

Decision Section

Reason for Decision

Module BA - Valid grant or vesting of exclusive possession over the proposed dealing area

Lot 131 on Plan SP266905 – Title Reference No. 50972595 – previously Lot 13 on Plan GV310. Freehold under Deed of Grant (Title Ref: 30607114) granted on 28 March 1991.

Requirement 1: The grant is not listed in the tenure table.

Requirement 2: Option 1 - The grant is not Crown to Crown.

Requirement 3: The PEPA category is a freehold estate.

Requirement 4:

- A. The Deed of Grant is valid with respect to State legislation as it was granted in accordance with the laws and regulations then in force in the State of Queensland (*Land Act 1962*).
- B. The grant is valid with respect to Native Title as it occurred between 31 October 1975 and 31 December 1993.

A deed of grant of land is a freehold estate which if granted validly on or before 23 December 1996 is a PEPA under s23B(2)(c)(ii) of the *Native Title Act 1993 (Cth)* and wholly extinguishes native title under s20 of the *Native Title (Queensland) Act 1993*.

Lot 1 on Plan SP251730 – Title Reference No. 50986820 – previously Lot 61 on Plan CP881527 and prior to that Portion 6 on GV115. Freehold under Deed of Grant (Title Ref: 40016205) granted on 6 August 1998. Previously held as a Lease of Subdivision of Grazing Homestead Freeholding Lease (GHFL 30/4059E Title Ref: 17627219) granted on 13 September 1982.

Requirement 1: The grant is not listed in the tenure table.

Requirement 2: Option 1 - The grant is not Crown to Crown.

Requirement 3: The PEPA category is a Scheduled interest. The lease is listed at Section 22(2), Part 3, Schedule 1 of the *Native Title Act 1993 (Cth)* and satisfies the criteria of a Scheduled interest as defined by Section 249C of the *Native Title Act 1993 (Cth)*.

Requirement 4:

- A. The lease is valid with respect to State legislation as it was granted in accordance with the laws and regulations then in force in the State of Queensland (under Section 271 of the *Land Act 1962*).
- B. The grant is valid with respect to Native Title as it occurred between 31 October 1975 and 31 December 1993.

A Scheduled interest which if granted validly on or before 23 December 1996 is a PEPA under s23B(2)(c)(i) of the *Native Title Act 1993 (Cth)* and wholly extinguishes native title under s20 of the *Native Title (Queensland) Act 1993*.

Lot 2 on Plan WHS16 – Title Reference No. 40034174 – Lands Lease held as a Grazing Homestead Freeholding Lease (GHFL 0/217873), granted on 29 August 2002. Previously held as a Lease of Grazing Farm (30/4042 Title Ref: 17650080) granted on 12 August 1965, then converted to Grazing Homestead Perpetual Lease pursuant to s.61 of the *Land Act Amendment Act 1984* from 15 May 1984.

Requirement 1: The grant is not listed in the tenure table.

Requirement 2: Option 1 - The grant is not Crown to Crown.

Requirement 3: The PEPA category is a Scheduled interest. The lease is listed at Section 26, Part 3, Schedule 1 of the *Native Title Act 1993 (Cth)* and satisfies the criteria of a Scheduled interest as defined by Section 249C of the *Native Title Act 1993 (Cth)*.

Requirement 4:

- A. The lease is valid with respect to State legislation as it was granted in accordance with the laws and regulations then in force in the State of Queensland (under Part VI of the *Land Acts 1962*).
- B. The grant is valid with respect to Native Title as it occurred prior to 31 October 1975.

A Scheduled interest which if granted validly on or before 23 December 1996 is a PEPA under s23B(2)(c)(i) of the *Native Title Act 1993 (Cth)* and wholly extinguishes native title under s20 of the *Native Title (Queensland) Act 1993*.

Lot 5 on Plan GV31 – Title Reference No. 50215138 – Freehold under Deed of Grant (Title Ref: 40014550) granted on 16 April 1998. Previously held as a Lease of Subdivision of Grazing Homestead Freeholding Lease (GHFL 30/3964A Title Ref: 17627180) granted on 4 December 1975.

Requirement 1: The grant is not listed in the tenure table.

Requirement 2: Option 1 - The grant is not Crown to Crown.

Requirement 3: The PEPA category is a Scheduled interest. The lease is listed at Section 22(2), Part 3, Schedule 1 of the *Native Title Act 1993 (Cth)* and satisfies the criteria of a Scheduled interest as defined by Section 249C of the *Native Title Act 1993 (Cth)*.

Requirement 4:

- A. The lease is valid with respect to State legislation as it was granted in accordance with the laws and regulations then in force in the State of Queensland (under Section 271 of the *Land Act 1962*).
- B. The grant is valid with respect to Native Title as it occurred between 31 October 1975 and 1 January 1994.

A Scheduled interest which if granted validly on or before 23 December 1996 is a PEPA under s23B(2)(c)(i) of the *Native Title Act 1993 (Cth)* and wholly extinguishes native title under s20 of the *Native Title (Queensland) Act 1993*.

The above lots (approximately 77% of the proposed dealing area) are held or were previously held as an exclusive possession tenure in accordance with Module BA of the Native Title Work Procedures.

Module BB - Consideration of Section 47 of the *Native Title Act 1993 (Cth)*

The proposed dealing area is covered by the following Native Title determination:

- the Barada Barna People (QCD2016/007, QUD380/2008), determined on 29 June 2016.

Section 47 of the *Native Title Act 1993 (Cth)* is not applicable and the above PEPAs can be relied upon to extinguish Native Title over the respective parcels of land.

Native Title has been determined to exist over the following land parcel:

Lot	Plan	Tenure	Tenure Code	Feature Name
13	SP178466	Lands Lease	LL	Wotonga Pastoral Holding (PH 30/897)

Lot 13 on Plan SP178466 – Native Title has been determined to exist over this lot in accordance with the Barada Barna People determination (QCD2016/007, QUD380/2008), determined on 29 June 2016. The Native Title holders have non-exclusive Native Title rights over this parcel.

Approximately 23% of the proposed dealing area is subject to Native Title.

Future Act provisions for addressing Native Title:

Module M&N

Requirement 1: The proposed dealing is not listed in the exclusions table.

Requirement 2: The proposed dealing category is – mining or associated with mining (non-legislative) (onshore).

Requirement 3:

1. The proposed dealing sub-category is the creation of a new right to mine.
2. No further requirements.
3. Provide Procedural Rights Type C – Right to Negotiate process.

Proceed through a Right to Negotiate process under subdivision P of the *Native Title Act 1993 (Cth)* in accordance with **Module P** of the Native Title Work Procedures.

OR

Proceed through an ILUA process under the subdivision C of the *Native Title Act 1993 (Cth)* in accordance with **Module Q** of the Native Title Work Procedures.

Attachments

Annexure 1:

Map of Permit Area

Annexure 2:

Title Search Lot 131 on SP266905 – Title Ref: 50972595

Copy of Plan SP266905

Copy of Plan GV310

Copy of Deed of Grant – Title Ref: 30607114

Annexure 3:

Title Search Lot 1 on SP251730 – Title Ref: 50986820

Copy of Plan SP251730

Copy of Plan CP881527

Copy of Plan GV115

Copy of Deed of Grant – Title Ref: 40016205

Copy of Instrument – Title Ref: 17627219

Annexure 4:

Title Search Lot 2 on WHS16 – Title Ref: 40034174

Copy of Plan WHS16

Copy of Instrument – Title Ref: 40034174

Copy of Instrument – Title Ref: 17650080

Annexure 5:

Title Search Lot 5 on GV31 – Title Ref: 50215138

Copy of Plan GV31

Copy of Deed of Grant – Title Ref: 40014550

Copy of Instrument – Title Ref: 17627180

Annexure 6:

Title Search Lot 13 on SP178466 – Title Ref: 17668014

Copy of Plan SP178466

Copy of Plan PH1841

Copy of Instrument – Title Ref: 17668014

Annexure 7:

NNTT Register Extract - Barada Barna People determination (QCD2016/007, QUD380/2008)

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	Barada Barna Aboriginal Corporation (QCD2016/007, QUD380/2008)	ILUA Process RTN Process
Registered Native Title Claimants	Nil	Nil
Native Title Representative Body	Queensland South Native Title Services	Notification