

National Native Title Tribunal Regulations (Amendment) 1995 No. 399

EXPLANATORY STATEMENT

Statutory Rules 1995 No. 399

Issued by the authority of the Attorney-General

Native Title Act 1993

National Native Title Tribunal Regulations (Amendment)

Details of the proposed regulations are as follows:

Regulation 2 amends Schedule 1 of the Regulations which contains the forms for the purposes of the Act.

Form 1 is the form for making a native title determination application. Part A of Form 1 sets out the information required to be included in the application form where the application is made by a person or persons claiming to hold native title. Subregulation 2.1 amends clause A6 by inserting 'if any' after 'the indigenous name'. This means that a person or persons claiming to hold native title will only be required to include indigenous names where they exist, and will ensure that a claim is not considered defective where there is no indigenous name given to an area or areas claimed in the application.

Subregulation 2.2 amend Part A by inserting clause A14. Clause A14 requires applicants to include a draft of the determination they would ask the Tribunal to make if the application were unopposed. This information will assist the Tribunal to notify people whose interests may be affected by the application and will also assist members of the public to decide whether or not their interests will be affected by the application. A person whose interests are affected by an application may notify the Tribunal that they wish to become a party to the application.

Part B of Form 1 sets out the information required to be included in the application form where the application is made except by a person or persons claiming to hold native tide.

Subregulation 2.3 amends Part B by substituting a new clause B6. New clause B6 requires an applicant to provide documentation of any interests held in the area claim, including any documents of title. Former clause B6 required the documents of title to be provided. In most non-claimant applications the non-claimant, while being sufficient to support a claim, is not evidenced by formal documents of title.

Subregulation 2.4 amends Part B to insert clause B9 which requires applicants to include a draft of the determination they would ask the Tribunal to make if the application were unopposed. As with applications made under Part A this information will assist the Tribunal to notify persons whose interests are affected by the claim.

Form 6 is the form for notifying the Tribunal of an intention to become a party to the application.

Subregulation 2.5 substitutes a new Form 6 which includes a requirement that a person seeking to become a party to an application must set out in what way their interests may be affected by a determination in relation to the application.

The Regulations commenced on gazettal.

