



Information sheet

Reconsideration of claims for registration

The registration test is a set of conditions applied by the Native Title Registrar to the claims made in native title determination applications (for more information see the Tribunal's fact sheet *What is the registration test?*)

The *Native Title Act 1993* was recently amended. It is now possible for certain applicants, whose claims were tested for registration by the Registrar and not accepted, to apply to the Tribunal for the test to be applied again to their claims. That is, they can apply to the Tribunal for it to reconsider their claims.

The President will appoint a member of the Tribunal to reconsider the claim.

The member will test the claims made against merit and procedural conditions in the Act. The member must consider all the information that the Registrar, or his delegate, was required to consider in applying the original test. The member may also consider any other information that he or she thinks is appropriate.

If the member finds that the claim satisfies the conditions of the registration test, then the Registrar is notified that he must accept the claim for registration. The details of the claim are then entered onto the Register of Native Title Claims.

If a claim is reconsidered, and the member finds that it does *not* satisfy the registration test conditions, the member will notify the

Registrar that the claim should not be registered, and include in that notice a statement of reasons which is sent to the Federal Court and the applicant.

Not all applications are eligible for reconsideration by the Tribunal. Only claims in applications made and tested after 1 September 2007 or amended and tested after 1 September 2007 are eligible.

Applicants can seek a review by the Federal Court if either the Registrar or Tribunal is not satisfied that their claims satisfy the registration test conditions.

An applicant may not seek a reconsideration by the Tribunal if they have already sought review of the Registrar's decision by the Federal Court.

If all avenues of review are exhausted and the claim remains unregistered, the Federal Court may dismiss the claim.

For more information please contact:
Louise Bygrave, Senior Delegate
(Communications)
Telephone: 1800 640 501 or (02) 9235 6330 or
email: enquiries@nntt.gov.au

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