|  |  |
| --- | --- |
| APPLYING FOR REGISTRATION OF AN AREA AGREEMENT – APPLICATION FORM *Native Title Act 1993* (Cth) (NTA)  *Native Title (Indigenous Land Use Agreements) Regulations 2024 (Cth)* (ILUA Regulations)  *Native Title (Prescribed Body Corporate) Regulations 1999 (Cth)* (PBC Regulations)  This form should be used for an application for registration made on or after 1 October 2024 |  |

To: Native Title Registrar

National Native Title Tribunal

**Unless otherwise indicated you must complete all parts of this form.** *You may attach additional pages if you require more space.*

**PART A *–* APPLICATION DETAILS**

|  |
| --- |
| **1. SHORT NAME OF THE AGREEMENT** |
| *(Please include the name/s of the native title group/s.)* |
| **2. CERTIFIED APPLICATIONS:**(ss 24CG(3)(a), 203BE(1)(b) and (5) and 251A NTA and s 7(2)(l) 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 the answer to the above question is yes, is a copy of all the required certifications attached to this application? |
| Yes  No |
| 3. NON-CERTIFIED APPLICATIONS: (ss 24CG(3)(b), 251A and 251BA NTA and s 7(2) (Note 1) 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: |
|  |

**PART B – PARTY DETAILS**

|  |  |  |  |
| --- | --- | --- | --- |
| **4. FIRST PARTY DETAILS**: (ss 24CG(1), 199B(1)(b) NTA, s 7(2)(a) ILUA Regulations) | | | |
| Name |  | | |
| Contact name |  | | |
| Postal address |  | | Postcode: |
| Telephone number |  | | |
| Email address |  | | |
| Is the party also an applicant? | **Yes  No** | | |
| REPRESENTATIVES NAME, ADDRESS AND TELEPHONE NUMBER *(if applicable)* | | | |
| Company name |  | | |
| Contact name |  | | |
| Postal address |  | | Postcode: |
| Telephone number |  | | |
| Email address |  | | |
| Contact address for notification?  Contact address for Register entry? | **Yes  No**  **Yes  No** | | |
| Second party details: (ss 24CG(1), 199B(1)(b) NTA, s 7(2)(a) ILUA Regulations) | | | |
| Name |  | | |
| Contact name |  | | |
| Postal address |  | | Postcode: |
| Telephone number |  | | |
| Email address |  | | |
| Is the party also an applicant? | **Yes  No** | | |
| REPRESENTATIVES NAME, ADDRESS AND TELEPHONE NUMBER *(if applicable)* | | | |
| Company name |  | | |
| Contact name |  | | |
| Postal address |  | | Postcode: |
| Telephone number |  | | |
| Email address |  | | |
| Contact address for notification?  Contact address for Register entry? | **Yes  No**  **Yes  No** | | |
| Third party details: (ss 24CG(1), 199B(1)(b) NTA, s 7(2)(a) ILUA Regulations) | | | |
| Name |  | | |
| Contact name |  | | |
| Postal address |  | Postcode: | |
| Telephone number |  | | |
| Email address |  | | |
| Is the party also an applicant? | **Yes  No** | | |
| REPRESENTATIVES NAME, ADDRESS AND TELEPHONE NUMBER *(if applicable)* | | | |
| Company name |  | | |
| Contact name |  | | |
| Postal address |  | Postcode: | |
| Telephone number |  | | |
| Email address |  | | |
| Contact address for notification?  Contact address for Register entry? | **Yes  No**  **Yes  No** | | |

**PART C – MANDATORY PARTIES**

|  |
| --- |
| 5. NATIVE TITLE GROUP – REGISTERED NATIVE TITLE CLAIMANT OR REGISTERED NATIVE TITLE BODY CORPORATE (RNTBC) (s 24CD(1), (2)(a)–(b) and (2A) NTA) |
| Is there one or more:   * registered native title claimants * 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: |
|  |
| If No:  Are a majority of registered native title claimants party to the agreement? |
| Yes  No |
| If conditions under s 251BA on the authority of the registered native title claimant/s provide for the persons who must be party to the agreement, are those persons party to the agreement? |
| Yes  No  N/A |
| If Yes, please identify which party/parties: |
|  |
| 6. NATIVE TITLE GROUP – REGISTERED NATIVE TITLE CLAIMANT OR REGISTERED NATIVE TITLE BODY CORPORATE (RNTBC) (s 24CD(1), (2)(a)–(b) and (2A) 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: |
| 7. GOVERNMENT PARTIES  (ss 24CD(5), 24EBA(1)(a)(i) and (ii), (b) and (c), 24EBA(2)–(4) NTA and s 7(2)(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: |
|  |

**PART D – OTHER PARTIES**

|  |
| --- |
| **8. OTHER NATIVE TITLE PARTIES** (s 24CD(4)(a) and (b) NTA) |
| Please identify any other party/parties who claim to hold native title in relation to the area who has/have not previously been identified in questions 5 or 6. |
|  |
| 9. RATSIBs OR NTSPs FOR THE AREA (s 24CD(7) NTA and s 7(2)(b) 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: |
|  |
| 10. GOVERNMENT PARTIES (s 7(2)(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: |
|  |

**PART E – INFORMING RATSIBs/NTSPs OF INTENTION TO ENTER AGREEMENT**

|  |
| --- |
| 11. INFORMING RATSIBs OR NTSPs OF INTENTION TO ENTER AGREEMENT  (s 24CD(7) NTA and s 7(2)(k)(ii) 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 member of the native title group informed at least one of those bodies of the groups’ intention to enter into the agreement? |
| Yes  No |
| If yes, please specify which RATSIBs/NTSPs have been informed, how and when they were notified and by whom: |
|  |

**PART F –AGREEMENT AREA**

|  |
| --- |
| **12. COMPLETE DESCRIPTION OF AGREEMENT AREA** (s 24CG(2) NTA and s 7(2)(i) and 6 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):  *Note: Please attach a map showing the boundaries of the agreement area as a separate attachment.* |
|  |
| 13. COMPLETE DESCRIPTION OF SURRENDER AREA (s 24CG(2) NTA and s 7(2)(j) and 6 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? |
| Yes  No  If yes, please provide (i) a complete description of those surrender areas as a separate attachment (or refer to the relevant section of the agreement) (ii) Unless already included in the map provided at item 12, please also provide a map showing the boundaries of the surrender areas as a separate attachment: |

**PART G –OPERATING PERIOD**

|  |
| --- |
| **14. OPERATING PERIOD** (s 7(2)(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): |
|  |
| 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): |
|  |
| Please specify where in the agreement details of the operating period are located: |
|  |

**PART H –STATEMENTS IN THE AGREEMENT**

|  |
| --- |
| 15. CONSENT TO FUTURE ACTS (s 24EB(1)(b) NTA and s 7(2)(f)(i) 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): |
|  |
| 16. ACTS EXCLUDED FROM THE RIGHT TO NEGOTIATE (s 24EB(1)(c) NTA and s 7(2)(f)(i) 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: |
|  |
| 17. SURRENDER INTENDED TO EXTINGUISH NATIVE TITLE  (s 24EB(1)(d) NTA and s 7(2)(f)(i) 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): |
|  |
| 18. VALIDATION OF FUTURE ACTS THAT HAVE ALREADY BEEN DONE INVALIDLY  (s 24EBA(1)(a)(i)­–(ii) NTA and s 7(2)(f)(ii) 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: |
|  |
| 19. INTERMEDIATE PERIOD ACTS AFFECTED  (s 24EBA(1)(a)(iii) NTA and s 7(2)(f)(ii) 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: |
|  |
| 20. VALIDATION OF THE PREVIOUS PURPORTED SURRENDER OF NATIVE TITLE  (s 24EBA(1) and (4) NTA and s 7(2)(f)(iii) 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? |
| Yes  No |
| If yes, please specify where each such statement is located in the agreement (please ensure that question 7 has also been completed): |
|  |
| 21. ANY OTHER COMMENTS ABOUT REQUIRED STATEMENTS IN THE AGREEMENT? |
| N/A  Yes |

**PART I –PARTS OF THE REGISTER TO BE KEPT CONFIDENTIAL**

|  |
| --- |
| 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: |
| 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 –CHECKLIST OF REQUIRED DOCUMENTS AND INFORMATION**

|  |  |  |
| --- | --- | --- |
| DOCUMENTS THAT MUST ACCOMPANY THE APPLICATION (s 24CG(2) NTA, s 7(2) ILUA Regulations and reg 9 PBC Regulations) | | |
|  | **Location (*clause/schedule*) in agreement (*if applicable*)** | **Attachment (Yes or N/A)** |
| A copy of the agreement (the original is not required) including any attachments or appendices: (s 24CG(2) NTA) |  | Choose an item. |
| A copy of each determination of native title or National Native Title Register extract for each party that is a RNTBC: (s 7(2)(g) ILUA Regulations) |  | Choose an item. |
| A statement by each party to the agreement, signed by or for the party, that the party agrees to the application being made: (s 7(2)(h) ILUA Regulations) |  | Choose an item. |
| An extract from the Register of Native Title Claims giving details of each party that is a registered claimant: (s 7(2)(m)(ii) ILUA Regulations) |  | Choose an item. |
| A complete description of the agreement area (s 7(2)(i) and (6) ILUA Regulations) including:   * any areas within the external boundary of the agreement area that are not included in the agreement area, and * a map showing the boundaries of that area. |  | Choose an item. |
| 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 that area (s 7(2)(j) and (6) ILUA Regulations) |  | Choose an item. |
| If the application is certified, a copy of the certification:  (s 24CG(3)(a) NTA) |  | Choose an item. |
| If the application is not certified, a statement setting out how the requirements for identification and authorisation have been met: (s 24CG(3)(b) NTA) |  | Choose an item. |
| If:   * for any part of the agreement area there is one or more RATSIBs/NTSPs, and none of them is party or there is no RATSIB/NTSP for the agreement area —   and   * a RNTBC is a party to the agreement; and * the agreement gives effect to a ‘native title decision’ —   a certificate under Reg 9 of the PBC Regulations (see s 7(2)(n) ILUA Regulations). |  | Choose an item. |
| Written details of any conditions under s 251BA on the authority to make the agreement: (s 7(2)(m)(i) ILUA Regulations) |  | Choose an item. |
| Statement in writing as to whether or not there is any other written agreement made between some or all of the parties to the agreement in connection with the doing of an act to which the agreement relates: (s 7(2)(e) ILUA Regulations) |  | Choose an item. |
| 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) NTA) that at least one RATSIB/NTSP was informed of the native title group’s intention to enter into the agreement: (s 7(2)(k)(ii) ILUA Regulations) |  | Choose an item. |

|  |
| --- |
| **How to submit the Area Agreement Application Form** |
| The completed application form should be emailed to [iluas@nntt.gov.au](mailto:iluas@nntt.gov.au) with any attachments referred to in the form.  If you need assistance submitting this form contact:   * Email: [iluas@nntt.gov.au](mailto:iluas@nntt.gov.au) * Phone: 07 3052 4040 |

FADA 1024V1

|  |
| --- |
| ATTACHMENT A – REGULATION 9 CERTIFICATE |
| EXPLANATORY NOTE:  If:   * a registered native title body corporate (RNTBC) is party to the agreement, and * 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) (Cth) (PBC Regulations), and * for any part of the agreement area there is one or more representative Aboriginal / Torres Strait Islander Bodies (RATSIBs) or Native title Service Providers (NTSPs), and * none of them is a party (or there is no RATSIB/ NTSP for the agreement area),   then your application must be accompanied by a certificate under Reg 9 of the PBC Regulations.  Reg 9(3) provides that all of the following information must be included in the certificate:   * the date of the certificate; * details of the process of making the decision by the prescribed body corporate; * details (including names) of the persons who participated in the process of making the decision by the prescribed body corporate; and * details of either:   + - the process of approval under reg 8(8) (standing instructions decisions), or     - the consultation and consent process with the common law holders.   The Registrar has developed the following template to assist in drafting a Reg 9 certificate. Delete all words in *[square brackets]* and insert relevant details only. |

|  |
| --- |
| **Certification by Prescribed Body Corporate under Regulation 9 of the *Native Title (Prescribed Bodies Corporate) Regulations 1999* (Cth) (PBC Reg)** |
| *[INSERT RNTBC name and ICN number]*  (the body corporate) certifies that:  *Reg 9(3)(b) Details of the process of making the decision*  *[Insert details of the ‘native title decision’ of the RNTBC, including the process of decision-making. For eg: a resolution of the RNTBC directors to make the native title decision, in accordance with the relevant PBC Rule Book provisions, etc.] [AND]*  *Reg 9(3)(c) Details (including names) of the persons who participated in the process of making the decision*  *[Insert names of the persons who participated in the process of making the RNTBC decision. For eg: RNTBC directors present for the making of the native title decision, etc.]*  *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*  *[Retain only the applicable option below]*  *Reg 9(3)(d): Details of approval for standing instructions decisions*  *[Insert details of the process of approval for the standing instruction decision/s given by the relevant common law holders to the RNTBC to enter into such agreements under PBC Reg 8(2) and 8(8).] [OR]*  *Reg 9(3)(e): Details of common law holder consultation and consent process*  *[Insert details of the consultation and consent process with the common law holders regarding the decision to enter into the Agreement in accordance with PBC Reg 8 or 8A. For eg: relevant PBC Rule Book provisions, etc] [AND]*  *[Insert details regarding the decision-making process by which the common law holders gave their consent to enter into the Agreement (see PBC Regs 8(3), 8(4) and 8A) For eg: notice and minutes of a common law holder meeting, traditional/agreed and adopted decision-making process, etc].*  *Reg 9(3)(a) Date of the certificate:* date / month / 20XX  Executed by the body corporate in accordance with subsection 99-5(1) or (2) of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth):    PRINT NAME POSITION SIGNATURE    PRINT NAME POSITION SIGNATURE  [OR] Signed by the chief executive officer of the body corporate:    PRINT NAME SIGNATURE |