



Our ref E 47/XXXX

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XXXXX PTY LTD
PO BOX 600
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Dear Sir

APPLICATION FOR EXPLORATION LICENCE E 47/XXXX

Attached are copies of the above application (Form 21) being one for your records and the remainder to comply with the following requirements **within 14 days of the lodging date:-**

1. For service by registered post on the holder of any miscellaneous licence covered by your application- *Regulation 64(6)*;
2. For service, together with a map identifying the ground applied for, on the holder of any pastoral lease covered by your application. Service to be by registered post - *Section 118*; and
3. Should the application include private land then copies of the Form 21 and map or plan must be served on:-
 - (a) (i) the Chief Executive Officer of the local government authority;
(ii) the owner and occupier of the land; and
(iii) each mortgagee in respect to the land as recorded in Landgate - *Section 33(1)*.OR
 - (b) In cases of sub-surface applications (ie. only for land below a depth of 30 metres from the lowest part of the natural surface) then service on the Chief Executive Officer of the local government authority only - *Section 33(1a)*.

A Security (Form 32) in the sum of \$5000.00 must be completed for each application and lodged at this office within 28 days from the date of application - *Section 60(1)*.

Attached is a Quick Appraisal for your records and information. Please note that the quick appraisal function only provides the tenement and land boundaries that are current at the time the function is used i.e. the details will change from time to time as information is updated.

When the above requirements have been complied with you should complete and return the enclosed affidavit within 28 days from the date of application.

Upon being satisfied that all the necessary requirements of the *Mining Act 1978* have been met, the application will be considered for grant. Should any action required by you not be complied with, you risk refusal of the application.

NATIVE TITLE ACT COMPLIANCE

The intended grant of the application is, for the purposes of the *Native Title Act 1993* (NTA), a future act that attracts certain procedural rights under that legislation.

The State Government is operating under a policy whereby the intended grant of an application for an exploration licence is nominated as an act that attracts the expedited procedure under the NTA where applicants formally agree with the Native Title Party to identify and protect Aboriginal sites within the boundaries of the granted tenement.

The information paper which sets out the requirements to ensure the application is processed under the expedited procedure of the NTA can be located on the Department of Mines and Petroleum's (DMP) website at:

http://www.dmp.wa.gov.au/Documents/Minerals/InfoPaper_HeritageProcessGoldfields.pdf

Currently the application affects registered native title claim groups as shown on the Quick Appraisal, which includes the claim group addresses for service.

Regional Standard Heritage Agreements (RSHA) for the following Native Title Representative Bodies can be found on the DMP website.

Central Desert Native Title Service Agreement
Goldfields Land and Sea Council Agreement
Yamatji Marlpa Aboriginal Corporation (Geraldton and Pilbara) Agreement

To ensure the application proceeds to grant in a timely fashion, please sign the relevant RSHA and forward it to at least one of the affected underlying native title claimant groups. If the application affects abutting rather than overlapping claims, an agreement will need to be offered to each claimant.

Evidence of satisfying this requirement should be lodged at this office either in the standard affidavit or a separate statutory declaration. Alternatively, evidence of an executed "Alternative Heritage Agreement", entered into between the parties, should be provided.

Please note the Kimberley Land Council has not endorsed any RSHA.

It is intended to commence the notification process under section 29 of the NTA once necessary requirements of the *Mining Act 1978* have been complied with.

Applications affected by Esperance Nyungar ILUA Area

If an application is affected by the Esperance Nyungar ILUA area please refer to the National Native Title Tribunal website for a copy of the Esperance Nyungar Land Use Agreement (ENILUA) Register Extract.

<http://www.nntt.gov.au/searchRegApps/NativeTitleRegisters/Pages/Search-Register-of-Indigenous-LandUse-Agreements.aspx>

Guidelines for third party Indigenous Land Use Agreements can be found on the DMP website.

The ENILUA allows for applications within its external boundaries to be processed, without reference to the Section 29 notification procedure of the NTA, and granted subject to conditions as set out in clause 10.3 of the ENILUA.

Providing there are no further impediments to the application being granted (e.g. pending applications/reserve referrals etc.) the application will be processed in accordance with the agreement and subject to the conditions listed therein.

Applications affected by the South West Settlement Area

For any application affected by the Yued, Whadjuk, Gnaala Karla Booja, Ballardong, South West Boojarah #2, Wagyl Kaip & Southern Noongar Indigenous Land Use Agreement (ILUA) area - **South West Settlement Area** the following will apply.

The South West Settlement ILUA/s have been lodged with the National Native Title Tribunal, to be considered for registration under the NTA as of the 8 June 2015.

The DMP's Tengraph system has been updated to show each of the ILUA areas as File Notation Areas (FNA) until such time the ILUA/s are registered.

The future act provisions of the NTA will continue to apply over the ILUA areas until the ILUA/s are registered and native title is surrendered.

From 8 June 2015, DMP is also bound to apply the heritage condition prescribed at Clause 18 of Schedule 10 of each ILUA, upon grant of mining tenure.

This condition requires that tenement holders must enter into a heritage agreement or a Noongar Standard Heritage Agreement (NSHA) with the relevant ILUA group before any rights can be exercised.

Further information on the South West Settlement, including the ILUA/s area/s, and maps and boundary descriptions, can be obtained from the Department of the Premier and Cabinet website at:

<https://www.dpc.wa.gov.au/lantu/Claims/Pages/SouthWestSettlement.aspx>

The corresponding NSHA templates can be obtained from the DMP website at:

<http://www.dmp.wa.gov.au/Minerals/Native-Title-Act-Process-5548.aspx>

Yours sincerely

Ragnar Lothbrok | Titles Services Officer
Resource Tenure
25 July 2018