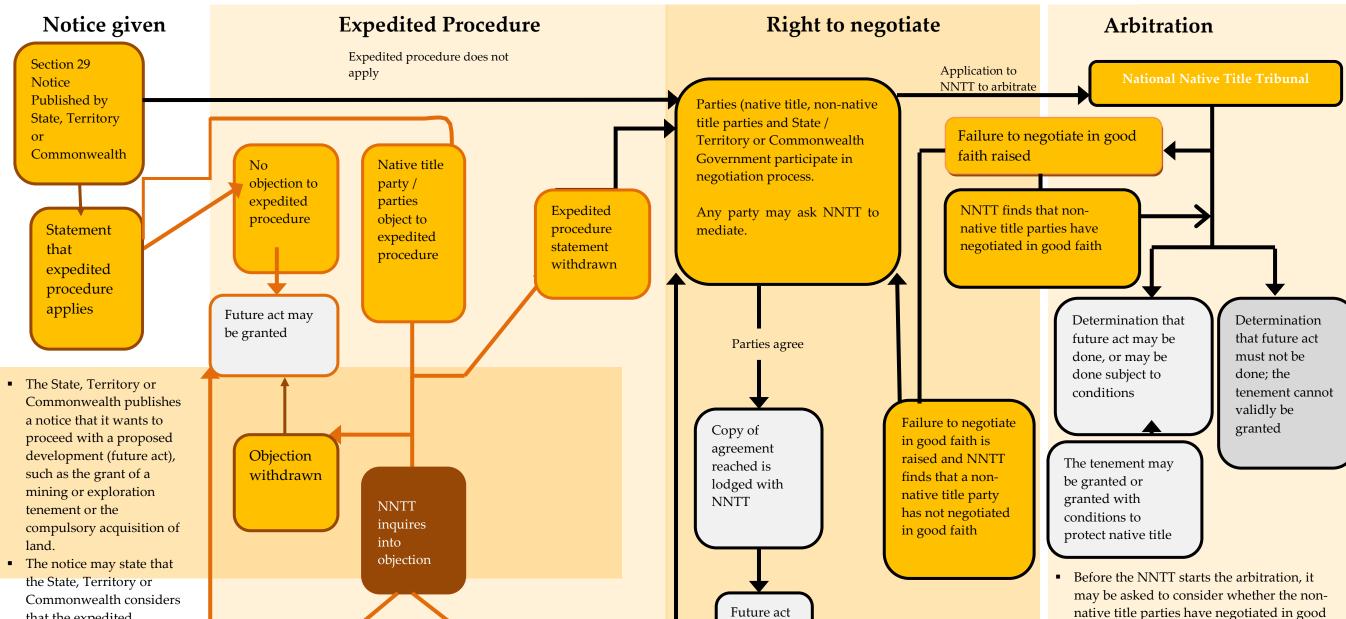
## Mining, exploration and native title: the Commonwealth scheme



that the expedited procedure (fast-tracking) applies. Usually these statements are made for prospecting and exploration only.

Determination

that expedited

procedure

applies

- If Indigenous people do not have a native title application over the area, they have three months to file a native title application with the Federal Court.
- A native title application must pass the registration test within 4 months of notification for claimants to have a say. Registered applicants involved in negotiation are referred to as 'native title parties'.
- Native title parties have four months from the date of the notice to object to the expedited procedure.

Determination that

procedure does not

expedited

applv

- If a native title party objects to the expedited procedure, parties may come to an agreement about the expedited procedure process.
- If no agreement about the expedited procedure is reached, the NNTT holds an inquiry into the objection.
- If the objection is upheld, all parties must negotiate in good faith about the future act.

All parties must negotiate in good faith.

may be

granted

- Any party may ask the NNTT to assist in reaching an agreement (mediate).
- If negotiations are unsuccessful, parties may ask the NNTT to arbitrate, provided they have tried to reach an agreement for a minimum period of six months from the date of the notice.

Legend

Expedited procedure if exploration or other activities are low impact



Right to negotiate process for proposed developments such as mining, compulsory acquisition and for exploration where the expedited procedure does not apply



If one or more of the non-native title parties

NNTT must not make a determination on

Where the arbitration proceeds, the NNTT

may be granted or may be granted subject

practicable after the request for arbitration.

Commonwealth Attorney-General why the

If the NNTT has not made a determination

within six months of the request being

Commonwealth Attorney-General may overrule the NNTT's decision within two

months after the decision is made.

made, it needs to explain to the

timeframe was not met.

In certain circumstances the

determines whether or not the future act

• The NNTT must take all reasonable steps

to make a determination as soon as

have not negotiated in good faith, the

the arbitration and negotiation in good

faith must take place.

to conditions.



Tribunal © Commonwealth of Australia December 2000, Revised June 2009 and March 2013

This chart is provided as general information only and should not be relied upon as legal advice for a particular matter.

