



Australian Government
Attorney-General's Department

Territories and Native Title Division

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26 June 2008

Committee Secretary
House of Representatives Standing Committee on
Primary Industries and Resources
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Committee Secretary

Inquiry into the Draft Offshore Petroleum Amendment (Greenhouse Gas Storage) Bill

The Territories and Native Title Division of the Attorney-General's Department advises the Attorney-General on native title issues. The Attorney-General administers most parts of the *Native Title Act 1993* and has overall responsibility for the native title system.

We have assessed the draft Offshore Petroleum Amendment (Greenhouse Gas Storage) Bill (the Bill) against the principles and objectives of the native title system and consider it provides an appropriate basis for managing the interaction between the rights of greenhouse gas operators and those of native title parties in offshore Commonwealth waters.

The Native Title Act would ensure that grants of greenhouse gas titles under the Bill are valid, while giving registered native title claimants and holders the same procedural rights as holders of corresponding non-native title interests. For example, if holders of fishing licences are consulted about grants of rights under the Bill, registered native title claimants and holders must also be consulted. The Bill also requires holders of greenhouse gas rights to limit their interference with the enjoyment of native title rights and interests, consistent with the reasonable exercise of their rights and performance of their duties.

From a native title perspective, we consider that the Bill provides an appropriate model that could be adopted on a national basis for offshore areas.

Different provisions of the Native Title Act will apply to the grant of greenhouse gas rights onshore. We understand that these rights would be granted under State and Territory legislation, and that some State petroleum and gas legislation already provides for the transport and storage of substances including carbon-dioxide. The native title implications of legislation regulating greenhouse gas grants over onshore areas are potentially more complex than for offshore areas.

To ensure a level playing field between jurisdictions, fairness to native title parties and certainty for industry, it is desirable that there be a nationally consistent approach to greenhouse gas rights and native title onshore, which takes appropriate account of the impact of such grants on native title rights and interests.

The action officer for this matter is Matthew Dines who can be contacted on 02 6218 6921.

Yours sincerely

A handwritten signature in cursive script that reads "Kerri-Ann Smith".

Kerri-Ann Smith
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