

Curriculum Vitae

Cobey I. Taggart

Admission

Supreme Court of New South Wales	2008
Supreme Court of Queensland	2011
Supreme Court of Western Australia	2018
High Court and Federal Court of Australia	2011

Relevant work history

Barrister September 2018

State Solicitor's Office, Western Australia 2012 – September 2018

Senior Assistant State Counsel / Assistant State Solicitor

Crown Law, Queensland 2011 – 2012

Principal Lawyer / Senior Lawyer

National Native Title Tribunal 2009 – 2011

Delegate of the Native Title Registrar

NTSCORP (formerly NSW Native Title Services) 2005 – 2009

Solicitor / Paralegal

Courts appeared in

High Court of Australia;

Full Court of the Federal Court of Australia;

Federal Court of Australia;

Supreme Court of Western Australia;

District Court of Western Australia;

Magistrates Court (Western Australia);

Wardens Court (Western Australia);

State Administrative Tribunal (Western Australia);

National Native Title Tribunal.

Appearances (as Counsel)

High Court of Australia

Northern Territory of Australia v M A Griffiths (deceased) and Lorraine Jones on behalf of the Ngaliwurru and Nungali Peoples & Anor; Commonwealth of Australia v M A Griffiths (deceased) and Lorraine Jones on behalf of the Ngaliwurru and Nungali Peoples & Anor; M A Griffiths (deceased) and Lorraine Jones on behalf of the Ngaliwurru and Nungali Peoples & Anor; v Northern Territory of Australia & Anor – (judgment reserved)

Three appeals concerning the awarding of compensation to native title holders pursuant to the *Native Title Act 1993* (Cth).

Led by G. T. W. Tannin SC

KN (Deceased) and Others on behalf of the Tjiwarl and Tjiwarl #2 Native Title Claim Groups v BHP Billiton Nickel West Pty Ltd and Others [2018] HCATrans 123; and

Tjungarrayi and Others v State of Western Australia and Others; KN (Deceased) and Others on behalf of the Tjiwarl #2 Native Title Claim Group v State of Western Australia and Others [2018] HCATrans 124

Three applications for special leave from two decisions of the Full Court of the Federal Court of Australia concerning particular provisions of the *Native Title Act 1993* (Cth).

Led by P. D. Quinlan SC (as his Honour then was).

Burns v Corbett [2018] HCA 15

A series of proceedings concerning the capacity of States to invest adjudicative authority on non-court tribunals.

Led by P. D. Quinlan SC (as his Honour then was).

Graham and Others on behalf of the Ngadjju People v St Ives Gold Mining Company Pty Ltd and Others [2016] HCATrans 241

An application for special leave to appeal from a decision of the Full Court of the Federal Court of Australia.

Led by G. T. W. Tannin SC.

McGlade v Registrar Native Title Tribunal and others; Eades v Registrar Native Title Tribunal and others; Smith v Registrar Native Title Tribunal and others; Culbong v Registrar of Native Title Tribunal and others [2016] HCATrans 40

A proceeding commenced in the Court's original jurisdiction where remitter pursuant to s 44 of the *Judiciary Act 1903* (Cth) was successfully achieved for the State of Western Australia as a respondent to each proceeding.

Led by P. D. Quinlan SC (as his Honour then was).

Full Court of the Federal Court of Australia

Attorney-General v Helicopter-Tjungarrayi (Ngurra Kayanta and Ngurra Kayanta #2) [2018] FCAFC 35

A proceeding concerning various provisions of the *Native Title Act 1993* (Cth) and the grant of interests under State Acts.

Led by P. D. Quinlan SC (as his Honour then was).

BHP Billiton Nickel West Pty Ltd v KN (Deceased) (Tjimarl and Tjimarl #2) [2018] FCAFC 8

A proceeding concerning various provisions of the *Native Title Act 1993* (Cth) and the grant of interests under State Acts.

Led by P. D. Quinlan SC (as his Honour then was).

McGlade v Native Title Registrar (2017) 251 FCR 172

A proceeding concerning the requirements for making an indigenous land use agreement under the *Native Title Act 1993* (Cth).

Led by P. D. Quinlan SC (as his Honour then was).

State of Western Australia v Graham on behalf of the Ngadju People (2014) 242 FCR 231

A proceeding concerning various issues arising under, or relating to, the *Native Title Act 1993* (Cth), the *Mining Act 1904* (WA), the *Mining Act 1978* (WA) and State Agreements.

Led by G. T. W. Tannin SC.

Oil Basins Limited v Watson [2014] FCAFC 154

A proceeding concerning an award for costs on an indemnity basis.

Appeared as sole Counsel for the State of Western Australia.

State of Western Australia v BP (Deceased) (2014) 223 FCR 488

A proceeding concerning the requirements of s 47B of the *Native Title Act 1993* (Cth).

Led by R. M. Mitchell SC (as his Honour then was).

Federal Court of Australia (selected matters)

Kimberley Land Council Aboriginal Corporation (ICN 21) v Williams [2018] FCA 1955

Two applications for judicial review concerning a decision of a delegate of the Native Title Registrar not to register an indigenous land use agreement.

Appeared as sole Counsel for the State of Western Australia and Minister for Lands.

Balangarra Aboriginal Corporation (RNTBC) v State of Western Australia [2018] FCA 1538

An application for costs arising in circumstances where the matter did not proceed to hearing.

Appeared as sole Counsel for the State of Western Australia.

Manado (on behalf of the Bindunbur Native Title Group) v State of Western Australia [2018] FCA 854; [2018] FCA 275; FCA [2017] 1367

A contested hearing of native title concerning three native title determination applications where issues of connection and extinguishment were in issue. Issues in dispute included untested provisions of the *Native Title Act 1993* (Cth) concerning the intersection of native title rights and

interests and the ability of members of the public to “access and enjoy” areas including beaches and waterways. The State of Western Australia’s argument was accepted by the Court (and is now subject to appeal).

Led by P. D. Quinlan SC (as his Honour then was).

Save Beeliiar Wetlands (Inc) v Commissioner of Main Roads [2017] FCA 4

An application for an interlocutory injunction concerning development of the Roe 8 Highway project.

Led by K. M. Pettit SC

Narrier v State of Western Australia [2016] FCA 1519; [2017] FCA 104

A contested hearing of native title where issues of connection and extinguishment were in issue.

Appeared for the State of Western Australia in relation to the extinguishment issues, including a challenge to the validity of pastoral leases throughout the State (which was successfully resisted).

Corunna v South West Aboriginal Land and Sea Council (2015) 235 FCR 40

A proceeding concerning a pre-emptory challenge to the making of various agreements pursuant to the South West Native Title Settlement.

Led by P. D. Quinlan SC (as his Honour then was).

Various interlocutory proceedings arising under the *Native Title Act 1993* (Cth).

Supreme Court of Western Australia

Conservation Council of Western Australia (Inc) v the Honourable Stephen Dawson MLC [2018] WASC 34; [2108] WASC 34 (S)

A judicial review application concerning an approval under the *Environmental Protection Act 1986* (WA) permitting the implementation of the Yeelirrie uranium mining project (now subject to appeal).

Led by G. T. W. Tannin SC.

Chief Executive Officer, Department of Communities v BFH (No 2) [2017] WASC 366

An appeal from a decision of the Children’s Court of Western Australia dismissing the Appellant’s application for a protection order under the *Children and Community Services Act 2004* (WA).

Appeared as sole Counsel for the Appellant.

Chief Executive Officer, Department of Communities v BFH [2017] WASC 324

An application for a stay of orders made by the Children’s Court of Western Australia dismissing the Appellant’s application for a protection order under the *Children and Community Services Act 2004* (WA).

Appeared as sole Counsel for the Appellant.

Abbott Trustee Services Pty Ltd as Trustee for the Kariyarra People's Trust v Attorney General of Western Australia
[2017] WASC 117; [2017] WASC 117 (S)

A proceeding concerning a request for a direction concerning a charitable trust.

Appeared as sole Counsel for the Attorney-General, including by successfully resisting an application for the Trust to pay the costs of certain defendants.

State Administrative Tribunal

Corpus and Shire of Broome [2017] WASAT 66; (2017) 91 SR (WA) 365

An application by the Shire of Broome seeking the removal of “unauthorised structures” from Crown land and whether the *Native Title Act 1993* (WA) permitted those structures to remain.

Appeared as lead Counsel for the Minister for Lands.