



Australian Government
Attorney-General's Department
Deputy Secretary
Justice and Communities Group

8 August 2024

Mr Jason Lange
Executive Director
Office of Impact Analysis
Department of the Prime Minister and Cabinet

Dear Mr Lange

Sunsetting instruments under the *Native Title Act 1993 (Cth)* – *Native Title (Tribunal) Regulations 1993* and *Native Title (Indigenous Land Use Agreements) Regulations 1999*

I am writing to the Office of Impact Analysis (OIA) regarding the remaking of the *Native Title (Tribunal) Regulations 1993* and *Native Title (Indigenous Land Use Agreements) Regulations 1999*, 2 instruments under the *Native Title Act 1993 (Cth)*, scheduled to sunset on 1 October 2024.

The Attorney General's Department (the department) proposes that these instruments be remade without significant amendment as the *Native Title (Tribunal) Regulations 2024* and *Native Title (Indigenous Land Use Agreements) Regulations 2024*, respectively.

The department certifies that these instruments are operating effectively and efficiently, and that therefore an Impact Analysis is not required for these instruments to be remade.

This assessment has been informed by a consultation process with representatives from across the native title system through the Native Title Expert Technical Advisory Group. This group was convened to provide technical advice specific to the remaking of the four instruments sunseting under the *Native Title Act 1993*, with consultations taking place from March 2022 to July 2023. The group comprises representatives from the Federal Court of Australia, Minerals Council of Australia, National Farmers' Federation, National Indigenous Australians Agency, National Native Title Council, National Native Title Tribunal, and State and Territory governments. Additionally, a formal public consultation was undertaken between 3 March 2023 to 3 April 2023 with 4 written submissions received.

I also note that the regulatory burden to people, business or community organisations for the remaking of the *Native Title (Tribunal) Regulations 2024* has been quantified using the Australian Government's Regulatory Burden Measurement framework. These impacts are provided below.

Average annual regulatory costs (from business as usual)				
Change in costs	Business	Community organisations	People	Total change in costs
Total, by sector	\$ Nil	(\$ 7,740.04)	\$ Nil	(\$ 7,740.04)

I acknowledge that OIA will publish this letter for transparency purposes.

A second letter regarding the remaking of the remaining 2 *Native Title Act 1993* (Cth) instruments scheduled to sunset on 1 October 2024 will follow in due course. These instruments are:

- *Native Title (Federal Court) Regulations 1998*
- *Native Title (Notices) Determination 2011 (No.1)*

If you have any queries about this advice, please contact Robert Crofts on (02) 6141 3245, or Robert.Crofts@ag.gov.au.

Yours sincerely



Tamsyn Harvey
Deputy Secretary
Attorney-General's Department