

IN THE HIGH COURT OF AUSTRALIA  
PERTH REGISTRY

BETWEEN

No. P37 of 2018

**Helicopter Tjungarrayi, Jane Bieundurry,  
Richard Yugumbarri, Frances Nanguri, Rita Minga,  
Eugene Laurel, Darren Farmer, Sandra Brooking,  
Bartholomew Baadjo, Joshua Booth, Bobby West**

Appellants

**State of Western Australia**

First Respondent

**Shire of Halls Creek**

Second Respondent

**Commonwealth of Australia**

Third Respondent



AND BETWEEN

No. P38 of 2018

**KN (Deceased) and Others (Tjiwarl and Tjiwarl #2)**

Appellants

**State of Western Australia and others**

Respondents

**APPELLANTS' CHRONOLOGY (JOINT)**

10 **Part I: Certification as to form of chronology**

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

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**Part II: Chronology**

**Ngurra Kayanta (P37 of 2018)**

<b>Item</b>	<b>Date</b>	<b>Event</b>	<b>Ref</b>
1.	28 September 2006	Grant of EP 451 for a term of 6 years (expiring 27 September 2012) and covering an area of approx. 15,928 km <sup>2</sup>	<i>Ngurra TJ</i> [4], [84]-[86] (CAB 11, 30)  Ex#B.2 pp 2-10 (AFM 37-45)  Ex#C [9] (AFM 171)
2.	23 July 2009	Term of EP 451 extended to 27 September 2013	Ex#A1 [22] (AFM 13)  Ex B.4 (AFM 53)
3.	17 June 2010	Term of EP 451 extended to 31 December 2014	Ex#A1 [23] (AFM 13)  Ex#B.5 (AFM 54)
4.	28 April 2011	Grant of EP 477 for a term of 4 years (expiring 27 April 2015) and covering an area of approx. 13,961 km <sup>2</sup>	<i>Ngurra TJ</i> [4], [89] (CAB 11, 30)  Ex#B.19 pp 201-207 (AFM 127-133)  Ex#C [17] (AFM 172)
5.	3 June 2011	Partial surrender of EP451. The permit then covered an area of approx. 13,541 km <sup>2</sup>	Ex#A1 [28]-[29] (AFM 14)  Ex B.10-.11 (AFM 68-70)  Ex#C [13] (AFM 171)

Item	Date	Event	Ref
6.	23 September 2011	Term of EP 451 extended to 31 December 2015	Ex#A1 [30] (AFM 14)  Ex#B.12 (AFM 71-72)
7.	8 December 2011	Term of EP 477 extended to 31 January 2016	Ex#A1 [39] (AFM 15)  Ex#B.21-.22 (AFM 139-146)
8.	20 December 2013	Partial surrender of EP 477. The permit then covered an area of approx. 7,458 km <sup>2</sup>	Ex#A1 [44], [46] (AFM 16)  Ex#B.27, B.29 (AFM 154, 156)  Ex#C [21] (AFM 172)
9.	22 October 2014	Term of EP 451 extended to 31 December 2016	Ex#A1 [35] (AFM 15)  Ex#B.17 (AFM 79)
10.	22 October 2014	Table of works referred to in condition 1(1) of EP 451 substituted. The substituted table continued to apply as at 30 June 2015 when the <i>Ngurra Kayanta#2</i> claimant application was made	Ex#B.17 (AFM 79)
11.	11 December 2014	Term of EP 477 extended to 31 January 2017	Ex#A1 [49] (AFM 17)  Ex#B.33 (AFM 165)
12.	21 January 2015	Table of works referred to in condition 1(1) of EP 477 substituted. The substituted table continued to apply as at 30 June 2015 when the <i>Ngurra Kayanta#2</i> claimant application was made	Ex#B.34 (AFM 166)
13.	30 June 2015	Claimant application WAD 326/2015 ( <i>Ngurra Kayanta#2</i> )	<i>Ngurra TJ</i> [9] (CAB 12)

Item	Date	Event	Ref
14.	20 June 2016	Orders made by Barker J that the part of the claim area not covered by the exploration permits (Part A) be determined separately to those parts covered by the permits (Part B)	[2016] FCA 910 [6]
15.	10 August 2016	Consent determination of exclusive native title in Part A of the claim area	[2016] FCA 910
16.	18 October 2016	Appellant filed <i>Applicants' statement of facts and issues</i>	Ex#A1 (AFM 7)
17.	1 November 2016	State filed <i>State of Western Australia's statement in response to the Applicants' statement of facts and issues and bundle of documents</i> agreeing (inter alia): <ul style="list-style-type: none"> <li>• subject to questions of extinguishment, exclusive native title exists in the whole of the Part B claim area; and</li> <li>• as at 30 June 2015 (when the <i>Ngurra Kayanta</i>#2 claimant application was made) one or more members of that claim group was in occupation of the Part B claim area for the purposes of s 47B(1)(c) of the NTA</li> </ul>	Ex#A2 esp [2], [5] (AFM 21)
18.	1 November 2016	Commonwealth filed <i>Intervenor's statement in response to the Applicant's statement of Facts and issues and bundle of documents</i> to same effect	Ex#A3 esp [4] (AFM 26)
19.	29 May 2017	Reasons for judgment of Barker J in trial of s 47B issue in relation to Part B of the claim area	CAB 8-33
20.	15 August 2017	Determination of exclusive native title made by Barker J in relation to Part B of the claim area by application of s 47B	CAB 34-53
21.	16 March 2018	Reasons for judgment and orders of the Full Federal Court varying the determination such that native title in relation to Part B of the claim area is non-exclusive	CAB 68-96
22.	21 June 2018	Special leave to appeal granted	CAB 112
23.	5 July 2018	Notice of appeal filed in High Court	CAB 114

## Tjiwarl (P38 of 2018)

Item	Date	Event	Ref
24.	14 January 2008	Grant of exploration licence E57/676 for a term of 5 years, later extended to 10 years (expiring 13 January 2018)	Part of Ex#R9 Annexure PTG2 (AFM 203-210)
25.	17 June 2011	First claimant application WAD 228 of 2011 ( <i>Tjiwarl</i> ) made	<i>Tjiwarl TJ</i> [8], [40] (CAB 145, 154)
26.	22 June 2015	Second claimant application WAD 302 of 2015 ( <i>Tjiwarl#2</i> ) made over unallocated Crown land within the external boundaries of WAD 228 of 2011, including parcels UCL 245, 246	<i>Tjiwarl TJ</i> [8], [45]-[46] (CAB 145, 155)
27.	16 December 2016	Reasons for judgment of Mortimer J including findings that: <ul style="list-style-type: none"> <li>• subject to questions of extinguishment, exclusive native title exists in the whole of the claim area; and</li> <li>• one or more members of the claim group was in occupation of UCL 245 and 246 for the purposes of s 47B(1)(c) of the NTA when the <i>Tjiwarl</i> and <i>Tjiwarl#2</i> claims were made</li> </ul>	<i>Tjiwarl TJ</i> esp [32], [38] (CAB 129-492)
28.	27 April 2017	Determination of exclusive native title made by Mortimer J in relation to UCL 245 and 246 by application of s 47B	CAB 493-546
29.	1 February 2018	Reasons for judgment and orders of the Full Federal Court varying the determination <i>inter alia</i> such that native title in that part of UCL 245 covered by E57/676 is non-exclusive	CAB 613-658
30.	21 June 2018	Special leave to appeal granted	CAB 706
31.	5 July 2018	Notice of appeal filed in High Court	CAB 709

Dated: 9 August 2018



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