

Amplitel Pty Ltd

Thirty Third Respondent

Attorney-General for the State of Queensland

Thirty Fourth Respondent