

Fit and Proper Person to hold a mineral title

Mineral Titles Act 2010 – Section 70A
Mineral Titles Regulations 2011 – Regulation 44A

Approved Form 39

Before you fill in the form

What this form is for

The completed form will be used by the Northern Territory Department of Industry, Tourism and Trade (the department) to assess the suitability of the applicant to hold a mineral title, for the grant or renewal of a mineral exploration licence, mineral exploration licence in retention, mineral lease, extractive mineral exploration licence, extractive mineral permit, extractive mineral lease or mineral authority, having regard to the requirements of Section 70A of the *Mineral Titles Act 2010* (the Act) and Regulation 44A of the *Mineral Titles Regulations 2011* (the Regulations). The information provided on this form may also be used by the Department of Environment, Parks and Water Security when assessing an application for an environmental (mining) licence under the *Environmental Protection Act 2019*

This form must be completed by a person that is authorised to do so.

Additional Information prescribed by Regulation 44 where the applicant is a body corporate

Where the applicant is a body corporate, the Regulations prescribe that additional information to satisfy the fit and proper person assessment is required to be obtained from:

- the directors of the body corporate;
- the parent company of the body corporate if the body corporate is a subsidiary;
- the directors of the body corporate if they are the directors of another body corporate and;
- the directors of the parent company if they are also directors of another body corporate.

Additional information required to answer any question should be provided in an attachment and clearly identify which above entity is the subject of the information and the relevant section number of the form.

Warning about false or misleading information

When completing this form, you should be aware that it is an offence to knowingly make a false statement, to provide forged or counterfeit documentation, or to falsely personate or represent yourself as an authorised person.

Privacy Statement

The department is seeking information from you for the purpose of assessing your suitability to obtain a grant or renewal of a mineral title under the *Mineral Titles Act 2010* or an environmental (mining) licence under the *Environment Protection Act 2019*. This information will be kept confidential except as required by law.

Section 1. Applicant details (please complete a separate form for each applicant if multiple applicants)			
Company/Individual name			
Principal address			
Postal address (if different to above)			
ACN (if relevant)		Contact number	
Email			
Section 2. Relevant Mineral Title(s) (if known)			
Section 3. Fit and Proper Person Statement			
Provide a response that addresses each of the following in attachments as necessary, clearly identifying the section(s) of this form that the attachment relates to.			
3.1	Has the applicant	Yes	No
	<ul style="list-style-type: none"> • contravened a law of the Territory or another jurisdiction that relates to the following: <ul style="list-style-type: none"> ○ physical or biological environment, including matters relating to pollution, biodiversity, natural resources, planning, development or waste; ○ heritage, health or cultural matters, including matters related to sacred sites ○ work health and safety 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> • contravened a law of the Territory under which a tax or royalty is payable 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> • committed an offence against any law of the Territory or another jurisdiction that involves an element of fraud or dishonesty 	<input type="checkbox"/>	<input type="checkbox"/>

	<ul style="list-style-type: none"> held licences or other authorities relating to exploration and mining for minerals or extractive minerals under Territory legislation or equivalent for another jurisdiction that have been suspended, revoked or cancelled. Include details about the suspension, revocation or cancellation <p>if so provide details including:</p> <ul style="list-style-type: none"> Seriousness of the contraventions Length of time since the contraventions occurred 	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3.2	Provide details about why the applicant is of good repute, having regard to character, honesty and integrity		
3.3	If the applicant is a body corporate provide details about why each director of the body corporate is of good repute, having regard to character, honesty and integrity		
3.4	If the applicant is a member of a partnership provide details about why each member of the partnership is of good repute, having regard to character, honesty and integrity		
3.5	<p>Advise if during the previous 3 years the applicant</p> <ul style="list-style-type: none"> Was an undischarged bankrupt Applied to take the benefit of any law for the relief of bankrupt or insolvent debtors Entered into an arrangement with the applicant's creditors or made an assignment of the applicant's remuneration for their benefit <p>If so provide details.</p>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Yes <input type="checkbox"/>	No <input type="checkbox"/>
		Yes <input type="checkbox"/>	No <input type="checkbox"/>
3.6	Advise if the applicant is or was the director of a body corporate that is the subject of a winding up order or for which a controller or administrator has been appointed during the previous 3 years. If so provide details	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Complete this section only if the applicant is a body corporate, providing responses that address each of the following, in attachments as necessary, clearly identifying the section(s) of this form that the attachment relates to.			
3.7	Advise if a director of the body corporate		
	<ul style="list-style-type: none"> • contravened a law of the Territory or another jurisdiction that relates to the following: <ul style="list-style-type: none"> ○ physical or biological environment, including matters relating to pollution, biodiversity, natural resources, planning, development or waste; ○ heritage, health or cultural matters, including matters related to sacred sites ○ work health and safety 	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	<ul style="list-style-type: none"> • contravened a law of the Territory under which a tax or royalty is payable 	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	<ul style="list-style-type: none"> • committed an offence against any law of the Territory or another jurisdiction that involves an element of fraud or dishonesty 	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	<ul style="list-style-type: none"> • held licences or other authorities relating to exploration and mining for minerals or extractive minerals under Territory legislation or equivalent for another jurisdiction that have been suspended, revoked or cancelled. Include details about the suspension, revocation or cancellation 	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	if so provide details including: <ul style="list-style-type: none"> • Seriousness of the contraventions • Length of time since the contraventions occurred 		
3.10	Advise if a director of the body corporate is or has been a director of another body corporate that has		
	<ul style="list-style-type: none"> • contravened a law of the Territory or another jurisdiction that relates to the following: <ul style="list-style-type: none"> ○ physical or biological environment, including matters relating to pollution, biodiversity, natural resources, planning, development or waste; ○ heritage, health or cultural matters, including matters related to sacred sites ○ work health and safety 	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	<ul style="list-style-type: none"> • contravened a law of the Territory under which a tax or royalty is payable 	Yes <input type="checkbox"/>	No <input type="checkbox"/>

	<ul style="list-style-type: none"> committed an offence against any law of the Territory or another jurisdiction that involves an element of fraud or dishonesty <ul style="list-style-type: none"> held licences or other authorities relating to exploration and mining for minerals or extractive minerals under Territory legislation or equivalent for another jurisdiction that have been suspended, revoked or cancelled. Include details about the suspension, revocation or cancellation <p>if so provide details including:</p> <ul style="list-style-type: none"> Seriousness of the contraventions Length of time since the contraventions occurred 	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>3.11</p>	<p>In the case of a body corporate that is the subsidiary of another body or company (the parent company), advise if the parent company or a director of the parent company has</p> <ul style="list-style-type: none"> contravened a law of the Territory or another jurisdiction that relates to the following: <ul style="list-style-type: none"> physical or biological environment, including matters relating to pollution, biodiversity, natural resources, planning, development or waste; heritage, health or cultural matters, including matters related to sacred sites work health and safety contravened a law of the Territory under which a tax or royalty is payable committed an offence against any law of the Territory or another jurisdiction that involves an element of fraud or dishonesty held licences or other authorities relating to exploration and mining for minerals or extractive minerals under Territory legislation or equivalent for another jurisdiction that have been suspended, revoked or cancelled. Include details about the suspension, revocation or cancellation <p>if so provide details including:</p> <ul style="list-style-type: none"> Seriousness of the contraventions Length of time since the contraventions occurred 	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
	<ul style="list-style-type: none"> contravened a law of the Territory under which a tax or royalty is payable 	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
	<ul style="list-style-type: none"> committed an offence against any law of the Territory or another jurisdiction that involves an element of fraud or dishonesty 	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
	<ul style="list-style-type: none"> held licences or other authorities relating to exploration and mining for minerals or extractive minerals under Territory legislation or equivalent for another jurisdiction that have been suspended, revoked or cancelled. Include details about the suspension, revocation or cancellation <p>if so provide details including:</p> <ul style="list-style-type: none"> Seriousness of the contraventions Length of time since the contraventions occurred 	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>
<p>3.14</p>	<p>Advise if the body corporate is the subject of a winding up order or has had a controller or administrator appointed during the previous 3 years. If so provide details</p>	<p>Yes <input type="checkbox"/></p>	<p>No <input type="checkbox"/></p>

Section 4 – Financial and Technical Capacity	
4.1	Financial Capacity
Confirm that the below evidence relating to the financial capacity of the applicant has been provided in the technical work program relating to the application.	
Yes <input type="checkbox"/>	
<p>Suitable evidence to demonstrate financial capacity of the applicant to comply with the obligations under the mineral title. This evidence may include:</p> <ul style="list-style-type: none"> • most recent audited financial report to the Australian Stock Exchange or if not a publicly listed company, most recent audited annual accounts • cash resources (attach copy of bank statement) • value of Government/semi-Government bonds (attach copy of bond) • line of credit from recognised financial institution (attach statement) • future fund raising (attach prospectus) • Verification of available funds by a private accountant. Such verification should include a statement that the accountant is aware of the proposed amount of expenditure, and be no more than three months old at the time of giving the information 	
4.2	Technical Capacity
Confirm that the below evidence relating to the technical capacity of the applicant has been provided in the technical work program relating to the application.	
Yes <input type="checkbox"/>	
<p>Suitable evidence to demonstrate that the mineral title will be under the control of a technically competent person. This evidence may include:</p> <ul style="list-style-type: none"> • a list of names of all persons (including consultants) providing technical advice • Qualifications and details of the field of expertise of these persons. • the applicant's latest Australian Stock Exchange annual report, where it contains information in relation to the technical capacity of the applicant 	
Section 5 - Declaration	
I declare that the information I have provided in this form is true and accurate, and that I am authorised to complete this form. I know that is an offence to give misleading information	
Signature	
Name in full	
Position (if applicant is a body corporate)	
Date	
Further Information	
Contact Mineral Titles via email on titles.info@nt.gov.au , or phone (08) 8999 5322	