

APPLYING FOR REGISTRATION OF AN AREA AGREEMENT – APPLICATION FORM



National
Native Title
Tribunal

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

Insert name of agreement:

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 <input type="checkbox"/> No <input type="checkbox"/>	
REPRESENTATIVES NAME, ADDRESS AND TELEPHONE NUMBER (if applicable)		
Company name		
Contact name		
Postal address		Postcode:
Telephone number		
Email address		
Contact address for notification?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Contact address for Register entry?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
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 <input type="checkbox"/> No <input type="checkbox"/>	
REPRESENTATIVES NAME, ADDRESS AND TELEPHONE NUMBER <i>(if applicable)</i>		
Company name		
Contact name		
Postal address		Postcode:
Telephone number		
Email address		
Contact address for notification?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Contact address for Register entry?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
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 <input type="checkbox"/> No <input type="checkbox"/>	
REPRESENTATIVES NAME, ADDRESS AND TELEPHONE NUMBER <i>(if applicable)</i>		
Company name		

Contact name		
Postal address		Postcode:
Telephone number		
Email address		
Contact address for notification?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Contact address for Register entry?	Yes <input type="checkbox"/> No <input type="checkbox"/>	

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)
<p>Is there one or more:</p> <ul style="list-style-type: none"> • registered native title claimants • RNTBCs <p>for any of the land or waters in the agreement area?</p>
Yes <input type="checkbox"/> No <input type="checkbox"/>
If Yes, are all such registered native title claimants and/or all RNTBCs parties to the agreement?
Yes <input type="checkbox"/> No <input type="checkbox"/>
If Yes, please identify which party/parties:
If No:
Are a majority of registered native title claimants party to the agreement?
Yes <input type="checkbox"/> No <input type="checkbox"/>
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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

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: a map showing the boundaries of the agreement area must be attached to this application or be contained within the agreement.

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 a 'complete description' of those areas (or refer to relevant section of agreement):

Note: a map 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

14. OPERATING PERIOD (s 7(2)(d) ILUA Regulations)
Does the agreement specify a time period during which it will operate?
Yes <input type="checkbox"/> No <input type="checkbox"/>
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 <input type="checkbox"/> No <input type="checkbox"/>
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 <input type="checkbox"/> No <input type="checkbox"/>
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)
A copy of the agreement (the original is not required) including any attachments or appendices: (s 24CG(2) NTA)		
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)		
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)		
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)		
A complete description of the agreement area (s 7(2)(i) and (6) ILUA Regulations) including: <ul style="list-style-type: none"> 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. 		
If applicable: <ul style="list-style-type: none"> 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) 		
If the application is certified, a copy of the certification: (s 24CG(3)(a) NTA)		

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)	
If: <ul style="list-style-type: none"> • 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 certificate under Reg 9 of the PBC Regulations (see s 7(2)(n) ILUA Regulations)	
Written details of any conditions under s 251BA on the authority to make the agreement: (s 7(2)(m)(i) ILUA Regulations)	
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)	
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)	

How to submit the Area Agreement Application Form

The completed application form should be emailed to luas@nntt.gov.au with any attachments referred to in the form.

If you need assistance submitting this form contact:

- Email: luas@nntt.gov.au
- Phone: 07 3052 4040

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* (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.

Choose from the drop down options and select relevant details only.

Certification by Prescribed Body Corporate under Regulation 9 of the *Native Title (Prescribed Bodies Corporate) Regulations 1999* (Cth) (PBC Reg)

(the body corporate) certifies that:

Reg 9(3)(b) Details of the process of making the decision

AND

Reg 9(3)(c) Details (including names) of the persons who participated in the process of making the decision

Choose only the applicable option from the drop down below

Reg 9(3)(a) Date of the certificate:

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
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_____ PRINT NAME	_____ POSITION	_____ SIGNATURE
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[OR] Signed by the chief executive officer of the body corporate:

_____ PRINT NAME	_____ SIGNATURE
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