



Native Title (Indigenous Land Use Agreements) Regulations 2024

I, the Honourable Sam Mostyn AC, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 12 September 2024

Sam Mostyn AC
Governor-General

By Her Excellency's Command

Mark Dreyfus KC
Attorney-General

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Part 1—Preliminary

1 Name

This instrument is the *Native Title (Indigenous Land Use Agreements) Regulations 2024*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 October 2024.	1 October 2024

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Native Title Act 1993*.

4 Schedule 2

Each instrument that is specified in Schedule 2 to this instrument is amended or repealed as set out in the applicable items in that Schedule, and any other item in that Schedule has effect according to its terms.

5 Definitions

Note: A number of expressions included in this instrument are defined in the Act, including the following:

- (a) indigenous land use agreement;
- (b) National Native Title Register;
- (c) Register of Indigenous Land Use Agreements;
- (d) registered native title body corporate;
- (e) Registrar;
- (f) representative body.

In this instrument:

Act means the *Native Title Act 1993*.

Section 6

alternative procedure agreement means an indigenous land use agreement of the kind mentioned in section 24DA of the Act.

area agreement means an indigenous land use agreement of the kind mentioned in section 24CA of the Act.

body corporate agreement means an indigenous land use agreement of the kind mentioned in section 24BA of the Act.

complete description, in relation to an area: see section 6.

6 Meaning of *complete description*

A ***complete description***, in relation to an area, is:

- (a) a written description that enables the boundaries of the following to be identified:
 - (i) the area;
 - (ii) any areas within those boundaries that are not included in the area;
and
- (b) a map showing the boundaries of the area mentioned in subparagraph (a)(i).

Part 2—Applications to the Native Title Registrar

7 Applications to register indigenous land use agreements—prescribed documents and information

- (1) This section applies in relation to an application to the Registrar for an indigenous land use agreement to be registered on the Register of Indigenous Land Use Agreements.

Note: The application must also be accompanied by a copy of the indigenous land use agreement: see subsections 24BG(2), 24CG(2) and 24DH(2) of the Act.

Note 2: The name of each party to the agreement and the address at which the party can be contacted can be notified to the public by the Registrar: see sections 24BH, 24CH and 24DI of the Act.

- (2) For the purposes of subsections 24BG(2), 24CG(2) and 24DH(2) of the Act, the documents and information that must accompany an application to the Registrar under section 24BG, 24CG or 24DH of the Act are the following:
- (a) the name of each party to the agreement and the address at which the party can be contacted;
 - (b) information that identifies any party to the agreement that is a representative body;
 - (c) whether the Commonwealth or a State or Territory, or a Commonwealth, State or Territory authority, is a party to the agreement;
 - (d) the period (if any) specified by the agreement as the period during which the agreement will operate;
 - (e) whether or not there is any other written agreement made between some or all of the parties to the agreement in connection with the doing of an act to which the agreement relates;
 - (f) whether the agreement includes one or more statements of a kind mentioned in any of the following provisions of the Act and, if it does, the location of each such statement in the agreement:
 - (i) paragraph 24EB(1)(b), (c) or (d);
 - (ii) subparagraph 24EBA(1)(a)(i), (ii) or (iii);
 - (iii) paragraph 24EBA(4)(b);
 - (g) for each approved determination of native title that has been made, in relation to land or waters in the area covered by the agreement, for any party to the agreement that is a registered native title body corporate:
 - (i) a copy of the determination; or
 - (ii) an extract of the determination from the National Native Title Register;
 - (h) a statement by each party to the agreement, signed by or for the party, that the party agrees to the application being made;
 - (i) a complete description of the area covered by the agreement;
 - (j) if the agreement is about extinguishing native title rights and interests in relation to land or waters in a particular area covered by the agreement by the surrender of those rights and interests to the Commonwealth, a State or a Territory—a complete description of that particular area;

Section 7

- (k) for an application to register a body corporate agreement or an area agreement—if there are any representative bodies for any of the area covered by the agreement and none of them is a party to the agreement:
 - (i) in the case of a body corporate agreement—a statement from a party to the agreement that is a registered native title body corporate whether any party to the agreement that is a registered native title body corporate has informed at least 1 of the representative bodies of its intention to enter into the agreement; and
 - (ii) in the case of an area agreement—a statement from a party to the agreement that is a member of the native title group (within the meaning in section 24CD of the Act) for the agreement whether it has informed at least 1 of the representative bodies of its intention to enter into the agreement; and
- (l) for an application to register an area agreement—a copy of any certification, mentioned in paragraph 24CG(3)(a) of the Act, that relates to the agreement;
- (m) for an application to register an area agreement or an alternative procedure agreement:
 - (i) details of any conditions imposed under section 251BA of the Act on the authority to make the agreement; and
 - (ii) an extract from the Register of Native Title Claims giving details of each party to the agreement that is a registered native title claimant;
- (n) if:
 - (i) a registered native title body corporate is a party to the agreement; and
 - (ii) the agreement gives effect to a native title decision (within the meaning of the *Native Title (Prescribed Bodies Corporate) Regulations 1999*) in an area; and
 - (iii) for any part of that area, there is a representative body that is not a party to the agreement, or no representative body;a certificate under regulation 9 of the *Native Title (Prescribed Bodies Corporate) Regulations 1999* that relates to that decision.

Note 1: For paragraph (2)(l), subsection 24CG(3) of the Act provides that an application for registration of an area agreement must:

- (a) have been certified by all representative bodies for the area; or
- (b) include both a statement that the requirements of paragraph 24CG(3)(b) of the Act have been met, and a statement setting out the grounds on which the Registrar should be satisfied that those requirements have been met.

Note 2: For paragraph (2)(n):

- (a) the *Native Title (Prescribed Bodies Corporate) Regulations 1999* apply to a body that holds native title rights and interests, or acts as an agent or representative of the common law holders, as the result of a Federal Court determination under section 56 or 57 of the Act; and
- (b) regulation 8 of those Regulations provides for when a prescribed body corporate, before making a decision to enter a body corporate agreement, must consult common law holders; and
- (c) regulation 9 of those Regulations sets out the requirements for the certificate that will provide evidence of consultation about, and consent to, the decision.

8 Applications objecting against registration of alternative procedure agreements—form of application

- (1) This section applies in relation to an application to the Registrar under section 24DJ of the Act objecting against registration of an alternative procedure agreement on the Register of Indigenous Land Use Agreements.
- (2) For the purposes of paragraph 77A(a) of the Act, Form 1 in Schedule 1 is prescribed.

Schedule 1—Forms

Note: See section 8.

Form 1—Application objecting against registration of alternative procedure agreement

(section 8)

Native Title Act 1993

APPLICATION OBJECTING AGAINST REGISTRATION OF ALTERNATIVE PROCEDURE AGREEMENT

To: Native Title Registrar
National Native Title Tribunal

1. *I/*We, [*name(s) of applicant(s), including any Aboriginal or Torres Strait Islander name(s)*], object to the registration of [*name of alternative procedure agreement and NNTT file number (if known)*] (the agreement).

*I/*We make this application as *a person/*persons claiming to hold native title in relation to *all/*part of the land or waters in the area covered by the agreement.

*Omit if not applicable.

The following information is provided for the purposes of the application.

2. *Address of the applicant(s).*
3. *Address for service of the applicant(s), including a telephone number (if any).*
4. *Name and address of the representative of the applicant(s) (if any), including a telephone number (if any).*
5. *The notification day for the agreement (specified in the notice of the agreement given by the Registrar under section 24DI of the Act).*
6. *A statement of reasons why it would not be fair and reasonable to register the agreement.*
7. *Any other relevant information.*

[*Signature of applicant(s)*]

Date:

Note: The information mentioned in item 6 is required by paragraph 77A(c) of the Act.

Schedule 2—Repeals

Native Title (Indigenous Land Use Agreements) Regulations 1999

1 The whole of the instrument

Repeal the instrument.