



# **Native Title (Indigenous Land Use Agreements) Regulations 1998**

**Statutory Rules 1998 No. 286<sup>1</sup>**

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

- (l) 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.

- (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.