

Native Title Guideline

Native Title process for Data Acquisition Authorities

A guide about the native title process for data acquisition authority applications under the *Petroleum and Gas (Production and Safety) Act 2004* and the *Greenhouse Gas Storage Act 2009*

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This publication has been compiled by Regulatory Support and Performance of Georesources Division, Department of Resources.

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1 About this Guideline

The purpose of this guideline is to provide guidance in relation to the native title process for the grant of a data acquisition authority under the *Petroleum and Gas (Production and Safety) Act 2004* (P&G Act) and the *Greenhouse Gas Storage Act 2009* (GGs Act)

The information provided in this guideline **does not limit the exercising of discretion** nor does it override legislative requirements however it reflects current practices within the department which may change from time to time. All changes will be published through a revised version of this guideline.

This document should be read in conjunction with the Native Title Process Guideline.

2 Data Acquisition authorities

An application for a DAA under the P&G Act or GGS Act may be made by the holder of authority to prospect or greenhouse gas storage exploration permit or lease for the purpose of carrying out geophysical surveys on land (the data acquisition land) that is adjacent to land in their permit area.

The DAA is a permit that has minimal impact on native title rights and interests as it only allows the permit holder, over a 12 month period, to enter the data acquisition land to carry out surveys which provide data relevant to their permit activities.

Instead, in accordance with s.24MD(6A) of the *Native Title Act 1993* (Cth) (the NTA) and Module M of the Native Title Work Procedures, native title holders and claimants must be given the same procedural rights as the holder of an ordinary title to the land (Freehold owner). Currently there are no procedural rights afforded to any landholders for the grant of a DAA under the P&G Act or the GGS Act. Therefore, there is no requirement for native title parties to be notified or consulted for an application for the grant of a DAA.

The permit holder will be required to meet any notice or compensation obligations that may apply under the legislation to an owner of the land in the area of DAA, for example Access notice and compensation provisions.

Important Note:

The permit holder of the DAA is also subject to the 'duty of care' provisions within the Aboriginal Cultural Heritage Act 2003 (ACHA). S.23 of the ACHA states "*A person who carries out an activity must take all reasonable care and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the cultural heritage duty of care)*". Permit holders should refer to the ACHA to ensure they are abiding by their duty of care.

3 Document information

Availability: External

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Related documents:

Contacts: For help and information about this policy, please use the following contacts

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PetroleumHub@resources.qld.gov.au.

For help with MyMinesOnline please contact the MyMinesOnline Helpdesk on

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