



**NORTHERN  
LAND COUNCIL**

*Our Land, Our Sea, Our Life*

Chair  
Legislative Scrutiny Committee  
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## **LEGISLATIVE SCRUTINY COMMITTEE INQUIRY INTO THE MINERAL TITLES LEGISLATION AMENDMENT BILL 2026**

### **About the Northern Land Council**

The Northern Land Council (**NLC**) was established in 1973. Following the enactment of *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (**Land Rights Act**), the NLC became an independent statutory authority responsible for assisting Aboriginal people in the northern region of the Northern Territory to acquire and manage their traditional lands and seas. The Land Rights Act combines concepts of traditional Aboriginal law and Australian property law, and sets out the functions and responsibilities of the land councils.

The NLC is also a Native Title Representative Body under the *Native Title Act 1993* (Cth) (**Native Title Act**), with main functions relating to progressing native title claims, consulting with native title holders, negotiating Indigenous Land Use Agreements (**ILUAs**), and resolving disputes about native title.

Approximately 30% of the NT population is Aboriginal. Over 50% of the NT's land mass is owned by Traditional Owners under the Land Rights Act (**Aboriginal Land**) (including around 85% of its coastline), with much of the remainder being subject to native title interests. Hence, Traditional Owners have an enormous stake in the economic development of the NT and should be at the forefront of any policy development.

A significant function of the NLC is to express the wishes and protect the interests of Aboriginal people who are Traditional Owners under the Land Rights Act or native title holders under the Native Title Act (collectively referred to as **Traditional Owners**) throughout its region. The NLC represents more than 36,000 Aboriginal people.

The NLC's vision is a Northern Territory in which the rights and responsibilities of Traditional Owners are recognised and in which Aboriginal people benefit economically, socially and culturally from the secure possession of their lands, seas, and intellectual property.

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## **Introductory remarks**

The NLC welcomes the opportunity to provide input to the Legislative Scrutiny **Committee** inquiry into the *Mineral Titles Legislation Amendment Bill 2026*. However, the NLC is concerned that consultation by the Northern **Territory** Government and Legislative Assembly has been undertaken in a minimal and curtailed manner.

The Committee released the Bill and Explanatory Statement for public comment for just over one week. Given the potential impact of the Bill on the rights of Aboriginal Territorians, this truncated timeframe is inappropriate and inconsistent with principles of good governance and participatory democracy.

Unless otherwise defined, terms used in this Submission have the same meaning as those given in the Bill.

## **Intersection with the Land Rights Act, Native Title Act and Sacred Sites Act**

The NLC notes that there is significant ambiguity regarding how the amendments in the Bill intersect with the existing statutory frameworks established under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth), the *Native Title Act 1993* (Cth) (**NTA**) and the *Northern Territory Aboriginal Sacred Sites Act 1989* (**Sacred Sites Act**). In particular:

- **New mineral titles and the expedited procedure**

The Bill creates three new types of mineral titles (MLSSM, MLTF and MLF), as well as the new General Lease (GL) title. How these intersect with the future act regime in the NTA, in particular whether the Territory will adopt the view that they attract the expedited procedure, is unclear and will likely result in points of dispute between the NLC and the Territory should the Bill pass in an unamended form.

The NLC's position is that it remains inappropriate for the expedited procedure to be used in the Northern Territory and it would be appropriate for the Bill to specify that the expedited procedure expressly does not apply to these titles.

- **Low-impact activities and cultural risk**

Access arrangements and proposed "low-impact" preliminary activities, including preliminary exploration and airborne surveys, may nevertheless disturb areas of cultural significance to Aboriginal Territorians.

The Bill should make clear that such activities must be undertaken consistently with existing regulatory regimes relating to Aboriginal land and the protection of sacred sites.

- **General Lease**

The introduction of a General Lease is conceptually problematic. A mineral title that enables a broad range of non-mining or ancillary activities is inconsistent with the structure of the mineral titles regime, and its interaction with the Future Act regime remains unclear. It is also unclear as to how it would intersect with the Land Rights Act, particularly where there is a separate statutory process with respect to the grant of interests in Aboriginal land. Further, we note that any attempt to convert any non-compliant existing interests to other interests must comply with (as the case may be) pre-existing processes in the Land Rights Act and NTA.

While the NLC acknowledges that this measure may be intended to address historical anomalies, it considers that a case-by-case approach would be more appropriate than introducing a broad new category of title.

#### **Clause 10 – Authorised preliminary exploration**

The NLC does not support the proposed amendment to section 17, which replaces the existing requirement for Ministerial approval of airborne geoscientific surveys with a notification process.

Airborne geoscientific surveys of land may interfere with rights of Traditional Owners. The NLC considers that those seeking an airborne geoscientific survey of land should be required to engage with, and obtain consent of, Traditional Owners prior to undertaking such activities. The proposed amendment may reduce transparency and limit opportunities for early engagement with affected Traditional Owners.

If Ministerial oversight is removed, the legislation must instead impose a clear statutory obligation on proponents to notify and obtain consent from all persons with an interest in the land, including Aboriginal freehold owners and native title holders. This should include notification to the relevant Land Council or Prescribed Body Corporate for any proposed surveys.

#### **Clause 11 – When consent required**

The NLC does not support the amendment to section 21 (and related additional amendments to section 138).

The effect of this amendment subverts Part IV of the Land Rights Act by treating a permit issued under Part II of the Aboriginal Land Act 1978 (NT) as approval for preliminary exploration on Aboriginal Land.

A permit issued under the Aboriginal Land Act regulates the physical entry to land; it is not, and has never been intended to be, a substitute for the compulsory consultation and informed consent requirements that apply under the Land Rights Act. By improperly favouring Northern Territory legislation over Commonwealth law, there is the potential for a constitutional inconsistency and undermining of the rights of and processes afforded to Traditional Owners.

The NLC maintains that access for any exploration activity on Aboriginal Land must remain governed by the Land Rights Act; not displaced or diluted by Territory-level permitting regimes.

### **Clause 14 – Sections 29 and 30 replaced**

The NLC supports ‘use it or lose it’ principles in tenure management. However, the proposed amendments, allowing for a longer initial term and ministerial discretion on waiving the reduction of blocks, are inconsistent with these principles and risk encouraging land banking.

The justification provided in the Explanatory Statement, that it’s required because approvals for exploration licences on Aboriginal land take considerable time, to approve are frankly made without substantive basis.

### **Clause 15 – Authorised activity under EL**

The NLC is concerned that amendments to section 31, which classify bulk sampling as an authorised activity conducted under an exploration licence, may enable highly intensive extraction (including volumes exceeding 1000 tonnes) and risks allowing early-stage production activities by stealth.

The NLC considers that section 31 should be amended to clearly define bulk sampling; incorporate additional approval thresholds; and impose limits on allowable volumes to prevent circumvention of regulatory oversight.

### **Clause 20 – Mineral Lease for Small Scale Mining Operations**

The NLC does not consider that a case has been made for the creation of a new standalone title for small-scale mining operations.

The proposed amendments appear unnecessary, and no clear justification has been provided for reducing regulatory requirements based on an arbitrary size threshold.

### **Clause 25 – Authorised activities under EML**

While the NLC acknowledges the concept of clean concrete, it considers that this activity would be more appropriately addressed through a standalone regulatory framework, matter rather than incorporated into the existing EML regime.

### **Clause 28 – Public notice of application for grant of mineral title**

The NLC does not support the amendment to section 71 and is concerned that it may reduce transparency and limit awareness of applications.

Particularly in circumstances where the Territory provides future act notifications in a haphazard manner, the NLC and many Traditional Owners continue to rely on newspaper notices as an accessible and reliable communication tool for public notices of application.

Public notices must be transparent and accessible. The NLC’s position is that the Bill must incorporate clear minimum standards for public notification to ensure transparency and accessibility.

### **Clause 31 – Right to construct road for access to title area**

The Bill introduces a right for a title holder to create a ‘minimal track’ without providing a clear definition of that term.

Even minor works can have detrimental environmental impacts and affect culturally sensitive areas. The absence of a clear definition creates uncertainty and risk.

The Bill should define “minimal track” and ensure appropriate safeguards apply.

### **Clause 47 – Fossicking permits**

The introduction of a fossicking permit regime raises concerns that permit holders may be unaware of, or fail to comply with, other applicable legal requirements, including obligations relating to access to Aboriginal land and the protection of sacred sites.

### **Clause 55 – Access powers for geological investigators**

The proposed powers for geological investigators to enter into and remain on land lack sufficient clarity, particularly in relation to notice requirements and engagement with Traditional Owners.

The NLC considers that the Bill should clearly specify minimum notice requirements and obligations to notify relevant Land Councils.

### **Clause 66 – Notice before starting authorised activities for exploration**

It is unclear whether the Bill requires notice to be provided 14 days prior to the beginning of each field season, or at a time and frequency as agreed to by landowners or occupiers.

This should be clarified to provide that notice is given at a time and frequency agreed with landowners and occupiers, subject to a minimum of 14 days.

### **Recommendations**

1. The Committee extend the timeframe available to make written submissions on the Bill.
2. The Bill be amended to clarify that the expedited procedure does not apply to any new titles created by the Bill.
3. The Bill to confirm that nothing within the Bill derogates from the obligations of anyone entering Aboriginal land to obtain a permit.
4. The Bill require an Authority Certificate (issued by the Aboriginal Areas Protection Authority or similar instrument/clearance issued by a Land Council) for all access arrangements and preliminary activity.
5. The Bill retain Ministerial approval for airborne geoscientific surveys with a notification requirement.

6. The Bill remove provisions allowing preliminary exploration under a permit issued under the Aboriginal Land Act.
7. The Bill provide greater clarity and limits for bulk sampling.
8. The Bill retains clear minimum standards for public notification.
9. A standalone regulatory framework be established for clean concrete.
10. The Bill define 'minimal track'.
11. the Bill specify minimum notice requirements and obligations to notify relevant Land Councils.
12. The Bill clarify notice requirements for geological investigations.