

Guideline 1 - Necessary criteria for mineral title application

This guideline summarises the assessment criteria that may be used by the department in determining whether a person making a mineral title application has met the necessary criteria under the *Mineral Titles Act 2010* (the Act) and *Mineral Titles Regulations 2011* (the Regulations).

Definition of a mineral title application

A mineral title application means:

- an application for the grant or renewal of a mineral title (Part 3 or 4 of the Act); or
- an application to vary, subdivide, amalgamate or surrender a mineral title (Part 5, Division 5 of the Act); or
- an application relating to a Mineral Authority (section 118 and 119 of the Act)

Section 58 of the Act – Necessary criteria for mineral title application

To enable the Minister to make a proper decision, a person making a mineral title application, as defined above, must:

- (a) provide all relevant information, on the prescribed approved form, where required;
- (b) have complied with requirements under this Act in relation to the actual mineral title application, including payment of the prescribed application fee and lodging the application within the prescribed timeframe; and
- (c) have complied substantially with the conditions of each mineral title currently held.

In relation to (c) above, compliance includes:

- all reports having been lodged and accepted within specified timeframes;
- authorised activities being actively conducted on all granted titles; and
- any other requirement under the Act and Regulations.

Regulation 44 – Necessary criteria for mineral title application

For section 58(2)(d) of the Act, the necessary criteria are:

- (1) If the applicant has previously held one or more mineral titles that are no longer in force they must have:
 - (a) paid all outstanding rents and fees, including late lodgement fees; and
 - (b) substantially complied with any rehabilitation matters, including progressive rehabilitation (where applicable) required under the *Mining Management Act 2001* and to the extent required by the Minister.
- (2) If the applicant is currently engaged in negotiations for the grant of a mineral title under the *Native Title Act 1993* Right to Negotiate process or the *Aboriginal Land Rights (Northern Territory) Act 1976* process – the applicant may be required to provide evidence they are actively negotiating with the intention of progressing the application towards the grant of a mineral title.

Note for Regulation 44

The determination as to the extent of compliance is a discretionary matter for the Minister, or their Delegate, based on particular facts and circumstances relating to conditions of grant and other requirements under the Act.