

Queensland Government Native Title Work Procedures

Annexure 7.1

Native Title Assessment Form

March 2018

Version history

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1		August 2017
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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 (eg. 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, Aboriginal and Torres Strait Islander Land Services 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

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Proposed Dealing Area

Lot(s)/Plan(s):	<table border="1"><tr><td></td></tr></table>	
Current Status:	<table border="1"><tr><td></td></tr></table>	
Locality Description:	<table border="1"><tr><td></td></tr></table>	
Attached Plan/Map:	<table border="1"><tr><td></td></tr></table>	

Module AB. Is this a dealing that can proceed without further reference to native title?

- | | | | | |
|--------------------------|-----|--------------------------|---|--|
| <input type="checkbox"/> | Yes | <input type="checkbox"/> | Dealing is within a QNTIME conclusion boundary
[C/ <table border="1"><tr><td></td></tr></table>]. Go to Module BB (if conclusion based on Module BA). | |
| | | | | |
| | | <input type="checkbox"/> | Dealing is not a future act. | |

- ☐ Activities done in accordance with a valid lease, licence, permit or authority
- ☐ Emergency action

Go to **Reason for Decision**

- ☐ **No**

Module AC. Is there a registered ILUA that covers 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 – Go to Reason for Decision**
- ☐ Part of the proposed dealing area
- ☐ **No**

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 Modules F to N** 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**

Module D. Is the area subject to other works that were done under the authority of the Crown, ie. (private works)?

☐ **Yes**

☐ Part of the proposed dealing area

☐ **No**

IF YES, can I proceed with my dealing on the basis of the works?

☐ **Yes** – Go to **Reason for Decision**

☐ **No**

Module E. Information Module ONLY regarding past and intermediate period acts

Proceed to Modules F to N.

Modules F to N. Do the future act sections apply to your proposed dealing?

☐ **Yes**

☐ Part of the proposed dealing area

Which future act provision and Module applies

Section/s:

Modules:

Go to **Reason for Decision**

☐ **No** Your only options now are –

- an ILUA (Module Q); or
- a non-claimant application (Module R).

Can a non-claimant application be made?

- ☐ **Yes**
- ☐ **No** – Your only option is an ILUA.

Go to **Reason for Decision**

Decision Section

Reason for Decision

Reasons

Native Title Parties and 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 Aboriginal and Torres Strait Islander Land Services through NTCO

Name, title and signature of officer making this assessment –

Name:

Title:

Department/Agency:

Signature:

Date:

Don't forget to:

1) Enter your research into QNTIME.

RB /

RI /

2) Request a conclusion be published where you found a PEPA.