



NATIONAL NATIVE
TITLE TRIBUNAL

What is the registration test?

There must be real attempts to understand Aboriginal interests and aspirations. This is hard work and we have learnt a lot of lessons. It took a lot of time but it enabled us to work constructively to find common ground.

Peter Eggleston, Hamersley Iron Pty Ltd, speaking about the Yandicoogina agreement, *The West Australian*, 8 January 2000.

The **registration test** is a set of conditions applied to **native title claimant applications** by the Registrar of the **National Native Title Tribunal**.

A native title claimant application must satisfy the conditions of the registration test in order for the claimants to get certain rights, such as having a say about some proposed developments (**future acts**) in the claim area.

The registration test is a complex process, but can be an important step towards working out ways to share land and waters while an application is under way.

If a claim satisfies the conditions of the registration test, details of the application are entered onto the Register of Native Title Claims.

Registration means that the claimants gain the **right to negotiate**, the right to oppose **non-claimant applications**, and certain other rights while their claim is pending.

They may also gain confirmation of rights of access to places within the claim area to carry out traditional

activities, if they already have had regular access to that area.

Importantly, registration does not give applicants the right to stop projects going ahead — it means that they may have a say about some proposed developments.

Keeping things moving — the right to negotiate

Native title claims are often complex and can take several years in

... *registration does not give applicants the right to stop projects going ahead...* **mediation** or in litigation in a court before an outcome is reached. Miners, explorers and other developers can't always

wait so long to get projects moving.

The right to negotiate process enables developers and indigenous people to negotiate about certain developments (such as mining) that might impact on native title, while applications are pending. In this way business can continue and the rights of indigenous people can be protected.

What happens if the claim does not satisfy the registration test conditions?

If the claim does not satisfy the registration test conditions, the claimants can appeal against the decision, or they can change (amend) their application so that the test can be applied again.

If the claim does not satisfy the registration test conditions, the claimants can still pursue a **determination** of native title. It means that they do not have

the right to negotiate with developers or governments while their application is pending — it does not mean that their claim to have their native title recognised is at an end.

The claim does not mean that they have the right to exclude others. In a sense it just gives them a seat at the negotiating table.

Fred Tanner, Aboriginal Legal Rights Movement Inc., speaking about the registration of the First Peoples of the Murray and Mallee Region claim, South Australia, *The Murray Pioneer*, 18 January 2000.

Specific native title words are highlighted in **bold** type. *Native Title Facts* 'List of terms' provides definitions for commonly used native title terms.



Karajini National Park, Pilbara, Western Australia
Photo courtesy of Darren Foster

This fact sheet relates only to native title applications filed in the Federal Court of Australia. It is provided as general information only and should not be relied upon as legal advice for a particular matter.

For other fact sheets in this series and more information about native title and Tribunal services, contact the National Native Title Tribunal, GPO Box 9973 in your capital city or on freecall 1800 640 501.

A wide range of information is also available online at www.nntt.gov.au

The National Native Title Tribunal has offices in Adelaide, Brisbane, Cairns, Darwin, Melbourne, Perth and Sydney.