



## INFORMATION PAPER

### REGIONAL STANDARD HERITAGE AGREEMENTS

The State Government has a policy whereby applicants for exploration, prospecting and retention licences are required to sign a Regional Standard Heritage Agreement (RSHA) or prove they have an existing Alternative Heritage Agreement (AHA) before the application will be submitted for *Native Title Act 1993* (NTA) expedited procedure assessment. In the absence of proof of such an agreement being offered, the application will not be processed and could result in refusal action being instigated under section 111A of the *Mining Act 1978* (MA).

#### Regional Standard Heritage Agreements

The Government has adopted a policy of submitting exploration title applications for expedited procedure assessment where the applicant signs a RSHA or has an AHA in place with the Native Title Representative Body (NTRB) or Native Title Party (NTP).

A series of RSHA's negotiated between peak mining industry groups and NTRB's (Kimberley region excluded), facilitated by the State Government and mediated by the National Native Title Tribunal are used. Companies or individuals can use an AHA where it exists.

**Note:** The Noongar Standard Heritage Agreement (NSHA) supersedes the RSHA to the South-West.

#### 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 Native Title future act processes (including links to appropriate RSHA's on the DMIRS website).

The applicant must:

- 1) sign a region specific RSHA and forward it to the relevant NTRB or NTP:
  - a. where there are two or more NTP's *overlapping* the applied for area, the applicant is only required to sign and send a RSHA to one.
  - b. where there are two or more NTP's *abutting* the applied for area, the applicant is required to sign and send a RSHA to each NTP.

- 2) advise the department by lodging a Mining Act affidavit or statutory declaration (provided on the DMIRS website) that a RSHA has been signed and sent to the relevant NTRB or NTP.

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

- 3) Where an AHA is in force or a variation to the RSHA is entered into, the applicant shall provide proof by lodging a statutory declaration confirming the existence of the AHA and the duration it is to remain in force.

Upon receipt of the applicant's evidence, the department will refer the application for expedited procedure assessment.

**Note:** If an application is notified with the inclusion of the expedited statement, the department expects the applicant to support its assertion that the expedited procedure applies via early and proactive engagement with relevant NTP's.

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

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

- the likely need for a heritage survey
- the level of survey required, and
- timeframes to commence and complete the heritage survey, if required.

Early, proactive engagement will avoid any delays commencing exploration programs involving ground disturbing activities.

The department can assist parties reduce the cost and impact by identifying tenement holders willing to participate in co-operative regional surveys.