Queensland Government Native Title Work Procedures

Annexure 7.1

**Native Title Assessment Form**

**June 2023**

This publication has been compiled by Native Title Policy, Department of Resources.

**Version history**

|  |  |  |
| --- | --- | --- |
| **Version** | **Comments** | **Date published** |
| 1 |  | August 2017 |
| 2 | Edited Module AB section | March 2018 |
| 3 | Realigned AB-AD questions with the modules | May 2021 |
| 4 | Removed Module D & Module E questions. Changes made to Module F to N and renamed it to Future Acts | July 2021 |
| 5 | Added Part of the proposed dealing area to Module AB section | November 2021 |
| 6 | Edited formatting to allow input of text on all pages | June 2023 |

© State of Queensland, 2023

The Queensland Government supports and encourages the dissemination and exchange of its information. The copyright in this publication is licensed under a Creative Commons Attribution 4.0 International (CC BY 4.0) licence.



Under this licence you are free, without having to seek our permission, to use this publication in accordance with the licence terms. You must keep intact the copyright notice and attribute the State of Queensland as the source of the publication.

Note: Some content in this publication may have different licence terms as indicated.

For more information on this licence, visit https://creativecommons.org/licenses/by/4.0/.

The information contained herein is subject to change without notice. The Queensland Government shall not be liable for technical or other errors or omissions contained herein. The reader/user accepts all risks and responsibility for losses, damages, costs and other consequences resulting directly or indirectly from using this information.

**Interpreter statement**:

A picture containing text, clipart

Description automatically generatedThe Queensland Government is committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. If you have difficulty in understanding this document, you can contact us within Australia on 13QGOV (13 74 68) and we will arrange an interpreter to effectively communicate the report  
to you.

# Annexure 7.1

# Native Title Assessment Form

This annexure provides a template Native Title Assessment Form to record your native title assessment for a proposed dealing.

To help you complete this Native Title Assessment Form, some of the Modules (e.g. Module BA) contain example extracts of this form.

If you have any queries in relation to using this form, please contact your Native Title Contact Officer (NTCO). If your NTCO is unsure how to proceed, Land and Native Title Operations Policy should be contacted for advice.

QNTIME

# Remember to -

* record your tenure and use findings as **research items** in the research layer in QNTIME; and
* request a **conclusion** be published in QNTIME for any research item you have assessed to be a previous exclusive possession act (PEPA).

**Native Title Assessment Form**

Information about this Form -

1. This form is mainly based upon the *Path through Native Title Assessment*.
2. To correctly complete this form, you will need to have read the relevant Modules of the Procedures.
3. Complete each part of the **Assessment Section** until you reach a **Go to Reason for Decision**, and then complete the **Decision Section** at the end of this form.
4. Where there is a check box, make your selection by clicking on the box. Insert all relevant information in the appropriate table field.
5. Where a Module only applies to part of your proposed dealing area, ensure you have ticked the ‘Part of the proposed dealing area’ box. Proceed through the form for the balance of your proposed dealing area. In this instance, a diagram should be attached to identify and to distinguish between the different areas.

Please ensure this assessment is still correct at the time you do the dealing.

**Assessment Section**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Module AA. Proposed Dealing** | | | | |
|  | | | | |
| **Proposed Dealing Area** | | | | |
| **Lot(s)/Plan(s):** | |  | | |
| **Current Status:** | |  | | |
| **Locality Description:** | |  | | |
| **Attached Plan/Map:** | |  | | |
| **Module AB. Is this a dealing that can proceed without further reference to native title?** | | | | |
|  | **Yes** | |  |  |
|  | **Please Select** | |  | Dealing is within a QNTIME conclusion boundary  [C/. Go to Module BB (if conclusion based on Module BA). |
|  |  | |  | Dealing is not a future act. |
|  |  | |  | Activities done in accordance with a valid lease, licence, permit or authority |
|  |  | |  | Emergency action |
|  |  | |  | A determination that native title does not exist |
|  |  | |  | Part of the proposed dealing area |
|  |  | |  | Go to **Reason for Decision** |
|  | **No** | |  |  |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Module AC. Is there a registered ILUA that covers the area of interest and is relevant to the proposed dealing?** | | | | | | |
|  | | **Yes** - Go to **Reason for Decision** | |  | Part of the proposed dealing area | |
|  | | **No** | |  |  | |
| **Module AD. Is there a determination of native title that covers the proposed dealing area?** | | | | | | |
|  | | **Yes** | |  | Part of the proposed dealing area | |
|  | | **No – Go to Module BA** | |  |  | |
| **IF YES**, does the determination state that native title does **not** exist over the proposed dealing area? | | | | | | |
|  | | **Yes** - Go to **Reason for Decision** | | | | |
|  | | **No** - Go to **Future Acts** section of this Form as native title exists over the proposed dealing area unless subsequently extinguished by a later act. | | | | |
| **Module BA. Is there or has there been a valid grant or vesting of exclusive possession over the proposed dealing area?** | | | | | | |
|  | | **Yes** - Go to **Module BB** | |  | Part of the proposed dealing area | |
|  | | **No** - Go to **Module CA** | |  |  | |
| **Module BB. Can the extinguishing effect of the PEPA / QNTIME Conclusion be relied upon?** | | | | | | |
|  | | **Yes** - Go to **Reason for Decision** | | | | |
|  | | **No** | |  |  | |
|  | |  | |  |  | |
| **Module CA. Is there or has there been a valid public work over the proposed dealing area?** | | | | | | |
|  | | **Yes** - Go to **Reason for Decision** | |  | Part of the proposed dealing area | |
|  | | **No** | |  |  | |
| **Module CB. Is there or has there been an area dedicated or declared as road over the proposed dealing area?** | | | | | | |
|  | | **Yes** | |  | Part of the proposed dealing area | |
|  | | **No** | |  |  | |
| **IF YES**, can the dedication/declaration be relied upon to carry out the proposed dealing? | | | | | | |
|  | | **Yes** - Go to **Reason for Decision** | | | | |
|  | | **No** | | | | |
| **Future Acts. Does the future act provisions apply to your proposed dealing?** | | | | | | |
|  | **Yes** | |  | | | Part of the proposed dealing area |
|  | Which future act Modules apply: | | | | | |
|  | Go to **Reason for Decision** | | | | | |
|  | **No** Go back to **Module AB** and consider its requirements | | | | | |
|  | Go to **Reason for Decision** | | | | | |

***Decision Section***

**Reason for Decision**

**Native Title Parties & Procedural Rights (if relevant)**

|  |  |  |
| --- | --- | --- |
| **Types of native title parties** | **Names of native title parties** | **Procedural rights to be provided to the native title parties** |
| **Registered Native Title Body Corporate** |  |  |
| **Registered Native Title Claimants** |  |  |
| **Native Title Representative Body** |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
|  | Proceed (first providing any relevant procedural rights) | | |
|  | Send to Native Title Contact Officer (NTCO) | | |
|  | Send to Land and Native Title Operations Policy through NTCO | | |
| Name, title and signature of officer making this assessment - | | | |
| **Name:** | |  | Don’t forget to:   1. Enter your research into QNTIME.   RB /  RI /   1. Request a conclusion be published where you found a PEPA. |
| **Title:** | |  |
| **Department/Agency:** | |  |
| **Signature:** | |  |
| **Date:** | |  |