Grant of an Extractive Mineral Lease over Native Title Affected Land

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

**Requirements**
- Applicant must have attained 18 years of age – s 59 MTA
- Availability of land
- Application must be on Approved Form – s 55 (1) & 164 (2) MTA
- Application must include a description of the land comprising the proposed title area – s 55 (2) (a) MTA
- Application must include a technical work program – s 55 (2) (b) MTA
- Application must be accompanied by the prescribed fees – s 164 (5) MTA

**Application**
- Application meets necessary criteria under MTA

**ADVERTISING**
- s 29 NTA & s 71 MTA
  - Advertising process runs concurrently
  - No registered Native Title Parties
  - Native Title Parties Registered
  - The Native Title Act requires that all Parties must negotiate in good faith with a view to obtaining an agreement. Any party to the negotiations may request the Arbitral Body to mediate.

**AGREEMENT**
- The applicant and native title parties reach agreement. Government, applicant and native title parties sign a covering Tripartite agreement -

**NO AGREEMENT**
- If after 6 months from the notification date, no agreement has been reached; any party may refer the matter to the Arbitral body for determination

**SURVEY PLAN**
- Applicant is required to submit a survey plan approved by the Surveyor General – s 76 (2) MTA

**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**
- Yes
- EML GRANTED

**EML REFUSED**
- No
- Refer to Departmental assessment panel to consider objection

**Grant Recommended**
- Referred to Departmental assessment panel to consider objection

**Grant NOT Recommended**
- Objection/Submission Withdrawn
- Yes
- Object/Submission Received
- Wait out Native Title Act objection period
- Yes
- Referred to Departmental assessment panel to consider objection

**ADVERTISING – s 71 MTA**
- Within 30 days from the notification date:
  - The landowner of land in or comprising the proposed title area may object – s 71 (3) (d) MTA
  - Any other person may make written submissions about the application – s 71 (3) (e) MTA

**Objection/Submission Received**
- Applicant is given a copy of each objection and advised of their right to respond (within 21 days) – s 72 (1) (a) & (b) & s 72 (2) (a) MTA

**Referral to Departmental assessment panel to consider objection**
- Yes
- Objection/Submission Withdrawn
- No

**EML GRANTED**

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

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