



11 November 2021

Ms Carina Ford

Dear Ms Ford

We are writing to you in respect of Mr Jackie Dean Hobson's claim to be an Aboriginal person affected by the High Court's decisions in *Love v Commonwealth; Thoms v Commonwealth* [2020] HCA 3 (*Love/Thoms*).

We refer to your submissions dated 18 October 2021 and the 'Confirmation of Aboriginality' certificate from the Dharug Ngurra Aboriginal Corporation provided to the Department, as well as your previous correspondence to which we referred in our letter dated 14 January 2021.

The purpose of this letter is to again invite Mr Hobson to provide additional information relevant to his claim to be an Aboriginal person within the meaning of *Love/Thoms*.

Status of Mr Hobson's claim

Having regard to the information presently available to the Department, the Department remains of the view that Mr Hobson does not meet the tripartite test as discussed in the judgment of Nettle J in *Love/Thoms*.

However, if Mr Hobson provides further information, the Department will consider that information and will tell you whether that information changes the Department's view about whether Mr Hobson meets the tripartite test used by the Court in *Love/Thoms*.

Further information Mr Hobson may wish to provide

Further information you may wish to provide includes:

- confirmation as to whether Mr Hobson has been accepted as a member of the Dharug Ngurra Aboriginal Corporation and, if so, how the membership processes of the Corporation might be said to reflect the traditional laws and customs of the society it represents
- information or evidence that show that Mr Hobson is recognised as a member of the Dharug people specifically by elders or other persons enjoying traditional authority among those people, including information or documents that would confirm their status as an elder or person enjoying traditional authority, and
- information as to how the Dharug can be said to continue to adhere to traditional laws and customs deriving from before the Crown's acquisition of sovereignty, noting the decisions in *Gale v Minister for Land & Water Conservation for New South Wales* [2004] FCA 374 and

Gale on behalf of the Darug Tribal Aboriginal Corporation v New South Wales Minister for Land and Water Conservation [2011] FCA 77.

However, these are suggestions only, and Mr Hobson may provide any information that he thinks is relevant to whether he meets the tripartite test, even if it is not on this list.

How to provide further information

If you or Mr Hobson wish to provide further information in relation to this matter, we request you do so **within 14 days from the date of this letter**. The information or documentation should be provided via email to MITA.Status.Resolution@homeaffairs.gov.au.

Alternatively, Mr Hobson may also request to speak to his status resolution officer if he wants to provide any information directly.

If you or Mr Hobson wish to provide information but require additional time to do so, please let us know. Please also let us know if Mr Hobson does not wish to provide any further information about his claims.

Yours sincerely

Position number:
MITA Status Resolution
Immigration and Settlement Services Group
Department of Home Affairs