Aboriginal Lands Trust Act 2013 ("**the Act**") – Part 7

PERMISSION TO ACCESS ABORIGINAL LANDS TRUST LAND

USE THIS FORM TO: Advise the Aboriginal Lands Trust for permission to access Trust Land (under Part 7 of the Act)

Section A: For the attention of the Mining and/or Petroleum Company

Owner of land name/s	Aboriginal Lands Trust		
Address line 1	19 Grenfell Street		
Address line 2	Level 11		
Suburb/Locality	Adelaide	State: SA	Postcode: 5000
Type of owner	FREEHOLD		

The Act, enables the Trust to acquire, hold and deal with Trust Land in accordance with the Act for the continuing benefit of Aboriginal South Australians.

Trust Land means:

- Any land currently owned by the Trust
- Any land transferred to the Trust pursuant to Section 41 of the Act
- Any other land owned by the Trust that is declared by the regulations to be Trust Land

---

Section B: Applicant Details [Tenement Holder]

Client type	☐ **Individual**		☐ **Company**	
Name				
Postal address line 1				
Postal address line 2				
Suburb/Locality			State	Postcode
ABN		ACN		

Contact name			
Email			
Telephone		Mobile	

Where the Tenement(s) will be operated by an Agent of the Tenement Holder provide this information at Section C. If this is not applicable continue at Section D.

Section C: Applicant's Agent Details

Client type	☐ Individual		☐ Company	
Nature of Relationship with Client:				
Name:				
Postal address line 1				
Postal address line 2				
Suburb/Locality			State	Postcode
ABN		ACN		

Contact name			
Email			
Telephone		Mobile	

Applicant's Agent Details

Client type	☐ Individual		☐ Company	
Nature of Relationship with Client:				
Name:				
Postal address line 1				
Postal address line 2				
Suburb/Locality			State	Postcode
ABN		ACN		

Contact name			
Email			
Telephone		Mobile	

Section D: Trust Land Details

Location	
Certificate of Title	
Hundred	
Other	

Section E: Purpose of Access to Trust Land

Describe in detail the activities proposed to be carried out on the Trust Land	
AND	
Describe the process by which the Aboriginal Lands Trust will be kept informed about the activities	

Section F: Location and Duration of Activities on Trust Land

Identify the place/s where activities are to be carried out on the land, and indicate the proposed timing and duration of the activities	
Describe the process by which the Trust will be kept informed about these matters	

Section G: Management of Activities on Trust Land

Identify the proposed events and their consequences on the land, and the proposed actions to manage and address them. This includes strategies to minimise and rehabilitate the impacts of mining operations (including exploration) Describe the process by which the Trust will be kept informed about these matters	

Section H: Authorised Applicant's Contact Details

	COMPANY REPRESENTATIVE OR INDIVIDUAL	COMPANY REPRESENTATIVE OR INDIVIDUAL'S WITNESS
Print Name	1.	2.
Role	1.	2.
Date Signed	1.	2.
Signature	1.	2.
	Applications in an individual's name must be witnessed by a person who is not a beneficiary of the application (e.g. not a joint applicant)	

Section I: Checklist

Please complete:

☐	Has the Applicant applied for a mining authority?
☐	Ensure all information submitted to the Minister for Mining is attached to this application and other relevant information as determined by the Trust
☐	Is the Application complete and correct?
☐	Is the Applicant aware that reasonable costs and expenses in dealing with the cost of the application may be recovered from the Applicant as a debt?

Aboriginal Lands Trust Act 2013 ("**the Act**") – Part 7

PERMISSION TO ACCESS ABORIGINAL LANDS TRUST LAND

APPENDIX A: Further information regarding this Application

Glossary of terms used in this document

The Act -	The current version of the *Aboriginal Lands Trust Act 2013*
Trust Land -	Trust Land as determined by section 3 of the Act, Interpretations sub section (1) *Trust Land* defined as: • Any land currently owned by the Trust that was Trust Land within the meaning of the repealed Act • Any land transferred to the Trust pursuant to section 41 of the Act • any other land owned by the Trust that is declared by the regulations to be Trust Land
Applicant -	The party who served the notice (who may be a mining and/or petroleum company who may hold, or be applying for, a mining tenement under the Act (including exploration licence or mineral claim)
Mining activity -	Any operations carried out in the course of prospecting, exploring or mining for minerals as described as *mining operations* in the *Mining Act 1971* or the *Opal Mining Act 1995*); and/or *regulated activities* as in the *Petroleum and Geothermal Energy Act 2000*.
Owner of the Land -	See Section A
Consultation -	As a requirement of the Act, the Trust must consult with a specified person or body in respect to particular Trust Land in accordance with Section 8 and any requirement set out in the regulations. The persons and groups are determined as: (a) Aboriginal persons who, in accordance with Aboriginal traditions, have social, economic and spiritual affiliations with, and responsibilities for, the Trust Land or any part of it (including, but not limited to, native title holders in respect of the land); (b) Residents on the Trust Land; (c) Any other person with an interest in the Trust Land, (However nothing in section 8 of the Act operates to give priority to a particular person or group of persons)

Purpose of this form

Section 53(2) of the Act requires that an application to carry out mining operations or regulated activities on Trust Land must be made in a manner and form determined by the Trust.

This application is intended to guide the Applicant in the provision of relevant information about the activity to ensure that the Trust can make an informed decision regarding entry on Trust Land. The Trust is then required to consult with relevant persons and groups, as defined in Section 8 of the Act, on the information provided.

After receiving this application and undertaking consultation, the Trust has a number of options –

- Grant permission to carry out mining operations or regulated activities on Trust Land unconditionally; or
- Grant permission to carry out mining operations or regulated activities on Trust Land subject to such conditions as the Trust thinks fit; or
- Refuse permission to carry out mining operations or regulated activities on Trust Land

Right of objection and Arbitration

If an application under Section 53 of the Act is:

- Refused by the Trust; or
- Conditions by the Trust are unacceptable; or
- The Trust has not notified the applicant of the outcome of the application within 4 months

The Minister for Mining may refer the application to an Arbitrator. The Minister for Mining is also committed to referring the matter to an Arbitrator if the Minister receives an application requesting that the Minister appoints an Arbitrator. Further details regarding the appointment of an Arbitrator are outlined in section 54 of the Act.

Cost

The reasonable costs and expenses incurred by the Trust in dealing with an application for permission may be recovered from the applicant as a debt. Refer to Section 53(7) & (8) of the Act for further detail. It is recommended that reasonable costs are negotiated and determined early in the process.