



# Identifying Land Tenure Guidelines

## Contents

Purpose.....	2
Cadastral.....	3
Environmental.....	3
<i>Native Title Act 1993</i> .....	4
Sites of cultural heritage or significance .....	4
Resource leases .....	5
Change history.....	6

## Purpose

This guide supports the [Land Access and Cultural Heritage Policy](#)<sup>1</sup> and [Procedures](#)<sup>2</sup> by providing an overview of how to determine the types of land tenure likely to be encountered during the course of field activities. This will determine which legislation is important and what permits, approvals or permissions must be sought prior to the commencement of fieldwork. This guideline provides some information about where to start looking for cadastral, environmental, native title, sites of cultural heritage or significance and resource lease land type locations and extents.

Land tenure is the manner in which a party holds or occupies an area of land. It is a way of identifying who has the right to use and occupy land in accordance with the different types of ownership. Land is generally referred to as belonging to one of two overarching categories:

1. freehold land, which includes forms of freehold land tenure that are held by Indigenous traditional owner groups
2. non-freehold land or Crown land<sup>3</sup>, which may be leased or licensed, such as by pastoralists or mining interests.

There can be overlapping tenure issues. For example, a mining or petroleum lease could overlap a range of tenures across Crown land, pastoral leases, freehold land and native title. The rights of the underlying tenure must be respected and appropriate access arrangements negotiated. Sacred sites are given protection under Commonwealth and State/Territory legislation for all land tenure types in Australia. For the most up to date and comprehensive information about land tenure, refer to the [AusTrade land tenure website](#)<sup>4</sup>.

<sup>1</sup> D2018-32673

<sup>2</sup> D2018-96607

<sup>3</sup> Any land owned by Government, be it State/Territory or Commonwealth.

<sup>4</sup> <https://www.austrade.gov.au/land-tenure/land-tenure/about-land-tenure/about-land-tenure>

## Cadastral

A cadastral dataset is a parcel-based record of interests in land. Parcel boundaries are linked to records describing land tenure information. Common land title classes include freehold land, Crown land, Aboriginal and Torres Strait Islander land, pastoral leaseholder land and reserves.

The states and territories supply cadastral data to PSMA Australia which then collates it into a consistent schema. The collated data are supplied to us in GIS format under licence every three months, managed by the National Location Information Branch.

Cadastral data will generally not have landholder contact details but may provide some indication of other places to start or at the very least can provide a list of the land parcels for which contact details can then be requested through the relevant state or territory agency.

These data may not include State Reserves and National Parks. Refer to the Environmental section below for information and links for State Reserves and National Parks. Crown reserves are land set aside by the Government on behalf of the community for a wide range of public purposes, including sites for environmental and heritage protection, recreation and sport, open space, community halls, special events and government services. This results in a diversity of reserve types, ranging from beaches, caravan and camping grounds, cemeteries, racecourses, showgrounds, community halls, sporting fields and parks, walking tracks, canoe and kayak trails, smaller ports and harbours to wharfs. Crown reserves are managed by State/Territory and local governments.

[NSW](#)<sup>5</sup>

[Queensland](#)<sup>6</sup>

[South Australia](#)<sup>7</sup>

[Western Australia](#)<sup>8</sup>

[Victoria](#)<sup>9</sup>

[Northern Territory](#)<sup>10</sup>

[Tasmania](#)<sup>11</sup>

## Environmental

Much of Geoscience Australia's fieldwork may not require any further action to comply with environmental legislation, however, in some instances permits may be required to operate in protected areas.

There are many types of environmentally protected areas in Australia, including but not limited to:

<sup>5</sup> <https://data.nsw.gov.au/data/dataset/b8659c69-7666-4b5d-97a9-3c5036f50315>

<sup>6</sup> <https://data.qld.gov.au/dataset/cadastral-data-queensland-series>

<sup>7</sup> <https://data.sa.gov.au/data/group/housing-land-planning-and-infrastructure>

<sup>8</sup> <https://catalogue.data.wa.gov.au/dataset/cadastral-address-lgate-002>

<sup>9</sup> <https://www.data.vic.gov.au/data/dataset/cadastral-area-boundary-vicmap-property>

<sup>10</sup> <https://nt.gov.au/property/land/land-surveys>

<sup>11</sup> <http://dpiwve.tas.gov.au/land-tasmania/geodata-services/spatial-data>

- National Parks, managed by the Commonwealth, States, Territories and local governments
- State conservation areas
- Nature reserves and regional parks
- Antarctic Specially Protected Areas
- Commonwealth Marine Reserves
- World Heritage listed areas
- Ramsar sites
- Biosphere reserves
- Indigenous protected areas.

You can search the [Collaborative Australian Protected Area Database](#)<sup>12</sup> (CAPAD) for information on the location of Australia's protected areas. The information is available in tabular and GIS formats.

See the [Environmental Legislation Guidelines](#)<sup>13</sup> for more information on environmental legislation in each State and Territory, and specific requirements in each type of protected area.

## Native Title Act 1993

Native title is the recognition by Australian law of Aboriginal and Torres Strait Islander people's traditional rights and interests in land and waters held under traditional law and custom. Generally speaking, native title must give way to the rights held by others. Native title and associated rights can co-exist with some forms of title such as pastoral leases and Crown land, but can be extinguished by others, including freehold title. The Native Title Act provides a mechanism that allows development to occur on land where native title may exist, whether or not determined, and sets out acceptable minimal standards of consultation with native title groups. These range from notification to approval, depending on the type of development. A list of current native title claims is available from the [National Native Title Tribunal](#)<sup>14</sup>.

## Sites of cultural heritage or significance

Places and objects of cultural heritage are protected across Australia. Examples of cultural heritage include but are not limited to:

- buildings, such as residential, commercial, industrial, religious and civic buildings
- infrastructure, such as mines, roads, ports and railways
- landscapes and parcels of land, such as geological and other natural features, suburbs and towns, parks, caves, stands of trees and gardens
- archaeological and historical features or objects, such as evidence of habitation or land use (including ceremonial sites, grinding grooves, artefact scatters, art sites, scarred trees or shell middens), tools, ruins, remains, shipwrecks, burial grounds and sacred sites.

While many places and objects are formally recognised and registered, the location of some Aboriginal and Torres Strait Islander sacred sites and places of cultural heritage are not published in order to protect them.

<sup>12</sup> <http://www.environment.gov.au/land/nrs/science/capad>

<sup>13</sup> D2018-96656

<sup>14</sup> <http://www.nntt.gov.au/searchRegApps/NativeTitleRegisters/Pages/Search-Register-of-Native-Title-Claims.aspx>

See the [Cultural Heritage Legislation \(Indigenous and non-Indigenous\) Guidelines](#)<sup>15</sup> for more information about how to locate and protect places and objects of cultural heritage in each State and Territory.

## Resource leases

Mineral and petroleum resources occurring on land will continue to belong to the Crown, irrelevant of the land tenure type. Mining and petroleum leases are available from State Geological Survey Agencies or State Resources (Mining) Departments as below. Petroleum lease information (both exploration and production) can also be downloaded as shapefiles from [GPinfo](#)<sup>16</sup>. We have floating licences for this software and is available on request from Service Now.

Requirements for land clearance or/and approvals for activities on exploration leases should be managed on a case-by-case basis. Aspects to be considered include confidentiality of data, perceived commercial favour, and disruption to company business/activities. Wherever there is a need to operate within production leases company approvals will need to be arranged. This is not only from operational aspects (such as safety of our personnel, disruption of mining activities and liability of the company) but also implications for the confidentiality of data and interpretations.

### NSW

[MinView](#)<sup>17</sup>

### Queensland

[Mines Online Maps](#)<sup>18</sup>

[Queensland Spatial Catalogue – Mining Leases](#)<sup>19</sup>

[Queensland mining and exploration tenure series](#)<sup>20</sup>

### South Australia

[South Australian Resources Information Gateway](#)<sup>21</sup>

[South Australia Tenements](#)<sup>22</sup>

### Western Australia

[Tenagraph](#) (spatial enquiry and mapping system displaying Western Australian mining tenements and petroleum titles)

[Department of Mines, Industry Regulation and Safety – Data and Software Centre](#)<sup>23</sup>

<sup>15</sup> D2018-96657

<sup>16</sup> [www.gpinfo.com.au](http://www.gpinfo.com.au)

<sup>17</sup> <https://www.resourcesandenergy.nsw.gov.au/miners-and-explorers/geoscience-information/services/online-services/minview>

<sup>18</sup> <https://minesonlinemaps.business.qld.gov.au/SilverlightViewer/Viewer.html?Viewer=momapspublic>

<sup>19</sup> <http://qldspatial.information.qld.gov.au/catalogue/custom/search.page?q=mining+leases>

<sup>20</sup> <https://data.qld.gov.au/dataset/queensland-mining-and-exploration-tenure-series>

<sup>21</sup> <https://map.sarig.sa.gov.au/>

<sup>22</sup>

[http://www.minerals.statedevelopment.sa.gov.au/online\\_tools/free\\_data\\_delivery\\_and\\_publication\\_downloads/sarig/tenements](http://www.minerals.statedevelopment.sa.gov.au/online_tools/free_data_delivery_and_publication_downloads/sarig/tenements)

## Victoria

[Earth Resources Current Tenements - Earth Resources Spatial Data Collection for the Datamart](#)<sup>24</sup>

[Mining Licences Near Me](#)<sup>25</sup>

## Northern Territory

[NT Wide Title datasets](#)<sup>26</sup>

[Natural Resource Maps NT](#)<sup>27</sup>

## Tasmania

[Mineral Resources Tasmania – Current Exploration Release Areas](#)<sup>28</sup>

[Mineral Resources Tasmania – Historical Mineral Tenements](#)<sup>29</sup>

## Change history

Version	Date	Change
1.0	17 August 2018	Original version

<sup>23</sup> <https://dasc.dmp.wa.gov.au/dasc/>

<sup>24</sup> <https://www.data.vic.gov.au/data/dataset/earth-resources-current-tenements-earth-resources-spatial-data-collection-for-the-datamart>

<sup>25</sup> <http://earthresources.vic.gov.au/earth-resources/maps-reports-and-data/mining-licences-near-me>

<sup>26</sup> <https://dpir.nt.gov.au/mining-and-energy/STRIKE/strike-help/nt-wide-title-datasets>

<sup>27</sup> <https://dpir.nt.gov.au/mining-and-energy/STRIKE/strike-help/nt-wide-title-datasets>

<sup>28</sup> <http://www.mrt.tas.gov.au/portal/current-exploration-release-areas>

<sup>29</sup> <http://www.mrt.tas.gov.au/portal/spatial-tenement-data>