

# Sample Class Notification Form B

## Class Notification under the Commonwealth *Native Title Act 1993*

To: [insert addressee details as per information box]  
Date of Issue: 1 March 2011

**SECTION OF NTA** Section 24HA

**DEPARTMENT/AGENCY** Department of Employment, Economic Development and Innovation (DEEDI)

**CONTACT NAME** Danny Creek  
**E-MAIL** Danny.Creek@deedi.qld.gov.au  
**TELEPHONE NO.** 07 3227 6799  
**FAX NO.** 07 3227 8004  
**REFERENCE NO.** P/000234/02

The Department of Employment, Economic Development and Innovation intends to issue:

**NUMBER OF APPROVALS WITHIN A CERTAIN PERIOD** 400 within a 12 month period. This 12 month period will commence on the date of grant of the first permit.  
**TYPE OF APPROVAL/S** Commercial Fishing Tour Permits  
**UNDER WHAT STATE ACT** Section 51, *Fisheries Act 1994*

The approval, if granted, will permit the following activity to happen:

**NATURE OF ACTIVITY** Authorises the holder to take persons on organised recreational fishing tours (charters). Persons undertaking recreational fishing under the direction of the permit holder (tour operator) are required to comply with restrictions on the types of fishing apparatus (eg fishing rods, hand lines, etc) that can be used and fish species bag limits specified under fisheries legislation. The *Fisheries Regulation 2008* contains the restrictions that apply to recreation fishers, including bag limits, size limits, locations, etc. These restrictions are imposed to ensure resource use remains sustainable. This activity would create little, if any, physical impact on water quality, stream beds, banks, reef structures, etc.

The above activity will be located within:

**LOCATION OF ACTIVITY** All Queensland waters. This means the permit covers all inland waters of the State or coastal waters of the State.  
**MAPS/PLANS** Please refer to the attached map.  
**NAME OF REGISTERED NATIVE TITLE CLAIMANT GROUP/S OR NAME OF REGISTERED NATIVE TITLE BODY CORPORATE** All **registered** and **determined** native title claims as shown on the attached Queensland Claim Activity Map.  
**NAME OF NATIVE TITLE REPRESENTATIVE BODY** Torres Strait Regional Authority, Cape York Land Council, Carpentaria Land Council, Queensland South Native Title Services Limited, North Queensland Land Council

If approved, after consideration of all comments, each permit will be granted for the for the following time period:

**DURATION OF APPROVAL** Valid for 12 months from the date of issue. The permit is not transferable or able to be renewed.

**You are invited to comment upon the proposed class of proposed future acts outlined above.**

**Please note that in light of the number of proposed future act notified, the normal 28 day period for responses has been extended by 14 days.**

Any comments must be **IN WRITING** and must be received no later than [insert date].

**YOUR COMMENTS TO MUST BE SENT TO:** Danny Creek, Policy Officer, Department of Employment, Economic Development and Innovation, GPO Box 1235, BRISBANE QLD 4001.

Insert the date you will send the notification.

This is the future act section of the NTA that the proposed future act is being notified under. NB. Class notifications can only be done for certain future acts.

This is the officer who will be able to answer any queries in relation to the proposed future act. Their e-mail, telephone and fax numbers should also be included in the boxes below.

What is the type of approval sought? For example –

- commercial fishing tour permits;
- permits to cut and remove timber on a pastoral lease;
- construction of public works on a reserve; etc.

The Commonwealth *Native Title (Notices) Determination 2011* requires that a notification must include a description of the general nature of the future act. This is basically a description of what the approval will allow/permit.

The purpose of the approval and the likely disturbance to land or waters may sometimes be relevant to include in the description.

As part of satisfying the **clear description** of the area to which the class of future act relates, a locality map and/or SMARTMAP and any relevant plans must be attached to the notification.

The approximate boundaries of the proposed dealing area, eg. the permit area, should be clearly shown on the maps/plans.

The duration of the approval should be inserted in this box, eg. the term of the lease, licence, permit or authority.

The 14 day extension to the opportunity to comment period is a matter for your department or agency. However, where there is large number of proposed future acts being notified this extension must be provided.

This is the officer who will either –

- consider the comments made in relation to the notification before making a decision to proceed with the future act or not; or
- forward the comments on to the relevant decision-maker.

Address the notification to the registered native title claimant/s, registered native title body corporate or native title representative body. Eg. Mr Alfred Bird on behalf of the Flamingo People, 26 Flamingo Drive, Flamingo, Q4810.

Insert the name of your department or agency.

This is the number of approvals that your department/agency wishes to issue in a certain time period. Therefore you must specify the number of approvals and time period. You will also need to state when the time period will commence.

**IMPORTANT** - Once the maximum number of approvals has been reached or the timeframe has lapsed (whichever is first), the notification can no longer be relied upon.

Insert the name and section of the State legislation that gives the power to grant the particular approval.

The Commonwealth *Native Title (Notices) Determination 2011* requires that a notification must include a "clear description" of the area to which the class of future acts mentioned in the notice relates. *Clear description*, for an area, means a description of the area that contains enough information, whether by map drawn to scale or description by other means, to work out:

- (a) the general location of the area; and
- (b) the approximate boundaries of the area.

Include the following information, where relevant, –

- Lot on Plan description, Parish and County;
- Name of River/Creek/Lake and further description as to location, eg. intertidal area of Burdekin River;
- Name of Reserve, eg. Reserve for Recreation
- Name of a nearby town/city;
- Name of the Marine Park & Marine Park zones;
- Region of Coastal waters, eg. coastal waters between Mackay and Cairns;
- GPS coordinates if possible, eg. for a buoy mooring authority; etc
- More specifics, eg. how many square metres, etc.

This written description must be accompanied by relevant maps and plans.

The name/s of the registered native title claimant groups or the registered native title bodies corporate who you are sending a notification to should be inserted in this box. Also, include the claim number (QC) and Federal Court number (QUD). Where the area is a large area, eg. all Qld Waters, you may refer to the registered and determined claims for that area shown on x map.

Insert the name of the relevant Native Title Representative Body/Bodies.

When calculating the date for receipt of comments you must allow 28 days for the provision of comments. This date should be calculated to give native title parties 28 days in which to comment from **their receipt** of the notification.