

IN THE HIGH COURT OF AUSTRALIA
DARWIN REGISTRY

No. D1 of 2018

BETWEEN: **NORTHERN TERRITORY OF AUSTRALIA**
Appellant
and
ALAN GRIFFITHS AND LORRAINE JONES
ON BEHALF OF THE NGALIWURRU AND NUNGALI PEOPLES
First Respondent
10 **COMMONWEALTH OF AUSTRALIA**
Second Respondent
ATTORNEY-GENERAL FOR THE STATE OF SOUTH AUSTRALIA
First Intervenor
ATTORNEY-GENERAL FOR THE STATE OF QUEENSLAND
Second Intervenor
ATTORNEY-GENERAL FOR THE STATE OF WESTERN AUSTRALIA
Third Intervenor
CENTRAL DESERT NATIVE TITLE SERVICES LIMITED
Fourth Intervenor
20 **YAMATJI MARLPA ABORIGINAL CORPORATION**
Fifth Intervenor

APPELLANT'S CHRONOLOGY

Part I: Publication

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

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Part II: Events

Date	Event	Appeal Book Ref
20 June 1882	Pastoral Lease 366 was granted to the Musgrave Range and Northern Territory Pastoral Land Co Ltd, partially extinguishing the Native Title Party's native title rights and interests over the whole of the land that would later fall within the proclaimed boundary of the town of Timber Creek.	CAB 278-279
10 May 1975	The Town of Timber Creek is proclaimed.	CAB 268
31 October 1975	Commencement of the <i>Racial Discrimination Act 1975</i> (Cth).	
26 January 1977	Commencement of the <i>Aboriginal Land Rights (Northern Territory) Act 1976</i> (Cth) (ALRA).	
1980	Act 56: public works by the Northern Territory – Lawler Road.	CAB 270
1980	Act 59: public works by the Northern Territory – George and O'Keefe Streets.	CAB 270
1980	Act 46 (part of Lot 70): public works by the Northern Territory – water tanks.	CAB 270
1980	Act 43 (Lot 62): public works by the Northern Territory – dwelling.	CAB 270
1980	Act 44 (Lot 63): public works by the Northern Territory – dwelling.	CAB 270
29 July 1980	Act 1 (part of Lot 16): grant of Special Purpose Lease 494 to the Conservation Land Corporation.	CAB 270
1982	Act 58: public works by the Northern Territory – Wilson Street.	CAB 270
15 July 1982	Act 15 (part of Lot 34): grant of freehold to the Northern Territory Electricity Commission.	CAB 270
13 July 1983	Act 2 (Lot 20): grant of Crown Lease Term 210 to Huja Nominees Pty Ltd.	CAB 270
1984	Act 14 (Lot 33): public works – school.	CAB 270

1984	Act 44 (part of Lot 72): public works by the Northern Territory – water bores and pipes.	CAB 270
Nov-Dec 1984	Hearing into the Timber Creek Land Claim under the ALRA.	CAB 110-111
1985	Act 57: public works by the Northern Territory – Fitzer Road.	CAB 270
1985	Act 16 (part of Lot 34): public works by the Northern Territory Electricity Commission.	CAB 270
19 April 1985	Aboriginal Land Commissioner delivers the Timber Creek Land Claim Report No 21 finding that the native title party has common spiritual affiliations to sites on the claimed land that place them under a primary spiritual responsibility for the sites and that land.	CAB 110-111
28 June 1985	Act 17 (part of Lot 34): grant freehold to the Northern Territory Electricity Commission.	CAB 271
1985	Act 18 (part of Lot 34): public works by the Northern Territory Electricity Commission.	CAB 271
19 May 1986	Act 7 (Lot 26): grant of Crown Lease Term 535 to IR McBean.	CAB 271
21 November 1986	Act 34 (Lot 47): grant of Crown Lease Term 624 to LL Fogarty.	CAB 271
24 March 1987	Act 19 (Lot 36): grant of freehold to the Northern Territory Housing Commission.	CAB 271
24 March 1987	Act 21 (Lot 38): grant of freehold to the Northern Territory Housing Commission.	CAB 271
24 March 1987	Act 23 (Lot 39): grant of freehold to the Northern Territory Housing Commission.	CAB 271
24 March 1987	Act 25 (Lot 40): grant of freehold to the Northern Territory Housing Commission.	CAB 271
24 March 1987	Act 27 (Lot 41): grant of freehold to the Northern Territory Housing Commission.	CAB 271

24 March 1987	Act 29 (Lot 42): grant of freehold to the Northern Territory Housing Commission.	CAB 271
16 April 1987	Act 3 (Lot 21): grant of freehold to the Conservation Land Corporation.	CAB 271
12 May 1987	Act 10 (Lot 29): grant of Crown Lease Term 674 to DF Walsh.	CAB 271
12 May 1987	Act 13 (Lot 32): grant Crown Lease Term 656 to RD & GI Blakeney.	CAB 271
18 May 1987	Act 31 (Lot 43): grant Crown Lease Term 657 to JV King.	CAB 271
30 July 1987	Act 8 (Lot 27): grant Crown Lease Term 674 to Ngaringman Resource Centre Inc.	CAB 271
6 November 1987	Act 36 (Lot 52): grant freehold to Commonwealth.	CAB 271
1988	Act 20 (Lot 36): public works by the Northern Territory Housing Commission.	CAB 271
1988	Act 22 (Lot 38): public works by the Northern Territory Housing Commission.	CAB 271
1988	Act 24 (Lot 39): public works by the Northern Territory Housing Commission.	CAB 271
1988	Act 26 (Lot 40): public works by the Northern Territory Housing Commission.	CAB 271
1988	Act 30 (Lot 42): public works by the Northern Territory Housing Commission.	CAB 271
30 January 1989	Act 9 (Lot 28): grant of Crown Lease Term 851 to J Shaw.	CAB 271
2 March 1989	Act 11 (Lot 30): grant of Crown Lease Term 861 to BJ Draper.	CAB 271
22 May 1989	Act 12 (Lot 31): grant Crown Lease Term 852 to DJ & B Wegener.	CAB 271
13 December 1990	Act 6 (Lot 23): grant Crown Lease Term 1017 to LW Hudson.	CAB 271

8 May 1991	Act 41 (Lot 60): declaration of a Cemetery Reserve.	CAB 271
1991	Act 28 (Lot 41): public works by the Northern Territory Housing Commission.	CAB 271
20 February 1992	Act 32 (Lot 44): grant Crown Lease Term 1070 to Ngarinman Resource Centre Inc.	CAB 271
20 February 1992	Act 33 (Lot 46): grant Crown Lease Term 1071 to Ngarinman Resource Centre Inc.	CAB 271
8 April 1992	Act 48 (Lot 75): grant Crown Lease Term 1095 to MR Millwood Pty Ltd.	CAB 271
3 July 1992	Act 45 (Lot 64): grant Crown Lease Term 1083 to Stamen Investments Pty Ltd.	CAB 271
11 August 1992	Act 40 (Lot 59): grant of Crown Lease Term 999 to the Timber Creek Sports and Recreation Association.	CAB 271
1 September 1992	Act 5 (Lot 22): grant of Crown Lease Term 1049 to K Fikert.	CAB 271
8 January 1993	Act 4 (Lot 21): transfer of freehold to PR Rowe.	CAB 271-272
30 September 1993	Act 49 (Lot 79): grant of Crown Lease Term 1274 to the Timber Creek Community Government Council.	CAB 272
1 January 1994	Commencement of the <i>Native Title Act 1993</i> (Cth) (NTA).	
10 March 1994	Commencement of the <i>Validation (Native Title) Act 1994</i> (NT), validating "past acts" within Pt 2 Div 2 of the NTA.	
20 October 1995	Deed of Grant under the ALRA to the Ngaliwurr/Nungali Aboriginal Land Trust.	CAB 110-111
23 November 1995	Act 51 (Lot 85): grant of Crown Lease Term 1552 to Ngarinman Aboriginal Resource Centre Inc.	CAB 272
23 November 1995	Act 52 (Lot 86): grant of Crown Lease Term 1553 to Ngarinman Aboriginal Resource Centre Inc.	CAB 272

26 March 1996	Act 50 (Lot 81): grant of Crown Lease Term 1568 to the Timber Creek Community Government.	CAB 272
11 September 1996	Act 53 (Lot 88): grant of Crown Lease Perpetual 1621 to the Timber Creek Community Government Council.	CAB 272
17 December 1996	Act 54 (Lot 89): grant of Crown Lease Term 1673 to the Telstra Corporation.	CAB 272
1 October 1998	Commencement of the <i>Validation of Titles and Actions Amendment Act 1998</i> (NT), validating “intermediate period acts” and “previous exclusive possessions acts” within Pt 2 Divs 2A-2B of the NTA.	
28 April 2006	The Federal Court of Australia (constituted by Weinberg J) made a determination that the native title party holds native title rights and interests over most of the land within the Town of Timber Creek in the Northern Territory: see <i>Griffiths v Northern Territory of Australia</i> (2006) 165 FCR 300.	CAB 278
22 November 2007	On appeal from the decision of Weinberg J, the Full Court of the Federal Court of Australia (constituted by French, Branson and Sundberg JJ) held that the native title rights and interests comprise possession, occupation, use and enjoyment to the exclusion of all others in respect of almost all of the claimed land, by operation of s 47B of the NTA, which required the extinguishment effected by the grant of historic pastoral leases to be disregarded: see <i>Griffiths v Northern Territory of Australia</i> (2007) 165 FCR 391.	CAB 278
2 August 2011	The native title party brought a claim for compensation under ss 50(2) and 61 NTA in relation to 53 acts attributable to the appellant, comprising the grants of leases or freehold estates or the construction or establishment of public works (NTD 18 of 2011).	CAB 105
19 March 2014	The Federal Court of Australia (constituted by Mansfield J) determined the liability to pay compensation under the NTA and whether native	CAB 6-70

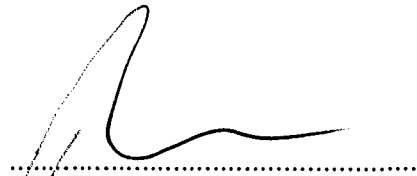
title had been extinguished over the compensation claim area, finding *inter alia* that the grant of Pastoral Lease 366 was effective at common law to partially extinguish native title, leaving non-exclusive native title rights and interests: see *Griffiths v Northern Territory of Australia* [2014] FCA 256.

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| 24 August 2016 | Justice Mansfield delivered reasons for judgment on the quantum of compensation in <i>Griffiths v Northern Territory of Australia (No. 3)</i> (2016) 337 ALR 362. | CAB 94-219 |
| 24 August 2016 | Federal Court orders made as to liability and quantum for compensation on native title party's claim. | CAB 220-226 |
| 20 July 2017 | On appeals from the decision of Mansfield J, the Full Court of the Federal Court of Australia (constituted by North ACJ, Barker and Mortimer JJ) delivered reasons for judgment in <i>Northern Territory v Griffiths</i> (2017) 346 ALR 247. | CAB 258-403 |
| 9 August 2017 | Full Court orders made as to disposition of the appeals from Mansfield J's orders. | CAB 407-409 |

Dated: 6 April 2018



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