

Commonwealth of Australia

Native Title Act 1993

Native Title (Right to Negotiate (Exclusion) — NSW Land) Determination No. 1 of 1996

I, JOHN JOSEPH HERRON, Minister for Aboriginal and Torres Strait Islander Affairs, being satisfied of the matters referred to in subsection 26 (4) of the *Native Title Act 1993*, make the following Determination under paragraph 26 (3) (b) of that Act.

Dated 6 November 1996.

JOHN HERRON

Minister for Aboriginal and Torres Strait Islander Affairs

Citation

1. This Determination may be cited as the Native Title (Right to Negotiate (Exclusion)—NSW Land) Determination No. 1 of 1996.

Commencement

2. This Determination commences on 6 November 1996.

Interpretation

3. In this Determination:
“**the Act**” means the *Native Title Act 1993*.

Acts excluded from right to negotiate provisions

4. (1) For the purposes of paragraph 26 (3) (b) of the Act, each of the acts in subclause (2) is an act excluded from the coverage of subsection 26 (2) of the Act if the licence or authority, as the case requires, includes, or is subject to, a condition to the effect that the holder must not prospect on, or in relation to, any onshore place covered by that licence or authority in relation to which native title exists without the prior written consent of the New South Wales Minister for Mineral Resources.

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- (2) For the purposes of subclause (1), the acts are:
- (a) the grant of an exploration licence under section 22 of the *Mining Act 1992* (New South Wales);
 - (b) the renewal of an exploration licence under section 114 of the *Mining Act 1992* (New South Wales);
 - (c) the grant of an exploration licence under section 9 of the *Petroleum (Onshore) Act 1991* (New South Wales);
 - (d) the renewal of an exploration licence under section 19 of the *Petroleum (Onshore) Act 1991* (New South Wales);
 - (e) the grant of a special prospecting authority under section 9 of the *Petroleum (Onshore) Act 1991* (New South Wales);
 - (f) the renewal of a special prospecting authority under section 19 of the *Petroleum (Onshore) Act 1991* (New South Wales).

[NOTE: Under clause 4 of the Native Title (Right to Negotiate (Inclusion)—NSW Land) Approval No. 1 of 1996, the giving of prior written consent of the New South Wales Minister for Mineral Resources for the holder of a licence or authority referred to in clause 4 of this Determination to prospect on, or in relation to, any onshore place covered by that licence or authority in relation to which native title exists, is an act for the purposes of paragraph 26 (2) (e) of the Act.]
