Grant of an Exploration Licence over Native Title Affected Land (E.g. Pastoral Lease)

Relevant Legislation: Mineral Titles Act 2010 (MTA), Mineral Titles Regulations 2011 (MTR) and Native Title Act 1993 (NTA)

Requirements
1. Applicant must have attained 18 years of age - s 59 MTA
2. Availability of land
3. Application must be on Approved Form - s 27 (1) & 164 (2) MTA
4. Application must include a description of the blocks comprising the proposed title area - s 27 (2) (a) MTA
5. Application must include a technical work program for the first 2 operational years of the EL - s 27 (2) (b) MTA
6. Application must be accompanied by the prescribed fees – s 164 (5) MTA

Application meets necessary criteria under MTA

No later than 14 days after lodging the application, the applicant must notify affected landholders identified in section 66(1), using section A of Approved form 24 – s 66 (2) MTA
Applicant may also be required to serve notice of the application on other specified persons including the Station/Land Manager within a specified time, using section B of Approved Form 24 – s 66 (3) MTA

No later than 14 days after service of notice under sections 66(2) or 66(3), the applicant must provide the Minister with proof of service – s 66 (4) MTA

ADVERTISING
s 29 NTA and s 71 MTA

ADVERTISING (s 29 NTA)
Within 4 months from the notification date:
Native Title Claimants have 4 months to become registered and/or lodge an objection

Objections Received from Native Title Party
No Objections from Native Title Party

Preliminary Negotiations
The applicant and objector are encouraged to reach agreement. The National Native Title Tribunal can be asked to assist the negotiations

NO AGREEMENT
If no agreement is reached within a short time frame the objection is referred for determination by the NNNT
NNNT decides that the Expedited Procedure does NOT apply
Proceed to Right to Negotiate Process

NNNT decides that the Expedited Procedure does apply
Title can proceed to Grant

AGREEMENT
The parties reach an agreement and the Native Title Party withdraw their objection

Wait out Native Title Act objection period

NOTICE OF INTENTION TO GRANT
Applicant is given notice to pay the required rent and/or security before a specified date - s 60 (3) (a) MTR

Intention to Grant Accepted

EL GRANTED

Titleholder must apply for Authorisation under the Mining Management Act 2001 prior to commencing activities (substantial disturbance).

EL REFUSED

No

Yes

Grants Recommended
Grants NOT Recommended

Objection/Submission Withdrawn

Refer to the Department’s website for more information regarding requirements under the Mining Management Act 2001.

DEPARTMENT OF PRIMARY INDUSTRY AND RESOURCES
Page 1 of 1 01 March 2019