

SCHEDULE 5 – FRAMEWORK FOR DETERMINING THE NATIVE TITLE STATUS OF LAND OR WATERS

- 1 Where the State or the Native Title Holders (or the registered native title body corporate) wish to establish the native title status of an area of land within the Determination Area, or the location and boundaries of any area where extinguishment is required to be disregarded by operation of ss 47A or 47B of the NTA, the State and the registered native title body corporate, on behalf of the Native Title Holders, are to engage in good faith consultation, including in writing, within a reasonable timeframe as to the native title status of the relevant land.
- 2 If, after a reasonable period of time, the parties cannot agree between themselves the native title status of the relevant land parcel, either party has liberty to apply to the Court on 60 days' written notice to establish the native title status of the area, or the location and boundaries of any area where extinguishment is required to be disregarded by operation of ss 47A or 47B of the NTA.
- 3 The State and the Native Title Holders agree that neither of the processes set out above are intended to be used to progress a large-scale tenure analysis of parcels within the determination boundary, but rather, on a parcel-by-parcel basis as and when required.