



Guide to the Exploratory Title Assessment and Case Management Process Pursuant to the *Native Title Act 1993*

Version 2.0
Effective from 1 January 2026

Related Documents

Document Title	Link
Expedited Procedure Reforms	Expedited procedure process and case management

Version History

Version	Date	Changes
2.0	2026	Publication

Assessment and case management process

Step 1: Lodgement

- 1.1 The department will commence a case management process when an application is received for exploratory titles (exploration licence, retention licence and prospecting licence) under the *Mining Act 1978*.

Step 2: Assessment

- 2.1 The department conducts a preliminary assessment of the application.

- If any known risk factors are identified, the department conducts a comprehensive assessment and corresponds with the applicant seeking further information (**go to step three**). If no known risk factors are identified, the department refers the application for notification pursuant to section 29 NTA with the expedited statement (**go to step four**).

Step 3: Correspond with applicant

- 3.1 The department will correspondence to the applicant seeking further information on:

- Whether there is an existing heritage protection agreement between the applicant and relevant Native Title Party (NTP).
- Any previous or planned negotiations between the applicant and relevant NTP.
- How the applicant intends defend any objection to the inclusion of the expedited statement in a section 29 Notice that may proceed to a National Native Title Tribunal (NNTT) Inquiry.

- 3.2 The applicant will be required to respond within 28 days.

- If no response is received, the department may notify the application pursuant to section 29 NTA without the inclusion of the expedited statement (full right to negotiate).

Step 4: Notification

- 4.1 Subject to the outcomes of the assessment of the application and any further information received from the applicant upon request, the department will refer the application for notification pursuant to section 29 NTA:

- with the expedited statement included (**go to step five**); or
- the full right to negotiate (**go to step six**).

Step 5: Expedited procedure

- 5.1 Upon referral for notification with the inclusion of the expedited statement, the department will:
 - Complete a comprehensive assessment of the application (if one has not already been completed).
 - Submit the application to the expedited procedure and notify the application with the expedited statement included.
- 5.2 If no objection to the inclusion of the expedited statement is lodged at the NNTT within the four (4) month objection period, the department will:
 - Proceed to clear the application for grant pursuant to s 32(2) of the NTA as it has fully complied with the future act requirements of the NTA (**go to step seven**).
- 5.3 If objection to the expedited statement is lodged at the NNTT within the four (4) month objection period, pursuant to s32(3) of the NTA the department will:
 - Monitor and case manage the application through the expedited procedure until:
 - the objection is withdrawn pursuant to s 32(6) of the NTA by the objecting party (**go to step seven**);
 - the objection is dismissed pursuant to s148 (b) NTA by the NNTT (**go to step seven**);
 - the objection proceeds to determination by the NNTT (**go to step seven**);
 - the tenement is withdrawn by the applicant; or
 - the department withdraws the expedited statement pursuant to s32(7) of the NTA (**go to step six**).

Step 6: Right to negotiate

- 6.1 The full right to negotiate will apply to an application if:
 - After assessment, the application is notified without the expedited statement included. After consideration, the department withdraws the expedited statement pursuant to s32(7) of the NTA and refers the application to the full right to negotiate regime.
 - The NNTT determines that the objection is upheld pursuant to s32(5) of the NTA.

Step 7: Application clearance outcome

- 7.1 After conclusion of the notification period, the department will only proceed to clear the application for grant if it has fully complied with the future act requirements of the NTA. For example:
 - No objection was lodged within the period of time allowed pursuant to s32(2) of the NTA.
 - The objection is withdrawn by the objecting party pursuant to s32(6) of the NTA.
 - The NNTT determines the objection is dismissed pursuant to s32(5) of the NTA.

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