

Review of the Future Acts Regime: Statutory procedures

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

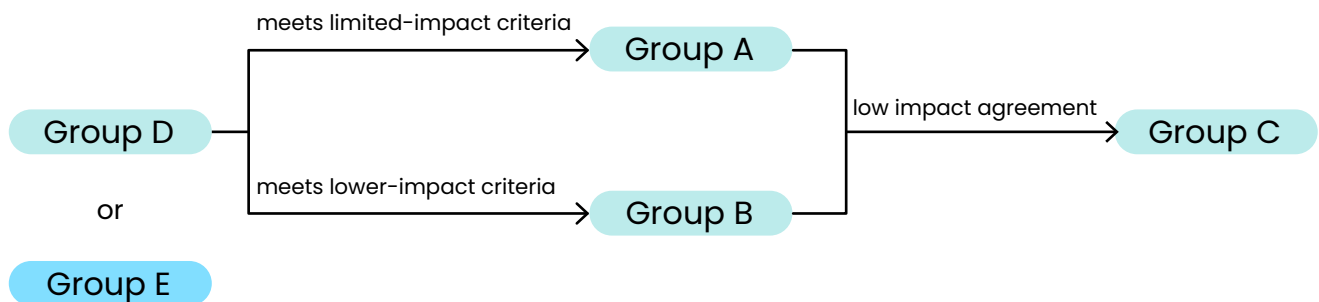
This information sheet sets out a summary of the reforms that relate to the **statutory procedures** in the future acts regime. These recommendations are found in **Chapters 6–8** of the Final Report.

Impact-based scheme

Procedural rights aligned with the **nature and extent of the infringement** on native title rights and interests

Group A	Assessed limited impact acts	Notice and opportunity to comment
Group B	Assessed lower impact acts	Opportunity to be consulted
Group C	Negotiated lower impact acts	Agreement
Group D	Right to negotiate higher impact acts	Right to negotiate
Group E	Equivalency future acts	Same rights as freehold title holder

Recommendation 24



Recommendations 24–38

Other reforms

Non-extinguishment principle applies, except for compulsory acquisition

Recommendation 36

Statutory compensation available for all categories of future acts

Recommendation 37

Repeal the expedited procedure

Recommendation 39

New **template future act notice**

Recommendation 59

Centralised **record of future act notices**

Recommendation 58

Amending the processes for **non-claimant applications**

Recommendations 56–57

[Read the Final Report](#)

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An alternative model based on the 'equivalency principle'

Generally retain the existing future acts provisions, but **align the procedural rights** with the **rights that a freehold title holder would have** in the same situation.

Recommendations 40–51

Subdivision	Change	Reformed procedural rights
Subdivision G	Repeal	
Subdivision H	Amend	Water: Right to negotiate or right to consultation Airspace: Notice and opportunity to comment
Subdivision I	Amend	Same right as freehold title holder
Subdivision JA	No change	
Subdivision J	Amend and partially repeal	Opportunity to be consulted
Subdivision K	Amend	Same right as freehold title holder or right to consultation
Subdivision L	Amend	Notice and opportunity to comment or low impact agreement
Subdivision M	Amend and partially repeal	Same right as freehold title holder
Subdivision P (renewals)	Partially repeal	Same right as freehold title holder

Refer to **Recommendations 40–51** for details

Amend the expedited procedure

- government party must be satisfied the act attracts expedited procedure
- if objection lodged, government party has onus
- does not apply to project acts
- opportunity to be consulted
- amended criteria

Recommendations 52–53

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