

# MT5: Mineral titles management

## Purpose

To outline the proposed changes to mineral titles management under the *Mineral Titles Act 2010* (the Act) and *Mineral Titles Regulations 2011* (the Regulations).

## Improving our mineral titles management

Current arrangements	Proposed arrangements
<p><b><u>Applications following the cessation of an EL</u></b></p> <p>The Act currently provides that a person cannot apply for a mineral exploration licence (EL) until 30 days after the EL ceases.</p> <p>This has caused issues in practice as the department's database is unable to reconcile and reflect the updated information in a timely manner, disadvantaging potential applicants who are unaware that an area has become available.</p>	<p>To mitigate this issue, it is proposed to:</p> <ul style="list-style-type: none"> <li>clarify that a person cannot apply for the grant of an EL, for land that was previously an EL, until 30 days have passed after the date on which a mining notice on the department's website indicates that the EL has ceased.</li> </ul>
<p><b><u>Applications for surrendering a mineral title</u></b></p> <p>The Act currently restricts the number of blocks that a title holder may surrender by requiring that the surrender leave the title area with no more than three separate areas of land, each comprising of at least four adjoining blocks.</p>	<p>Considering the proposed amendments to EL applications which provide that an EL holder can apply for a minimum of one block, restrictions on the number of blocks an EL holder may wish to surrender should not be limited.</p> <p>For that reason, it is proposed to:</p> <ul style="list-style-type: none"> <li>remove the restriction on the number of blocks that can be surrendered</li> <li>include that documentation is required to demonstrate the level of rehabilitation the title holder has undertaken in accordance with the <i>Environment Protection Act 2019</i>, which must be accompanied with the application to surrender the mineral title.</li> </ul>

Current arrangements	Proposed arrangements
<p><b><u>Cancellation or partial cancellation of a mineral title</u></b></p> <p>The Regulations do not clearly define the process of cancelling an EL, where the EL holder has not met the expenditure condition for two consecutive years.</p> <p>The partial cancellation penalty has been commonly referred to as the 'loss of blocks penalty' by the department and industry. However, it would be beneficial to provide clarity around this penalty.</p>	<p>To provide greater transparency on the process, it is proposed to:</p> <ul style="list-style-type: none"> <li>• provide a description of the 'loss of blocks penalty' and formula in the Regulations</li> <li>• extend the loss of blocks penalty over the entire life of the EL rather than just the initial grant period</li> <li>• include a new provision that pertains to an EL only, in cases where the expenditure condition has not been met for a period of two consecutive years</li> <li>• provide the EL holder an opportunity to comment on the proposed partial cancellation when the Minister notifies the EL holder of their decision to apply a loss of blocks penalty</li> <li>• provide the Minister discretion to waive all or part of the penalty upon application by the mineral title holder.</li> </ul>
<p><b><u>General reserved land</u></b></p> <p>General reserved land (RL)<sup>1</sup> typically allows for the grant of mineral authorities (MAs)<sup>2</sup> which may correspond with any mineral title.</p> <p>Where an RL allows for the grant of MAs that correspond to an EL, the Act currently does not address what happens to these titles when the RL is revoked, and the title holder wishes to retain the titles.</p> <p>The Act also allows the Minister to vary or revoke the reservation of a RL. However, it is currently unclear as to what constitutes a 'variation' or 'revocation'. It would be beneficial, if as a result of a partial revocation, the remaining RL could consist of more than one part.</p>	<p>To mitigate these issues, it is proposed to:</p> <ul style="list-style-type: none"> <li>• include a power for the Minister to convert a MA that corresponds to an EL to a valid EL, in the event that a RL covering the title area is revoked</li> <li>• provide greater clarity as to what constitutes a 'variation' or 'revocation' of a RL</li> <li>• include the capacity for an RL, following a partial revocation, to comprise of more than one part.</li> </ul>
<p><b><u>Registration of devolution of mineral rights interest</u></b></p> <p>The Act currently does not provide the Minister with the power to cancel a mineral</p>	<p>It is proposed to introduce the following provisions as a last resort:</p> <ul style="list-style-type: none"> <li>• provide the Minister with authority to publish a notice in a newspaper that is circulated in the</li> </ul>

<sup>1</sup> Land can be declared as general reserved land, which prohibit all exploration, extraction and mining. In some instances, a mineral authority can be granted over some general reserved land and allow for specific activities.

<sup>2</sup> A mineral authority gives the title holder the same rights as the corresponding mineral title, i.e. mineral exploration licence or extractive mineral permit. It's also subject to the same length of term and obligations as the mineral title.

Current arrangements	Proposed arrangements
rights interest, in the event that after a dedicated effort to find a relative, executor, or potential beneficiary to any will, no one is found.	<p>deceased's last known jurisdiction. The notice is to appear at least three times, with intervals of no less than seven days</p> <ul style="list-style-type: none"> <li>allow the Minister to cancel the mineral rights interest if no response is received after three months of the final notice.</li> </ul>
<p><b><u>Amalgamation of title areas</u></b></p> <p>The Act requires further clarification on the amalgamation of title areas.</p>	<p>To improve clarity, it is proposed to:</p> <ul style="list-style-type: none"> <li>include that the replacement title for amalgamated ELs, where their combined age is greater than six years, would be deemed to be in renewal for rent purposes and issued for a period not exceeding the initial grant period</li> <li>provide the Minister power to request ad hoc reports that cover a specified period, or to include a requirement for an Annual and Expenditure Report to be lodged for the period from the date of last lodgement until the date of amalgamation. The report would be required 60 days after the date of amalgamation, which is consistent with other reporting</li> <li>provide the Minister discretion to waive the late lodgement fee if satisfied that the person has a reasonable excuse for not lodging on time.</li> </ul>
<p><b><u>Title slivers</u></b></p> <p>The Act currently does not address the management of title slivers<sup>3</sup> for ELs.</p>	<p>It is proposed to allow the title holder of an EL granted first to apply for the sliver of land created between two ELs. In the event that the first EL ceases to exist, the second EL holder would have right of access to apply for the overlap area. The proposed change would only be applicable to ELs.</p>

<sup>3</sup> A space or 'sliver' of land created between two mineral titles as a result of the shift in geographic coordinates over time.