

Mining on Aboriginal Reserves

Before mining may take place on a tenement located within an Aboriginal Reserve, the following may be required:

- (1) consent to mine
- (2) mining Entry Permit

Mining includes fossicking, prospecting, exploring for minerals, and mining operations.

Consent to Mine

Mining may not take place on a tenement located within an Aboriginal Reserve without the written consent of the Minister for Resources and Assisting the Minister for State Development ("the Minister for Resources").

Before granting consent the Minister for Resources must consult the Minister for Indigenous Affairs and obtain her recommendation as to whether mining should be allowed.

Before the Minister for Indigenous Affairs is able to provide advice to the Minister for Resources, she is required to consult with the Aboriginal Lands Trust ("the Trust"). The Trust in turn needs to be satisfied that residents of the Reserve and any native title interests that may be affected by the mining activity have been adequately consulted and have had the opportunity to express their views. For the purpose of consultation, native title interests include native title claimants and/or holders and the relevant native title representative bodies.

The Requirements for Mining Entry Permits

Some Aboriginal Reserves are proclaimed under Part III of the *Aboriginal Affairs Planning Authority Act 1972* ("Part III Reserves").

[View a map of Part III Reserves](#)

For Part III Reserves, there is also a requirement for people wishing to enter the Reserve for mining purposes to obtain a mining Entry Permit. In this instance, mining not only includes fossicking, prospecting, exploring for minerals,

and mining operations on the Reserve, but also travelling through the Reserve in order to access tenements outside of the reserve.

Please note that the requirement to obtain a mining Entry Permit for a Part III Reserve is in addition to the requirement to obtain consent to mine from the Minister for Resources.

The Minister for Indigenous Affairs grants mining Entry Permits. Before granting a Permit, the Minister must consult with the Trust. The Trust in turn must be satisfied that residents of the Reserve and any native title interests that may be affected by the mining activity are agreeable to the issue of an Entry Permit. For the purpose of consultation, native title interests include native title claimants and/or holders and the relevant native title representative bodies.

What do I need to do to apply for a mining Entry Permit?

If you wish to enter or pass through a Part III Reserve for mining purposes:

1. In the first instance, liaise with the Department of Industry and Resources about their requirements (under the *Mining Act 1978*) in regard to applying for and granting of mining tenements.
2. Write to DIA (Attention: Legal Project Officer) requesting advice on the grant of mining Entry Permits and/or obtaining consent of the Minister for Indigenous Affairs to mine on the Reserve. Include mining tenement details (number, holder, grant status), the Reserve number and brief details about what works are proposed.
3. We will respond to you with advice on what we require from you. This will generally include advice on who the Trust require you to consult with (usually any resident communities and native title interests) and what we need from the consulted parties (usually their agreement).
4. Once we have received the information requested, we will prepare a submission for the Aboriginal Lands Trust and the Minister for Indigenous Affairs to consider.
5. You (and the Department of Industry and Resources) will be advised shortly after the Minister for Indigenous Affairs has made a decision. If the

Minister has agreed to the grant of a mining Entry Permit, the approved permit will be forwarded to you directly.

Any queries, please contact our Legal Project Officer on 9235 8101.