



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

No. 303

WRITTEN QUESTION

J Davis to the Minister for Mining and Energy, Hon Gerard Maley MLA:

Mining Regulation and Fit and Proper Person Testing

- 1. Nathan River Resources, owner of the Roper Bar iron ore mine, entered voluntary administration in late May 2026, with administrators appointed across five group entities and total creditor liabilities reported in excess of \$300 million — including more than \$2 million owed to the Northern Land Council, more than \$6 million in unpaid royalties to the NT Government, and at least \$968,000 in unpaid wages. What work is done by the Department to ensure that those granted a mineral licence are fit and proper persons?**

The *Mineral Titles Act 2010* requires applicants for mineral titles to provide a Fit and Proper Person Declaration. In deciding whether a person is fit and proper to hold a mineral title, a range of matters maybe considered, prescribed under the *Mineral Titles Regulations 2011*, including:

- the applicant's character, honesty and integrity;
- criminal convictions, particularly those involving fraud or dishonesty;
- previous compliance with mining, environmental, heritage, cultural heritage and work health and safety legislation;
- any history of unpaid taxes, royalties or similar statutory obligations;
- whether the applicant or associated persons have previously held mineral titles that have been suspended, cancelled or subject to enforcement action;
- corporate conduct and compliance history of directors and related entities; and
- financial and technical capacity to undertake the proposed activities and meet title obligations.

In addition, proponents seeking environmental approvals are subject to fit and proper person requirements under the *Environment Protection Act 2019* (administered by the Department of Lands, Planning and Environment), which enables consideration of environmental, heritage and related compliance history when determining eligibility to hold environmental approvals.

2. What does a fit and proper person assessment involve, and what financial capacity checks are included?

As part of a mineral title application, the Department of Mining and Energy (DME) undertakes a fit and proper person assessment to determine whether an applicant is suitable to hold a mineral title.

The assessment considers matters including the applicant's character, honesty and integrity; regulatory compliance history; relevant environmental, heritage and sacred sites, work health and safety, taxation and royalty matters; fraud or dishonesty offences; and previous conduct as a mineral title holder. Relevant corporate and director history may also be considered.

Financial capacity forms part of the assessment. Applicants are required to provide information demonstrating their capacity to meet proposed work commitments and the obligations of a title holder, including evidence of available funding, financial resources, corporate structure and project delivery capability. Relevant financial history may also be considered, including bankruptcy, insolvency, winding-up or receivership, and the financial standing of associated entities where relevant.

The assessment also considers whether activities authorised under the title will be carried out by a technically competent person.

The assessment is undertaken in accordance with section 70A of the *Mineral Titles Act 2010* and the prescribed matters under the *Mineral Titles Regulations 2011*.

3. How many staff are employed to regulate the mining industry?

DME have 38 staff who have regulatory functions for mining.

Mining regulatory functions are undertaken by Northern Territory (NT) Government staff across several agencies including DME, Aboriginal Areas Protection Authority, Department of Lands, Planning and Environment and NT Worksafe. Staffing questions related to those regulatory functions should be put to the relevant Ministers.

4. What assessment has been made of whether the regulator's funding and powers are sufficient to prevent a recurrence, including recovery of unpaid royalties and protection of worker entitlements?

The NT's mining regulatory framework contains a range of mechanisms designed to manage regulatory, environmental and financial risks associated with mining operations.

These include fit and proper person requirements, technical and financial capability assessments, environmental approvals, security requirements, statutory reporting obligations, compliance inspections, enforcement powers and the ability to impose conditions on approvals and mineral titles.

The NT Government continually reviews the effectiveness of its regulatory framework, including through operational experience, legislative reviews and consideration of the best national practice. Any future reforms to strengthen regulatory safeguards, compliance powers or financial assurance mechanisms would be considered through normal policy and legislative review processes.

- 5. Budget Paper No. 3 for 2026–27 sets a target that at least 85 per cent of licensed high risk mining sites undergo a compliance inspection, and that at least 85 per cent of environmental (mining) licence applications are screened within two business days and assessed within statutory timeframes.**
- a. How many mining sites are classified as high risk, and how many were inspected in each of the three years to 2025–26?**
 - b. On what basis is a target of 85 per cent set for the inspection of high risk sites rather than 100 per cent, and which sites went uninspected in 2025–26?**
 - c. How is a site classified as high risk, in which document is that classification recorded, and how often is it reviewed?**
 - d. How many environmental (mining) licence decisions were made outside the statutory timeframe in 2025–26?**

Questions 5 (a) – (d) does not fall within the responsibilities of the Minister for Mining and Energy.

ANSWER:

A number of these matters are subject to legal privilege, confidentiality obligations or form part of internal documents. Accordingly, we will not be providing a response.