



National
Native Title
Tribunal



Applications affected by future act notices

The Registrar's role in reporting to the Federal Court on applications affected by future act notices

The Native Title Registrar reports to the Federal Court on certain claimant applications that appear *from their timing* to have been made *in response to a future act notice*. The Registrar's reporting role is set out in [section 66C](#) of the Native Title Act.

The purpose of the report is to draw to the Court's attention to applications which meet the conditions set out in [section 94C](#) of the Native Title Act. Broadly speaking, this is when:

- it appears from the timing of an application, that the claim was filed to secure procedural rights with respect to future acts covered by the right to negotiate, and
- the procedural rights have been effectively exhausted, for example, because an agreement has been reached about whether the future act can or cannot be done.

When the Registrar reports, he does not make any assessment about whether or not the application was lodged only to get procedural rights in relation to the future act notice. Nor does the Registrar make any assessment about whether the claim should be dismissed under [section 94C](#). This is the role of the Court.

If the Registrar reports on a claim, the Court may direct the applicant to produce evidence to support their application, or to take steps to resolve their claim. If they do not do so within a reasonable time, the Court must dismiss the application. However, before the Court dismisses the application, the applicant will be given the opportunity to present their case about why the claim should not be dismissed. Also, the Court must not dismiss the claim if there are compelling reasons not to do so (for more information, see the first decision handed down by the Court on the Registrar's report under section 66C in *Webb v State of Western Australia* [2007] FCA 1342 (28 August 2007)).

The Registrar provides reports to the Court on a quarterly basis, and notifies affected applicants at the same time as he reports to the Court.

National Native Title Tribunal

Registrar's Federal Court reporting role

Document updated: March 2008 Further information: Public Affairs: 08 9268 7495 [Disclaimer and copyright](#)

Resolution of native title issues over land and waters.

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