

MT8: Non-compliant existing interests

Purpose

To outline the proposed changes to non-compliant existing interests (NCEIs) under the *Mineral Titles Act 2010* (the Act).

Overview

NCEIs are historical titles granted under previous mining legislation. They include:

- authorised holdings granted under the *Mining Ordinance 1939-1979* and
- mineral claims granted under the *Mining Act 1982*.

When the Act commenced in 2011, provisions were made to recognise these titles and provide a mechanism for the Minister to take various actions in relation to a NCEI. These included:

- converting them to an appropriate mineral title under the Act
- converting them to another interest, such as an occupation licence under the *Crown Lands Act 1992*
- accepting its surrender
- cancelling it.

The provisions have enabled the department to effectively manage the conversion of approximately 525 mineral claims and 89 authorised holdings to a mineral title under the Act that have been either surrendered or cancelled. However, the department has not been able to give effect to some of the remaining titles, particularly where the title is held by an individual who has passed away but have paid their rent.

Proposed changes to non-compliant existing interests

Current NCEIs do not have an appropriate mineral title to convert to since their activities are either not mining related or ancillary to mining. While the Act provides the Minister with the authority to cancel NCEIs, further clarification of this power is required under the Act.

It is proposed to:

- clarify the Minister's power to cancel a NCEI under the Act
- include criteria to ensure the Minister is satisfied before cancelling an NCEI (e.g. criteria are met in searching for a beneficiary of the title, and no one is found)
- modernise rent, introduce an expiry date and capacity for renewal for authorised holdings converted to a mineral title.