



**NOTICE INITIATING NEGOTIATIONS WITH NATIVE TITLE PARTIES - SECTION 63M**

**USE THIS FORM TO:** Notify native title parties of an intention to seek a native title mining agreement under Part 9B of the Act.

**Section A:** For the attention of –

Native title parties	<input type="checkbox"/>	ⓘ Provide the name(s) of the native title parties.  Notice must be served on all relevant parties.  Refer to Appendix A for further information.
	<input type="checkbox"/>	
Other parties	<input type="checkbox"/> SA Native Title Services	
	<input type="checkbox"/> Minister under the Mining Act 1971	
	<input type="checkbox"/> Environment, Resources and Development (ERD) Court	
	<input type="checkbox"/> The Attorney General of South Australia	

Native title parties include:

- Native title holders established by a native title declaration; or
- Native title claimants registered under law; or
- SA Native Title Services (the registered Aboriginal representative body in South Australia).

Proponent: Refer to Appendix A for further information on native title parties.

**Note: notice only needs to be served on the Attorney General of South Australia when native title has not been determined.**

**Section B:** Proponent details

Type	<input type="checkbox"/> Individual <input type="checkbox"/> Company			ⓘ Provide a postal address that can be used to contact you regarding this notice.  If 'Company', provide ABN/ACN.
Name				
Address line 1				
Address line 2				
Suburb/Locality		State	Postcode	
ABN	ACN			

**Note: The proponent must be the mining operator who holds the tenement(s).**

**Section C:** Contact person

Contact name		Position title		ⓘ A contact person <b>must</b> be nominated and should have good knowledge of the application.
Email				
Telephone		Mobile		

**Section D:** Authorisation(s) under the Act

The proposed activities are (or will be) authorised by the following exploration or mining tenements under the Act.  Provide the tenement reference number and general location.		ⓘ Authorisations must be current.
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**Section E:** I/we, the proponent, propose to carry out mining operations on the land identified below

Section, Hundred		 Clearly define the area of the land with as much detail as possible. A map/plan can be attached.
Pastoral Block		
Land Title Reference		

**Section F:** Details of proposed operations


Describe the operations and activities that the proponent intends to carry out on the land.		 Additional information can be attached.
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**Section G:** Intended process for approval

Identify the process the proponent intends to follow.	<input type="checkbox"/> I seek to negotiate a native title mining agreement under Part 9B of the Mining Act 1971.	 Tick one box only.
	<p><b>Note:</b> If, two months after this notice is given as required by the <i>Mining Act 1971</i>, there are no persons registered under the law of the State or the Commonwealth as the holders of, or claimants to, native title in the land, I may apply <i>ex parte</i> to the Environment, Resources and Development Court for a summary determination authorising entry to the land for the purpose of carrying out mining operations on the land, and the conduct of mining operations on the land.</p> <input type="checkbox"/> I propose to rely on section 63O of the Mining Act 1971 (Expedited procedure where impact of operations is minimal) on the grounds that the mining operations - <ul style="list-style-type: none"> <li>will not directly interfere with the community life of the holders of native title in the land on which the operations are to be carried out; and</li> <li>will not interfere with areas or sites of particular significance, in accordance with their traditions, to the holders of native title in the land on which the operations are to be carried out; and</li> <li>will not involve major disturbance to the land on which the operations are to be carried out.</li> </ul> <p><b>Note:</b> I may apply <i>ex parte</i> to the Environment, Resources and Development Court for a summary determination authorising mining operations in accordance with the proposals made in this notice. If, within two months after this notice is given, a written objection to my reliance on section 63O is given by the Minister, or a person who holds, or claims to hold, native title in the land, the Court must not make the determination unless satisfied, after giving the objectors an opportunity to be heard, that the operations are in fact operations to which section 63O applies.</p>	

**Section H:** Declaration that information is complete and accurate

I declare the information provided on this form is complete and accurate, and meets the requirements of section 63M(1) of the Act and regulation 105 of the *Mining Regulations 2011*.

<b>APPLICANT 1</b>	Individual or Company Representative 1		Individual's Witness or Company Representative 2		 Ensure that applicants sign in the correct order, as listed on page 1.
Print Name	1.		2.		
Signature	1.		2.		
<b>APPLICANT 2</b>	Individual or Company Representative 1		Individual's Witness or Company Representative 2		
Print Name	1.		2.		
Signature	1.		2.		

**COMPANY:** Sign in accordance with the *Corporations Act 2001*. If agent, written authority must be provided.

**INDIVIDUAL:** Signature must be witnessed by a person who is not a beneficiary of the application (e.g. not a joint applicant).


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SECTION 63M**
**APPENDIX A: FURTHER INFORMATION FOR THE PROPONENT**

ⓘ The following information is provided as a guide only.

A proponent must initiate negotiations for a native title mining agreement, or a summary determination from the ERD Court, that authorises mining operations on native title land by giving notice under section 63M of the Act.

The proponent must be the mining operator who seeks the authorisation to conduct mining operations on native title land.

The notice must be given to the ERD Court, the Minister under the Act and to the relevant native title parties as described below:

**1. Where there is a declaration that establishes who are the holders of native title in the area–**

The notice must be given to the registered representative of the native title holders, and the registered Aboriginal representative body in South Australia (currently South Australia Native Title Services).

**2. Where native title may exist but there has not yet been a determination of native title–**

The notice must be given to all who hold or may hold native title in the land, in accordance with the method set out in Part 5 of the *Native Title (South Australia) Act 1994* and Section 17 of the *Native Title (South Australia) Regulations 2001* as follows:

- This notice must be served personally or by post to –
  - All registered representatives of claimants to or holders of native title in the land
  - The registered Aboriginal representative body in South Australia (currently South Australia Native Title Services)
  - The Attorney General of South Australia
- A notice must also be published as follows –
  - By advertisement in one or more newspapers that circulate generally throughout the area to which the notice relates
  - In a relevant special interest publication
  - The notice to be published must comply with section 63M(4)(b) of the Act

Please note that in accordance with the provisions of Section 58A of the Act, Notice of Entry (Form 21) is also required to be served on native title parties. Giving notice under Section 63M of the Act with Notice Initiating Negotiations with Native Title Parties (Form 27) does not satisfy the Notice of Entry requirements under the Act.

To find out if there is a native title holder or claim group in your area of interest and/or the contact the details of a native title holder or claim group please contact the National Native Title Tribunal on freecall 1800 640 501 or visit [www.nntt.gov.au](http://www.nntt.gov.au).