

Some questions to ask when you get a future act notice....

What is the future act?

- What type of future act is this?
- What procedural rights do we have? (this is linked to the type of future act it is)
- Do we have the Right to Negotiate (RTN)?
- Does the expedited procedure apply?

What impact will the act have on our native title?

- What do they want to do on country?
- What effects will the act have on our cultural heritage, sacred sites, the environment, our community etc?
- Which native title rights and interests will it affect?
- How long will the act last?
- Does it extinguish or suspend some/all of our native title rights and interests?
- Which part of our native title area would be affected?
- Does this future act impact some native title holders more than others (does it impact country that only some native title holders speak for?)

Who is proposing to do this future act?

- Is this the government asking (do we still have our procedural rights)?
- Do we have an existing relationship with those who want to do the future act? Is this a good or difficult relationship – can we talk to them about this?

What do we want to do?

- Do we have a problem with this future act going ahead? If so, what are our options to prevent or limit the impact of the future act?
- If the expedited procedure applies, do we want to object (we have four months)?
- If the right to negotiate applies, what action do we want to take (we have six months for negotiations)?
- Is there an opportunity for us to get some benefit (financial or other) in return for agreeing to this future act? What kind of benefit(s) do we want?
- Do we need outside support in responding to this future act? (for example, legal advice or experts about the type of future act that is being proposed)
- How much is this going to cost? How will we pay for it (eg NTRB support, pro bono (free) advice, ask other party to help pay for it, other options??)
- Do we want the help of a mediator?