Application for the Grant of a 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
1. Applicant must have attained 18 years of age - s 59 MTA
2. Application must be on Approved Form – s 41 (1) & 164 (2) MTA
3. Application must include a description of the land comprising the proposed title area - s 41 (2) (a) MTA
4. Application must include evidence of an ore body or anomalous zone – s 41 (2) (b) MTA
5. Application must include a technical work program - s 41 (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

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 & s 71 MTA
Advertising process runs concurrently

ADVERTISING – s 29 NTA
Within 4 months from the notification date:
Native Title Claimants have 4 months to become a registered Native Title Party

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

Arbitral Body determines act can be done with or without conditions
Arbitral Body determines act must not be done

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

No

ML REFUSED

Yes

ML 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.