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Statutory Rules 1998 No. /¹

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National Native Title Tribunal Amendment Regulations 1998 (No.3)²

I, WILLIAM PATRICK DEANE, 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 *25 August*, 1998.

WILLIAM DEANE
Governor-General

By His Excellency's Command,

DARYL WILLIAMS
Attorney-General

1. Name of regulations

1.1 These regulations are the *National Native Title Tribunal Amendment Regulations 1998 (No.3)*.

2. Commencement

2.1 These regulations commence on 30 September 1998.

3. Amendment

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

4. Regulation 1 (Citation)

4.1 Omit the regulation, substitute:

Name of regulations

“1. These regulations are the *Native Title (Tribunal) Regulations 1993*.”

5. Regulation 4 (Form in which certain applications are to be made)

5.1 Omit the regulation, substitute:

Applications (Act, s 76)

“4. (1) For paragraph 76 (a) of the Act, an application must be in the following form:

- (a) for an objection to inclusion in an expedited procedure application — Form 4;
- (b) for a future act determination application — Form 5.

“(2) For paragraphs 76 (c) and (d) of the Act, an application must contain the information and be accompanied by the documents as mentioned in the form for the application.”

6. Regulation 5 (Lodgment of applications — information to be included)

6.1 Omit the regulation.

7. Regulation 6 (Lodgment of applications — accompanying documents)

7.1 Omit the regulation.

8. Regulation 7 (Lodgment of applications — fees)

8.1 Omit the regulation, substitute:

Application fees

“7. For paragraph 76 (d) of the Act, the prescribed fee is \$500.”.

9. Regulation 8 (When fees are not payable)

9.1 After subparagraph 8 (c) (v), insert:

“; or (d) the Registrar, having had regard to the income, day-to-day living expenses, liabilities and assets of the person who is otherwise liable to pay the fee, waives the fee on the ground that payment of the fee would impose financial hardship on the person.”.

10. Regulation 9 (Refund of fees)

10.1 Subparagraph 9 (b) (i):

Omit “63, 64 or”.

10.2 Subparagraph 9 (b) (ii):

Omit “251”, substitute “207A”.

10.3 Paragraph 9 (c):

Omit “160 or”.

11. Regulation 10 (Notification of potential party in relation to an application)

11.1 Omit “paragraph 68 (2) (b) or”.

12. Regulation 15 (Fee for inspection of Registers)

12.1 Subregulation 15 (1):

Omit the subregulation, substitute:

“(1) For section 98A and subsections 187 (2), 194 (2) and 199D (2) of the Act, the prescribed fee is \$20.”.

13. Schedule 1 (Forms)

13.1 Forms 1, 2 and 3:

Omit the forms.

13.2 Form 4:

Omit “Paragraphs 4 (2) (a), 5 (2) (a) and 6 (2) (a)”, substitute “Paragraph 4 (1) (a)”.

13.3 Form 4:

Omit “The Registrar”, substitute “The Native Title Registrar”.

13.4 Form 4, item 5:

Omit the words after “claimant.”.

13.5 Form 4, item 7:

Omit “expected impact of the act on the community life of the native title holders and areas or sites of particular significance”, substitute “likely impact of the act on community or social activities of the native title holders, areas or sites of particular significance and any land or waters concerned”.

13.6 Form 5:

Omit “Paragraphs 4 (2) (b), 5 (2) (b) and 6 (2) (b)”, substitute “Paragraph 4 (1) (b)”.

13.7 Form 5:

Omit “The Registrar”, substitute “The Native Title Registrar”.

13.8 Form 5, items 9, 10 and 11:

Omit the items, substitute:

“9. A description of the act.

10. A statement that the parties have not been able to reach agreement about the act within 6 months of the notice being given.

11. A statement of the effect of the act on:

- (a) the enjoyment by the native title parties of their registered native title rights and interests; and
- (b) the way of life, culture and traditions of any of those parties; and
- (c) the freedom of access by any of those parties to the land or waters concerned and their freedom to carry out rites, ceremonies or other activities of cultural significance on the land or waters in accordance with their traditions; and
- (d) any area or site, on the land or waters concerned, of particular significance to the native title parties in accordance with their traditions.”.

13.9 Form 5, item 12:

Omit “proposed”.

13.10 Form 5, item 13:

Omit the item, substitute:

“13. A statement of the nature and extent of:

- (a) existing non-native title rights and interests in relation to the land or waters concerned; and
- (b) existing use of the land or waters concerned by persons other than the native title parties.”.

13.11 Form 6:
Omit the form, substitute:

FORM 6

Regulation 10

Native Title Act 1993

NOTICE OF INTENTION TO BECOME A PARTY TO AN
APPLICATION

To:
The Native Title Registrar
National Native Title Tribunal

I [*or We*] [*name(s) and address(es) of person(s) giving notice*] give notice that I [*or we*] want to be a party to the inquiry in relation to the following special matter:

[*insert details of inquiry*].

My [*or Our*] address for service is:

Signed:

Date:

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on *h* 1998.
2. Statutory Rules 1993 No. 380 as amended by 1994 No. 6; 1995 Nos. 399 and 420; 1996 No. 186; 1998 Nos. 3 and 221.

1 September