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 71 MTA** ADVERTISING - s 29 NTA Within 30 days from the notification date: Within 4 months from the notification date: The landowner of land in or comprising the proposed Native Title Claimants have 4 months to become a registered Native Title Party title area may object - s 71 (3) (d) MTA Any other person may make written submissions about the application - s 71 (3) (e) MTA No Registered Native Title Parties Native Title Parties Registered No Objections/Submissions Objections/Submissions The Native Title Act requires that all Parties must negotiate in good faith with a Received Received view to obtaining an agreement. Any party to the negotiations may request the Arbitral Body to mediate Applicant is given a copy of each objection and advised of their right to respond (within 21 days) - s 72 (1) (a) & **AGREEMENT NO AGREEMENT** (b) & s 72 (2) (a) MTA The applicant and native If after 6 months from the notification date, title parties reach no agreement has been reached; any party Wait out agreement. Government, may refer the matter to the Arbitral body for Native Title Objection/Submission Withdrawn applicant and native title determination Act objection parties sign a covering Triperiod No partite agreement **Arbitral Body Arbitral Body** determines act can be determines Referred to Departmental assessment panel done with or without act must not to consider objection conditions be done **SURVEY PLAN Grant NOT** Grant Applicant is required to submit a Recommended Recommended 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 **ML REFUSED 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.

