



PO Box A147, Sydney South NSW 1235  
[alhr@alhr.asn.au](mailto:alhr@alhr.asn.au) [www.alhr.asn.au](http://www.alhr.asn.au)

**Media release: for immediate release 13 March 2014**

## **High Court decision confirms co-existence of native title and mining**

Australian Lawyers for Human Rights (**ALHR**) welcomed yesterday's High Court decision confirming that native title rights were not extinguished by mining leases granted in the 1960s. John Southalan, ALHR's President, said "The Court's decision confirms greater protection for native title rights, rejecting the approach that these rights are extinguished whenever the Government has granted other interests in the land".

The High Court's decision, in *Western Australia v Brown (Ngarla People)*, dismissed the appeal of the WA Government and submissions of BHP Billiton. Both those parties argued that mining leases granted over 40 years ago permanently extinguished native title. ALHR had sought leave to make amicus submissions to the High Court, outlining human rights standards contrary to the arguments of the government and company. While the Court did not formally accept [ALHR's submissions](#) because ALHR was not a party to the proceedings, the Court's decision in dismissing the arguments of the WA Government and BHP Billiton was the outcome which ALHR had advocated.

Southalan explained "The Court's unanimous decision also confirmed that native title rights are not extinguished simply by developments on mining and pastoral leases. This decision will require many governments and companies to re-evaluate the way they are dealing with land. Where Indigenous groups hold native title rights in that land, those rights cannot be ignored".

The decision does not invalidate the original pastoral and mining leases or the rights granted under them. However it shows the error of previous positions that native title had been extinguished because of developments on that land.

**Media Contact:** John Southalan, President  
**M:** 0417 932 143  
**E:** [president@alhr.asn.au](mailto:president@alhr.asn.au)

---

ALHR (Australian Lawyers for Human Rights) is a network of Australian lawyers active in practising and promoting awareness of international human rights standards in Australia. ALHR has a national membership of over 3000 lawyers and law students, with active National, State and Territory committees.