

**IN THE HIGH COURT OF AUSTRALIA
PERTH REGISTRY**

No. P 49 of 2013

ON APPEAL FROM the Full Court of the Federal Court of Australia

BETWEEN:

STATE OF WESTERN AUSTRALIA

Appellant

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and

**ALEXANDER BROWN, JEFFREY BROWN,
CLINTON COOK AND CHARLIE COPPIN**

First Respondent

**BHP BILLITON MINERALS PTY LTD, ITOCHU
MINERALS & ENERGY OF AUSTRALIA PTY
LTD AND MITSUI IRON ORE CORPORATION
PTY LTD**

Second Respondent

APPELLANT'S CHRONOLOGY

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PART I: FORM OF CHRONOLOGY

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



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PART II: CHRONOLOGY

Date	Event	Appeal Book Ref
1 Mar 1904	Commencement of the <i>Mining Act 1904</i> (WA).	
1960	Mt Goldsworthy Mining Associates ("MGMA") Joint Venture formed to develop iron ore deposits at Mt Goldsworthy. The Joint Venture participants submit a tender to the State of Western Australia ("State") to mine, transport and ship the iron ore deposits at Mt Goldsworthy.	
Feb 1962	The State announces that MGMA's tender to develop the iron ore deposits at Mt Goldsworthy was successful.	
27 Feb 1962	The State and MGMA execute an agreement (" 1962 Agreement ") for the development of iron ore deposits at Mt Goldsworthy. The agreement is ratified by the <i>Iron Ore (Mt Goldsworthy) Agreement Act 1962</i> (WA) which comes into force on 27 September 1962.	
17 Dec 1963	The 1962 Agreement is varied by a variation agreement adopted and given effect by the <i>Iron Ore (Mt Goldsworthy) Agreement Act 1963</i> (WA).	
1964 – 1965	MGMA submit to the State technical proposals for the development of the Mt Goldsworthy iron ore deposits and Port Hedland harbor (including mining, services, townships, railway, ore handing and the harbor). The proposals, which were subject to negotiation and amendment, are approved by the State on 4 August 1965.	
15 Oct 1964	The State and MGMA execute the <i>Iron Ore (Mt Goldsworthy) Agreement</i> (" Mt Goldsworthy Agreement ").	
23 Dec 1964	Commencement of the <i>Iron Ore (Mt Goldsworthy) Agreement Act 1964</i> (WA) (" Mt Goldsworthy Act ") which ratifies the Mt Goldsworthy Agreement and repeals the <i>Iron Ore (Mt Goldsworthy) Agreement Act 1962</i> (WA) and the <i>Iron Ore (Mt Goldsworthy) Agreement Act 1963</i> (WA).	
Jul 1965	Construction of the Goldsworthy townsite commences.	
Oct 1965	Construction of the Mt Goldsworthy mine infrastructure commences.	
17 Feb 1966	Mineral Lease (Special Agreement) ML 235SA (" ML 235SA ") is granted. The term of ML 235SA commences on 5 August 1965.	

Date	Event	Appeal Book Ref
1966	Mine operations on ML 235SA commence.	
3 Jun 1966	The first cargo of iron ore from ML 235SA is shipped from Port Hedland.	
11 Aug 1967	Goldsworthy declared a township by notice published in the Government Gazette.	
1969 - 1971	In 1969 MGMA submit further proposals to the State for the development of the Mt Goldsworthy iron ore deposits and Port Hedland harbor. The proposals, which were subject to negotiation and amendment, are approved by the State on 22 September 1971.	
26 Aug 1971	The Mt Goldsworthy Agreement is varied for the first time by a variation agreement adopted and given effect by the <i>Iron Ore (Mt Goldsworthy) Agreement Act Amendment Act 1971</i> (WA) (which comes into force on 15 December 1971).	
21 Aug 1973	Mineral Lease (Special Agreement) ML 249SA ("ML 249SA") is granted. The term of ML 249SA commences on 8 May 1974.	
6 Aug 1976	Notice published in the Government Gazette extending the boundaries of the Goldsworthy townsite.	
1 Jan 1982	Majority of the <i>Mining Act 1978</i> (WA) commences.	
22 Dec 1982	Mt Goldsworthy mining operations cease.	
Aug 1983	Last of the remaining iron stockpiles at Mt Goldsworthy are transported to Port Hedland.	
1985	ML 235SA and ML 249SA renewed for a further term of 21 years.	
1991	Closure of the Goldsworthy township decided upon and buildings begin to be removed.	
17 July 1992	Goldsworthy township officially closed.	
1992 – 1993	Rehabilitation of the Mt Goldsworthy mine and township carried out.	
31 Mar 1994	The Mt Goldsworthy Agreement is varied for the second time by a variation agreement adopted and given effect by the <i>Acts Amendment (Mt Goldsworthy, McCamey's Monster and Marillana Creek Iron Ore Agreements) Act 1994</i> (WA) (which comes into force on 8 July 1994).	

Date	Event	Appeal Book Ref
11 Apr 2000	The Mt Goldsworthy Agreement is varied for the third time by a variation agreement adopted and given effect by the <i>Acts Amendment (Iron Ore Agreements) Act 2000</i> (WA) (which comes into force on 7 December 2000).	
2006	ML 235SA and ML 249SA renewed for a further term of 21 years (to expire on 4 August 2028).	
30 May 2007	The Federal Court of Australia (constituted by Bennett J) makes a determination of native title, with the consent of the parties, in respect of most of the area the subject of the Ngarla (WAD 6185 of 1998) and Ngarla #2 (WAD 77 of 2005) native title determination applications: see <i>Brown (on behalf of the Ngarla People) v Western Australia</i> [2007] FCA 1025. This determination does not apply to the areas of ML 235SA and ML 249SA.	
5 Oct 2007	Bennett J orders a number of preliminary questions regarding the extinguishing effect of ML 235SA and ML 249SA be determined prior to, and separately from, any other question in the remainder of the Ngarla native title determination application (WAD 6185 of 1998) (" Ngarla application ") pursuant to Order 29 rule 2 of the <i>Federal Court Rules</i> .	
20 Aug 2008	Bennett J orders that those lands and waters of the Ngarla application subject to ML 235SA and ML 249SA are to be dealt with in a separate proceeding pursuant to section 67(2) of the <i>Native Title Act 1993</i> (Cth).	
14 Jul 2009	Hearing of the preliminary questions regarding the extinguishing effect of ML 235SA and ML 249SA before Bennett J commences. Hearing is completed on 15 July 2009.	
21 May 2010	Bennett J delivers reasons for judgment answering the preliminary questions regarding the extinguishing effect of ML 235SA and ML 249SA: <i>Brown (on behalf of the Ngarla People) v Western Australia</i> (2010) 268 ALR 149; [2010] FCA 498.	
6 Aug 2010	Bennett J makes a determination of native title in the Ngarla application giving effect to her Honour's reasons for judgment delivered on 21 May 2010: <i>Brown (on behalf of the Ngarla People) v Western Australia (No.3)</i> [2010] FCA 859.	

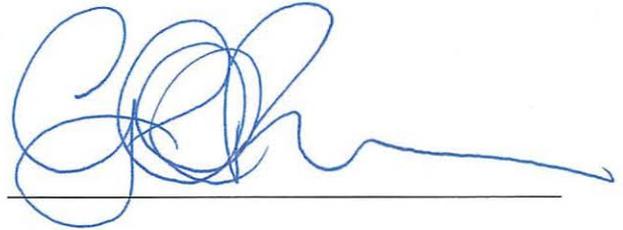
Date	Event	Appeal Book Ref
25 Aug 2010	The Ngarla claimants (the First Respondent in this appeal) lodge a Notice of Appeal, appealing the matter to the Full Court of the Federal Court of Australia.	
9 Sep 2010	The State (the Appellant in this appeal) lodges a Notice of Cross Appeal.	
14 Sep 2010	BHP Billiton Minerals Pty Ltd, Itochu Minerals & Energy of Australia Pty Ltd and Mitsui Iron Ore Corporation Pty Ltd (the Second Respondents in this appeal) lodge a Notice of Cross Appeal.	
17 Nov 2010	The Mt Goldsworthy Agreement is varied for the fourth time by a variation agreement adopted and given effect by the <i>Iron Ore Agreements Legislation Amendment Act (No. 2) 2010</i> (WA) (which came into force on 11 December 2010).	
7 Feb 2011	Hearing of the appeal before the Full Court of the Federal Court (constituted by Mansfield, Greenwood and Barker JJ) commences. Hearing is completed on 8 February 2011.	
5 Nov 2012	The Full Court of the Federal Court delivers reasons for judgment in the appeal and by a majority allows the appeal and unanimously dismisses the cross appeals: <i>Brown (on behalf of the Ngarla People) v Western Australia</i> (2012) 208 FCR 505; (2012) 294 ALR 223; [2012] FCAFC 154.	
22 Feb 2013	The Full Court of the Federal Court delivers further reasons for judgment and makes a determination of native title in the Ngarla application giving effect to the Full Court's reasons for judgment delivered on 5 November 2012: <i>Brown (on behalf of the Ngarla People) v Western Australia (No.2)</i> [2013] FCAFC 18.	
3 Dec 2012	The State lodges an Application for Special Leave in the High Court of Australia.	
20 Mar 2013	The State files an amended Application for Special Leave.	
12 Sep 2013	The High Court of Australia (constituted by French CJ and Keane J) grants special leave to appeal.	
25 Sep 2013	The State (the Appellant) lodges a Notice of Appeal in the High Court of Australia	
1 Oct 2013	The Ngarla claimants (the First Respondent) lodge a Notice of Appearance	

Date	Event	Appeal Book Ref
3 Oct 2013	BHP Billiton Minerals Pty Ltd, Itochu Minerals & Energy of Australia Pty Ltd and Mitsui Iron Ore Corporation Pty Ltd (the Second Respondents) lodge a Notice of Appearance	

Dated the 24th October 2014



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