

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

## EXPLANATORY STATEMENT

## STATUTORY RULES 1998 NO. 3

## ISSUED BY THE AUTHORITY OF THE ATTORNEY-GENERAL

### *Native Title Act 1993*

## NATIONAL NATIVE TITLE TRIBUNAL REGULATIONS (AMENDMENT)

Section 215 of the *Native Title Act 1993* ("the Act") provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

The purpose of the Regulations is to amend the existing *National Native Title Tribunal Regulations* to provide that an application fee, for a determination in relation to a future act made to the National Native Title Tribunal ("NNTT") under sections 35 and 75 of the Act, is not payable in certain circumstances and to make other minor changes.

Details of the Regulations are as follows:

### Regulation 1 - Amendment

Regulation 1 provides that the National Native Title Tribunal Regulations are amended as set out in these Regulations.

### Regulation 2 - Regulation 8 (Addition of subregulation 8(c))

The existing regulation 8 provides circumstances where application fees are not payable.

Regulation 2 amends regulation 8 by adding a new subregulation 8(c). Subregulation 8(c) provides that an application fee for a determination in relation to a future act is not payable where the government party previously made a future act application, the prescribed fee for the first application was paid, the first application and the new application relate to the same future act and the first application was withdrawn to allow the government party to negotiate in good faith with the other negotiation parties.

### Regulation 3 - Regulation 17 ("during" becomes "at the end of")

Existing subregulation 17(2) provides a formula for the calculation of increase in fees. The formula involves the term "fees", which is defined by subregulation 17(2) as meaning the fee in force "during" the relevant period.

Regulation 3 amends the definition of "fees" in subregulation 17(2) by omitting "during" and substituting the words "at the end of" to clarify the fee level to be used as the basis for CPI adjustment. This will ensure that the fees that are increased automatically are the fees that are payable at the end of the prescribed period.

### Regulation 4 - Schedule 1, Form 4 ("body corporate" becomes "holders")

Schedule 1 of the Regulations contains Forms that are used in proceedings under the Act The existing Form 4 (regulations, Schedule 1) provides the prescribed form for an Objection to Inclusion m an Expedited Procedure Application.

Regulation 4 amends Form 4 by omitting the words "*body corporate*" where they appear in item 7 and substituting "*holders*".