

Annexure 7.3

Future Act Notification Templates, Samples and Explanations

This Annexure provides you with a template notification form, as well as a completed notification form with an explanation of each element of the form, for –

- specific future acts; and
- a class of future acts.

The template notification forms identify the minimum level of information to be provided. Departments and agencies can enhance the templates to include further relevant information.

Depending upon the relevant future act section, a notification must be provided to –

- any registered native title bodies corporate;
- any registered native title claimants; and

IMPORTANT

Each registered native title claimant is entitled to notification of the future act even though they are part of the same native title claimant group. This notification may be provided by a single notification that names all the registered native title claimants OR by individual notifications to each registered native title claimant. The registered native title claimants appear as the applicants on the Register Extract for that claim. For example, Mr Alfred Bird, Mrs Beryl Bird and Ms Hazel Heron are the applicants for the Flamingo People's native title claim. As their claim has been registered, they are the registered native title claimants.

- the native title representative body/ies.

1. Notifications for specific future acts

A notification for a specific future act relates to a particular dealing that affects native title.

Example

Mr Bill Bloggs has applied to the State for the grant of a fishing permit for all Queensland waters under the *Fisheries Act 1994*. The State will then provide a notification under section 24HA of the NTA for that particular proposed fishing permit grant.

The template notification form for specific future acts is used for notifications under the following sections –

- s24GB – Module GB;
- s24GD – Module GD;
- s24GE – Module GE;
- s24HA – Module H;
- s24ID – Module IB (pre-existing right-based acts where the future act consists of the grant of a freehold estate or the conferral of a right of exclusive possession);;
- s24JB – Module J;
- s24KA – Module K; and
- s24MD – Module M&N (excluding compulsory acquisition and the section 24MD(6B) process).

You will need to use **Template Notification Form A**.

To help in completing the notification form, please refer to **Sample Notification Form A**.

2. Class notifications – notifications for a class of acts

Where your department or agency is aware that it will receive numerous similar applications for a land or resource dealing during a certain period, it can provide advance notification of those dealings by way of reference to a class of future acts. This is a class notification.

Example

The DEEDI provides a notification for the proposed grant of 400 fishing permits within the next 12 months under the *Fisheries Act 1994* for all Queensland waters.

The use of a class notification results in one notification for a number of future acts of a certain class instead of a notification for every specific future act. This reduces the number of notifications received by native title parties and the processing time for applications. However, class notifications will not be suitable for every type of land and resource dealing the State approves.

IMPORTANT

Once the maximum number of future acts in that notified class has been reached or the timeframe has lapsed (eg. the State has granted the 400 permits or it has now been longer than 12 months), that particular class notification can no longer be relied upon. For any new future acts of that class the State wishes to approve, it will need to carry out a new notification.

There are only certain sections under the NTA under which notifications for a class of acts can be done and these are as follows -

- s24GB – Module GB;
- s24GD – Module GD;
- s24GE – Module GE;
- s24HA – Module H;
- s24ID – Module IB (pre-existing right-based acts where the future act consists of the grant of a freehold estate or the conferral of a right of exclusive possession); and
- s24JB – Module J.

You will need to use **Template Class Notification Form B**.

To help in completing the notification form, please refer to **Sample Class Notification Form B**.

The following **class notification brochure** has been produced by Aboriginal and Torres Strait Islander Land Services to provide information about class notifications to the notified native title parties and other interested parties. Please contact your NTCO for more details regarding this brochure.

Department of Environment
and Resource Management

Class Notifications

*...for the doing of future acts under the Commonwealth
Native Title Act 1993*

The State approves many land and resource dealings daily. Where these dealings are acts that affect native title ("future acts") the State provide native title parties with the relevant procedural rights under the Commonwealth *Native Title Act 1993* (NTA). These procedural rights often consist of a notification and an opportunity to comment on the doing of the future acts.

Under the NTA, there are two ways in which the State can notify native title parties. The State can either provide a notification for -

- specific future acts. In this case, the State has received an application seeking approval for a specific land or resource dealing. For example, Mr Bill Bloggs has applied to the State for the grant of a fishing permit for all Queensland waters under the *Fisheries Act 1994*;

OR

- a class of future acts. Where the State is aware that it will receive numerous similar applications for a land or resource dealing during a certain period, it can provide advance notification of those dealings by way of reference to a class of future acts ("class notification"). For example, the State could provide a notification for the proposed grant of 400 fishing permits within the next 12 months under the *Fisheries Act 1994* for all Queensland waters.

The use of a class notification results in one notification for a number of future acts of a certain class instead of a notification for every specific future act. This reduces the number of notifications received by native title parties and the processing time for applications. However, class notifications will not be suitable for every type of land and resource dealing the State approves.

Once the maximum number of future acts in that notified class has been reached or the timeframe has lapsed (eg. the State has granted the 400 permits or it has now been longer than 12 months), that particular class notification can no longer be relied upon. For any new future acts of that class the State wishes to approve, it will need to carry out a new class notification.

The State will continue to consider all comments made in relation to a class notification. Where relevant, the State may be able to condition each future act in that class to take into account relevant comments.

Template Notification Form A

Notification under the Commonwealth *Native Title Act 1993*

To: [insert name of registered native title claimant/s] on behalf of [insert name of native title claimant group], [insert address]

OR

To: [insert name of registered native title body corporate] on behalf of [insert name of native title claimant group], [insert address]

OR

To: [insert name of native title representative body]. [insert address]

Date of Issue: [insert date]

SECTION OF NTA	
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DEPARTMENT/AGENCY	
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CONTACT NAME	
E-MAIL	
TELEPHONE NO.	
FAX NO.	
REFERENCE NO.	

An application has been received by [name of department/agency] for the following approval:¹

TYPE OF APPROVAL/S	
UNDER WHAT STATE ACT	

The approval, if granted, will permit the following activity to happen:²

NATURE OF ACTIVITY	
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¹ Where your department/agency is applying for an approval under its own legislation, replace these words with – “An application has been made by this department/agency for the following approval:”

Where your department/agency does not need to apply for an approval but has the power to do the act under legislation, replace these words with – “This department/agency proposes to carry out the following act:” NB. The words “Not Applicable” “should be written in the type of approval” box.

² Where your department/agency does not need to apply for an approval but has the power to do the act under legislation, replace these words with – “The act, if it proceeds, will consist of the following:”

The above activity will be located within:

LOCATION OF ACTIVITY	
MAPS/PLANS	
NAME OF REGISTERED NATIVE TITLE CLAIMANT GROUP/S OR NAME OF REGISTERED NATIVE TITLE BODY CORPORATE	
NAME OF NATIVE TITLE REPRESENTATIVE BODY	

The activity, if approved, will commence only after notification and consideration of all comments. In addition, if approved, the activity will be approved for the following period of time:³

DURATION OF APPROVAL	
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You are invited to comment upon the proposed future act outlined above.

Any comments must be **IN WRITING** and must be received no later than [insert date].

Please send your comments to: [insert name, title, address]

³ Where your department/agency does not need to apply for an approval but has the power to do the act under legislation, replace these words with – “The act, if it proceeds, will commence only after notification and consideration of all comments. In addition, the act, if it proceeds, will continue for the following period of time.” The DURATION OF APPROVAL box heading should be replaced with “DURATION OF ACT”.

Template Class Notification Form B

Class Notification under the Commonwealth *Native Title Act 1993*

To: [insert name of registered native title claimant/s] on behalf of [insert name of native title claimant group], [insert address]

OR

To: [insert name of registered native title body corporate] on behalf of [insert name of native title claimant group], [insert address]

OR

To: [insert name of native title representative body], [insert address]

Date of Issue: 22 August 2011

SECTION OF NTA	
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DEPARTMENT/AGENCY	
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CONTACT NAME	
E-MAIL	
TELEPHONE NO. FAX NO.	
REFERENCE NO.	

The [insert name of department/agency] intend to issue:

NUMBER OF APPROVALS WITHIN A CERTAIN PERIOD	
TYPE OF APPROVALS	
UNDER WHAT STATE ACT	

The approvals, if granted, will permit the following activity to happen:

NATURE OF ACTIVITY	
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The above activity will be located within:

LOCATION OF ACTIVITY	
MAPS/PLANS	
NAME OF REGISTERED NATIVE TITLE CLAIMANT GROUP/S OR NAME OF REGISTERED NATIVE TITLE BODY CORPORATE	
NAME OF NATIVE TITLE REPRESENTATIVE BODY	

If approved, after consideration of all comments, each permit will be granted for the following period of time:

DURATION OF APPROVAL	
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You are invited to comment upon the class of proposed future acts outlined above.

Please note that in light of the number of proposed future acts notified, the normal 28 day period for responses has been extended by 14 days.⁴

Any comments must be **in writing** and must be received no later than [insert date].

Please send your comments to:

[insert name, title, address]

⁴ The 14 day extension to the opportunity to comment period is a matter for your department or agency. However, where there is a large number of proposed future acts being notified this 14 day extension must be provided.