



Statutory Rules 1996 No. 1

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National Native Title Tribunal Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,
acting with the advice of the Federal Executive Council, make the
following Regulations under the *Native Title Act 1993*.

Dated 1996.

28 August/

WILLIAM DEANE/
Governor-General

By His Excellency's Command,

Attorney-General and Minister for Justice

DARYL WILLIAMS/

1. Commencement

1.1 These Regulations commence on 1 September 1996.

2. Amendment

2.1 The National Native Title Tribunal Regulations are amended as set out in these Regulations.

3. Regulation 7 (Lodgment of applications—fees)**3.1 Omit “\$368”, substitute “\$500”.**

[Note: The following note should be inserted after regulation 7:

“[Note: This fee is subject to increase under regulation 16.]”]

4. Regulation 8 (When fees are not payable)**4.1 Omit the regulation, substitute:**

“8. The fee for an application is not payable if:

- (a) the person liable to pay the fee has been granted legal aid, under a legal aid scheme or service established under Commonwealth, State or Territory law or approved by the Attorney-General, for the matter to which the fee relates; or**
- (b) the person liable to pay the fee is:**
 - (i) the holder of one of the following cards issued by the Department of Social Security:**
 - (A) a health care card;**
 - (B) a health benefit card;**
 - (C) a pensioner concession card;**
 - (D) a Commonwealth seniors health card; or**
 - (ii) the holder of any other card issued by the Department of Social Security or the Department of Veterans’ Affairs that certifies entitlement to Commonwealth health concessions; or**
 - (iii) an inmate of a prison or is otherwise lawfully detained in a public institution; or**
 - (iv) a child under the age of 18 years; or**
 - (v) in receipt of AUSTUDY within the meaning of the AUSTUDY Regulations; or**
 - (vi) in receipt of benefits under the Commonwealth student assistance scheme known as the ABSTUDY Scheme.”.**

5. Regulation 15 (Fee for inspection of Registers)

[Note: The following note should be inserted after subregulation 15 (1):

“[Note: This fee is subject to increase under regulation 16.]”]

6. New regulations 16 and 17

6.1 After regulation 15, insert:

Biennial increases in fees

“16. Despite any other provision of these Regulations, a fee prescribed by regulation 7 or 15 is increased, in accordance with regulation 17, on each biennial anniversary of 1 July 1996.

Calculation of increase

“17. (1) In this regulation:

‘fee’ means a fee prescribed by regulation 7 or 15;

‘CPI number’ means the All Groups Consumer Price Index number (being the weighted average of the 8 Australian capital cities) published by the Australian Statistician;

‘relevant period’ means any of the following periods:

- (a) the 2 year period commencing on 1 July 1996;
- (b) after that period—each 2 year period commencing on a biennial anniversary of 1 July 1996.

“(2) If, in a relevant period, the latest CPI number is greater than the earlier CPI number, a fee is taken to increase, on 1 July immediately following the end of the period, in accordance with the formula:

$$\frac{\text{fee} \times \text{latest CPI number}}{\text{earlier CPI number}}$$

where:

‘earlier CPI number’ is the CPI number for the last March quarter before the beginning of the relevant period; and

‘fee’ is the fee in force during the relevant period; and

‘latest CPI number’ is the CPI number for the last March quarter before the end of the relevant period.

“(3) If, apart from this subregulation, the amount of a fee increased under subregulation (2) would be an amount of dollars and cents, the amount is to be rounded to the nearest whole dollar and, if the amount to be rounded is 50 cents, rounded down.

“(4) Subject to subregulation (5), if at any time, whether before or after the commencement of this regulation, the Australian Statistician publishes for a particular March quarter a CPI number in substitution for an index number previously published by the Australian Statistician for that quarter, the publication of the later index number is to be disregarded for the purposes of this regulation.

“(5) If, at any time, whether before or after the commencement of this regulation, the Australian Statistician changes the reference base for the Consumer Price Index, then, for the purposes of the application of this regulation after the change is made, regard shall be had only to numbers published in terms of the new reference base.”.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on *L* 1996. *30 August*
2. Statutory Rules 1993 No. 380 as amended by 1994 No. 6; 1995 Nos. 399 and 420.