



Kimberley Land Council

MEDIA RELEASE

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Kimberley Traditional Owners take on mining company and win

In a major win for Traditional Owners, an Australian mining company will be forced to pay court costs of around \$200,000 for exhibiting what has been described as “thoroughly unreasonable conduct” in relation to a native title claim.

In 2013 Oil Basins Ltd challenged the connection of Nyikina Mangala Traditional Owners to their lands, located in the Kimberley region of WA.

Oil Basins Ltd lodged the challenge despite the State Government having already accepted the connection of the Nyikina Mangala people and without the company having any evidence stating otherwise.

The actions forced the start of trial proceedings before the company suddenly changed its mind, reversing its opposition to the validity of the native title claim.

In November 2014 Justice Gilmour ordered that Oil Basins Ltd pay the Nyikina Mangala people’s costs because of its “thoroughly unreasonable conduct”.

Last week, the Full Federal Court of Australia dismissed the third consecutive appeal by Oil Basins Ltd against the original costs order made by Justice Gilmour.

The Kimberley Land Council has been representing the Nyikina Mangala people throughout the long running court proceedings.

Chief Executive Officer Nolan Hunter said the judgement is an important win for native title holders in the region.

“The judgement sends a clear message to companies that wish to question, hold up or thwart native title processes that they can face severe monetary consequences,” Mr Hunter said.

“For the Nyikina Mangala people, we hope they will feel vindicated by this ruling and that this long-running matter can finally be resolved.”

The Nyikina Mangala people applied in 1998 to be recognised as the native title holders of their traditional country. Their consent determination was handed down in May 2014.

Oil Basins Ltd has until 3 August to appeal the most recent decision.