

QUESTION ON NOTICE

No. 197

asked on Wednesday, 15 March 2023

MR S ANDREW ASKED THE MINISTER FOR RESOURCES (HON S STEWART)—

QUESTION:

With reference to Native Title in Queensland—

Will the Minister advise (a) the amount of land (reported separately by hectares and percentage) held under Native Title or subject to a Native Title claim, (b) the number of times Native Title Rights have been either surrendered to the Crown or extinguished by it - whether in whole or in part and (c) the total amount of land where Native Title Owners hold a 'right of veto' over the uses of that land and, whether such a 'right of veto' has ever been successfully engaged?

ANSWER:

- (a) Native title is determined to exist over approximately 56.552 million hectares or 33.1 per cent of Queensland. As at 14 April 2023, unresolved claimant applications in Queensland cover approximately 29.106 million hectares or 17 per cent of the state.
- (b) Native title can only be extinguished by acts of the Crown. These acts could include the grant of freehold, an exclusive lease, a public work or the compulsory acquisition of native title. Native title can only be surrendered by way of a registered Indigenous Land Use Agreement, of which the state must be a party. Surrender is voluntary and at the discretion of a native title party.

Complete information on the number of extinguishing acts is unavailable. The Register of Indigenous Land Use Agreements maintained by the National Native Title Tribunal shows there are 59 agreements in Queensland under which native title was agreed to be extinguished.

- (c) Native title holders do not hold a general 'right of veto'. The *Native Title Act 1993* (Cth) provides procedural rights ranging from an opportunity to comment, a right to object or a right to negotiate.