# Applying for Registration of an Area Agreement— Application Form

An application for registration of an area agreement must be made in writing.

Information must be provided which complies with the requirements of the:

* *Native Title Act 1993* (Cth) (NTA)
* Native Title (Indigenous Land Use Agreements) Regulations 1999 (ILUA Regulations) and
* Native Title (Prescribed Body Corporate) Regulations 1999 (PBC Regulations).

The Native Title Registrar (Registrar) has developed this application form to assist applicants in applying for registration of an area agreement. Whilst completion of this form is not compulsory, it is preferred.

Before completing this form, please read the explanatory notes available on the Tribunal website.

# Application Form

Part A—Application details

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| **1. Short name of agreement** | Click to enter text |
| **2. Certified** **applications**  (ss 24CG(3)(a), 203BE(1)(b) and (5) and 251A NTA and Reg 7(2)(f) ILUA Regulations) | Is the application for registration certified by all relevant Representative Aboriginal and Torres Strait Islander Bodies (RATSIBs)/Native Title Service Providers (NTSPs) for the agreement area?  Yes  No |
| If yes, is a copy of all the required certifications attached tothis application?  Yes  No |
| **3. Non-certified applications**  (ss 24CG(3)(b) and 251A NTA and Reg 7(2)(f) ILUA Regulations) | Have all reasonable efforts (including consulting all RATSIBs/ NTSPs) been made to identify all holders and potential holders of native title for the agreement area and have all those identified authorised the making of the agreement?  Yes  No |
| Please detail the grounds on which the Registrar should be satisfied that the above requirements have been met:  Click to enter text |

Part B—Party details

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| **4. First party details**  (s 24CG(1) NTA) | Name | Click to enter text |
| Contact Name | Click to enter text |
| Postal Address | Click to enter text |
| Telephone number | Click to enter text |
| Fax number (if available) | Click to enter text |
| Email address (if available) | Click to enter text |
| Is this party also the applicant? | Yes  No |
| **Representative’s name, address and telephone number (if applicable)** | Company Name | Click to enter text |
| Contact Name | Click to enter text |
| Postal Address | Click to enter text |
| Telephone number | Click to enter text |
| Fax number (if available) | Click to enter text |
| Email address (if available) | Click to enter text |
| Contact address for notification?  Contact address for Register entry? | Yes  No  Yes  No |

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| **Second party details**  (s 24CG(1) NTA) | Name | Click to enter text |
| Contact Name | Click to enter text |
| Postal Address | Click to enter text |
| Telephone number | Click to enter text |
| Fax number (if available) | Click to enter text |
| Email address (if available) | Click to enter text |
| Is this party also the applicant? | Yes  No |
| **Representative’s name, address and telephone number (if applicable)** | Company Name | Click to enter text |
| Contact Name | Click to enter text |
| Postal Address | Click to enter text |
| Telephone number | Click to enter text |
| Fax number (if available) | Click to enter text |
| Email address (if available) | Click to enter text |
| Contact address for notification?  Contact address for Register entry? | Yes  No  Yes  No |

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| **Third party details**  (Reg 7(3)(a) ILUA Regulations) | Name | Click to enter text |
| Contact Name | Click to enter text |
| Postal Address | Click to enter text |
| Telephone number | Click to enter text |
| Fax number (if available) | Click to enter text |
| Email address (if available) | Click to enter text |
| Is this party also the applicant? | Yes  No |
| **Representative’s name, address and telephone number (if applicable)** | Company Name | Click to enter text |
| Contact Name | Click to enter text |
| Postal Address | Click to enter text |
| Telephone number | Click to enter text |
| Fax number (if available) | Click to enter text |
| Email address (if available) | Click to enter text |
| Contact address for notification?  Contact address for Register entry? | Yes  No  Yes  No |

Part C—Mandatory parties

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| **5. Native title group – registered native title claimant or registered native title body corporate (RNTBC)**  (s 24CD(1) and (2)(a)–(b) NTA) | Is there one or more:   * registered native title claimant(s) or * RNTBCs   for **any** of the land or waters in the agreement area?  Yes  No |
| If yes, are **all** such registered native title claimants and/or **all** RNTBCs parties to the agreement?  Yes  No  If yes please identify which party/parties:  Click to enter text |
| **6. Native title group – no registered native title claimant or RNTBC**  (s 24CD(1), (2)(c) and (3) NTA) | If there is no registered native title claimant or RNTBC for **all or** **any part** of the agreement area, one or more of the following persons/bodies must be party to the agreement (there must be at least one):  A person(s) who claims to hold native title in relation to an area?  Yes  No  A RATSIB/NTSP for the area?  Yes  No  If yes, please identify which party/parties:  Click to enter text |

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| **7. Government parties**  (ss 24CD(5), 24EBA(1)(a)(i) and (ii), (b) and (c), 24EBA(2)–(4) NTA and Reg 7(3)(c) ILUA Regulations) | Does the agreement make provision for the extinguishment of native title rights and interests by surrendering them to the Commonwealth or a State or Territory government (relevant government)?  Yes  No  Does the agreement validate the purported past extinguishment of native title rights and interests by surrender to the relevant government?  Yes  No  If the answer to either of the above questions is yes, is the relevant government party to the agreement?  Yes  No  If yes, please identify which party/parties:  Click to enter text |

Part D—Other parties

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| **8. Other native title parties**  (s 24CD(4)(a) and (b) NTA) | Please identify any other party/parties who claims to hold native title in relation to the area who has not previously been identified in questions 5 or 6.  Click to enter text |
| **9. RATSIBs or NTSPs for the area**  (s 24CD(7) NTA and Reg 7(3)(b) and (4) ILUA Regulations) | Are there any RATSIBs/NTSPs for **any** of the area covered by the agreement not previously identified in question 6?  Yes  No |
| If yes, are any RATSIBs/NTSPs for any of the area a **party** to the agreement?  Yes  No  If yes, please identify which RATSIB/NTSP:  Click to enter text |
| **10. Government parties**  (Reg 7(3)(c) ILUA Regulations) | If not previously identified in question 7, is the Commonwealth, State or Territory government a party to the agreement?  Yes  No  If yes, please identify which party/parties:  Click to enter text |

Part E—Informing RATSIBs/NTSPs of intention to enter agreement

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| **11. Informing RATSIBs or NTSPs of intention to enter agreement**  (s 24CD(7) NTA and Reg 7(4) ILUA Regulations) | If there is one or more RATSIBs/NTSPs for any of the agreement area and none are parties to the agreement, has a person in the native title group informed at least one of those bodies of the groups’ intention to enter into the agreement?  YesNo  If yes, please specify which RATSIBs/NTSPs have been informed, how and when they were notified and by whom:  Click to enter text |

Part F—Agreement area

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| **12. Complete description of agreement area**  (s 24CG(2) NTA and Reg 7(2)(d) and 5 ILUA Regulations) | Provide a ‘complete description’ of the agreement area, including any areas within the external boundary of the agreement area that are excluded from the agreement area (or refer to relevant section of agreement):  Click to enter text  **Note:** a map of the agreement area showing geographic coordinates must be attached to this application or be contained within the agreement. |
| **13. Complete description of surrender area**  (s 24CG(2) NTA and Reg 7(2)(e) and 5 ILUA Regulations) | Does the agreement provide for the surrender of native title that is intended to extinguish native title rights and interests in the agreement area?  YesNo  If yes, please provide a ‘complete description’ of those areas (or refer to relevant section of agreement):  Click to enter text  **Note:** a map showing geographic coordinates which identifies any areas where the surrender of native title is intended to extinguish native title rights and interests must be attached to this application or be contained within the agreement. |

Part G—Operating period

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| **14. Operating period**  (Reg 7(3)(d) ILUA Regulations) | Does the agreement specify a time period during which it will operate?  Yes No  If applicable, please provide the commencement date here (the commencement date may also be defined by reference to a specified event or activity, e.g. once a determination of native title is made by the Federal Court):  Click to enter text  If applicable, please write the end date here (the end date may also be defined by reference to a specified event or activity, e.g. upon completion of a particular project):  Click to enter text  Please specify where in the agreement details of the operating period are located:  Click to enter text |

Part H—Statements in the agreement

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| **15. Consent to future acts**  (s 24EB(1)(b) NTA and Reg 7(5)(a) ILUA Regulations) | Does the agreement contain any statement/s consenting to the doing of a particular future act, or class of acts, whether or not subject to conditions?  Yes  No  If yes, please specify where each such statement is located in the agreement (e.g. clause 5 and 6 plus definitions):  Click to enter text |
| **16. Acts excluded from the right to negotiate**  (s 24EB(1)(c) NTA and Reg 7(5)(b) ILUA Regulations) | Does the agreement include any statement/s to the effect that the right to negotiate provisions of the NTA (Part 2, Division 3, Subdivision P of the NTA) are not intended to apply to any or all of the future acts included in the agreement?  Yes  No  If yes, please specify where each such statement is located in the agreement:  Click to enter text |
| **17.** **Surrender intended to extinguish native title**  (s 24EB(1)(d) NTA and Reg 7(5)(c) ILUA Regulations) | Does the agreement provide for the surrender of native title rights and interests in the future?  Yes No  If yes, does the agreement contain a statement to the effect that the surrender is intended to extinguish native title rights and interests?  Yes No  If yes, please specify where each such statement is located in the agreement (please also ensure that question 7 has also been completed):  Click to enter text |

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| **18. Validation of future acts that have already been done invalidly**  (s 24EBA(1)(a)(i)­–(ii) NTA and Reg 7(5)(d)–(e) ILUA Regulations) | Does the agreement provide for the validation of future acts or class of future acts (other than intermediate period acts or the surrender of native title) that have already been done invalidly, whether or not subject to conditions?  Yes  No  If yes, please specify where each such statement is located in the agreement:  Click to enter text |
| **19.** **Intermediate period acts affected**  (s 24EBA(1)(a) (iii) NTA and Reg 7(5)(f) ILUA Regulations) | Does the agreement provide for changing the effects on native title of the validation of an intermediate period act or class of acts?  Yes  No  If yes, please specify where each such statement is located in the agreement:  Click to enter text |
| **20. Validation of the previous purported surrender of native title**  (s 24EBA(1)–(4) NTA and Reg 7(5)(g) ILUA Regulations | Does the agreement provide for the validation of the extinguishment of native title rights and interests by surrender which has already occurred invalidly?  Yes No  If yes, does the agreement contain a statement to the effect that the surrender is intended to have extinguished those native title rights and interests?  YesNo  If yes, please specify where each such statement is located in the agreement (please ensure that question 7 has also been completed):  Click to enter text |
| **21. Any other comments about required statements in the agreement?** | N/A  Yes  Click to enter text |

Part I—Parts of the Register to be kept confidential

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| **22. Confidential information**  (s 199E(1)-(2) NTA) | Please indicate if there is any information or documents which you do not wish to be available for inspection by the public if the agreement is registered:  Click to enter text  **Note**: the Registrar can only keep information confidential to the extent that the law allows. |
|  | Is the agreement between the parties confidential?  Yes  No |

Part J—Document checklist

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| **Documents that must accompany the application**  (s 24CG(2) NTA, Reg 7(2) ILUA Regulations and Reg 9(1) PBC Regulations) | A copy of the agreement (the original is not required) including any attachments or appendices—s 24CG(2). | Yes |
| A copy of each determination of native title for each party that is a RNTBC—Reg 7(2)(a). | Yes  N/A |
| A statement by each party to the agreement, signed by or for the party, that the party agrees to the application being made—Reg 7(2)(b). | Yes  Specify where in agreement/application:  Click to enter text |
| An extract from the Register of Native Title Claims giving details of each party that is a registered claimant—Reg 7(2)(c). | Yes  N/A |
| A complete description of the agreement area (Reg 7(2)(d) and (5)) including:   * any areas within the external boundary of the agreement area that are not included in the agreement area, and * a map showing geographic coordinates of that area. | Yes  Specify where in agreement/application:  Click to enter text |

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|  | If applicable:   * a complete description of any areas where the surrender of native title is intended to extinguish native title rights and interests in the agreement area and any areas not included, and * a map showing geographic coordinates of that area— Regs 7(2)(e) and (5). | Yes  N/A  Specify where in agreement/application:  Click to enter text |
| If the application is certified, a copy of the certification—  s 24CG(3)(a). | Yes  N/A |
| If the application is not certified, a statement setting out how the requirements for identification and authorisation have been met—s 24CG(3)(b). | Yes  N/A |
|  | If:   * a RNTBC is party to the agreement, and * the agreement gives effect to a ‘native title decision’, and * for any part of the agreement area there is one or more RATSIBs or NTSPs, and * none of them is party (or there is no RATSIB/ NTSP for the agreement area)—   a document as mentioned in Reg 9(1) of the PBC Regulations (see Reg 7(2)(g) ILUA Regulations). | Yes  N/A  See possible format for such a document at Attachment A below |

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|  | If there is a RATSIB/NTSP for the agreement area and it is not a party, a statement signed by a party that is a member of the native title group (see s 24CD(1)–(3)) that at least one RATSIB/NTSP was informed of the native title group’s intention to enter into the agreement—Reg 7(4). | Yes  N/A  Specify where in agreement/application:  Click to enter text |

Attachment A— **Regulation 9 certificate**

**EXPLANATORY NOTE:**

If

* the agreement gives effect to a ‘native title decision’ as defined in Reg 3 of the [Native Title (Prescribed Bodies Corporate) Regulations 1999](http://www.comlaw.gov.au/Details/F2012C00151/Html/Text#_Toc319504059) (PBC Regulations), and
* if there is no Representative Aboriginal and Torres Strait Islander Bodies (RATSIBs)/Native Title Service Providers (NTSPs) for any part of the area that will be affected by that native title decision OR
* there is a RATSIB or NTSP for that area but it is not a party to the agreement THEN

your application must be accompanied by a document of the kind mentioned in Reg 9(1) of the PBC Regulations.

The PBC Regulations also require that a prescribed body corporate that is a trustee or agent for native title holders must consult with, and consider the views of, a RATSIB/NTSP for the area to which the native title rights and interests relate and, if it considers it appropriate and practicable to do so, to give the common law holders of native title notice of the views of that RATSIB/NTSP(see Reg 8(2)). A document as mentioned in Reg 9(6) of the PBC Regulations can be provided as evidence of compliance with Reg 8(2).

Under Reg 9(4), the Certificate must be signed by at **least (five) 5** **members** of the prescribed body corporate, each of whom is a common law holder (an ***affected common law holder***) whose native title rights and interests would be affected by the proposed native title decision.

However, if there are fewer than (five) 5 members of the prescribed body corporate who are affected common law holders, the certificate must be signed by at least 5 members of the body corporate, **including** each affected common law holder who is also a member of the body corporate (see Reg 9(5)).

The Registrar has developed the following template to assist in drafting a Reg 9 certificate.

**Regulation 9(4)/(5) of the *Native Title (Prescribed Bodies Corporate) Regulations 1999* (PBC Regulations)**

**Certification by common law holders**

Those whose signatures appear on this document are all members of the *INSERT RNTBC name* Aboriginal Corporation Registered Native Title Body Corporate (the Corporation) who certify that:

1. The *INSERT name of relevant RATSIB/NTSP* has been consulted about the proposed decision to enter into the *INSERT short name of ILUA* (the Agreement) and the views of that body have been considered in accordance with Reg 8(2) of the PBC Regulations.
2. The common law holders were consulted about, and consented to, the proposed decision to enter into the Agreement in accordance withReg 8(1) before the Corporation entered into the Agreement*.*

*INSERT Date and signatures of members of the Corporation and specify which of those members are affected common law holders, in compliance with either Reg 9(4) or Reg 9(5).*[[1]](#footnote-1)

**Regulation 9(6) of the *Native Title (Prescribed Bodies Corporate) Regulations 1999* (PBC Regulations)**

**Certification by RATSIB/NTSP**

I hereby certify that the *INSERT name of relevant RATSIB/NTSP* has been consulted by the *INSERT RNTBC name* about the proposed decision to enter into the *INSERT short name of ILUA* as required by Reg 8(2) of the PBC Regulations.

*INSERT Date and signature of an authorised member of the RATSIB/NTSP*

1. Under **Reg 9(4)**, the Certificate must be signed by at **least (five) 5** **members** of the prescribed body corporate, each of whom is a common law holder (an ***affected common law holder***) whose native title rights and interests would be affected by the proposed native title decision. Under **Reg 9(5)**, if there are **fewer than (five) 5 members** of the prescribed body corporate who are affected common law holders, the certificate must be signed by at least 5 members of the body corporate, **including** each affected common law holder who is also a member of the body corporate . [↑](#footnote-ref-1)