

Fit and proper person declaration

Apply for a mineral title and/or environmental (mining) licence

Mineral Titles Act 2010, section 70A
Mineral Titles Regulations 2011, regulation 44A

Approved Form 39

Environment Protection Act 2019, sections 124R and 124ZG(b)(b)
Environment Protection Regulations 2020, regulation 6

Before you fill in this form

What this form is for

The completed form will be used by the Northern Territory Government Department of Mining and Energy and/or Department of Lands, Planning and Environment (the departments) to assess the suitability of the applicant to hold:

- A mineral title under the *Mineral Titles Act 2010* (MT Act), and/or
- An environmental (mining) licence under the *Environment Protection Act 2019* (EP Act).

Who should complete this form

This form must be completed by an applicant for the grant or renewal of a mineral title or the grant of an environmental (mining) licence.

If the applicant is a company, this form must also be completed by all company directors and all directors of any partnership or parent company. For clarity a partnership refers to any arrangement between two or more people or entities that do business, as partners, where control or management of the business is shared as well as income, debts and obligations of the business.

You must complete a separate form for each applicant if there are multiple applicants.

When to submit this form

You must submit this form:

1. With each application for the grant or renewal of a mineral title.
2. With each application for the grant of an environmental (mining) licence.

If you have submitted the form with an application for the grant or renewal of a mineral title or an environmental (mining) licence:

1. within the last 12 months, and
 2. your circumstances have not changed,
- you may submit a previously submitted (and executed) form with your application.

Where multiple applications are submitted at the same time, a single Approved Form 39 completed by the applicant will be considered sufficient.

Additional information

Additional information required to answer any question should be provided in an attachment and clearly identify which person/corporation is the subject of the information provided.

Section 1. Type of application				
I am applying for	<input type="checkbox"/> Grant of mineral title	<input type="checkbox"/> Renewal of mineral title		<input type="checkbox"/> Environment (protection) licence
I am/ will be the	<input type="checkbox"/> Title holder	<input type="checkbox"/> Operator	<input type="checkbox"/> Title holder and operator	<input type="checkbox"/> Parent company
Section 2. Applicant details				
Applicant name (legal entity)				
Applicant trading name (if applicable)				
Australian Company Number (ACN)				
Australian Business Number (ABN)				
Is the applicant a partnership? <i>If yes, provide details of the partnership</i>	<input type="checkbox"/> Yes	Details:		
	<input type="checkbox"/> No			
Is the applicant a subsidiary of a parent company? <i>If yes, provide details of the parent company</i>	<input type="checkbox"/> Yes	Details:		
	<input type="checkbox"/> No			
Section 3. Details of person making declaration				
This section should be completed by a Director of the applicant company or partnership or parent company of the applicant company.				
Full name				
Position title				
Date of birth				
Principal address				
Postal address				
Email				

Phone number			
I am the/ I am a Director of the	<input type="checkbox"/> Applicant	<input type="checkbox"/> Partnership	<input type="checkbox"/> Parent company

Section 4. Fit and proper person statement

I confirm that I am of good repute having regard to character, honesty and integrity, and neither the applicant nor I, nor any other company I have been, or am, a director for has/have (please check each applicable box):

- ☐ contravened a law of the Northern Territory or another jurisdiction:
 - ☐ that relates to the physical or biological environment, including matters relating to pollution, biodiversity, natural resources, planning, development or waste; or
 - ☐ that relates to heritage, health or cultural matters, including matters relating to sacred sites; or
 - ☐ that relates to work health and safety; or
 - ☐ under which a tax or royalty is payable to the Northern Territory; or
- ☐ committed an offence against any law of the Northern Territory or another jurisdiction that involves an element of fraud or dishonesty; or
- ☐ behaved or is likely to behave in a way that is inconsistent with the duties of a mineral title holder and/or mining operator (as relevant); or
- ☐ held licences or other authorities relating to exploration and mining for minerals or extractive minerals under Northern Territory legislation or equivalent for another jurisdiction that have been suspended, revoked or cancelled; or
- ☐ been, during the past 3 years, an undischarged bankrupt; applied to take the benefit of any law for the relief of bankrupt or insolvent debtors; or compounded with creditors or made an assignment of remuneration for the benefit of creditors; or
- ☐ been the subject of a winding up order; or
- ☐ had a controller or administrator appointed during the previous three years.

I understand that I must provide to the Minister any information that is required to determine whether I am a fit and proper person to hold a mineral title and/or an environmental (mining) licence. Failure to provide this information may mean the Minister is unable to be satisfied of the matters necessary to grant or renew a mineral title or environmental (mining) licence.

I understand that providing false or misleading information is an offence under section 151 of the MT Act and section 260 of the EP Act.

I understand that the information I provide will be used to administer the Act and will otherwise be kept confidential other than as required by law and as disclosed below under the heading 'Collection notice'.

I understand that if any of the information I provide warrants additional protection from disclosure, I must make this request in the approved form at the time of providing the information on this form in accordance with section 281 of the EP Act and regulation 271 of the EP Regulations.

Where I have not checked a box above, I wish to provide further information relevant to the question of whether I am a fit and proper person:

☐ Yes *If yes, please provide specific details, including the seriousness of any contraventions and the length of time since the contraventions occurred.*

☐ No

Section 5. Declaration

I declare that:

☐ I believe the applicant has the financial capacity to comply with their obligations as a title holder and/or mining operator.

☐ I believe the applicant is a fit and proper person to hold a mineral title and/or environmental (mining) licence.

☐ The information I have provided in this form is true and accurate, and that I am willing to provide any further information reasonably requested to support the decision making of the Minister in determining whether the applicant is a fit and proper person to hold a mineral title and/or environmental (mining) licence.

Additional declaration for mineral title applications only:

I declare that:

☐ I believe the applicant has the technical capacity or the ability to ensure that the activities authorised under the mineral title will be conducted by technically competent person(s).

Signature: *(original or electronic)*

Name in full

Date

Further information

For mineral titles inquiries, contact Mineral Titles on titles.info@nt.gov.au, or phone (08) 8999 5322
For environmental (mining) licence inquiries, contact Mining Division on mineralinfo.dlpe@nt.gov.au or phone (08) 8999 6528

Collection notice

Purpose: The purpose for the collection of information is the consideration of whether a person is a fit and proper person for the grant or renewal of a mineral title under the *Mineral Titles Act 2010* (MT Act) or to hold a licence under the *Environment Protection Act 2019* (EP Act).

Failure to collect information: If the departments do not collect this information, the Minister will be unable to consider your application.

Who is collecting the information: The information is collected by the Northern Territory of Australia, Departments of Mining and Energy (DME) and Lands, Planning and Environment (DLPE), which provide services to the Ministers responsible for the administration of the MT Act and EP Act.

Information received by one department may be shared with the other department for the purposes of assessing your applications.

Who to contact for more information: The departments privacy policies set out how you can access and/or correct your personal information and how you can make a complaint if you feel we have not complied with the *Information Act 2002* (NT) and where applicable, the *Privacy Act 1988* (Cth).

Read the privacy policies on the departmental websites:

- [Department of Mining and Energy, dme.nt.gov.au](https://dme.nt.gov.au)
- [Department of Lands, Planning and Environment, environment.nt.gov.au](https://environment.nt.gov.au)