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 (the Act) and Mineral Titles Regulations (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(1) If the applicant has previously held one or more mineral titles that are no longer in force they must have: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 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 Right to Negotiate process or the Aboriginal Land Rights (NT) Act 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.
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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.