

MT6: Mineral title activities and conditions

Purpose

To outline the proposed changes to mineral title activities and conditions under the *Mineral Titles Act 2010* (the Act).

Improving our mineral title activities and conditions

Current arrangements	Proposed arrangements
<p><u>Right to enter and use land outside the title area</u></p> <p>An access authority¹ is a right of access and not a grant of title, which can only be applied for if the title holder has a mineral title.</p> <p>The Act sets out the requirements to apply for an access authority. However, certain provisions require more detail and clarification.</p>	<p>To provide greater clarity, it is proposed to:</p> <ul style="list-style-type: none"> • specify that an access authority expires when the relevant mineral title ceases • require the mineral title holder to surrender their access authority when the relevant mineral title ceases • require the following title holders to also obtain consent to enter land outside the title area for the purposes of construction, maintenance and use of infrastructure associated with conducting authorised activities: <ul style="list-style-type: none"> ○ mineral lease (ML) ○ extractive mineral lease (EML) or ○ extractive mineral permit (EMP) • specify that the requirement to give a written notice of intention to apply for an access authority to a title holder would only apply to the following titles: <ul style="list-style-type: none"> ○ mineral exploration licence (EL) ○ mineral exploration licence in retention (ELR) and ○ extractive mineral exploration licence (EMEL).
<p><u>Drill cores, cuttings and other geological samples</u></p>	

¹ A holder of a mineral title may apply for an access authority which provides the title holder the right to enter land outside the title area to construct, maintain and use infrastructure associated with conducting authorised activities under the mineral title.

Current arrangements	Proposed arrangements
<p>The Act currently requires holders of an EL, ELR or EMEL to give the Minister notice of the recovery of a drill core, cutting or other geological sample if they are of significant value. However, extractive minerals that are found through an EMEL title are not considered to be of high value and should be excluded.</p> <p>Additionally, holders of a ML are allowed to conduct mineral exploration in their title and should also be required to give notice of a recovery.</p>	<p>To streamline the recovery of drill cores, cuttings and other geological samples, it is proposed to:</p> <ul style="list-style-type: none"> • remove the requirement for an EMEL holder to give notice of a recovery • require ML holders to give notice of a recovery • for an EL, ELR or EMEL – amend the requirement to give geological samples recovered to the Minister once authorised activities cease. Instead, the title holder would give notice that the samples are available and the Minister would have the discretion to accept it.
<p><u>Notice of changes</u></p> <p>Currently, a mineral title holder is not required to notify the Minister if they file for bankruptcy. Similarly, an executor, or other suitable person, is also not required to notify the Minister if the mineral title holder passes away.</p>	<p>It would be beneficial to include a requirement to notify the Minister of these events. It is proposed to:</p> <ul style="list-style-type: none"> • require that the title holder notify the Minister if they file for bankruptcy • require that an executor, or other suitable person, as soon as practicable, notify the Minister if a person who made an application under the Act passes away • require that if a notice received by the Minister states that a person has declared bankruptcy or a company has been placed into liquidation, then any outstanding applications for a mineral title in the person's name are automatically rejected.
<p><u>Variation of conditions of mineral title</u></p> <p>There are currently two types of variations to an expenditure condition².</p> <p>The first is a retrospective variation for the reporting period that has ended and the second is a variation to expenditure for the current reporting period.</p>	<p>To reduce the practice of not complying with the expenditure condition and then requesting a variation to that condition, it is proposed to:</p> <ul style="list-style-type: none"> • remove the capacity to apply for a retrospective variation following the end of a reporting period • require that any requests to vary an expenditure condition must be submitted within the first six months of each reporting period with no variation to conditions to be accepted after this time.

² For an EL or ELR, the title holder must carry out technical work in accordance with the expenditure requirements specified in the title.