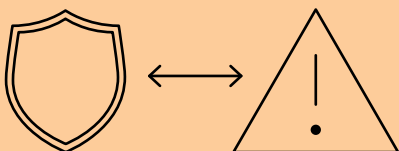


Review of the Future Acts Regime: Statutory obligations, compliance and enforcement

The Australian Law Reform Commission has published its Final Report for the Review of the Future Acts Regime, *Fulfilling the Promise of Mabo: Reforming the Future Acts Regime in the Native Title Act 1993 (Cth)*. The Final Report contains 86 recommendations to reform the future acts regime

This information sheet sets out a summary of the reforms that relate to **statutory obligations, compliance and enforcement**. These recommendations are found in **Chapter II** of the Final Report.

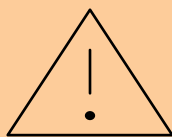
Express statutory obligations



Each procedural right and entitlement has a **corresponding obligation**

Recommendation 73

Clarifying when a future act will be 'invalid'

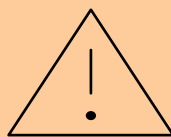


Failure to comply with **certain statutory procedures**:

- right to negotiate
- process requiring consent

Recommendation 74

or



Failure to comply with a **'validating condition'**

Recommendation 75

or



If **declared invalid** by an eligible court

Recommendations 74 and 76

'Validating conditions' relate to reforms in **Recommendations 27 and 33**

Enforcing obligations with civil remedies

Introducing a **civil remedy regime** with wide powers such as:

- injunctions
- declarations that a future act is invalid
- orders rectifying invalidity
- compensation
- pecuniary penalties

Recommendation 76

+

Regime **applies broadly** to the future acts regime, such as enforcing:

- procedural rights
- conditions
- obligation to pay reasonable costs
- future act agreements
- arbitral determinations

Recommendation 76

[Read the Final Report](#)

[Read the Summary Report](#)

[Read about the Review](#)



Australian Government

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