



Native Title (Indigenous Land Use Agreements) Regulations 1998

Statutory Rules 1998 No. 286¹

made under the

Native Title Act 1993

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1 Name of regulations

These regulations are the *Native Title (Indigenous Land Use Agreements) Regulations 1998*.

2 Commencement

These regulations commence on 30 September 1998.

3 Definition

In these regulations:

Act means the *Native Title Act 1993*.

4 Application for registration of body corporate agreement (Act, s 24BG)

- (1) An application for registration of a body corporate agreement must be accompanied by the documents and information mentioned in this regulation.

Note An application must also be accompanied by a copy of the agreement (see the Act, s 24BG (2)).

- (2) The documents are:

- (a) a statement by each party to the agreement, signed by or for the party, that the party agrees to the application being made; and
- (b) a copy of each determination of native title, for the area covered by the agreement, for each party to the agreement that is a registered native title body corporate.

- (3) The information is:

- (a) the name of each party to the agreement and the address at which the party can be contacted; and
- (b) a statement identifying each party that is a representative body; and
- (c) whether the Commonwealth, a State or Territory is a party; and
- (d) for the area covered by the agreement:
 - (i) a description; and

- (ii) if it would assist in identification, a map; and
- (e) if the agreement specifies the period during which it will operate — that period; and
- (f) if the agreement provides that the parties consent to the doing of a particular future act or class of acts, whether or not subject to conditions — a statement to that effect identifying the act or class of acts; and
- (g) if the agreement provides that Subdivision P of Division 3 of Part 2 of the Act (which deals with the right to negotiate) is not intended to apply to an act — a statement to that effect identifying each act to which the Subdivision is not intended to apply; and
- (h) if the agreement provides that the surrender of any native title is intended to extinguish the native title rights and interests — a statement to that effect identifying the area in relation to which native title is to be surrendered; and
- (i) if the agreement provides that the parties agree to the validating of a particular future act or class of acts — a statement to that effect identifying the act or class of acts; and
- (j) if the agreement provides that the parties agree to changing the effects on native title of an intermediate period act or class of acts — a statement to that effect identifying the act or class of acts; and
- (k) if:
 - (i) there is a representative body for any of the area covered by the agreement; and
 - (ii) no representative body is a party to the agreement — a statement by a party that is a registered native title body corporate whether any party that is a registered native title body corporate has informed a representative body for any of the area covered by the agreement of its intention to enter into the agreement; and

Regulation 5

- (1) a statement briefly setting out the grounds on which the parties believe that the agreement is an agreement to which Subdivision B of Division 3 of Part 2 of the Act applies.

5 Application for registration of area agreement (Act, s 24CG)

- (1) An application for registration of an area agreement must be accompanied by the documents and information mentioned in this regulation.

Note An application must also be accompanied by a copy of the agreement (see the Act, s 24CG (2)).

- (2) The documents are:
 - (a) a statement by each party to the agreement, signed by or for the party, that the party agrees to the application being made; and
 - (b) a copy of each determination of native title, for the area covered by the agreement, for each party to the agreement that is a registered native title body corporate; and
 - (c) a copy of an extract from the Register of Native Title Claims giving details of each party that is a registered native title claimant; and
 - (d) a copy of the certification, mentioned in paragraph 24CG (3) (a) of the Act, that relates to the agreement.

Note If the application is not certified as mentioned in paragraph 24CG (3) (a) of the Act, it must include the statements mentioned in paragraph 24CG (3) (b) of the Act.

- (3) The information is:
 - (a) the name of each party to the agreement and the address at which the party can be contacted; and
 - (b) a statement identifying each party that is a representative body; and
 - (c) whether the Commonwealth, a State or Territory is a party; and

- (d) for the area covered by the agreement:
 - (i) a description; and
 - (ii) if it would assist in identification, a map; and
- (e) if the agreement specifies the period during which it will operate — that period; and
- (f) if the agreement provides that the parties consent to the doing of a particular future act or class of acts, whether or not subject to conditions — a statement to that effect identifying the act or class of acts; and
- (g) if the agreement provides that Subdivision P of Division 3 of Part 2 of the Act (which deals with the right to negotiate) is not intended to apply to an act — a statement to that effect identifying each act to which the Subdivision is not intended to apply; and
- (h) if the agreement provides that the surrender of any native title is intended to extinguish the native title rights and interests — a statement to that effect identifying the area in relation to which native title is to be surrendered; and
- (i) if the agreement provides that the parties agree to the validating of a particular future act or class of acts — a statement to that effect identifying the act or class of acts; and
- (j) if the agreement provides that the parties agree to changing the effects on native title of an intermediate period act or class of acts — a statement to that effect identifying the act or class of acts; and
- (k) if:
 - (i) there is a representative body for any of the area covered by the agreement; and
 - (ii) no representative body is a party to the agreement — a statement by a party who is a member of the native title group whether any member of the native title group has informed a representative body for any of the area covered by the agreement of its intention to enter into the agreement; and

Note For the meaning of *native title group*, see the Act, s 24CD.

Regulation 6

- (l) a statement briefly setting out the grounds on which the parties believe that the agreement is an agreement to which Subdivision C of Division 3 of Part 2 of the Act applies.

6 Application for registration of alternative procedure agreement (Act, s 24DH)

- (1) An application for registration of an alternative procedure agreement must be accompanied by the documents and information mentioned in this regulation.

Note An application must also be accompanied by a copy of the agreement (see the Act, s 24DH (2)).

- (2) The documents are:
 - (a) a statement by each party to the agreement, signed by or for the party, that the party agrees to the application being made; and
 - (b) a copy of each determination of native title, for the area covered by the agreement, for each party to the agreement that is a registered native title body corporate; and
 - (c) a copy of an extract from the Register of Native Title Claims giving details of each party that is a registered native title claimant.
- (3) The information is:
 - (a) the name of each party to the agreement and the address at which the party can be contacted; and
 - (b) a statement identifying each party that is a representative body; and
 - (c) whether the Commonwealth, a State or Territory is a party; and
 - (d) for the area covered by the agreement:
 - (i) a description; and
 - (ii) if it would assist in identification, a map; and
 - (e) if the agreement specifies the period during which it will operate — that period; and

- (f) if the agreement provides that the parties consent to the doing of a particular future act or class of acts, whether or not subject to conditions — a statement to that effect identifying the act or class of acts; and
 - (g) if the agreement provides that Subdivision P of Division 3 of Part 2 of the Act (which deals with the right to negotiate) is not intended to apply to an act — a statement to that effect identifying each act to which the Subdivision is not intended to apply; and
 - (h) if the agreement provides that the parties agree to the validating of a particular future act or class of acts — a statement to that effect identifying the act or class of acts; and
 - (i) a statement briefly setting out the grounds on which the parties believe that the agreement is an agreement to which Subdivision D of Division 3 of Part 2 of the Act applies.
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Note

1. Made by the Governor-General on 25 August 1998, administered by the Prime Minister, and notified in the *Commonwealth of Australia Gazette* on 1 September 1998.