



## **INFORMATION PAPER (REGIONAL STANDARD HERITAGE AGREEMENTS)**

The State Government has a policy whereby applicants for exploration, prospecting and retention licences will have to sign a Regional Standard Heritage Agreement (RSHA) or prove they have an existing *Alternative Heritage Agreement* (AHA) before the applications will be submitted to the Native Title Act 1993 (NTA) expedited procedure. In the absence of proof of such an agreement being offered, the applications will not be processed and could result in refusal action being instigated under s111A of the Mining Act 1978.

### **Regional Standard Heritage Agreements**

From October 2003 when processing applications for exploration, prospecting and retention licences, the Government has adopted the policy of submitting exploration titles to the expedited procedure where the applicant signs a Regional Standard Heritage Agreement (RSHA) or has an *Alternative Heritage Agreement* (AHA) in place with the Native Title Representative Body (NTRB) or native title parties who are not represented by the NTRB.

A series of RSHA's negotiated between mining peak industry groups and NTRB's (Kimberley region excluded and now also the South West region as the Noongar Standard Heritage Agreement (NSHA) supersedes any RSHA to the South West), with the State Government facilitating and mediated by the National Native Title Tribunal will be used. Companies and individuals can use an AHA where it exists.

### **Exploration, Prospecting and Retention Licence Applications**

- On lodgement of an application, the Mining Registrar will return copies of the application for service of notices as well as information outlining further processes including links to appropriate RSHA's which can be downloaded from the DMIRS website.
- Applicant signs a RSHA and forwards it to the relevant NTRB or the native title party not represented by NTRB.
- Applicant advises DMIRS by way of Mining Act affidavit or statutory declaration that a RSHA has been signed and sent to the relevant NTRB or native title party not represented by NTRB. (In the case where applicants have not previously forwarded a Mining Act affidavit or statutory declaration DMIRS will give a 21 day deadline when the application is ready for determination under the Mining Act). Failure to

submit a statutory declaration may result in action being taken to refuse the application.

- Where an *AHA* is in force or a variation to the RSHA is entered into, the applicant shall provide proof by way of a statutory declaration (provided on DMIRS website) confirming the existence of the *AHA* and duration it remains in force.
- DMIRS will submit the application to the expedited procedure upon receipt of the applicant's evidence.

### **Tenements Granted – Heritage Survey**

It is highly recommended that tenement holders enter into dialogue with the native title party (or NTRB) as soon as possible after entering into the heritage agreement to identify:

- the likely need for a heritage survey;
- the level of survey that may be required; and
- timeframe to commence and complete the heritage survey if required.

In doing this it will avoid any delays commencing exploration programs that involve ground disturbing activity.

DMIRS will consult with all parties to identify tenement holders willing to participate in cooperative regional surveys. This will reduce the cost of surveys and the impact on claimant elders.