

## 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.

An electronic pdf copy of the Deed can be obtained by contacting the department (details below).

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 Party<sup>1</sup>, the Native Title Party<sup>2</sup>, the Representative Body<sup>3</sup>, and the Government Party<sup>4</sup> 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 should contact the Native Title and Aboriginal Land Rights Unit (NT & ALR Unit) of the Department of Primary Industry, Fisheries and Mines (DRDPiFR), to request that a deed be provided, whereupon four copies of the deed will be prepared and forwarded to them for execution.

Native Title and Aboriginal Land Rights Unit  
Minerals and Energy Titles Division, DRDPiFR  
Level 5, Centrepoin Building  
48-50 Smith Street  
DARWIN NT 0800  
Ph: (08) 8999 5322  
Fax: (08) 8981 7106  
Or email: [Titles.info@nt.gov.au](mailto:Titles.info@nt.gov.au)

3. Once the Deed is received, the requesting party should check to ensure all details in the Schedule to the Deed are correct (i.e. address, tenement, party names etc). If any discrepancies arise, they should contact the NT & ALR Unit

to request that any necessary changes be made, whereupon the Unit will make changes required and send the four revised copies of the Deed to the requesting party for execution.

4. When the requesting party is satisfied with the terms of the Schedule, they should execute the four final copies of the Deed and then forward them on to the other party for execution and request that they either be forwarded onto DRDPIFR at the address indicated above for execution by the Chief Executive of DRDPIFR, or alternatively that they be returned to the requesting party to forward onto DRDPIFR. Please note that the date field on page two of the execution clause should be left blank. The Chief Executive, as the last party executing the Deed, will fill in the date.
5. Once all four final copies of the Deed are executed by both parties and received by DRDPIFR, the NT & ALR Unit will arrange for them to be executed by the Chief Executive. The Unit will then contact the Grantee Party to advise that the 4 Deeds are ready for collection and that stamp duty is to be paid<sup>5</sup> by the Grantee Party.
6. After payment of stamp duty, the Grantee Party is to retain one original of the executed Deed for their own records, forward an original to the Representative Body and the two remaining Deeds to the NT & ALR Unit, who will retain one and forward the other to the National Native Title Tribunal in accordance with the requirements of s41A(1)(a) NTA.
7. The NT & ALR Unit will then, in accordance with s41A(1)(b) NTA, notify the Commonwealth Attorney General in writing advising of the making of the Deed and then 'clear' the mining interest for grant.

If you have any further queries, please do not hesitate to contact the Native Title and Aboriginal Land Rights Unit- contact details set out above.

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<sup>1</sup> The Grantee Party is the party who has applied for the mining tenement.

<sup>2</sup> 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).

<sup>3</sup> The Representative Body is the relevant Land Council acting as legal representative on behalf of the Native Title Party.

<sup>4</sup> 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 & Aboriginal Land Rights Unit (NT & ALR Unit), Minerals & Energy Titles Division, Department of Regional Development, Primary Industry, Fisheries and Resources (DRDPIFR).

<sup>5</sup> Stamp Duty can be paid at the Territory Revenue Management Office, Northern Territory Treasury located at 4th Floor, 38 Cavenagh Street, Darwin, NT.