



EXTRACTIVE MINERAL PERMITS
and
EXTRACTIVE MINERAL AUTHORISATIONS
Under section 178(2A) of the *Mining Act*

Introduction

The purpose of these explanatory notes is to assist applicants with statutory obligations they need to observe when preparing an application for an Extractive Mineral Permit or Extractive Mineral Authorisation. It also describes post application and post grant requirements and processes with respect to these title types.

Whilst these Notes have been provided to assist applicants in their compliance with the *Mining Act*, it is incumbent on them to acquaint themselves with the provisions of the *Mining Act* and all other laws of the Northern Territory as are applicable. Although these notes are here to assist you, in all cases the legislation prevails.

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For further information, please contact:

In person	Titles Division Customer Service Desk 5th Floor, Centrepoint Building, The Mall, Darwin, NT 0800
By post	Customer Services Titles Division, Department of Resources GPO Box 3000, Darwin NT 0801
By fax	(08) 8981 7106 – Attention: Customer Services
By phone	(08) 8999 5322 – Customer Service Officer
By e-mail	titles.info@nt.gov.au – Customer Service Officer

Purpose of title

- An extractive mineral permit allows the holder to extract or remove from the ground in the permit area deposits of extractive minerals specified in the permit. For further information please refer to Section 114 of the *Mining Act*.
- A person may apply for an area of land the subject of a Reservation from Occupation. An

extractive mineral authorisation under section 178(2A) authorises a person (as defined at section 19 of the *Interpretation Act*), to occupy and use that land for extracting, removing, storing or processing the extractive mineral/s specified in the authorisation.

Pre-requisites

The common essential pre-requisites for both title types are:

- each applicant must hold a Northern Territory Miner's Right;
- the applicants have complied with the *Mining Act* in respect of making a valid application, **including the completion of an application for approval to apply.**

- the extractive minerals to be extracted are clearly specified;
- the applicants have the financial and technical resources to undertake their proposed program; and
- the land is available.

Application for Approval to Apply

As part of the application process for an extractive mineral permit or extractive mineral authorisation, applicants **must first** seek approval to make the application from the Minister.

This "approval to apply" form is attached to the permit/authorisation application form.

Applicants should provide a description of matters which may be of relevance to the Minister in the space provided.

Suggested inclusions may be:

- work generally undertaken by applicant (civil contracting etc);
- what type of resource is in the application area; and
- what the material will be utilised for

Please note : Both the "Approval to Apply" and permit or authorisation application form **must** accompany each other at the time of lodgement.

Hints for completion of application form

Part 1 - Particulars of Applicant

Full name of applicant:

In case of individuals, please state the full name of each person. In the case of corporations, state the name of each corporation as shown on their latest Certificate of Incorporation.

If there are more than four parties to the application, please use an attachment to clearly identify further applicants.

Principal or residential address of applicant:

Please state each applicant's principal or residential address. This is the physical address at which documents may be served on each applicant.

Postal Address

Please state postal address of each applicant.

Australian Company Number (ACN):

This is the number described on the Certificate of Incorporation and issued by the Australian Securities and Investment Commission.

Interest:

All applicants are required to state their proposed interest in the permit or authorisation in percent (not shares).

Miner's Right Number:

Each applicant for an extractive mineral permit or extractive mineral authorisation is required to hold a valid Miner's Right.

A perpetual Miner's Right costs \$100 and may be issued to an individual over the age of 15 or to a corporate body.

Individuals must provide a Driver's Licence, Birth Certificate, Passport or other form of evidence to

Part 2 - Particulars of Agent

An agent can be any one person or corporation, who has been nominated by the applicant/s to administer the subject application on behalf of the applicant/s.

In the case of multiple applicants, **one agent** must be nominated.

An agent is not required to have a Miner's Right.

Authority to Act as Agent:

If the nominated agent is not an applicant, please provide written evidence confirming their authority to act as your agent.

Part 3 - Particulars of Period

The maximum number of years that an extractive mineral permit or extractive mineral authorisation may be granted for is 2 years.

Part 4 - Particulars of Area

Please refer to the "Land Status" and "Land Availability" sections on pages 8 and 9 respectively in order to determine what land may be applied for.

Number of Hectares:

The maximum area that can be sought under an application is 100 hectares.

Geographic Datum:

Written description:

All boundaries are measured in metres and all bearings true.

Example of written description:

Commencing from NTS310 (Mount Wells), proceed 250m on a true bearing of 90 degrees to Datum Post.

Thence 800m on a bearing of 180 degrees,
Thence 400m on a bearing of 270 degrees,
Thence 800m on a bearing of 360 degrees,
Thence 400m on a bearing of 90 degrees back to the Datum Post.

In addition, digital spatial information can be e-mailed to the titles.info@nt.gov.au stating the projection and datum of the data.

establish proof of identity. A Certificate of Incorporation is necessary for a corporate body.

If you do not have a Miner's Right, or if you are unsure that you have one, please contact the Customer Service section on (08) 8999 5322 or titles.info@nt.gov.au.

The holder of a Miner's Right is referred to as "a Miner".

If the applicant is a company, the above authority **must** be on the appropriate company letterhead.

Full name of Agent:

State the full name of the agent.

Postal Address:

State nominated postal address for the agent. **ALL** correspondence with respect to the subject application will be addressed to the agent

(Example: 'Reminder Letters', 'Offers of Grants' or 'Grant Documents')

In this section please state the number of years that you require the subject application to be granted for.

Please state the geographic datum on which the coordinates have been provided. (ie. GDA94)

Datum Post:

The Datum Post, being the North-Eastern corner post, must be described by latitudes and longitudes **as well as** by distance and bearing from a geographical feature or known survey point.

Map of application area:

Under Section 162 of the *Mining Act*, each application must be accompanied by a map that indicates the area of land to which the application relates, including the boundaries of existing land holdings or geographical features.

This map must be at a scale that clearly depicts the boundaries of the application. It should also depict locations of any residences/buildings that are within and up to 50m outside of the area of the application.

Maps may be printed from the Titles Information System, which is the Division's online query system. For further information please contact us or log into www.mineral.nt.gov.au/tis

Reasons for Irregular Shape:

As per Regulation 19 of the *Mining Act*, boundary lines should lie as near as possible to the **true meridian** (not magnetic) bearings of north south and east west.

In addition, Regulation 20 requires the shape of the area to be a rectangular parallelogram,

the length of which shall not exceed twice the width, except in exceptional circumstances, such as existing boundaries, natural features, etc.

Therefore if applicable, please provide specific reasons for the irregular shape of the subject application.

Part 5 –Extractive Mineral/s to be Extracted

Identify the extractive mineral/s to be extracted by placing a cross in the relevant box.

Note: An Extractive Mineral Permit may not be granted for quarrying of stone or clay. Please refer to the 'Explanatory Notes for Extractive Mineral Leases'.

Part 6 – Use of Extracted Material

Applicants should provide details of contracts:

- with whom; and
- for what purpose.

Part 7 - Details of Available Plant and Earthmoving Equipment

Applicants should provide details of the equipment owned or available for the:

- extraction of the extractive mineral/s and
- rehabilitation of disturbed areas.

Part 8 - Details of financial resources to fund proposals

Applicants need to substantiate that they have the financial resources to fund proposals.

- **Companies** may lodge excerpts from their Annual or Quarterly Reports containing financial details.
- **Individuals** may obtain a letter from their bank giving some indication as to their financial position
-
- (exact funds held not required – just an indication that there are adequate funds to undertake the proposed program); or
- Accountant's verification, on appropriate letterhead, of available funds.

Part 9 - Names and addresses of affected land owners/occupiers

Section 108 of the *Mining Act* requires the applicant/s to identify the names and addresses of ALL affected land owners/occupiers. This address can be obtained either from the:

Northern Territory Land Title Office
GPO Box 3021, Darwin NT 0801
Phone: 8999 6520; Fax: 8999 6239.
OR

Integrated Land Information System (ILIS)
Contact NT Land Information Systems
Dept. Planning and Infrastructure (DPI)
Telephone: 89244128
Email: ilis.support@nt.gov.au

NOTE: A fee is applicable for a copy of a land title search. The service provided by DPI is to enable you to directly access ILIS and print off your own searches. The service is open to everyone but is generally used by agents. To access ILIS requires completion of an application form and takes approximately 2 weeks before access is available. A fee of \$10.00 is applicable for each search that you print. An account is sent to you monthly by ILIS.

You must provide a copy of all search/s with your application. This search must not be more than two weeks old.

Part 10 – Native Title Claimants/ Bodies Corporate/Representative Bodies

As per Section 108 of the *Mining Act*, you must identify the names and addresses of affected native title claimants, bodies corporate or representative bodies.

Please attach a current Native Title Search Certificate that you would have obtained from the Native Title Tribunal at:

Native Title Tribunal
GPO Box 9973, Darwin NT 0801
Telephone: (08) 8936 1600
Facsimile: (08) 8981 7982
A fee is applicable for this service.

Part 11 - Fees

On lodgement of an application, certain fees and charges apply, which are determined by the cadastral (land) status of the application area.

Please note that applications received without correct payments cannot be accepted. The same applies for applications that are received with insufficient payments.

Please Note: Advertising and associated fees are subject to change without notice. All amounts are inclusive of GST.

Charge	Amount Due
EMP/EM Auth Application Fee	\$58.00
NT News Advertising Fee	\$291.04
TOTAL:	\$349.04
PLUS	
Centralian Advocate Advertising Fee (if applicable)	\$208.36
TOTAL:	\$557.40

Part 12 - Payment methods:

Acceptable payment methods:

Personal cheques or Money Orders are payable to the Receiver of Territory Monies and must accompany the application.

Visa or Master card requires written authorisation either on the application form or in a covering letter accompanying the application.

Direct deposit to the Department's account can be arranged by contacting the Mineral Titles Division and obtaining the Department's account number.

EFTPOS and cash payments are only available for applications that are lodged in person.

Part 13 - Signatures of applicants

Applications will not be accepted without the signatures of the applicants' or the agent.

Exceptions to this policy are emailed applications. Please note, emailed applications must come from either the agent's or one of the applicants email address.

Part 14 Lodging of Applications

Applications for extractive mineral permits or extractive mineral authorisations must be accompanied by an 'Application for Approval to Apply' form.

Marking out of the permit area must be carried out after lodging the application forms and within 14 days of receiving the Minister's approval from the Titles Division.

Marking Out of Area

In accordance with Regulation 19:

- extractive mineral permit and extractive mineral authorisation areas must be marked out within 14 days of receiving the Minister's approval to apply, and
- within a further 14 days, details of the method of marking out must be provided to the Department.

Marking Out (Pegging)

There shall be erected at each corner of the proposed area, a substantial metal post (or cairn of stones) which, shall project above the surface of the area by not less than one metre.

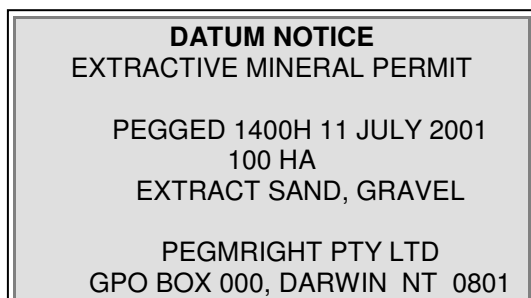
The use of a star picket over which a sleeve, not less than 75mm in diameter of metal, heavy duty PVC or ferro cement has been placed, is acceptable.

Note: These sleeves should be either filled, capped, or the base cut at an angle so as to prevent fauna from becoming trapped.

Datum Post

As per Regulation 19, the metal post or cairn of stones placed at the north-eastern corner of the area shall be the datum post.

At the time of marking out, a notice comprising of a metal plate etched or stamped, or printed in durable oil-Example of Datum Notice affixed to the North-East Corner Post:



All corner posts (or cairns of stones) must be set in the angle of either 2 trenches or lockspits of stone, 1 metre long and 150 millimetres deep or high, arranged to indicate the direction of the boundary lines.

Common posts may be utilised, but only where the area sought abuts an area already held by the applicant or is likewise being sought by the same applicant.

Witness posts may be used where it is impracticable to erect corner posts because of water or some other obstacle. Such a post is to be marked "W.P" with a bearing and distance to where the corner post should be located.

based paint so as to remain clearly legible, specifying the type of title, the time and date of marking out, the size of the area, the subject of the application and the full name and address of the applicant/s, shall be affixed to the datum post.

For the purposes of 'Flagging' the sole use of combustible material (flagging tape) is not acceptable. Flagging tape must be used in conjunction with other non-combustible flagging.

Example:

Metal tags (minimum of 75mm x 25mm) fixed on either side of the trees at 1.5 metres above ground level should be placed along the line of sight between corner pegs or additional metal posts or flagged trees.

Boundary lines should lie as near as possible to the **true meridian** (not magnetic) bearings of north south and east west. A clear line of sight between posts, no more than 1 metre wide, should be made. Immature trees may be removed; mature trees are to be flagged.

The shape of the area shall be a rectangular parallelogram, **the length of which shall not exceed twice the width**, except in exceptional circumstances, such as existing boundaries, natural features, etc. (Refer to Regulation 20 of the *Mining Act*).

In addition to these explanatory notes, please refer to Regulation 19 of the *Mining Act*.

Land Status

Freehold Land

Freehold land title, sometimes referred to as a Grant in Fee Simple or Estate in Fee Simple, means that the Crown (or Government) has passed all interest in the land, other than minerals, onto the owner.

An example of freehold land is the average house block in a city or town.

Aboriginal Freehold Land

Aboriginal Land Rights (Northern Territory) Act 1976 (Commonwealth)

For the purposes of the *Mining Act*, any Freehold land title that is owned by an Aboriginal Land Trust is referred to as Aboriginal Freehold Land.

Applications over Aboriginal Freehold Land must be processed through the *Mining Act* as well as the Aboriginal Land Rights Act (ALRA).

Please also refer to the "Additional requirements for application on Aboriginal Land" section of these explanatory notes.

Note: Due to the provisions of the Aboriginal Land Rights Act, applications on Aboriginal Freehold Land which traverse across Land Council boundaries cannot be accepted and the application will need to be split.

Native Title Affected Land

Native Title Act 1993 (Commonwealth)

Native Title is a concept in the law of Australia that recognises that there was/is a continued beneficial legal interest in land and waters held by Indigenous Australians. Native Title is recognised across Australia and can co-exist with other forms of land title including pastoral leases and mining exploration licenses.

For a complete definition refer to section 223 of the *Native Title Act 1993*.

In practical terms, land that is neither Freehold nor Aboriginal Freehold is considered to be land that is affected by Native Title.

Mining Act Section 4 Interpretation

Crown Land means all land in the Territory **other than** –

a reserve or park, private land, Aboriginal land, land the subject of a mining tenement or exploration retention licence, land reserved from occupation under section 178 of this Act, land reserved for or dedicated to a public purpose.

Private Land means land that is –

alienated from the Crown for an estate of freehold, the subject of a conditional purchase agreement, or the subject of a lease or concession, with or without a right of acquiring the fee simple, other than a lease or concession for pastoral or timber purposes.

The definition of private land does not include –

Aboriginal land, land held for an estate in fee simple, or in a lease from the Crown, by the Conservation Land Corporation established by section 27 of the Parks and

Wildlife Commission Act; or land held or occupied for mining purposes under the *Mining Act* or the repealed *Mining Act*.

In addition, where a pastoral lease is subdivided and the resultant parcels are 150 square kilometres or less in area the parcels are considered private land for the purposes of the *Mining Act* (Section 4(5) of the *Mining Act*).

Council or Shire Rates

Titles, when granted, may be assessed for Local Council or Shire rates. To be assessable for rates a title must also have an Authorisation granted under the Mining Management Act. Rates do not apply to titles for exploration purposes. Contact your Local Government Office for more information.

Land Availability

Current Title Maps

The Department maintains an electronic spatial database for the recording and maintenance of Mineral Title information. The Title Information System (TIS) provides online public access to this database. TIS depicts areas currently held, or sought by miners, and areas which are reserved from occupation.

In order to determine areas that are available, or that are likely to become available, you can utilise TIS to view a web browser (like Internet Explorer) of a dynamic map of

the Territory. You can also print current information from this site.

Registered users can access queries and textual information on all current titles. Registration is free and application forms can be printed from:

www.minerals.nt.gov.au/

For further information or assistance please contact the Customer Service section on (08) 8999 5322 or titles.info@nt.gov.au.

Conflicting Mining Tenure

Extractive mineral permits may be sought over any land, including land the subject of an exploration licence application (section 21(2)(a) refers) or reserve from exploration under section 15 of the *Mining Act*, **with the exception of** land that is currently the subject of:

- an application for a mining tenement (including extractive titles) or exploration retention licence;
- a granted exploration retention licence or mining tenement (including extractive titles); and
- a Reservation from Occupation under section 178 of the *Mining Act*.

Mining Management Act 2001

Prior to any extractive activities taking place, holders of extractive mineral permits and extractive mineral authorisations are required to obtain an Authorisation under the *Mining Management Act 2001*.

Please contact the Mines Division for further information:
Mine Audit Officer
GPO Box 3000, Darwin NT 0801
Telephone: (08) 8999 6528
Facsimile: (08) 8999 6527

Additional requirements for applications on Aboriginal Land

Before applying for an extractive mineral permit or extractive mineral authorisation on Aboriginal land, the intending applicants must seek and obtain an agreement with the Land Trust and the Land Council to the grant of the proposed title.

For further details, please refer to Section 19(4A) of the Aboriginal Land Rights (Northern Territory) Act.

A copy of the agreement must accompany your application.

Post Application Requirements

Service of Notice

Within 14 days **after** receiving notice of the Minister's approval to apply for an extractive mineral permit or extractive mineral authorisation, the applicant is required, pursuant to Section 110 of the *Mining Act*, to serve written notice on affected parties.

Where possible the following should be included in the notice to the affected land owner/occupier:

- Application number and name of project (if applicable);
- Resume of the applicant – latest achievement, technical expertise and reputation;
- Purpose of the extractive mineral permit;
- Details of development proposals and likely disturbance to property;
- A map depicting the area sought in relation to the area owned or occupied by the affected land owner/occupier;
- Contact names in full, telephone and facsimile numbers, including those of any contractors;
- An invitation to the affected land owner/occupier to visit the applicant's office or seek a mutually

convenient time to visit the affected land owner's/occupier's home or office to discuss proposals;

- An undertaking to fully discuss the proposed program should the extractive mineral permit be granted.

Within fourteen days of serving the above mentioned notice, the applicant is required to lodge a **copy of the notice and evidence of the service** of the notice with the Secretary.

The usual practice is to provide a copy of the registered mail slip. However, a statutory declaration stating to whom and when the notice was dispatched will also suffice. In both cases a copy of the letter served will be required.

Should you serve notice prior to the lodgement of the application with the Department, this will be deemed to be non compliant with the *Mining Act*, and you will be requested to re-serve the notice.

Unknown or Absentee Land Owner

Where a notice has to be served on a person whose name or present address is not known to the applicant, the following procedure applies.

Applicants must, with the prior approval of the Secretary, publish a notice in the NT News on at least 3 occasions and not less than 7 days apart. Additionally, a notice

must be posted on the public notice board in the office of the Secretary for 7 days.

The notice board is located at the Titles Customer Service Desk on the 5th Floor of the Centrepoint Building, Darwin.

Advertising

As soon as practicable after the application is received, the Department will arrange to have a notice of the application published in the appropriate newspaper.

Securities

Applicants will be advised in due course if they are required to pay securities.

Notification of Determination

Successful Applications

Extractive Mineral Permit

Applicants will be notified of the Minister's intention to grant the extractive mineral permit by an "Offer of Grant" letter.

Generally the grant will be subject to:

- the applicant paying the prescribed rent, within the timeframe specified; and/or

Extractive Mineral Authorisation

This title is "issued" and not granted under the *Mining Act*.

The notification process is the same as for the above except: The "Offer" letter is accompanied by an original and duplicate contract document.

Unsuccessful Applications

Shall an application be found unsuccessful, a letter of refusal will be sent to the applicants.

Where the refusal occurs prior to advertising of the application, advertising fees will be refunded.

- lodging any security required within the timeframe specified.

The receipt date for the payment of rent or security will be deemed to be the date of grant of the permit. **Should these payments be made separately, then the grant date will be the date the late payment is received.**

These documents are to be signed, left undated and returned with the appropriate fees. Issue of the authorisation cannot proceed without a signed contract. A copy will be sent to you after endorsement by the Minister (or his delegate) has occurred.

Please note that application fee will be retained in all cases.

Post Grant Requirements

Permit Conditions

Before undertaking any mining activity, the holder of an extractive mineral permit or extractive mineral authorisation must obtain an authorisation to extract under the *Mining Management Act 2001*.

Please contact the Mines Division of the Department of Regional Development, Primary Industry, Fisheries and Resources to apply for such an Authorisation:

Mine Audit Officer
GPO Box 3000
DARWIN NT 0801
Telephone: (08) 8999 6528
Facsimile: (08) 8999 6527

In addition, the holder of an extractive mineral permit or extractive mineral authorisation should read and fully understand the conditions attached to the permit/authorisation and the statutory provisions under the *Mining Act*.

Sacred Sites

Holders of an extractive mineral permit or extractive mineral authorisation should be familiar with the provisions of the Northern Territory Aboriginal Sacred Sites Act.

It is recommended that you visit the Aboriginal Areas Protection Authority to determine whether there are any registered sacred sites within the permit area, and consider whether to apply for an Authority Certificate in accordance with Section 20 of the Northern Territory Aboriginal Sacred Sites Act 1989 prior to commencing.

The conditions applicable to each extractive mineral permit or extractive mineral authorisation may vary to those applying to a previous permit/authorisation. Upon receipt of a notification of the grant of an extractive mineral permit or extractive mineral authorisation, the assumption must not be made by the holder that the conditions will be identical to those of a previous permit/authorisation.

Furthermore, please refer to Section 114 of the *Mining Act* for information on the powers and exclusive rights of extractive mineral permit or extractive mineral authorisation holders.

Advice on that Act is available from the Aboriginal Areas Protection Authority:

1st Floor T.I.I. Building
74 Cavenagh Street, Darwin
Northern Territory
Telephone: (08) 8981 4700
Facsimile: (08) 8981 4169

Rights of Fossickers

By virtue of Section 130D of the *Mining Act*, a fossicker may fossick for minerals within an area the subject of an extractive mineral permit, extractive mineral

authorisation or an application for either title, but only with the written consent of the holder of, or applicant for that title, as the case may be.

Renewal

The holder of an extractive mineral permit or extractive mineral authorisation may, at any time **before the expiry of the title**, make an application for the renewal of that title.

Extractive mineral permits or extractive mineral authorisations can be renewed for periods not exceeding 2 years, and the Minister may vary or add to the conditions attached to the title.

Holders of extractive mineral permits or extractive mineral authorisations are urged to lodge their applications for renewal 3 or more months before the date of expiry to assist with timely renewal.

To apply for a renewal, the applicant must be the holder of the title to be renewed and submit the following:

Where an application for renewal has been made, but not determined until after the date of expiry of the previous term of the title, the extractive mineral permit or extractive mineral authorisation is deemed to continue in force until the application for renewal is determined. (Section's 115 and 178(2D) of the *Mining Act*)

Comprehensive Report of Activities carried out during the term of the Extractive Mineral Permit or Extractive Mineral Authorisation to the Date of Application

To support an application for renewal, applicants should give full details of the project including production.

Fees

The following fees and charges are required at the time of lodgement of the renewal application:

Please note that renewal applications received without correct payments will not be accepted

Renewal Application Fee	\$28.00
Annual Rent (Incl GST)	\$55.00/Ha

Disclaimer

Whilst these Notes have been provided to assist applicants in their compliance with the *Mining Act*, it is incumbent on them to acquaint themselves with the provisions of the *Mining Act* and all other laws of the Northern Territory as are applicable. The Minister may grant a title in respect of all or part of the land over which an application is made. Where other interests exist over the area applied for, applications may not be successful. Fees are subject to change.