



LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

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LEGISLATIVE SCRUTINY COMMITTEE

Public Briefing Transcript

Inquiry into the Mineral Titles Legislation Amendment Bill 2026

9.00 am, Tuesday 24 March 2026

Litchfield Room, Level 3, Parliament House

Members: Mrs Oly Carlson MLA, Chair, Member for Wulagi
Mr Clinton Howe MLA, Deputy Chair, Member for Drysdale
Justine Davis MLA, Member for Johnston
Mr Chanston Paech MLA, Member for Gwoja
Mrs Laurie Zio MLA, Member for Fannie Bay

Witnesses: *Department of Mining and Energy*
Anne Tan: Acting Chief Executive Officer
Simone Symonds: director Mineral Titles, Mining Development
Kathleen Davis: Executive Director Mining Division, Department of Lands
Planning and Environment

INQUIRY INTO THE MINERAL TITLES LEGISLATION AMENDMENT BILL 2026
Department of Mining and Energy

Madam CHAIR: On behalf of the committee, I welcome everyone to this public briefing into the Mineral Titles Legislation Amendment Bill 2026.

I welcome to the table to give evidence to the committee, Anne Tan, Acting Chief Executive Officer, Department of Mining and Energy; Simone Symonds, Director, Mineral Titles, Mining Development, Department of Mining and Energy; and Kathleen Davis, Executive Director, Mining Division, Department of Lands, Planning and Environment. Thank you for coming before the committee. We appreciate you taking the time to speak to the committee and look forward to hearing from you today.

This is a formal proceeding of the committee and the protection of parliamentary privilege and the obligations not to mislead the committee apply. This is a public briefing and is being webcast through the Assembly's website. A transcript will be made for use of the committee and may be put on the committee's website. If at any time during the hearing you are concerned that what you say should not be made public, you may ask the committee to go into a closed session and take your evidence in private.

Could you each please state your name and the capacity in which you are appearing.

Ms TAN: Anne Tan, Acting Chief Executive Officer, Department of Mining and Energy.

Ms SYMONDS: Simone Symonds, Director, Mineral Titles, Department of Mining and Energy.

Ms K DAVIS: Kathleen Davis, Executive Director, Mining Division, Department of Lands, Planning and Environment.

Madam CHAIR: My name is Oly Carlson. I am the Member for Wanguri and the Chair. I have my deputy online, Clinton Howe, the Member for Drysdale. Justine Davis, the Member for Johnston, is in the room today. The Member for Gwoja, Chansey Paech, is also online, so just be aware that there will probably be questions from behind. Mrs Laurie Zio, the Member for Fannie Bay, will be with us shortly.

Ms Tan, would you like to make an opening statement?

Ms TAN: I would, thank you, Madam Chair.

Thank you, firstly, for the opportunity to provide background to the Mineral Titles Legislation Amendment Bill 2026. This opening statement provides the context to responses to questions from the scrutiny committee.

As indicated previously, my name is Anne Tan. I am here on behalf of Alister Trier, Chief Executive Officer, who is currently on recreation leave and who extends his apologies for not being able to be present today. With me is Simone Symonds, who previously introduced herself. Simone will be able to take questions on the technical aspects of the Bill. Also with me is Kathleen Davis, who also previously introduced herself, who can provide information on the DLPE environmental aspects of the Bill.

The Bill represents the most substantial modernisation of the Northern Territory's mineral titles framework since commencement of the MTA over 15 years ago and amends the *Mineral Titles Act 2010* and the Mineral Titles Regulations 2011 to clarify existing provisions, to streamline administrative requirements and to enhance the efficiency of the mineral titling framework.

The MTA establishes the regime which oversees active mineral exploration, turnover of land and development of mineral deposits. It provides the mechanism to strengthen the significant and responsible contribution of the resources sector to the NT economy.

The Bill includes amendments to the *Environment Protection Act 2019* and the Environment Protection Regulations 2020, which support amendments to the MTA and the MT Regulations and addresses minor matters identified since the introduction of the environmental (mining) licensing scheme under that legislation.

In 2024 the Department of Mining and Energy released the *Mineral Titles Act* and Regulations Discussion Paper and undertook public consultation. Twenty-six submissions were received from peak bodies, industry groups, government agencies, environmental organisations, fossickers and community members. All feedback has been carefully considered in the development of the Bill.

Key themes from the Bill are aligned to the government's strategic priorities and centred on growing the exploration industry, expanding mineral lease categories, building extractive mineral industry capacity, improving mineral titles management, growing fossicking potential, streamlining reporting requirements and streamlining improvements to the environmental monitoring of mining. The efficiency and transparency of exploration and mining processes will be improved through simplifying application pathways, modernising reporting requirements and introducing more flexible and proportionate approaches to tenure renewals, reductions and reporting.

Commencing with the exploration industry, the initial renewal period for exploration licences (ELs) is being extended from two years to six years. The current short two-year renewal period poses challenges for securing capital. This change will improve investment certainty while retaining environmental and compliance safeguards. A six-year extension is aligned with tenure in other Australian jurisdictions, promoting NT industry competitiveness.

The Bill removes outdated limitations relating to block numbers and clarifies work program requirements. The requirement to reduce the size of exploration licences every two years in the initial grant period is lifted, with reduction instead required at first renewal. This acknowledges the time it can take to secure the necessary approvals, including land access. These exploration licence amendments are beneficial to both industry and to government, streamlining processes without compromising regulatory oversight.

Secondly, in relation to mineral leases, new mineral lease categories are being introduced to better reflect the diversity of mining and fossicking activities. These include new mineral leases for small-scale mining, tourist fossicking and fossicking. This provides fit-for-purpose arrangements for activities that are not currently adequately covered under existing legislation.

The introduction of the mineral lease for small-scale mines supports operations such as alluvial gold mining with modified streamlined and simplified reporting requirements where there is low-level activity and/or risk.

A new permit to fossick is being introduced to facilitate the growing interest in fossicking in the Northern Territory. A 'fossicking permit' will be available to individuals, family groups, clubs and commercial fossicking tour groups for a fee, and an NT resident permit will be available at a reduced fee.

A number of non-compliant existing interests have been identified; these are historical titles granted under previous mining legislation. A General Lease will support the transition of non-compliant existing interests to modernise these titles and align them with contemporary legislative framework. It is not intended to remove existing rights provided the title holder complies with conditions of the title.

Moving on to amendments for extractives—which plays a critical role in the development of essential infrastructure in the Northern Territory including roads, housing and major projects. This Bill enables longer grant periods for Extractive Mineral Exploration Licences recognising the emerging needs of the extractive industry. Amendments will allow extractive materials to be moved from one extractive mineral title to another, including for processing and storing. This will support larger-scale extractive operations from a number of separate titles.

In addition, power for the Minister to allow the storage and processing of clean concrete has been introduced. The processing of concrete must be part of a primary extractives activity and not the primary activity.

The Bill also introduces clearer definitions for terms that underpin exploration and mining activities. The definition of 'mineral' has been updated. 'Clay' has been added to the definition of an 'extractive mineral', aligned with other jurisdictions.

A definition of 'care and maintenance' has been introduced and is aligned with the definition of under the *Environment Protection Act*. A title holder of a mineral lease must manage and maintain the title area and its structures, facilities and equipment to minimise environmental impacts during care and maintenance. This provides consistency with the expectations under the EP Act.

An expenditure project area amalgamates the expenditure commitments for a group of exploration licences so that the combined total expenditure commitment may be spent anywhere within the title group. This flexibility allows companies to focus exploration effort on targets with the greatest potential for future development while keeping all ELs in good standing.

To further support the preliminary exploration of land, airborne geoscientific surveys will no longer require specific Ministerial approval. However, the proponent will be required under regulation to provide a notice to

the Minister at least 30 days prior to undertaking an airborne survey. The minister may by written notice impose conditions on the conduct of the airborne survey, including written notification of the proposed airborne survey to the title holder, landowner or owner–occupier of the land.

The functions and powers of an authorised officer have also been strengthened, including to allow authorised officers to investigate complaints relating to fossicking activities.

NT Geological Survey staff and other personnel carrying out geological investigations are provided with the power to access land, subject to affected landholder notification requirements.

The Bill includes complementary amendments to the *Environment Protection Act* to improve integration between environmental licensing and mineral titles administration.

The EP Act is being amended to clarify that a mining security extends beyond the period of the licence and includes any periods of post-closure monitoring. Bonds and securities protect the government and taxpayers against the cost of private sector activities. The EP Act is being amended to allow government to make a claim on part or all of a bond or security to fund remediation activities.

Amendments associated with the new mineral titles tax have been added, including that an environmental mining licence is only required for fossicking if the activities involve substantial disturbance. A category of environmental mining licence has been created for fossicking to accommodate the new mineral lease for tourist fossicking and fossicking.

The EP Regulations are being amended to also remove duplication in public exhibition activities.

Madam Chair, we are happy to take questions on the Bill.

Madam CHAIR: Thank you. I will now open the floor up for questions.

Thank you for joining us, Member for Fannie Bay.

Mrs ZIO: Good morning, everyone. Sorry I was a tiny little bit late.

Thank you for your opening statement; I really appreciate it. I missed out on a little at the start, so I wondered if you could summarise why this Bill is required.

Ms TAN: As I indicated earlier, the Bill represents a substantial modernisation of the *Mineral Titles Act*. It has been 15 years since the Act was established. This is an opportunity to review, streamline and enhance the provisions contained within the MTA.

Mrs ZIO: Are you able to tell us what consultation was undertaken in the preparation of this Bill?

Ms TAN: I will start and then I might hand over to Simone and Kathleen.

The consultation process occurred in 2024. Twenty-six submissions were received as part of this consultation process. The submissions have been considered and factored into the development of the Bill.

Ms SYMONDS: We released a discussion paper which was circulated to industry and published on our website. We also released the discussion paper on Have Your Say website, which is open to all public. It was open for, I think, a two-month period where response were received. We also offered to extend periods of time for people who requested it to provide a submission. All in, we had 26 submissions. Following our consideration of those, we released a summary consultation paper in, I think it was, early 2025. That was the consultation process.

Mrs ZIO: Apologies again if I have missed some of it.

What will be the effect of this Bill if it is implemented and everything goes to plan? What will be the ultimate effect of this Bill?

Ms TAN: Our expectation is that the Bill will result in more streamlined regulations. It will also result in certainty for investment. It will ensure that the *Mineral Titles Act* is modernised with existing provisions improved to enhance the application of the framework to mining activities for minerals, extractives and fossicking.

J DAVIS: Thanks for coming and for the very comprehensive opening statement. There is a lot in this Bill, so I am still getting my head around it.

I want to follow up on the consultation question. I noted you said earlier, and you said again, that feedback was, I think you said, carefully considered. Are you able to outline what feedback was taken on board and what was not?

Ms SYMONDS: Generally, the feedback we received positive and supportive of what we were proposing to do. In certain circumstances where we were unable to take on the feedback it was because it was inconsistent with the objects of the Act, inconsistent with what we were trying to achieve. Beyond that, generally speaking, feedback was positive and we were able to take on some suggestions that we had not thought of. When we released the summary discussion paper, the feedback to that was also received well from industry.

J DAVIS: From industry, did you say?

Ms SYMONDS: From industry, yes.

J DAVIS: What about from, for example, land councils?

Ms SYMONDS: Land councils did not provide any feedback. We did contact them directly and we did offer extensions, but no feedback was formally received.

J DAVIS: Was all the consultation process and all the feedback you received—you have outlined the process—from industry?

Ms SYMONDS: From the mining and exploration industry generally, yes. We received it from the peak industry bodies and some exploration mining companies. An environmental peak industry group provided some feedback, mainly around consultation and publication notification. Then some individual titleholders also provided feedback.

J DAVIS: I think you said that papers were put out. Is there a list available of who gave feedback for that? Is that public?

Ms SYMONDS: Yes, in the summary consultation paper there is a list of who provided feedback.

J DAVIS: Can you clarify the interaction of this legislation with the *Northern Territory Aboriginal Sacred Sites Act*, the *Native Title Act* and the *Aboriginal Land Rights Act*? Have you had legal advice on that?

Ms SYMONDS: Can you clarify what you mean by 'the interaction'?

J DAVIS: Requirements for permits under the NT *Aboriginal Land Rights Act* are very different from requirements under the Commonwealth *Aboriginal Land Rights Act*, which is specific for mining and exploration. I am wondering whether you have had advice about whether these proposed amendments are consistent with the requirements of the *Aboriginal Land Rights Act*?

Ms SYMONDS: We have not received specific legal advice. There was no feedback from the Department Auditor-General and Justice that there were any inconsistencies.

If you are referring to where we are talking about preliminary exploration, and we are clarifying the requirements, all applications for mineral titles need to go through either a *Native Title Act* process or an *Aboriginal Land Rights Act* process, depending on what type of land they are on. That is because they are applying for an interest in land. Once those processes have been completed then we can grant the title. If you are doing preliminary exploration, which is you are just going to access the land to look for something, it is not an interest in land, so you just need to get the requisite approvals from the landowners, which is what you do under the *Aboriginal Land Rights Act*. That is the difference.

Madam CHAIR: In regard to the explanatory statement, can you clarify for the committee why the explanatory statement for clause 20 specifically explains only new section 45A and otherwise explains new section 45B and by Division, also noting that these Divisions have been misnamed in the explanatory statement?

Ms SYMONDS: Are you saying they have been misnamed?

Madam CHAIR: They have been misnamed in the explanatory statement.

Ms SYMONDS: My apologies to the committee; that would be an error that is in the drafting of the explanatory statement.

Madam CHAIR: The committee has identified several other issues regarding the explanatory statement—I will read them out as they may need to be taken on notice—including:

- (a) an incorrect reference to section 27 in clause 21
- (b)
- (c) no explanation of the effect of section 57A inserted by clause 25
- (d)
- (e) an incorrect naming of the *Mineral Royalty Act 1982* in clause 27
- (f)
- (g) failure to mention inserted sections 135B to D in the heading of clause 47.
- (h)

Are you happy to take them on notice? I just need you to confirm whether you are.

Ms TAN: Yes, we are happy to take them on notice.

Madam CHAIR: Can you clarify whether clause 103, amending section 131, seeks to amend section 131(1) or 131(3)? It might be a typo.

Ms K DAVIS: I believe it is amending subsection (3), but I would have to confirm that against the Act.

Madam CHAIR: Will you take that one also on notice?

Ms K DAVIS: Yes.

Mrs ZIO: One of my favourite areas is offences and penalties. In the Bill, it seeks to create strict liability offences when a person fossicks under a mineral lease for fossicking or tourist fossicking and fails to give notice to the minister if they fossick a mineral of equal or greater value than 100 grams of gold during one day.

I have a couple of questions. I will ask one at a time so that I do not build things up.

What effect would fluctuations in the value of gold have on a person's requirement to notify the minister?

Ms SYMONDS: The value of gold will have no effect; it is the quantity. The quantity is 100 grams.

Mrs ZIO: Can you clarify the intention of these offences? Is it intended for a person to commit offence if they were unaware of the decrease in value—that does not make sense anymore because it is not a factor. That question is probably not needed if it is just the weight.

The Bill seeks to increase the maximum penalty for a unit offence where a person has fossicked on land, when they have been denied access by the titleholder of the mineral exploration licence, from 40 penalty units to 80. Could you please explain the rationale for this increase?

Ms SYMONDS: Previously people were provided to seek consent. We have removed the requirement for them to seek consent and now require them to give notice. For failure to receive the notice and then go and fossick, that is why we have increased the penalty. We have gone from seeking consent to providing a notice.

J DAVIS: You talked before about the concept of substantial disturbance threshold. Can you explain what that means?

Ms K DAVIS: 'Substantial disturbance' is a term that we use to determine whether or not an environmental licence is required. It is defined in the Environment Protection Regulations. What it really is looking at is: what is the impact of the activity on the land? Substantial disturbance is things like clearing of native vegetation, putting in tracks or roads. What it is not is something like doing an airborne survey where there is no clear environmental impact.

J DAVIS: Is there a measure of what is and is not substantial?

Ms K DAVIS: Very coarsely, if you are going to have an environmental impact, if you are going to clear native vegetation, that is going to be classified as substantial. It does not matter if you are talking about clearing one square metre of native vegetation or 10 hectares of native vegetation, it is environmental impact; therefore, it is classified as substantial disturbance.

J DAVIS: Under clause 31 the Bill seeks to enable holders of mineral titles to make a minimal track across land outside their title area, in order to access a title area, without access authority. Can you clarify the intended operation of this section and access authority to title areas more broadly?

Ms SYMONDS: Section 83 relates to the right to construct access to your title area. Every titleholder has a right to access their title area by the most direct practicable route.

Section 84 is where you are requesting an access authority because you are accessing and creating infrastructure outside your title area to access your title area, such as you are building a haul road for a large mining operation as opposed to a track for an exploration operation. You may also be building a pipeline to access bore water, a railway track—anything like that is creating infrastructure to access your title area. That is what an access authority is.

Section 83 clarifies that a titleholder has a right to access their title area by the nearest practical route. Generally speaking, if you were accessing and using a track, you could create a track. You would obviously have to have your environmental (mining) licence to create the disturbance to do that, but you are not required to have an access authority.

Section 84 relates to the construction of major infrastructure relating to your mining title.

J DAVIS: Coming back to fossicking, will there be monitoring of any kind of environmental impact of fossicking?

Ms SYMONDS: We have authorised officers who go out and check fossicking areas, who can go out and have a look if someone has reported to the department that there have been activities being undertaken in areas and have concerns. Unless you are actually out there while people are fossicking, it is difficult to monitor what they are doing. However, if, say, a pastoralist lessee who has fossickers then comes to the department and has concerns, we do have the capacity to investigate the activities being undertaken.

J DAVIS: Has there been any risk analysis of the impact of less regulated fossicking?

Ms SYMONDS: We are actually putting more regulation around fossicking by requiring a fossicking permit, which we currently do not require. We are also creating the new mineral lease types where people can apply for an area where they are going to exclusively do their fossicking activities. We will be monitoring that because they will be reporting and they will have a title.

We also have designated fossicking areas across the Northern Territory where people can go and undertake activities. They are managed by the department. We are actually putting a little bit more regulation in fossicking rather than less.

J DAVIS: Thanks for the clarification.

Madam CHAIR: Thank you, Ms Tan, Ms Symonds and Ms Davis, for coming before the committee today.

I will check the questions on notice—the time frame.

The COMMITTEE SECRETARY: As soon as possible.

Madam CHAIR: Thank you, ladies.

The COMMITTEE SECRETARY: I will send you an email and we will put in a date. If you could have something back to us by the end of the week, that would be really good, given that we want to meet again next week.

Madam CHAIR: Thank you again.

The committee suspended.
