

**TITLES (VALIDATION) AND NATIVE TITLE (EFFECT OF PAST ACTS)
AMENDMENT BILL 1999**

EXPLANATORY NOTES

September 1999

In the *Titles (Validation) and Native Title (Effect of Past Acts) Amendment Bill 1999*, a word or expression in this Act has the same meaning as it has in the *Native Title Act 1993* unless this Act gives it another meaning or the contrary intention appears in some other way.

CLAUSE OF BILL		COMMENTS
1. Short Title This Act may be cited as Titles (Validation) and Native Title (Effect of Past Acts) Amendment Bill 1999		Self explanatory

<p>2. Commencement</p> <p>This Act comes into operation on the day on which it receives the Royal Assent.</p>		Self explanatory
<p>3. The Act amended</p> <p>The amendments in this Act are to the <i>Titles (Validation) and Native Title (Effect of Past Acts) Act 1995</i>*.</p> <p>[* <i>Act No. 16 of 1995</i> <i>For subsequent amendments see Act No 9 of 1999.</i>]</p>		Self explanatory

<p>4 Section 12I amended</p> <p>Section 12I(1) is amended by deleting paragraphs (a), (b) and (c) and “or” after paragraphs (a) and (b) and inserting instead –</p> <p>“ (a) the act extinguishes any native title in relation to the land or waters covered by the freehold estate, Scheduled interest or lease concerned; and</p> <p>(b) the extinguishment is taken to have happened when the act was done.”</p> <p>•</p>	<p>This clause re-instates the Government’s original provision which is consistent with the Native Title Act. The amendment will confirm the effect on native title of all previous exclusive possession acts. Where a grant or vesting has extinguished native title, the extinguishment is taken to have happened when the grant or vesting occurred.</p>
<p>5. Section 12J amended</p> <p>Section 12J(1) is amended as follows :</p> <p>(a) by deleting “attributable to the State and the public work to which the act relates still existed on 23 December 1996” and inserting instead –</p> <p>“ and is attributable to the State ”;</p> <p>(b) in paragraph (a) by deleting “only”;</p> <p>(c) in paragraph (a) by inserting after “establishment)”-</p> <p>“ was or “</p>	<p>This clause re-instates the Government’s original provision which is consistent with the Native Title Act. The amendment will confirm the effect of all public works on native title. Where the effect of a public work was to extinguish native title, the extinguishment is taken to have occurred at the time the public work was commenced. The amendment also ensures that any effect on native title applies to all of the area of the public work.</p>