

Guidance Notes accompanying Generic Tripartite Deed

The attached Tripartite Deed (the Deed) is a template agreement prepared by the NT Government for the purposes of s31(1)(b) *Native Title Act* 1993 (Cth) (NTA) . The Deed and these Guidance Notes should not be relied upon as legal advice. It is recommended that a grantee party seek independent legal advice regarding the Deed prior to signing it.

1. The Deed is an agreement, for the purpose of s31(1)(b) of the *Native Title Act* 1993 (Cth) (NTA) entered into between 4 parties namely the Grantee Partyⁱ, the Native Title Partyⁱⁱ, the Representative Bodyⁱⁱⁱ, and the Government Party^{iv} with respect to the doing of an act (with or without conditions), namely the grant of the proposed mining interest.
2. When a grantee or native title party require a deed for execution they, the requesting party, can obtain an electronic copy of the deed from the DPIR website or contact the NTALR Unit to request that a copy be provided (details below).

CONTACT

Native Title & Aboriginal Land Rights Unit, Mineral Titles, Department of Primary Industry and Resources

Phone: 08 8999 5322

Fax: 08 8981 7106

Email: NTALRUnit@nt.gov.au

Website: <https://nt.gov.au/industry/mining-and-petroleum/land-tenure-and-availability/native-title>

Postal

Address: GPO Box 4550, Darwin, NT, 0801

Location: 5th Floor, Centrepoin Building, Smith Street Mall, Darwin NT 0800

3. The requesting party must prepare four copies of the deed, they should execute the four copies and then forward them on to the other parties for execution and request that they either be forwarded onto DPIR at the address indicated above for execution by the Chief Executive of DPIR, or alternatively that they be returned to the requesting party to forward onto DPIR.
4. Once all four final copies of the deed are executed by the above parties and received by DPIR, the NTALR Unit will arrange for them to be executed by the Chief Executive. Please note that the date field on the last page of the execution clause should be left black as the Chief Executive, as the last party executing the deed, will fill in the date. The Unit will then contact the Grantee Party to advise that the four Deeds are ready for collection and that stamp duty is to be paid^v by the Grantee Party.
5. After payment of stamp duty, the Grantee Party will return the deeds to the NTALR Unit, who will retain one original of the executed Deed for their own records, and forward an original to the Grantee Party, the Native Title Party, the Representative Body and a copy to the National Native Title Tribunal in accordance with the requirements of s41A(1)(a) NTA.

6. The NTALR Unit will then, in accordance with s41A(1)(b) NTA advise the Commonwealth Attorney General in writing of the making of the Deed and then 'clear' the mineral tenement/s for grant.

If you have any further queries, please do not hesitate to contact the NTALR Unit at the contact details set out above.

ⁱ The Grantee Party is the party who has applied for the mining tenement.

ⁱⁱ The Native Title Party is generally the Native Title Claimants of the relevant native title determination application affecting the land the subject of the proposed mining tenement but can also include other groups (see s29(2) and s30(1) NTA).

ⁱⁱⁱ The Representative Body is the relevant Land Council acting as legal representative on behalf of the Native Title Party.

^{iv} The Government Party is the Northern Territory Government (also referred to as The Northern Territory of Australia). The relevant Government agency responsible for mining matters including provision of the deed is the Native Title and Aboriginal Land Rights Unit (NTALR Unit), Mineral Titles, Department of Primary Industry and Resources (DPIR).

^v Stamp Duty can be paid at the Territory Revenue Management Office, Northern Territory Treasury located at 4th Floor, 38 Cavenagh Street, Darwin, NT.