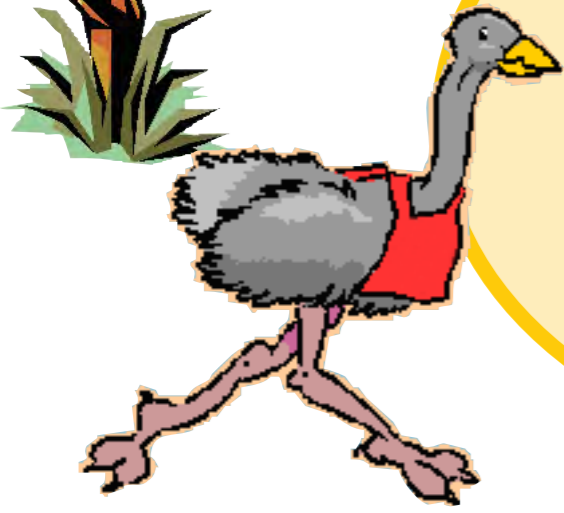


Path through Native Title Assessment



Identify the parcels of land and any waters affected by your proposed dealing ("proposed dealing area").

Example: Lot 1 on SP6547 which is currently a lease for grazing purposes.

Module AA

Define your proposed dealing.

Example: the grant of a lease.

Module AA

Can your proposed dealing proceed because...

- your proposed dealing area is covered by a QNTIME conclusion (subject to Module BB); OR
- because it does not affect native title? OR
- because it is an activity in accordance with a valid lease etc? (section 44H, NTA) OR
- because it is an emergency action?

Module AB

Module BA

Has native title been extinguished by a prior grant or vesting of exclusive possession (PEPA)?
Section 23B(2), (3) & (9)-(9C), NTA
Section 20, NT(Q)A
NB. In most cases this step requires a tenure history.

Module BC

Can the extinguishing effect of the PEPA be relied upon? (sections 47, 47A or 47B, NTA)

NB. These sections can cause the extinguishment to be disregarded upon a determination of native title.

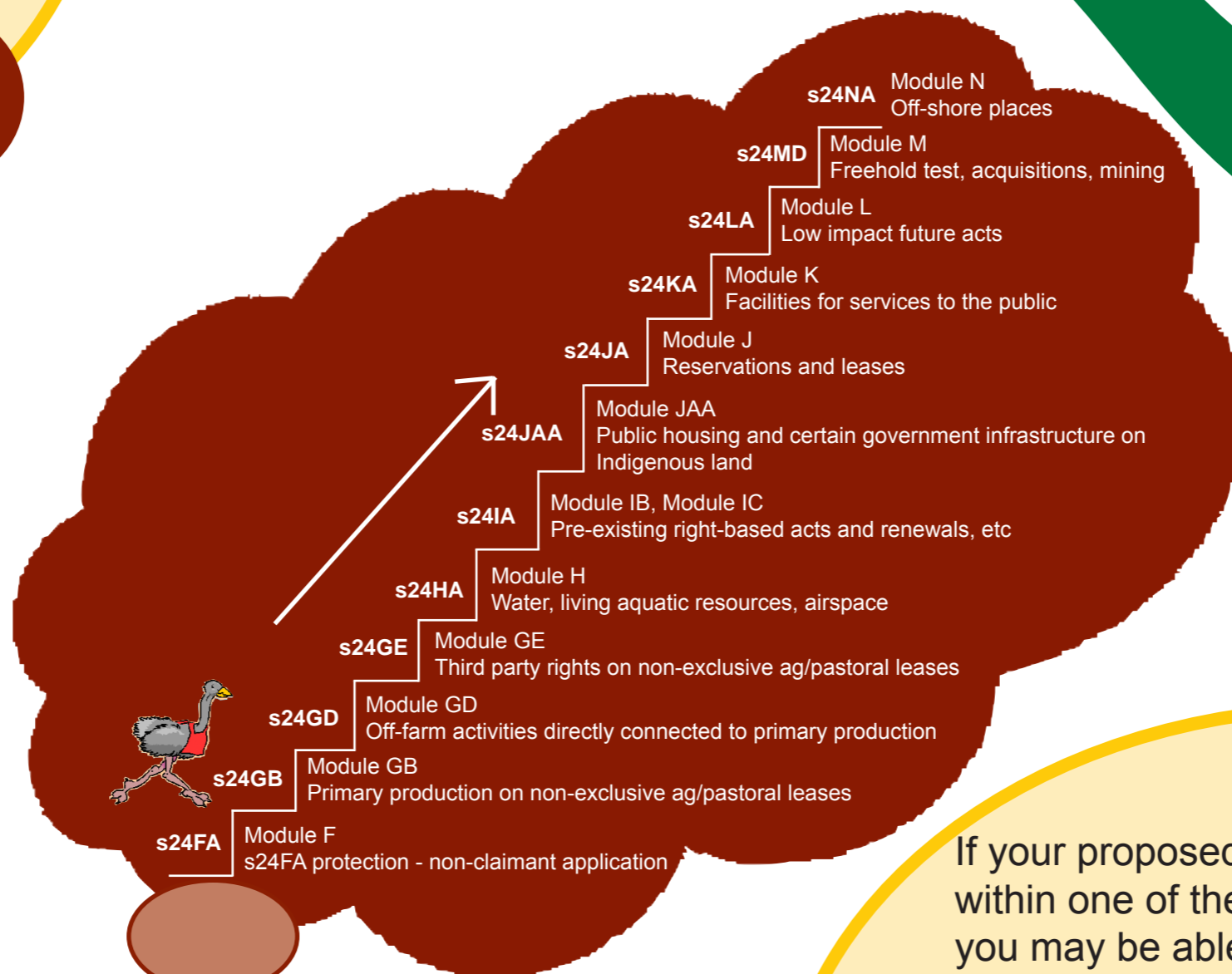
Module BB

Is there an existing registered ILUA that covers your proposed dealing?
OR
Is there a determination of native title over the proposed dealing area?

Module AD

Has native title been extinguished by valid public works?
Section 23B(7), NTA
Section 21, NT(Q)A

**Module CA
Module CB**



Does a future act provision (section 24FA to section 24NA), apply to the proposed dealing? If YES, you will need to first provide the relevant procedural rights (if any) to the native title parties.
NB. Start assessment at bottom step.

**Annexures
7.2, 7.3
& 8.5**

If your proposed dealing does not fit within one of the future act provisions then you may be able to proceed by way of:

- an ILUA.
(NB. the ILUA must be registered by the NNTT before the State can rely on it; Sections 24BA-24EC, NTA
OR
- a non-claimant application.
(NB. this option is not applicable if there is currently a registered native title claim over the area).
Section 61 and section 24FA, NTA

Module Q

Module R