



Government of **Western Australia**  
Department of **Mines, Industry Regulation and Safety**

**PROCEDURE**

# Guide to the Exploratory Title Assessment and Case Management Process Pursuant to the *Native Title Act 1993*

Expedited Procedure

Version [version number]

1 June 2022

## Related Documents

Document Title	Link
Expedited Procedure Reforms	<a href="http://www.dmp.wa.gov.au/Minerals/Expedited-Procedure-Reforms-30446.aspx">http://www.dmp.wa.gov.au/Minerals/Expedited-Procedure-Reforms-30446.aspx</a>

## Version History

Version	Date	Changes
1.0	2022	Initial Publication

## ASSESSMENT AND CASE MANAGEMENT PROCESS

### STEP ONE: LODGEMENT

- 1.1 Application for Exploration, Prospecting or Retention Licence (exploratory title) lodged online or in person at Department of Mines, Industry Regulation and Safety (DMIRS).

### STEP TWO: ASSESSMENT

- 2.1 DMIRS conducts a preliminary assessment of the application.
  - If **any** known risk factors are identified, DMIRS conducts a comprehensive assessment and corresponds with the applicant seeking further information (**go to step three**).
  - If **no** known risk factors are identified, DMIRS refers the application for notification pursuant to section 29 NTA with the expedited statement (**go to step four**).

### STEP THREE: CORRESPOND WITH APPLICANT

- 3.1 DMIRS will issue correspondence to the applicant seeking further information on:
  - Whether there is an existing Heritage Protection Agreement between the applicant and relevant Native Title Party (NTP).
  - Any previous or planned negotiations between the applicant and relevant NTP.
  - How the applicant intends defend any objection to the inclusion of the expedited statement in a section 29 Notice that may proceed to a National Native Title Tribunal (NNTT) Inquiry.
- 3.2 The applicant will be required to respond within 28 days.
  - If no response is received, DMIRS may notify the application pursuant to section 29 NTA without the inclusion of the expedited statement (full Right to Negotiate).

### STEP FOUR: NOTIFICATION

- 4.1 Subject to the outcomes of the assessment of the application and any further information received from the applicant upon request, DMIRS will refer the application for notification pursuant to section 29 NTA:
  - With the expedited statement included (**go to step five**), or
  - The full Right to Negotiate (**go to step six**).

## STEP FIVE: EXPEDITED PROCEDURE

- 5.1 Upon referral for notification with the inclusion of the expedited statement, DMIRS will:
- Complete a comprehensive assessment of the application (if one has not already been completed).
  - Submit the application to the expedited procedure and notify the application with the expedited statement included.
- 5.2 If **no** objection to the inclusion of the expedited statement is lodged at the NNTT within the four (4) month objection period, DMIRS will:
- Proceed to clear the application for grant as it has fully complied with the future act requirements of the NTA (**go to step seven**).
- 5.3 If objection to the expedited statement is lodged at the NNTT within the four (4) month objection period, DMIRS will:
- Monitor and case manage the application through the expedited procedure until:
    - The objection is withdrawn by the objecting party (**go to step seven**)
    - The objection is dismissed pursuant to s148 (b) NTA by the NNTT (**go to step seven**)
    - The objection proceeds to determination by the NNTT (**go to step seven**)
    - The tenement is withdrawn by the applicant, or
    - DMIRS withdraws the expedited statement (**go to step six**).

## STEP SIX: RIGHT TO NEGOTIATE

- 6.1 The full Right to negotiate will apply to an application if:
- After assessment, the application is notified without the expedited statement included.
  - After consideration, DMIRS withdraws the expedited statement attached to the notification and refers the application to the full right to negotiate regime.
  - The NNTT determines that the objection is upheld.

## STEP SEVEN: APPLICATION CLEARANCE OUTCOME

- 7.1 After conclusion of the notification period, DMIRS will only proceed to clear the application for grant if it has fully complied with the future act requirements of the NTA: i.e.
- No objection was lodged within the period of time allowed.
  - The objection is withdrawn by the objecting party.
  - The NNTT determines the objection is dismissed.

Government of Western Australia

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