Legislative Assembly of the Northern Territory

Legislative Scrutiny Committee

Inquiry into the Mineral Titles Legislation Amendment Bill 2026

April 2026

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Legislative Assembly of the Northern Territory

Parliament House
State Square
Darwin NT 0800

Web: www.parliament.nt.gov.au

Contents

Chair's Preface

This report details the Committee's findings regarding its consideration of the Mineral Titles Legislation Amendment Bill 2026. Amending the *Mineral Titles Act 2010,* the Mineral Titles Regulations 2011, the *Environment Protection Act 2019* and the Environment Protection Regulations 2020, the Bill seeks to introduce four new mineral leases, create a fossicking permit for recreational fossicking, and streamline the mineral lease regulatory framework.

The Committee received 9 written submissions to its inquiry. The Committee also had a public briefing on the Bill from the Department of Mining and Energy. Support for the Bill was split between stakeholders. However, following careful consideration of the Bill and advice from the Department of Mining and Energy regarding the concerns of stakeholders, the Committee is of the view that the Assembly should pass the Bill with the proposed amendments as set out in the recommendations.

Advice from the Department provided the Committee clarity regarding the interaction of the Bill with other legislation, including the *Aboriginal Land Act 1978* (NT), the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth), and the *Native Title Act 1993* (Cth). Importantly, the Committee is satisfied that the proposed mineral leases for small scale mining, tourist fossicking, and fossicking will be subject to the right to negotiate under the *Native Title Act 1993*.

Additionally, the Committee was assured that Part II of the *Aboriginal Land Act 1978* provides an appropriate mechanism for access to Aboriginal land for the purposes of preliminary exploration and fossicking. Further, the Committee heard satisfactory advice that the protections of the *Northern Territory Aboriginal Sacred Sites Act 1989* (NT) will continue to apply to authorised activities by title holders.

The Committee's recommendations seek to address issues of regulatory clarity raised by stakeholders or identified by the Committee. Some of these issues are addressed by recommendations that the Explanatory Statement be amended to more clearly explain the: (1) new mineral leases for small scale mining, tourist fossicking, and fossicking; (2) bulk sampling application and approval process; and (3) processing of materials by mechanical and non-mechanical means.

Additionally, the Committee recommends amendments to the Bill as set out in Recommendations 8-15. These include the removal of the same title holder restriction in proposed section 57, a reduction in the number of mineral exploration licences necessary to be eligible for an exploration project area in proposed regulation 80, and typographical amendments to rectify drafting errors in the Bill.

On behalf of the Committee, I would like to thank all those that made submissions to the inquiry. The Committee also thanks the Department of Mining and Energy who briefed the Committee on the Bill and provided comprehensive responses to written questions. I also thank my fellow Committee members for their bipartisan commitment to legislative scrutiny.

Mrs Oly Carlson MLA

Chair

Committee Members

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

Committee Secretariat

Committee Secretaries:	Julia Knight Katie Helme
Senior Research Officers:	Dr Will Dreyer
Administration/Research Officer:	Caelan Ikin
Administration Assistant:	Kim Cowcher
Contact Details:	GPO Box 3721 DARWIN NT 0801 Tel: +61 08 8946 1485 Email: LSC@nt.gov.au

Acknowledgments

The Committee acknowledges all those who provided written submissions to its inquiry, and the Department of Mining and Energy for briefing the Committee and providing comprehensive responses to written questions.

Acronyms and Abbreviations

AAPA	Aboriginal Areas Protection Authority
ALA	*Aboriginal Land Act 1978* (NT)
ALC	Anindilyakwa Land Council
ALRA	*Aboriginal Land Rights (Northern Territory) Act 1976* (Cth)
AMEC	Association of Mining and Exploration Companies
ASSA	*Northern Territory Aboriginal Sacred Sites Act 1989* (NT)
CLC	Central Land Council
Committee	Legislative Scrutiny Committee
EIA	Extractive Industry Association of the Northern Territory
Consultation Report	Mineral Titles Act and Regulations Consultation Summary Report
Department	Department of Mining and Energy
Discussion Paper	Mineral Titles Act and Regulations Discussion Paper June 2024
MCA	Mineral Council of Australia Northern Territory Division
Minister	Minister for Mining and Energy
NLC	Northern Land Council
NTA	*Native Title Act 1993* (Cth)
NTGS	Northern Territory Geological Survey
NTPDA	Northern Territory Prospectors and Detectorists Association
Principal Act	*Mineral Titles Act 2010* (NT)
Regulations	Mineral Titles Regulations 2011

Terms of Reference

Sessional Order 14

Establishment of Legislative Scrutiny Committee

(1) The Assembly appoints a Legislative Scrutiny Committee

(2) The membership of the scrutiny committee will comprise three Government Members, one Opposition Member and one crossbench Member.

(3) The functions of the scrutiny committee shall be to inquire into and report on:

(a) any bill referred to it by the Assembly;

(b) in relation to any bill referred by the Assembly:

(i) whether the Assembly should pass the bill;

(ii) whether the Assembly should amend the bill;

(iii) whether the bill has sufficient regard to the rights and liberties of individuals, including whether the bill:

(A) makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review; and

(B) is consistent with principles of natural justice; and

(C) allows the delegation of administrative power only in appropriate cases and to appropriate persons; and

(D) does not reverse the onus of proof in criminal proceedings without adequate justification; and

(E) confers power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer; and

(F) provides appropriate protection against self-incrimination; and

(G) does not adversely affect rights and liberties, or impose obligations, retrospectively; and

(H) does not confer immunity from proceeding or prosecution without adequate justification; and

(I) provides for the compulsory acquisition of property only with fair compensation; and

(J) has sufficient regard to Aboriginal and Torres Strait Islander tradition; and

(K) is unambiguous and drafted in a sufficiently clear and precise way.

(iv) whether the bill has sufficient regard to the institution of Parliament, including whether a bill:

(A) allows the delegation of legislative power only in appropriate cases and to appropriate persons; and

(B) sufficiently subjects the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly; and

(C) authorises the amendment of an Act only by another Act.

(4) The committee will provide an annual report of its activities to the Assembly.

Adopted 15 October 2024

Recommendations

Recommendation 1

The Committee recommends that the Legislative Assembly pass the Mineral Titles Legislation Amendment Bill 2026 with the proposed amendments set out in Recommendations 8-15.

Recommendation 2

The Committee recommends that the Explanatory Statement be amended to explain the effect of proposed Part 3, Divisions 4, 5, and 6 by section.

Recommendation 3

The Committee recommends that the Explanatory Statement be amended to explain in detail the policy intent of proposed section 45J.

Recommendation 4

The Committee recommends that the Government develop guidelines on the operation of proposed section 45J, including information to assist title holders and tourists understand relevant notification requirements, rights and responsibilities under the *Mineral Titles Act 2010*.

Recommendation 5

The Committee recommends that the Explanatory Statement be amended to provide additional detail regarding bulk sampling, including the intended application and ministerial approval process and the expected range of weight of excavated material that the Minister will authorise.

Recommendation 6

The Committee recommends that the Explanatory Statement be amended to provide an explanation of the intended meaning of processing by mechanical and non-mechanical means.

Recommendation 7

The Committee recommends that the Government develop administrative guidance to assist industry and affected stakeholders to understand the intended operation of processing by mechanical and non-mechanical means.

Recommendation 8

The Committee recommends that clause 25 of the Bill be amended to remove the same title holder restriction by omitting ‘granted to the title holder’ from proposed section 57(1)(b).

Recommendation 9

The Committee recommends that clause 69 of the Bill be amended to reduce the minimum number of mineral exploration licences required to apply for an exploration project area, by replacing ‘3’ with ‘2’ in proposed regulation 80.

Recommendation 10

The Committee recommends that clause 6 of the Bill be amended to insert 'mineral' prior to 'exploration licence' in the proposed definition of 'GDA 2020'.

Recommendation 11

The Committee recommends that clause 9 of the Bill be amended to replace 'a mineral lease (ML)' with 'an ML' in proposed section 12A(3).

Recommendation 12

The Committee recommends that clause 9 of the Bill be amended to replace 'a mineral exploration licence (EL)' with 'an EL' in proposed section 12A(4).

Recommendation 13

The Committee recommends that clause 17 of the Bill be amended to omit 'of the' following 'of the' in proposed section 32A(3).

Recommendation 14

The Committee recommends that clause 17 of the Bill be amended to replace each instance of 'exploration licence' with 'EL' in proposed sections 32A(1), 32A(1)(a), 32A(1)(c), 32A(2), and 32A(3).

Recommendation 15

The Committee recommends that clause 103 of the Bill be amended to replace '(1)' with '(3)' in section 131(3).

Recommendation 16

The Committee recommends that the Explanatory Statement be amended at clause 21 to refer to 'section 47' instead of 'section 27'.

Recommendation 17

The Committee recommends that the Explanatory Statement be amended at clause 25 to explain the effect of proposed section 57A.

Recommendation 18

The Committee recommends that the Explanatory Statement be amended at clause 27 to refer to 'mineral titles' instead of 'mineral tiles'.

Recommendation 19

The Committee recommends that the Explanatory Statement be amended at the heading of clause 47 to note the insertion of sections 135B, 135C, and 135D.

Recommendation 20

The Committee recommends that the Explanatory Statement be amended at clause 52 to refer to the 'ALA' instead of 'ALRA'.

Recommendation 21

The Committee recommends that the Explanatory Statement be amended at clause 52 to refer to 'section 138(1)(b)' instead of 'section 135(1)(b)'.

Recommendation 22

The Committee recommends that the Explanatory Statement be amended at clause 53 to refer to the '*Mineral Royalty Act 1982*' instead of the '*Mineral Royalties Act 1982*'.

Recommendation 23

The Committee recommends that the Explanatory Statement be amended at clause 69 to refer to an 'exploration project area' instead of an 'expenditure project area'.

1 Introduction

Introduction of the Bill

1.1 The Mineral Titles Legislation Amendment Bill 2026 (the Bill) was introduced into the Legislative Assembly by the Minister for Mining and Energy, Hon Gerard Maley MLA (the Minister), on 18 March 2026. The Assembly subsequently referred the Bill to the Legislative Scrutiny Committee (the Committee) for inquiry and report by 30 April 2026.[1]

Conduct of the Inquiry

1.2 On 19 March 2026, the Committee called for submissions by 27 March 2026. The call for submissions was advertised via the Legislative Assembly website, Facebook, and email subscription service. In addition, the Committee directly contacted a number of individuals and organisations. The Committee received 9 submissions.

1.3 On 24 March 2026, the Committee held a public briefing. The Committee heard from representatives of the Department of Mining and Energy (the Department).

1.4 On 7 April 2026, the Committee requested the Department provide additional information in writing by 14 April 2026. The Committee thanks the Department for their assistance.

Outcome of Committee's Consideration

1.5 Sessional Order 14 requires that the Committee after examining the Bill determine:

> whether the Assembly should pass the bill;
>
> (ii) whether the Assembly should amend the bill;
>
> (iii) whether the bill has sufficient regard to the rights and liberties of individuals; and
>
> (iv) whether the bill has sufficient regard to the institution of Parliament.

1.6 Following examination of the Bill, and consideration of the evidence received, the Committee is of the view that the Legislative Assembly should pass the Bill with the proposed amendments set out in the Recommendations 8-15.

Recommendation 1

The Committee recommends that the Legislative Assembly pass the Mineral Titles Legislation Amendment Bill 2026 with the proposed amendments set out in Recommendations 8-15.

[1] Hon. Gerard Maley, Minister for Mining and Energy, Draft Daily Hansard – Day 5 – 18 March 2026, pp. 6-9, https://territorystories.nt.gov.au/10070/1030209.

Report Structure

1.7 Chapter 2 provides an overview of the background of the Bill, the policy objectives of the Bill and the purpose of the Bill as contained in the Explanatory Statement and the Minister's first reading speech.

1.8 Chapter 3 considers the main issues raised in evidence received.

2 Overview of the Bill

Background to the Bill

2.1 On 18 June 2024, the Department of Industry, Tourism and Trade released a discussion paper entitled *Mineral Titles Act and Regulations Discussion Paper* (the Discussion Paper). In the Minister's foreword, the Minister stated that:

> It is now timely to conduct a comprehensive review of the legislation to make sure they continue to fulfil the expectations of both industry, government and the community for years to come. The proposed amendments aim to enhance the efficiency, transparency, and sustainability of the mineral titles framework while balancing the interests of stakeholders. They reflect previous consultations with industry representatives, land councils, environmental groups and other key stakeholders to ensure a comprehensive and inclusive approach.
>
> These amendments seek to put our regulation of mineral title administration at the forefront of the Australian resource industry to streamline the regulatory framework and drive investment opportunities to boost the Northern Territory's economy. They have been designed to ensure the long-term sustainability of our mining sector by encouraging meaningful activity and advancements in resource development.
>
> I have released this Discussion Paper to seek your views and contributions on the proposed changes as well as ways we can continue to improve the Territory's mineral titles framework.[2]

2.2 The Discussion Paper was published on the Have Your Say NT website, open until 13 August 2024. Advertising in physical and digital media was undertaken, and specific stakeholders were directly contacted:

> Invitations to comment on the discussion paper were sent to peak industry bodies, industry representatives, land councils, environmental groups, fossickers and community members. The discussion paper was also advertised on LinkedIn, Facebook, NT News and various business bulletins.[3]

2.3 26 submissions were made to the Department on the Discussion Paper. A summary of responses was published by the Department in December 2024, entitled *Mineral Titles Act and Regulations Consultation Summary Report* (the Consultation Report).[4] The Government also responded in the Consultation Report to key themes raised in submissions.

2.4 In May 2025, the Approvals Fast-Track Taskforce highlighted the need for reform of the *Mineral Titles Act 2010* to be prioritised:

> The *Mineral Titles Act 2010* and associated regulations have not been significantly amended for over 15 years. There has been a significant review and consultation process to create a new modern and fit for purposes Mineral Titles Act and Regulatory Regime. Government should prioritise the passage

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[2] Hon. Mark Monaghan, Minister for Mining, *Mineral Titles Act and Regulations Discussion Paper*, June 2024, https://dme.nt.gov.au/media/docs/mining/consultations/mineral-title-act/mineral-titles-act-and-regulations-discussion-paper-june2024.pdf

[3] Department of Mining and Energy, *Mineral Titles Act and Regulations Consultation Summary Report,* p. 6, December 2024, https://dme.nt.gov.au/media/docs/mining/consultations/mineral-title-act/mta-consultation-summary-report.pdf

[4] Department of Mining and Energy, *Mineral Titles Act and Regulations Consultation Summary Report,* December 2024, https://dme.nt.gov.au/media/docs/mining/consultations/mineral-title-act/mta-consultation-summary-report.pdf

of a new Mineral Titles Legislative and Regulatory Regime to increase certainty.[5]

Purpose of the Bill

2.5 As noted in the Explanatory Statement, the purpose of the Bill:

> …is to introduce amendments to streamline the mineral titles regulatory framework, ensuring a regulatory framework that enables growth, market access and stakeholder certainty into the future. The Bill will also clarify and streamline administrative and regulatory requirements for the management of the environmental impacts of mining.[6]

2.6 As further described by the Minister in his first reading speech, the purpose of the Bill is:

> …to amend the *Mineral Titles Act 2010* and the Mineral Titles Regulations 2011. The Bill also includes consequential amendments to the *Environment Protection Act 2019* and Environment Protection Regulations 2020 to support the amendments to the *Mineral Titles Act 2010* and the Mineral Titles Regulations and address minor issues identified since the introduction of the environmental (mining) licensing scheme under that legislation... This Bill delivers a modern, efficient and transparent framework—one that supports responsible resource development while strengthening environmental accountability, improving landholder confidence and ensuring clarity for all users of the system. The amendments will enhance the efficiency, transparency and sustainability of the mineral titles framework while balancing the interests of key industry stakeholders. [7]

2.7 Finally, in a public briefing, the Department advised that the:

> 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.[8]

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[5] Approvals Fast-Track Taskforce, *Saying 'Yes' to Business Supplementary Report,* May 2025, p. 26. https://cmc.nt.gov.au/media/docs/advancing-industry/saying-yes-to-business-supplementary-report.pdf

[6] Explanatory Statement, Mineral Titles Legislation Amendment Bill 2026 (Serial 56), p. 1, https://parliament.nt.gov.au/__data/assets/pdf_file/0016/1600531/Explanatory-Statement-Mineral-Titles-Amendment-Bill-2026.pdf

[7] Hon. Gerard Maley, Minister for Mining and Energy, Draft Daily Hansard – Day 5 – 18 March 2026, p. 6, https://territorystories.nt.gov.au/10070/1030209.

[8] Department of Mining and Energy, Committee Transcript, 24 March 2026, p. 3, https://parliament.nt.gov.au/__data/assets/pdf_file/0005/1604426/Corrected-Transcript-Public-Briefing-Serial-56-Tuesday-24-March-2026.pdf.

3 Examination of the Bill

Introduction

3.1 The Committee received 9 submissions to its inquiry. Submissions were divided in their views on the Bill. The Northern Territory Prospectors and Detectorists Association (NTPDA), the Anindilyakwa, Central, Tiwi and Northern Land Councils, and the Arid Lands Environment Centre were broadly opposed to the Bill. The Mineral Council of Australia Northern Territory Division (MCA), Extractive Industries Association of the Northern Territory (EIA) and Association of Mining and Exploration Companies (AMEC) were in support of the Bill.

3.2 Additionally, most submitters raised concerns with specific provisions of the Bill and proposed a range of recommendations, including on matters such as:

- land access and consent provisions
- fossicking regulation
- regulatory streamlining
- the Bill's intersection with the *Aboriginal Land Act 1978* (NT) (ALA), the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) (ALRA), the *Native Title Act 1993* (Cth), and the *Northern Territory Aboriginal Sacred Sites Act 1989* (NT) (ASSA).

Consent to enter Aboriginal land for preliminary exploration and fossicking

3.3 The Bill seeks to specify the process a person seeking to access Aboriginal land for the purpose of preliminary exploration and fossicking must undertake. As described by the Minister in his first reading speech, the Bill:

> …clarifies preliminary exploration requirements, particularly on Aboriginal land, ensuring that consent processes align with the *Aboriginal Land Act 1978* rather than the more onerous *Aboriginal Land Rights Act (Northern Territory) Act 1976* section 41 processes.
>
> Preliminary exploration does not extend any interest in the land, therefore, written consent should be a simple process without imposing regulatory burden or administrative costs. This is commensurate with the level of disturbance associated with preliminary exploration.[9]

3.4 This is implemented through several amendments to the *Mineral Titles Act 2010* (NT) (the Act):

- Clause 11 seeks to amend section 21 to specify that a permit issued under Part II of ALA constitutes written consent for preliminary exploration on Aboriginal land. Preliminary exploration includes examination of geological characteristics, airborne geoscientific surveys, removals of small samples of

[9] Hon Gerard Maley, Minister for Mining and Energy, Draft Daily Hansard – Day 5 – 18 March 2026, pp. 8-9, https://territorystories.nt.gov.au/10070/1030209.

minerals or extractive minerals for analysis, and the marking of boundaries for a proposed application for a mineral title.

- Clause 49 seeks to amend section 138 to specify that a permit issued under Part II of the ALA constitutes written consent for fossicking on Aboriginal land.
- Clause 52 seeks to amend section 168 to omit the application of the constructive consent regime from applying to entry onto Aboriginal land under proposed sections 21 and 138, requiring that permits are sought under Part II of the ALA. The constructive consent regime provides that consent of a landowner is taken to be granted if a person provides written notice of the intended action to the landowner and is not responded to within two months.

Application of Part II of the *Aboriginal Land Act 1978* (NT)

3.5 The proposed amendment to section 21 was strongly opposed by the Anindilyakwa Land Council (ALC), the Central Land Council (CLC), and the Northern Land Council (NLC). They submitted that Part IV of the ALRA provides a specific process for mineral exploration and mining on Aboriginal land, and the proposal to permit preliminary exploration under Part II of the ALA is inconsistent with the ALRA and undermines the rights of Traditional Owners.[10] In particular, the ALC and the CLC argued that:

> Exploration and mineral activities have been recognised as the form of access which would have the greatest impact on Aboriginal culture and use of their land. Impacts on Traditional Owners can be particularly acute because of the relationship between Aboriginal values and identity and the natural environment. Negative impacts of mining and damage to country can have implications across livelihoods, health and wellbeing, community relationships, cultural obligations and cultural heritage.
>
> Part IV of ALRA provides specifically for the processing and administration of applications for mineral exploration and mining on Aboriginal land. All forms of exploration and mining activities contemplated under the *Mineral Titles Act 2010* (NT) (MTA) and the Mineral Bill must be governed by Part IV of ALRA if they occur on Aboriginal land.[11]

3.6 Further, the NLC made the point that the ALA regulates physical entry to land and is not designed to provide a regulatory regime for mining exploration activities:

> 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.

[10] Anindilyakwa Land Council, Submission No. 5, pp. 2-3; Central Land Council, Submission No. 6, p. 3; Northern Land Council, Submission No. 9, p. 3.

[11] Anindilyakwa Land Council, Submission No. 5, pp. 2-3; Central Land Council, Submission No. 6, p. 3.

> 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.[12]

3.7 The Committee asked the Department about the difference in the activities regulated by Part II of the ALA and Part IV of the ALRA. The Department advised that the ALA applies where a person seeks to enter and remain on Aboriginal land, whereas the ALRA applies where a mining interest on Aboriginal land is applied for. The Department also told the Committee that this amendment was a clarifying amendment rather than a change in practice:

> Part IV of ALRA regulates the creation of mining interests in land through the licensing of exploration and mining activities. ALRA does not deal with preliminary exploration in Part IV. Preliminary exploration is not an interest in land, it is merely access to land to enable assessment of potential for exploration.
>
> Permits under the NT ALA is the appropriate mechanism to permit preliminary exploration, as it is the mechanism that gives consent to access Aboriginal Land - subject to conditions as set by the Land Council or Traditional Owners.
>
> The Bill is not seeking to make changes to this consent process, merely clarifying that the ALA is the appropriate mechanism.[13]

3.8 The Committee notes that preliminary exploration activities are different from those that may be conducted under a mineral exploration licence or extractive mineral exploration licence. Activities that constitute preliminary exploration are set out in section 17(3) of the Act and must be conducted with a permit under Part II of the ALA.[14] These activities are low-impact activities,[15] and may include examination of geological characteristics, airborne geoscientific surveys, removal of small samples, or marking of boundaries.

3.9 In contrast, the Act provides that mineral exploration licences, which continue to require permits under Part IV of the ALRA, enable activities such as the digging of trenches, sinking of bores, and the extraction of materials for sampling.[16]

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[12] Northern Land Council, Submission No. 9, p. 3.

[13] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 4, https://parliament.nt.gov.au/__data/assets/pdf_file/0005/1604426/Corrected-Transcript-Public-Briefing-Serial-56-Tuesday-24-March-2026.pdf.

[14] Under existing section 17(3), these activities include examination of geological characteristics, an airborne geoscientific survey in accordance with certain requirements, removal of small samples of minerals or extractive minerals for analysis and marking boundaries for a proposed application for a mineral title. Clause 10 of the Bill further seeks to amend section 17 to reflect that preliminary exploration via airborne survey will now require provision of notice rather than Ministerial approval.

[15] Section 17(4) specifies that in conducting preliminary exploration only the following tools or equipment may be used (noting that no tools or equipment are currently prescribed by regulation): (a) hand-held and non-mechanical tools, excluding metal detectors; (b) global positioning systems; (c) other tools or equipment prescribed by regulation.

[16] Under existing section 31(1), the activities a mineral exploration licence title holder may conduct including the following: (a) digging pits, trenches and holes, and sinking bores and tunnels, in the title area; (b) activities for ascertaining the quality, quantity or extent of ore or other material in the title area by drilling or other methods; (c) the extraction and removal of samples of ore and other substances from the title area in amounts reasonably necessary for the evaluation of the potential for mining in the area.

3.10 The NLC also opposed the proposed amendment to section 138 of the Act, which specifies that a permit under Part II of the ALA constitutes written consent for fossicking on Aboriginal land.[17]

3.11 Fossicking is also a low-impact activity. Proposed section 135(2) specifies that fossicking must be undertaken by hand or by use of a hand-held instrument and must not exceed one meter of depth.[18] Tools that may be used are specified in proposed regulation 99A. These are non-mechanical, such as picks, shovels, and metal detectors.[19]

3.12 Although preliminary exploration and fossicking are low-impact activities, the NLC submitted that low-impact activities may still interfere with places of cultural significance:

> …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.[20]

3.13 The Committee asked the Department what protection from damage or interference through preliminary exploration exist for areas of cultural significance to Aboriginal people under the Bill as drafted, and how protections would differ if preliminary exploration was governed by Part IV of the ALRA. The Department told the Committee that these protections are provided for by the ALA, the ASSA, and the *Heritage Act 2011* (NT), and would not be provided by the ALRA:

> The current system of permits through the ALA and the NT ASSA and *Heritage Act 2011* are the appropriate mechanism for these protections.
>
> The ALRA does not contemplate preliminary exploration.[21]

3.14 The Committee notes that the Bill does not remove any obligations that a person has under the ASSA.

Applicability of concerns throughout the Bill

3.15 The ALC, the CLC, and the NLC's concerns regarding the consistency of the Bill with the ALRA and the effect of the Bill on Aboriginal land rights is a recurring theme throughout the Bill. These concerns were also supported by Tiwi Land

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[17] Northern Land Council, Submission No. 9, p. 3.

[18] Proposed section 135(2) specifies that: (2) For this Act, to fossick is to do any of the following: (a) search for a mineral by hand or using any hand-held instrument prescribed by regulation to a depth not exceeding 1 metre below the line of the natural surface of the land; (b) extract limited amounts of a mineral, as prescribed by regulation, by hand or a hand-held instrument that is not power-operated; (c) remove a mineral following a search or extraction done in accordance with paragraph (a) or (b).

[19] Proposed regulation 99A specifies that: For section 135(2)(a) of the Act, the following equipment may be used for fossicking: (a) a pick, hammer, shovel, sieve, pan, shaker or basin; (b) a metal detector; (c) a power tool used only to separate material but not to extract material. Example for paragraph (c) A dry blower or sluice.

[20] Northern Land Council, Submission No. 9, p. 3.

[21] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 4.

Council.[22] Similarly, the Arid Land Environment Centre submitted their concern that the Bill could impact or erode the rights of Aboriginal land owners:

> This bill could have significant impacts on Aboriginal land owners rights interactions with mining exploration and could erode rights under the Land Rights Act.[23]

3.16 The Committee questioned the Department regarding these concerns in detail, which are discussed throughout this chapter at relevant points.

Constructive consent

3.17 Proposed section 168 omits Aboriginal land from the constructive consent regime for the purposes of preliminary exploration and fossicking, instead requiring permits granted under Part II of the ALA. The constructive consent regime otherwise provides for consent for entry onto land to be taken as granted if, after providing written notice of a person's intention to enter land, that person does not receive a response from the landowner within two months.

3.18 The NTPDA submitted their opposition to 'increased regulatory burden without increased access', noting expanded consent requirements as a feature of regulatory burden.[24] The NTPDA argued that:

> Fossickers are being asked to comply more and pay more, while continuing to face the same long-standing barrier: limited access to suitable land.[25]

3.19 The Extractive Industry Association of Northen Territory (EIA) opposed the entire constructive consent regime, including the amendments in the Bill:

> The Bill amends section 168 so that "Subsection (2) applies to any provision of this Act, other than sections 21(1)(c) and 138(1)(b), that …" (as extracted in the Bill text).
>
> On its face, this appears to extend or at least generalise the application of constructive consent across the Act (with only limited carve-outs), rather than addressing the policy concerns that led EIA to oppose the item in 2024.
>
> Scrutiny issue: Constructive consent mechanisms can materially affect rights and liberties where they deem consent to have been given (or remove a requirement for express consent) and can shift bargaining power between landholders/occupiers and titleholders. Given EIA's non-support and the Committee's rights-and-liberties remit, this provision warrants close review and, if retained, clear safeguards and procedural fairness settings.[26]

Committee comments

3.20 Whilst acknowledging the concerns of submitters regarding the applicability of Part II of the ALA to preliminary exploration and fossicking, the Committee notes the important distinction between preliminary exploration and mineral exploration licences or extractive mineral exploration licences. As identified by the Department, Part IV of the ALRA specifically relates to mining interests, which

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[22] Tiwi Land Council, Submission No. 8, p. 1.
[23] Arid Land Environment Centre, Submission No. 7, p. 1.
[24] Northern Territory Prospectors & Detectorists Association, Submission No. 1, p. 2.
[25] Northern Territory Prospectors & Detectorists Association, Submission No. 1, p. 2.
[26] Extractive Industry Association of the Northern Territory, Submission No. 3, pp. 3-4.

preliminary exploration and fossicking permits do not grant. The Committee notes the Department's advice that the proposed amendments to sections 21 and 138 do not change the current consent process, rather clarify it, and is satisfied that Part II of the ALA is the appropriate mechanism for consent to be sought for preliminary exploration and fossicking.

3.21 In particular, the Committee is satisfied that preliminary exploration activities are much lower impact than activities that may be conducted under a mineral exploration licence or an extractive mineral exploration licence. While the Bill proposes to specify that preliminary exploration may be conducted with a permit under Part II of the ALA, there is no proposed change to the requirement that mineral exploration licences or extractive mineral exploration licences may only be granted if the Minister is satisfied that the applicant has obtained the permit, consent or agreement required under the ALRA, as provided for in section 74(1) of the Act.

3.22 Further, the Committee is satisfied that sites of cultural significance to Traditional Owners are protected from damage or interference from preliminary exploration by the continued requirements and obligations of the ASSA.

3.23 The Committee notes that the amendments to the constructive consent regime do not extend the constructive consent regime but instead omit the regime from applying to Aboriginal land for the purpose of preliminary exploration and fossicking. The regime otherwise continues to apply in all other cases where a person is required to obtain the written consent of the landowner before taking an action on that land.

3.24 Accordingly, on the balance of evidence, the Committee does not recommend any changes to these provisions.

Preliminary exploration through airborne geoscientific surveys

3.25 Under existing section 17(3), preliminary exploration of land areas may be undertaken by airborne geoscientific survey. The Bill seeks to replace the existing ministerial approval process for conducting airborne geoscientific surveys with a ministerial notification process. The Department explained the changes to the preliminary exploration requirements at the public briefing:

> 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.[27]

[27] Department of Mining and Energy, Committee Transcript, 24 March 2026, pp. 3-4, https://parliament.nt.gov.au/__data/assets/pdf_file/0005/1604426/Corrected-Transcript-Public-Briefing-Serial-56-Tuesday-24-March-2026.pdf.

3.26 The Explanatory Statement notes the rationale for the amendment, explaining that the replacement of the approval process with a notification process is to improve administrative efficiency. It outlines that the Act:

> …is amended to reflect that preliminary exploration via airborne survey will now require provision of notice rather than Ministerial approval. This gives industry administrative efficiency and certainty in conducting airborne survey.[28]

3.27 This is implemented through several amendments to the Act and the Mineral Titles Regulations 2011 (the Regulations):

- Clause 10 seeks to amend section 17 to omit the requirement that a person must receive the Minister's approval prior to conducting an airborne geoscientific survey and instead specify that they must conduct the activities in compliance with the prescribed regulations and any conditions the Minister imposes under regulations.
- Clause 61 seeks to repeal and replace regulations 6, 7, and 8 of the Regulations to prescribe that a person who intends to conduct an airborne geoscientific survey must notify the Minister at least 30 days prior to the survey, specifies the conditions the Minister can impose on that survey, and creates a strict liability offence if a person does not provide the Minister notice or does not comply with the conditions. These offences have a maximum penalty of 100 penalty units.
- Consequently, clause 62 seeks to amend regulation 9 of the Regulations to align airborne survey reporting requirements with the notice process in proposed regulation 6.

3.28 The NLC opposed the replacement of the ministerial approval process for airborne geoscientific surveys with a ministerial notification process. They argued that these surveys, although 'low-impact', may nonetheless disturb areas of cultural significance or otherwise interfere with the rights of Traditional Owners.[29] Accordingly, the NLC recommended that, if the ministerial approval process is removed, people intending to conduct airborne geoscientific surveys should be required to notify and seek consent directly from people with an interest in the land:

> 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.[30]

3.29 The Committee notes that proposed regulation 7 will enable the Minister to, upon notification of the intention to conduct an airborne geoscientific survey, require a

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[28] Explanatory Statement, Mineral Titles Legislation Amendment Bill 2026 (Serial 56), p. 2, https://parliament.nt.gov.au/__data/assets/pdf_file/0016/1600531/Explanatory-Statement-Mineral-Titles-Amendment-Bill-2026.pdf

[29] Northern Land Council, Submission No. 9, pp. 2-3.

[30] Northern Land Council, Submission No. 9, p. 3.

person to give written notice to the title holder, landowner, or occupier, and require them to obtain consent for the landing of any aircraft or drone on the land.

Committee's Comments

3.30 As discussed in the previous section, the Committee notes that any person seeking to conduct an airborne geoscientific survey on Aboriginal land will be required to obtain a permit under Part II of the ALA under proposed section 21(2A). This means that a person will need to seek permission from the relevant Land Council or Traditional Owners of the area of Aboriginal land.[31]

3.31 The Minister may also impose additional conditions upon the conduct of airborne geoscientific surveys. Accordingly, the Committee considers the Ministerial notification process to have sufficient and appropriate safeguards in place to ensure that airborne geoscientific surveys are conducted without disturbance to areas of cultural significance and does not recommend any changes to these provisions.

Mineral leases for small scale mining, fossicking, and tourist fossicking

3.32 The Bill seeks to provide for three new mineral leases for small scale mining, tourist fossicking, and fossicking. As described by the Minister in his first reading speech:

> Three new lease types are being introduced, Mineral Lease for Small Scale Mines, Tourist Fossicking and Fossicking. These new titles accommodate activities previously poorly served under the Act and reduce administrative burden for small operators and fossicking businesses.
>
> The introduction of the mineral lease for small-scale mines supports operations such as alluvial gold mining with modified reporting requirements including reducing or simplifying reporting requirements where there is a low level of activity and risk. This tenure has less stringent application requirements, including excluding the requirement to provide evidence there is an economical resource… Two new titles are being introduced to support individuals and tourist operations undertaking fossicking activities. These cover relatively small areas and allow the use of mechanical means to push back topsoil to a maximum depth of one metre.[32]

3.33 The Department provided further rationale for this reform:

> …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.[33]

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[31] *Aboriginal Land Act 1978* (NT), Part II.

[32] Hon. Gerard Maley, Minister for Mining and Energy, Draft Daily Hansard – Day 5 – 18 March 2026, pp. 7-8, https://territorystories.nt.gov.au/10070/1030209.

[33] Department of Mining and Energy, Committee Transcript, 24 March 2026, p. 3, https://parliament.nt.gov.au/__data/assets/pdf_file/0005/1604426/Corrected-Transcript-Public-Briefing-Serial-56-Tuesday-24-March-2026.pdf.

3.34 This is implemented through several amendments to the Act and the Regulations:

- Clause 20 seeks to insert Part 3, Divisions 4, 5, and 6 into the Act to establish three new mineral leases: for small scale mining, for tourist fossicking, and for fossicking. Each division specifies the rights a title holder has, the conditions that they are subject to, and the application, grant, and renewal process. Division 4 provides for care and maintenance activities. Divisions 5 and 6 establish strict liability offences related to the mineral leases for fossicking and tourist fossicking, with a maximum penalty of 80 penalty units. Because of the proposed insertion of Part 3, Division 5 that creates the mineral lease for tourist fossicking, clause 18 seeks to amend section 40 of the Act to omit the current specification that any mineral lease gives the title holder the exclusive right to conduct tourist fossicking in the title area.
- Clause 6 seeks to amend section 8 to provide for definitions of each of these mineral leases. Additionally, clause 8 seeks to amend section 11 of the Principal Act to include these leases in the definition of a mineral title.
- Clause 68 seeks to amend regulation 78 of the Regulations to apply the prescribed annual report requirements to the mineral lease for small scale mining. It also seeks to require that annual reports include the number of environmental (mining) licences in relation to a mineral title under the *Environment Protection Act 2019*.
- Clause 70 seeks to amend regulation 81 of the Regulations to apply the prescribed expenditure report requirements to the mineral lease for small scale mining.

New mineral leases

3.35 The creation of the mineral leases for tourist fossicking and fossicking was supported by the EIA.[34] In contrast, the NTPDA submitted their concern that the tourist fossicking and fossicking mineral lease may enable monopolisation of land by commercial operators and consequently displace recreational fossickers.[35]

3.36 The NLC opposed the creation of the mineral lease for small scale mining, as they considered that there was no justification for establishing an additional mineral lease on the basis of size of the operation:

> 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.[36]

3.37 The Committee notes that the Explanatory Statement explains the effect of the proposed new sections by Division rather than by section, meaning it fails to fully

[34] Extractive Industry Association of the Northern Territory, Submission No. 3, pp. 3.
[35] Northern Territory Prospectors & Detectorists Association, Submission No. 1, p. 4.
[36] Northern Land Council, Submission No. 9, p. 4.

explain all the elements of the new mineral leases. For example, it does not refer to the creation of the two strict liability offences established in proposed sections 45J and 45N.

Interaction with other Acts

Native Title Act 1993 (Cth)

3.38 The ALC and the CLC submitted that the mineral lease for tourist fossicking and fossicking would create a right to mine under the NTA. If these leases did create a right to mine, they submitted that the procedural requirements under the NTA would apply to these mineral leases:

> Both MLF and MLTF create a right to mine under the NTA. Any failure by the Northern Territory Government to comply with the procedural requirements of the NTA will render the MLF and MLTF invalid to the extent that they affect native title. Accordingly, Native Title rights and interests will prevail over the rights conferred by the MLF and MLTF.[37]

3.39 Similarly, the NLC submitted that it was unclear how the new mineral leases intersected with the 'future acts' regime under the NTA.[38] A future act is 'a proposal to deal with land in a way that affects native title rights and interests'.[39] This includes the granting of a mining and exploration licence or permit.[40] If an act is a future act, the NTA requires that certain procedures must be undertaken. In particular, the NTA may require parties to undertake a procedure called the 'right to negotiate':

> In some cases, the *Native Title Act* requires the government that intends to do the future act (the Government party) and the person who requested or applied for the act (the grantee party) to negotiate with any person or body corporate who holds native title or has a registered native title claim over the area (the native title party). This procedure is known as the 'right to negotiate'.[41]

3.40 If the grant of the new mineral leases was a future act, the NLC further queried whether the NT Government would consider them attracting the normal or expedited procedure, advocating for the former:

> The Bill creates three new types of mineral titles (MLSSM, MLTF and MLF)… 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

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[37] Anindilyakwa Land Council, Submission No. 5, p. 3; Central Land Council, Submission No. 6, p. 4.
[38] Northern Land Council, Submission No. 9, p. 2.
[39] National Native Title Tribunal, *About Future Acts,* accessed 23 April 2026, https://www.nntt.gov.au/futureacts/Pages/default.aspx.
[40] Australian Government Attorney-General's Department, Future acts regime, accessed 23 April 2026, https://www.ag.gov.au/legal-system/native-title/future-acts-regime.
[41] National Native Title Tribunal, *About Future Acts,* accessed 23 April 2026, https://www.nntt.gov.au/futureacts/Pages/default.aspx.

> for the Bill to specify that the expedited procedure expressly does not apply to these titles.[42]

3.41 The Committee asked the Department whether the new mineral leases create a right to mine and thus whether the granting of the new mineral leases would be a future act under the NTA. The Committee further asked whether they anticipated that the normal or expedited procedure would be adopted for these leases. The Department advised the Committee that the new mineral leases are intended to be subject to the right to negotiate, but did not specify if the normal or expedited procedure would be adopted:

> It is intended, as it is currently with mineral leases under the Act, that these new mineral leases would be subject to the right to negotiate procedure.[43]

3.42 The Committee notes that section 74(2) of the Act provides that, if satisfied it will be a future act, the Minister may grant a mineral title only if satisfied all procedures under the NTA relevant to the future act have been followed.

***Northern Territory Aboriginal Sacred Sites Act 1989* (NT)**

3.43 The ALC and the CLC expressed to the Committee that a survey of sacred sites should be undertaken when a person is conducting work on Aboriginal land.[44] The ALC submitted:

> …all holders of mineral tenements, including exploration licences, MLF, MLTF and mineral leases for small scale mining (MLSSM), should undertake surveys of sacred sites prior to commencement of works, such surveys to be done either through the Aboriginal Areas Protection Authority (AAPA) or the relevant Land Council.[45]

3.44 However, the ALC also advised that a search of the sites register alone is not sufficient, as some sacred sites are not on the register:

> If explorers only request a search of the sites register from the AAPA, there will be risks to sacred sites (as well as prosecution of the explorer or miner) as many sacred sites are not on the AAPA sites register. AAPA publicly acknowledges that their sites register is not comprehensive.[46]

3.45 The CLC further told the Committee that more robust protections of sacred sites also benefit workers on land, by providing evidence that they have engaged with Traditional Owners to ensure their works do not interfere with sacred sites and thus protect the worker against prosecution:

> Over many years, the CLC has developed robust processes for sacred site protection. Under section 23(1)(ba) of ALRA, we have a function to assist Aboriginal people to protect their sacred sites on all land, not just Aboriginal land. Clearance certificates issued by the CLC prevent damage to and interference with sacred sites by setting out conditions in relation to entering and working on subject land. These clearance certificates protect the applicant against prosecution for entering, damaging or interfering with sites

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[42] Northern Land Council, Submission No. 9, p. 2.
[43] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, pp. 4-5, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.
[44] Anindilyakwa Land Council, Submission No. 5, p. 4; Central Land Council, Submission No. 6, pp. 4-5.
[45] Anindilyakwa Land Council, Submission No. 5, p. 4.
[46] Anindilyakwa Land Council, Submission No. 5, p. 4.

> under the *Northern Territory Aboriginal Sacred Sites Act 1989* (NT) and ALRA by providing the applicant with documentary evidence that the custodians of the subject land have been consulted and agree that the applicant's proposed works can go ahead without damage to sacred sites on the basis of the conditions in the certificate.[47]

3.46 The Committee asked the Department how the Act interacts with the ASSA, what risks of damage or interference with sacred sites arise under the Act, and whether consideration was given to strengthening protections for sacred sites in the Bill. The Department advised the Committee that all titleholders must comply with the ASSA, which the Department considered was the best legislative mechanism for protecting sacred sites:

> Section 87 of the Act requires all titleholders when conducting authorised activities to comply with requirements under laws in force in the Northern Territory (NT), in relation to the use of land. This would include the requirement to comply with the (NT) (ASSA).
>
> Titleholders who are compliant with the Act, conditions of title and conditions of the environmental mining licence, should pose a low risk of damage or interference with a sacred site.
>
> The appropriate mechanism for the protection of sacred sites is the NT ASSA. All title holders are required under the Act to comply with laws in force in the NT in relation to the use of land.[48]

Tourist fossicking

3.47 Proposed section 45J(1) and (2) require that a person who fossicks 100gm of gold or another mineral of equal or greater economic value under a mineral lease for tourist fossicking must notify the Minister of this within 28 days. Proposed section 45J(3) creates a strict liability offence if a person fails to do so. Additionally, proposed section 45J(4) provides that a person who notifies the Minister has the exclusive right to apply for a mineral lease for small scale mining for that mineral.

3.48 In the absence of further information in the Explanatory Statement, the Committee asked the Department whether the person referred to in section 45J(1), (3) and (4) was intended to be the person fossicking or the title holder of the mineral lease for tourist fossicking. The Department advised that it was the intention that the person who fossicks notify the Minister and have the exclusive right to apply for the mineral lease for small scale mining:

> …it is intended that that the fossicker would be aware of the value of a mineral that they have fossicked and be able to compare that to the gold price… The person is intended to be the person who is fossicking, who may also be the titleholder.[49]

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[47] Central Land Council, Submission No. 6, p. p. 5.

[48] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 3, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

[49] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, pp. 10-11, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

Committee's Comments

3.49 The Committee supports the proposed new mineral leases for small scale mining, tourist fossicking and fossicking. Having queried the Department regarding their interaction with the NTA, the Committee is satisfied that the mineral leases will grant a right to mine and be subject to the right to negotiate. The Committee is also satisfied that the ASSA provides sufficient protections for sacred sites and is the appropriate legislative vehicle by which to protect sacred sites.

3.50 However, the Committee is not satisfied with the level of detail in the Explanatory Statement regarding clause 20, which proposes to insert sections 45A-N. Several key elements of the mineral leases are not explained, including the strict liability offences proposed in sections 45J and 45N. The Committee recommends that the Explanatory Statement be amended to rectify the deficit in detail.

3.51 Having considered section 45J in detail, the Committee is satisfied that the Bill delivers the Department's intended policy outcome. However, the Committee notes that it is important that tourists understand their rights and responsibilities under the Act. Accordingly, the Committee recommends that the Explanatory Statement clearly explain the obligations that section 45J creates for a person fossicking on a mineral lease for tourist fossicking. Additionally, the Committee recommends that the Government develop guidelines on the operation of section 45J to assist title holders of mineral leases for tourist fossicking and tourists to understand relevant notification requirements, rights and responsibilities under the Act.

Recommendation 2

The Committee recommends that the Explanatory Statement be amended to explain the effect of proposed Part 3, Divisions 4, 5, and 6 by section.

Recommendation 3

The Committee recommends that the Explanatory Statement be amended to explain in detail the policy intent of proposed section 45J.

Recommendation 4

The Committee recommends that the Government develop guidelines on the operation of proposed section 45J, including information to assist title holders and tourists understand relevant notification requirements, rights and responsibilities under the *Mineral Titles Act 2010*.

Mineral exploration licences

3.52 The Bill seeks to reform the regulatory regime that provides for mineral exploration licences. Canvassing an array of these amendments in his first reading speech, the Minister stated that 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 being removed with the

> reduction required at the first renewal. This acknowledges the considerable time it can take to get the necessary approvals, including land access.
>
> This will allow industry time to undertake exploration activities before having to reduce the size of the exploration licence and modernises the reduction requirements for exploration licences, shifting from rigid two-year cycles to a system aligned with actual project timing. The change will be beneficial to both industry and the government, reducing the administrative, regulatory and financial burden.
>
> The maximum and minimum size of an exploration licence has clarified, along with the requirement for a detailed technical work program for the first two operational years. A summary of the proposed technical work program for the following four years is also required. This will assist proponents through providing certainty on the information required to assess their application efficiently. The minimum size of an exploration licence has been reduced from four to one block, allowing for other applicants to pick up blocks that have been surrendered instead of leaving them stranded and unavailable for exploration. ….[50]

3.53 The Department provided further rationale for this reform at the public briefing, explaining that:

> …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.
>
> …exploration licence amendments are beneficial to both industry and to government, streamlining processes without compromising regulatory oversight.[51]

3.54 This is implemented through several amendments to the Act:

- Clause 14 seeks to repeal and replace sections 29 and 30 to increase the initial renewal period of a mineral exploration licence from 2 years to 6 years, and to remove the block reduction requirement every 2 operational years and instead require blocks to be reduced upon each renewal. Proposed section 30 enables the Minister to waive the requirement to reduce blocks if the aggregate term of the title has been less than 12 years. If exceptional circumstances apply, they may waive reduction requirements for a title that has had an aggregate term of 12 or more years.
- Clause 15 seeks to amend section 31 to provide that bulk sampling with a mobile crusher or explosives is an authorised activity that may be conducted under a mineral exploration licence when approved by the Minister.
- Clause 16 seeks to amend section 32 to enable the expenditure requirements of a mineral exploration licence to be prescribed by regulation.

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[50] Hon Gerard Maley, Minister for Mining and Energy, Draft Daily Hansard – Day 5 – 18 March 2026, p. 7, https://territorystories.nt.gov.au/10070/1030209.

[51] Department of Mining and Energy, Committee Transcript, 24 March 2026, p. 3, https://parliament.nt.gov.au/__data/assets/pdf_file/0005/1604426/Corrected-Transcript-Public-Briefing-Serial-56-Tuesday-24-March-2026.pdf.

- Clause 17 seeks to insert new section 32A to enable the removal of slivers of land between mineral exploration licence title areas that have resulted from shifts in geographic coordinates.
- Clause 66 seeks to amend regulation 71 of the Regulations to amend the prescribed notice period a title holder of a mineral exploration licence or mineral exploration licence in retention must give landowners or occupiers prior to commencing authorised activities from 14 days prior to the conduct of activities to 14 days prior to the field season when activities are to commence, or as otherwise agreed to by the landowner or occupiers.

Renewal period and block reduction requirements

3.55 Clause 14 seeks to repeal and replace sections 29 and 30 to extend the initial licence period and align block reduction requirements with the renewal period. In effect, this extends the time a licence holder has before they are required to reduce their blocks. The Explanatory Statement noted that the intent of these changes was to:

> Respon[d] to advice that the short renewal period has often drawn concern from industry due to difficulties in securing funding for capital raising efforts. Other jurisdictions offer a renewal period that coincides with the initial grant period, and it is proposed that the Territory follow this same approach…
>
> The purpose of the reduction period is to encourage the turnover of blocks, however it can also be problematic when other approvals outside of the Act take considerable time to secure, such as approvals for ELs on Aboriginal land. This has led to a large number of waiver applications received under section 29(4) since commencement of the Act, which has increased both industry and the department's administrative workload.[52]

3.56 The AMEC supported the proposed changes to the initial renewal period and block reduction requirements:

> AMEC supports the 'use it or lose it' philosophy, which is important for competitive exploration of the land and for preventing land banking. However, due to specific difficulties encountered while operating in the Northern Territory, AMEC supports the proposed amendments to reduce and renew the title area requirements for an exploration licence at the end of the initial grant period.[53]

3.57 In contrast, the NTPDA and the NLC opposed these proposed amendments.[54] They submitted that the changes would reduce land turnover and lock land up for longer periods. The NTPDA argued that this would exclude fossickers from larger areas of land for longer:

> Specifically, [the changes] enable land to remain under exploration licences for longer periods without reduction, which in practice means:
>
> - less land returning to availability

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[52] Explanatory Statement, Mineral Titles Legislation Amendment Bill 2026 (Serial 56), p. 3, https://parliament.nt.gov.au/__data/assets/pdf_file/0016/1600531/Explanatory-Statement-Mineral-Titles-Amendment-Bill-2026.pdf

[53] Association of Mining and Exploration Companies, Submission No. 4, p. 2.

[54] Northern Territory Prospectors and Detectorists Association, Submission No. 1, p. 2; Northern Land Council, Submission No. 9, p. 4.

- reduced turnover of ground
- prolonged exclusion of fossickers from large areas.

> This reinforces an existing concern within the fossicking community that vast areas of the Territory are effectively locked away for extended periods, often with limited visible on-ground activity. The Bill does not introduce any meaningful mechanism to counterbalance this effect.[55]

3.58 Accordingly, the NTPDA recommended that mechanisms be introduced to facilitate the turnover of land.[56] Upon questioning, the Department advised that several mechanisms already exist:

> The loss of block penalty will still apply where expenditure covenants are not met for 2 consecutive years
>
> Section 105 of the Act provides that the Minister may cancel a mineral title or part of a mineral title where for a continuous period of 2 years authorised activities have not been conducted.
>
> The Minister may also refuse to renew [a mineral exploration licence] where insufficient exploration activities have been undertaken.[57]

3.59 The Committee also asked the Department what they estimated the impacts of the changes to the initial renewal period and block reduction requirements on land turnover and banking would be. The Department told the Committee that they did not anticipate significant changes to turnover:

> The change to the initial renewal period was designed in response to industry concerns that the short initial renewal period creates uncertainty and difficulties in capital raising. It is also consistent with other jurisdictions offering a first renewal period in line with the initial grant period.
>
> The changes to reduction requirements relate only to the compulsory reduction requirements. An EL holder can apply to reduce the number of blocks held at any time.
>
> The loss of block penalty will still apply where expenditure covenants are not met for 2 consecutive years.
>
> DME estimates that there should not be a significant impact on turnover of land.[58]

3.60 The NLC submitted that the Explanatory Statement was not correct in its explanation that the extension to the initial renewal period was necessary in part because of the extensive time in which it can take to secure approvals outside of the Act for work on Aboriginal land:

> 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.[59]

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[55] Northern Territory Prospectors and Detectorists Association, Submission No. 1, pp. 2-3.
[56] Northern Territory Prospectors and Detectorists Association, Submission No. 1, p. 4.
[57] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 10, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.
[58] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, pp. 9-10, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.
[59] Northern Land Council, Submission No. 1, p. 4.

3.61 The Committee asked the Department about this, who advised that:

> Applications for a variation of condition or waiver are often received from EL holders citing that they have been unable to commence on ground works due to the time taken to obtain sacred site and heritage and other land access clearances. Often the timing of receiving these clearances does not match up with the field season.[60]

Ministerial waiver of block reduction

3.62 The NLC submitted in opposition to the Ministerial power to waive block reduction requirements, arguing that this could encourage land banking.[61]

3.63 The AMEC submitted that the restrictions on the exercise of the ministerial waiver should be reversed. They advised that early reduction would not be an issue for industry, but that requirements to reduce blocks at renewals subsequent to the initial renewal may force companies to reduce prospective land. On that basis, the lack of a waiver at subsequent renewals may disincentivise early turnover or voluntary turnover so that title holders can retain blocks at a later stage:

> It is often an industry practice to drop ground regardless [of requirements], as companies pinpoint where to focus their exploration and expenditure… At the end of the first renewal period, the reduction in the title area may be made compulsory; however, the Minister's authority to waive the requirement should remain available in each subsequent renewal period. It has been noted that there could be many reasons why the titleholder still wants to retain the remaining licence. If they have already reduced the title to the point where the whole title area is prospective, this could be problematic. This will also discourage titleholders from hanging on to the ground until this compulsory reduction date.[62]

3.64 The Committee asked the Department what the rationale was for the amendments to the Ministerial waiver and the impacts the aggregate term limitation on the Ministerial waiver would have on land turnover and banking. The Department told the Committee that they did not anticipate significant changes to turnover:

> The Bill proposes that on application for a first renewal the EL holder would be required to nominate blocks for a 50% reduction. The applicant may also seek a waiver of this reduction requirement at the time.
>
> The application for the waiver would need to justify why the blocks are still required for exploration. The Minister would consider the prior and proposed exploration program, if conditions have been met during the initial grant period and any other relevant matters.
>
> DME estimates that there should not be a significant impact on turnover of land.[63]

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[60] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 10, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

[61] Northern Land Council, Submission No. 9, p. 4.

[62] Association of Mining and Exploration Companies, Submission No. 4, p. 2.

[63] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 10, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

Bulk sampling

3.65 The Minister explained in his first reading speech that the Bill sought to enable bulk sampling in some circumstances:

> Bulk sampling provisions are updated to include a definition of a bulk sample and permit the use of mobile crushing plant and explosives subject to approval and environmental licensing requirements. This has been introduced to acknowledge that while crushing and blasting is not consistent with the activities allowed on an exploration licence, there may be occasions where they are required when a bulk sample is approved. [64]

3.66 The ALC, the CLC and the NLC submitted that the use of mobile crushers or explosives is excessive for the needs of bulk sampling and that it could facilitate improper mining activities via a mineral exploration licence.[65] In particular, the CLC argued that:

> The inclusion of the right for the holder of an exploration licence to conduct bulk sampling using a mobile crusher and explosives goes beyond the purpose of an exploration licence. There is no need for such a large bulk sample to be obtained, via these means, to assess the metallurgical characteristics and economic potential of an area.
>
> We consider that this is a backdoor to allow mining without complying with the necessary provisions under ALRA and NTA.[66]

3.67 The NLC further submitted that bulk sampling should be clearly defined with approval thresholds and defined limits on volumes of material that may be bulk sampled:

> 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.[67]

3.68 The Committee asked the Department in what circumstances it would be appropriate for the Minister to authorise bulk sampling, what approval requirements an applicant would need to meet, and what range of weight of excavated material would normally by expected to be authorised for bulk sampling. The Department advised the Committee that:

> The purpose of a bulk sample is to examine the metallurgical characteristics of the potential orebody and assess the economic potential of the sample. Excavation and removal of larger samples of ore, in order to undertake this analysis and assessment, are an appropriate reason for the approval of a bulk sample request…
>
> An application for a bulk sample would require the following information:

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[64] Hon Gerard Maley, Minister for Mining and Energy, Draft Daily Hansard – Day 5 – 18 March 2026, p. 16, https://territorystories.nt.gov.au/10070/1030209.

[65] Anindilyakwa Land Council, Submission No. 5, p. 3; Central Land Council, Submission No. 6, p. 4; Northern Land Council, Submission No. 9, p. 4.

[66] Central Land Council, Submission No. 6, p. 4.

[67] Northern Land Council, Submission No. 9, p. 4.

- a current exploration licence(s)
- detailed information on the proposed work program associated with the bulk sample
- rationale for the requirement to take the bulk sample
- details of the environmental licence (application or approved) associated with the bulk sample work program.

…Generally, applications under section 31(2) seek a bulk sample size of between 10,000t to 30,000t which includes total tonnage of ore and waste rock.[68]

Field seasons

3.69 The EIA submitted in support of the proposed amendment to regulation 71 to specify notice periods but argued that the use of the phrase 'field season' was not sufficiently clear because it was not defined. Accordingly, they submitted that multiple notices may be needed for a multi-month program:

> Remaining gap: Unless "field season" is defined (or guidance clarifies that a field season can be a multi-month program), the provision could still result in repeated notices and uncertainty, falling short of EIA's proposed "single notice for a defined length".[69]

3.70 The NLC also submitted that the notice requirements were unclear and should require a minimum of 14 days' notice in all cases:

> 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.[70]

3.71 The Committee notes that the Explanatory Statement specifies that the intention of the Bill is for a single notice to be sufficient:

> The issue of whether a single notice is adequate to cover the full field season or if a notice should be given for each proposed entry is not addressed in the Regulations, leading to several misunderstandings between explorers and pastoralists.
>
> After consulting with stakeholders, it was preferred that a single notice be given unless a different frequency of notices was agreed to with the landowner/occupier.[71]

3.72 The Committee also asked the Department what the intention of this provision was, and whether provision of a definition of the term 'field season' would provide useful regulatory clarity. The Department confirmed that the intention of the Bill

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[68] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 2, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

[69] Extractive Industry Association of the Northern Territory, Submission No. 3, p. 4.

[70] Northern Land Council, Submission No. 9, p. 5.

[71] Explanatory Statement, Mineral Titles Legislation Amendment Bill 2026 (Serial 56), p. 13, https://parliament.nt.gov.au/__data/assets/pdf_file/0016/1600531/Explanatory-Statement-Mineral-Titles-Amendment-Bill-2026.pdf

is for one notice to allow for multiple entry and exits, and that no definition is necessary as it is a commonly used term in the industry:

> The intended notice requirements are that a notice should be provided at least 14 days before the proposed commencement of on-ground activities. That notice as per sub-regulation 71(3) should include the intended start date and estimates of the duration of on-ground activities. If the on-ground program proposes exit and then re-entry over the field season then those occurrences should be included in the notice.
>
> The amendment also allows explorers to agree with landowners to times and frequency of notices.
>
> A field season refers to the period in which on ground exploration activities are undertaken. This term is well known and used within the exploration industry and a definition within the Bill is not necessary for regulatory clarity. Further explanation could be included in a Guideline if required.[72]

Committee comments

3.73 On the advice of the Department that the proposed amendments to the initial renewal period and block reduction requirements will not have a significant impact on block turnover, the Committee is satisfied with the proposed amendments and recommends no change.

3.74 The Committee notes that the power for the Minister to waive block reduction requirements already exists in the Act, and that the proposed amendment to this power prohibits its exercise if a mineral exploration licence has had an aggregate term of 12 or more years. Accordingly, it is proposed that the waiver is only available to be used upon the initial renewal of the title, unless exceptional circumstances apply. On the balance of evidence received, the Committee considered that the power as drafted in the Bill appropriately balances regulatory certainty and flexibility and recommends no changes to this provision.

3.75 Having received additional information regarding bulk sampling from the Department, the Committee considers the bulk sampling provisions appropriate. However, the Committee considers that the detail provided by the Department regarding the approval process for bulk sampling should be included in the Explanatory Statement, as should the expected range of weight of excavated material that the Minister will authorise.

3.76 Following the advice of the Department regarding field season notice periods, the Committee is satisfied that the provision is sufficiently clear, especially with the Explanatory Statement noting that it is intended for a single notice to be given. Additionally, as less than 14 days' notice may only be given by agreement of both parties, the Committee does consider the inclusion of a minimum notice period in proposed regulation 71(2)(b) to be useful and recommends no change to this provision.

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[72] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 3, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

Recommendation 5

The Committee recommends that the Explanatory Statement be amended to provide additional detail regarding bulk sampling, including the intended application and ministerial approval process and the expected range of weight of excavated material that the Minister will authorise.

Extractive minerals

3.77 The Bill seeks to revise the regulatory regime that provides for extractive mineral leases and extractive mineral permits, including expanding the authorised activities that may be conducted under these mineral titles. As described by the Minister in his first reading speech:

> The extractive industry plays a crucial role in the development of essential infrastructure in the Northern Territory, including roads, housing and major projects. This Bill will deliver a number of improvements to support extractive minerals operators, including allowing for longer grant periods for extractive mineral exploration licences to provide for the emerging needs of the extractive industry…
>
> Amendments will allow extractive materials to be moved from one extractive mineral permit to another, including for processing, storage and ultimately removal. This will support larger scale extractive operations from a number of separate titles.
>
> In addition, the power for the minister to allow for the storage and processing of clean concrete that is not contaminated with other materials has been introduced. This will support the ongoing development of the Territory, however the processing of concrete must be part of a primary extractives activity and not the primary activity.[73]

3.78 The Department also commented on the reforms to the extractive mineral exploration licences in their public briefing to the Committee, explaining that:

> 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…
>
> 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.[74]

3.79 This is implemented through several amendments to the Act and the Regulations:

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[73] Hon Gerard Maley, Minister for Mining and Energy, Draft Daily Hansard – Day 5 – 18 March 2026, p. 8 https://territorystories.nt.gov.au/10070/1030209.

[74] Department of Mining and Energy, Committee Transcript, 24 March 2026, p. 3, https://parliament.nt.gov.au/__data/assets/pdf_file/0005/1604426/Corrected-Transcript-Public-Briefing-Serial-56-Tuesday-24-March-2026.pdf.

- Clause 6 seeks to repeal and replace section 10 to provide new definitions of mineral and extractive mineral.
- Clause 21 seeks to amend section 47 to increase the term of an extractive mineral exploration licence from 2 to 3 years and reduce the maximum size of the proposed title area from 4 to 2 blocks.
- Clause 22 seeks to amend section 52 to enable the Minister to revoke the authority of an extractive mineral permit title holder to remove extractive minerals from the title if rehabilitation rent has been approved.
- Clause 23 seeks to amend section 53 to enable the title holder to move extractive material from one extractive mineral permit title area to another for processing, storage and removal. It also seeks to specify a prohibition on processing extractive materials by non-mechanical means.
- Clause 24 seeks to amend section 54 to provide that, if authorised by the Minister, the title holder of an extractive mineral lease may conduct activities ancillary to mining conducted under an extractive mineral lease or permit on the title area.
- Clause 25 seeks to repeal and replace section 57 to expand the array of authorised activities that may be undertaken under an extractive mineral lease, including the storage and processing of clean concrete.
- Clause 51 seeks to amend section 148 to specify that a person does not commit an offence for extracting extractive minerals without a mineral title if the extraction is incidental to construction work or for use elsewhere on the land.
- Clause 67 seeks to insert regulation 77A into the Regulations to provide for the application and approval process for rehabilitation rent applicable to an extractive mineral permit.

Definitions

3.80 The EIA submitted that the new definition of extractive mineral, which is proposed to include reference to 'non-mechanical means' is unclear. They argued that the lack of any definition of 'mechanical' or 'non-mechanical' created regulatory uncertainty:

> The Bill:
>
> - defines "extractive mineral" in a way that references "processing … by non-mechanical means" but does not define "mechanical" or "non-mechanical";
> - inserts a condition into section 53 that processing extractive minerals by non-mechanical means is prohibited;…
>
> Assessment: The Bill advances the regulatory control concept, but…risks interpretive disputes and compliance uncertainty if key terms remain undefined while being used to prohibit activities…
>
> To better align the Bill with EIA's 2024 positions and to improve certainty and fairness, this submission recommends:

> Define “mechanical means” and “non-mechanical means” in the Act or Regulations (or explicitly empower definitions in Regulations), noting these terms are used in core operative provisions and prohibitions.[75]

3.81 The Committee asked the Department what the intended ‘non-mechanical means’ were, and whether inclusion of a clear definition in the Bill would provide useful regulatory clarity. The Department advised that addition of definitional detail in the Bill could be overly restrictive considering the potential for technological developments over time, however, suggested this detail could be provided in policy guidelines:

> The reference to non-mechanical processing means would include chemical or hydrometallurgical processing methods, such as leaching via chemicals or solvents…
>
> A definition and explanation of ‘mechanical’ and ‘non-mechanical’ could be provided via guidelines rather than in the Bill.
>
> Guidelines provide more flexibility to be amended over time to reflect changes in technology and processes.[76]

Authorised activities on an extractive mineral lease

3.82 The EIA submitted that the authorised activities proposed by the Bill are misaligned between extractive mineral leases and extractive mineral permits. Under amended section 53 the movement of extractive material is permitted from the title area of an extractive mineral permit to the title area of another extractive mineral permit for processing, storage, and ultimate removal. However, in amended section 57 an extractive mineral lease title area is proposed to be used for the storage and processing of extractive material from the title area of another extractive mineral permit or lease *only if the titles are held by the same title holder*.

3.83 The EIA noted this inconsistency could create logistical challenges for industry, recommending the ‘same title holder’ requirement is removed from section 57:

> Review “same title holder” constraints for cross-title processing/storage pathways (where they exist), to ensure they do not inadvertently prevent efficient commercial and logistical arrangements that can improve rehabilitation outcomes and reduce transport impacts, while still maintaining regulatory accountability.[77]

3.84 The Committee asked the Department what the rationale was for the ‘same title holder’ restriction in section 57 but not section 53, who advised that this was a drafting error:

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[75] Extractive Industry Association of the Northern Territory, Submission No. 3, p. 5.

[76] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 1, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

[77] Extractive Industry Association of the Northern Territory, Submission No. 3, p. 5.

> The restriction in section 57 is an error in drafting… The removal of the same title holder restriction would not create any risks… There would be no benefit in adding this restriction to section 53.[78]

3.85 The NLC also submitted that the proposed ministerial power to authorise the storing and processing of clean concrete on an extractive mineral lease should be removed and instead be regulated under a standalone regulatory framework.[79]

Extractive mineral permits

3.86 The EIA supported the amendments to the authorised activities that may be conducted under an extractive mineral permit.[80]

3.87 The CLC submitted that the prohibition on the use of non-mechanical means to process extractive minerals on an extractive mineral permit 'is recognition by the [Northern Territory Government] that such a right was previously included under the [*Mineral Titles Act 2010*]'.[81]

3.88 Accordingly, the ALC and the CLC argued that previously granted extractive mineral permit titles should have been subject to procedural obligations under the NTA:

> a) The NTA procedural rights apply where the NTG creates a "right to mine".
>
> b) While "mine" excludes the extraction of rocks, sand, gravel, etc. in some circumstances, it includes the extraction of rocks, sand, gravel etc. where processing is undertaken by non-mechanical means.
>
> c) Under current law, EMPs give the title holder the right to "temporarily process", "extract" and "remove" these materials. The activities which the holder of an EMP can carry out as of right include, and do not exclude, processing by non-mechanical means.
>
> d) It follows that EMPs create a "right to mine", and as such the procedural rights under the NTA apply.[82]

3.89 As such, the CLC stated that extractive mineral permits previously granted 'are invalid to the extent that they affect native title.'[83]

3.90 The Committee asked the Department whether previously granted extractive mineral permits had granted a 'right to mine' and thus whether any were subject to the procedural requirements of the NTA. The Department advised that:

> The granting of extractive mineral permits does not create a right to mine. Processing of extractive minerals using non-mechanical means is not permitted by the Department of Mining and Energy (DME) on extractive mineral permits… The Bill does not seek to make changes to the rights

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[78] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 11, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

[79] Northern Land Council, Submission No. 9, p. 4.

[80] Extractive Industry Association of the Northern Territory, Submission No. 3, p. 5.

[81] Central Land Council, Submission No. 6, p. 5.

[82] Anindilyakwa Land Council, Submission No. 5, p. 4; Central Land Council, Submission No. 6, p. 5.

[83] Central Land Council, Submission No. 6, p. 5.

granted for an extractive mineral permit, it merely clarifies activities that are already not permitted by DME.[84]

Committee's Comments

3.91 Having been advised by the Department that additional clarity regarding 'mechanical' and 'non-mechanical' means would be better suited to policy guidelines, the Committee recommends that the Explanatory Statement be amended to provide an explanation of the intended meaning of processing by non-mechanical means. Further, the Committee recommends that the Government develop administrative guidance to assist industry and affected stakeholders to understand the intended operation of processing by mechanical and non-mechanical means.

3.92 Additionally, noting the Department's confirmation that the same title holder restriction in section 57 is an error, and that removal of the restriction would not create any risks, the Committee considers that the same title holder restriction should be removed to lessen logistical barriers to industry.

3.93 The Committee notes that the Department advised that the proposed amendments regarding prohibited activities on extractive mineral permits clarified the activities that are not permitted, rather than introducing additional prohibited activities. Accordingly, on the balance of evidence provided by the Department, the Committee is satisfied that extractive mineral permits have not granted a right to mine and thus were not subject to the right to negotiate as they were not future acts.

Recommendation 6

The Committee recommends that the Explanatory Statement be amended to provide an explanation of the intended meaning of processing by mechanical and non-mechanical means.

Recommendation 7

The Committee recommends that the Government develop administrative guidance to assist industry and affected stakeholders to understand the intended operation of processing by mechanical and non-mechanical means.

Recommendation 8

The Committee recommends that clause 25 of the Bill be amended to remove the same title holder restriction by omitting 'granted to the title holder' from proposed section 57(1)(b).

[84] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 5, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

Applications

3.94 The Bill seeks to revise the applications process for mineral leases. This is implemented through several amendments to the Act:

- Clause 12 seeks to amend section 27 to specify in greater detail the requirements of an application for a mineral exploration licence, including a summary of the proposed technical work program for the operational years 3, 4, 5 and 6.
- Clause 13 seeks to amend section 28 to reduce the minimum size of a mineral exploration licence that may be applied for from 4 blocks to one block. Consequently, clause 40 seeks to amend section 103 to omit the requirement that an application to surrender part of a title area must not leave less than 4 adjoining blocks.
- Clauses 21 and 26 seek to amend sections 47 and 65, respectively, to provide for a 30-day moratorium on applications for land that was subject to an extractive mineral exploration licence, or a mineral exploration licence, that has ceased. The 30-day moratorium starts after notice of the cessation is published in accordance with regulations.
- Clause 27 seeks to repeal and replace section 67 to require that applications for the renewal of a mineral title are made at least one month before the expiration of that title, unless the Minister allows a later application.
- Clause 28 seeks to amend section 71 to omit the requirement that notice of applications must be published in a newspaper that circulates throughout the Territory.
- Clause 29 seeks to amend section 76 to enable the Minister to require an application to complete a survey in a particular timeframe and to require applicants for a mineral lease for small scale mining to survey an area as prescribed by regulation.
- Clause 30 seeks to amend section 77 to clarify the areas of land referred to in the Minister's discretion to grant titles.
- Clause 36 seeks to insert Section 98A to provide for automatic refusal of some outstanding applications.
- Clause 45 seeks to amend section 132 to update the terminology used regarding the cessation of caveats forbidding the registration of dealings with a mineral title or application for mineral title.
- Clause 86 seeks to repeal and replace regulation 131 of the Regulations to provide for late lodgement fees for an application for an exploration project area.

Application for a mineral exploration licence

3.95 The MCA supported the reduction in the minimum number of blocks that may be applied for as a part of a mineral exploration licence from four blocks to one block.[85]

3.96 By contrast, the AMEC opposed the proposed requirement for applicants to submit a summary of a technical work program for years 3, 4, 5, and 6 of a mineral exploration licence. They argued that:

> Section 27(2)(c) requirement to lodge *a summary of the proposed technical work program for the following 4 operational years of the EL* shouldn't be a requirement. Company priorities will change year to year, and forward work programs also depend on the exploration findings and current reporting terms. This is simply not representative of the commercial realities faced by exploration companies.[86]

3.97 The Committee asked the Department what issues had been identified with the current operation of the Act, which does not require a summary of the technical work program in years 3-6. The Department advised that they had received inflated proposals to improve the likelihood an applicant's application would be approved:

> Currently the Act requires an applicant for an Exploration Licence (EL) to provide a detailed technical work program for the first 2 years. In some circumstances applicants are inflating the details to ensure the grant of the title. The proposed change is designed for applicants to provide a realistic work program for the life of the initial 6-year grant period. This will also include realistic expenditure proposals rather than inflated proposals which will subsequently require administrative variations to the conditions of title.[87]

3.98 On the basis of the AMEC's submission that company priorities would change year to year, the Committee also asked the Department what risks might arise from a mineral exploration licence title holder's actual priorities and activities significantly diverging from their proposed activities in an application for an exploration licence. The Department advised that there are mechanisms in place to reconcile divergences:

> Company priorities often change during the term of an EL and that information is reported to DME through the annual expenditure and technical reporting cycle. There are opportunities to advise of changes to forward work programs through that reporting process.[88]

Application prior to renewal

3.99 The AMEC submitted in opposition to the proposed requirement for applications for a renewal of a mineral title to be made at least one month prior to its expiry,

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[85] Mineral Council of Australia, Submission No. 2, p. 1.
[86] Association of Mining and Exploration Companies, Submission No. 4, p. 2.
[87] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 9, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.
[88] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 9, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

unless otherwise allowed by the Minister. They argued this would increase the regulatory burden on industry:

> Members expressed to AMEC that the inclusion of this amendment is expected to increase the overall regulatory burden by introducing additional compliance obligations and administrative processes. While the amendment aims to strengthen oversight, its practical effect will likely be a more complex regulatory environment that places added pressure on stakeholders to maintain compliance.[89]

Notification of applications

3.100 With regard to clause 28, the NLC opposed the removal of the requirement for the Minister to publish notice of an application for a mineral title in a newspaper circulating throughout the Territory, and the new requirement to circulate the notice in a manner determined by the Minister. The NLC argued that many Traditional Owners rely on newspaper notification:

> 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.[90]

3.101 The Committee asked the Department what methods are expected to be used to provide notification of applications, who advised that newspapers will still be used:

> The amendment to section 71 was intended to provide flexibility in the future, to take into account advances in technology. It is intended to continue to use newspapers as the source of public notification.[91]

Committee's Comments

3.102 Having been advised by the Department that application notifications will continue to be circulated in the newspaper and that mechanisms are in place to reconcile divergences between applications and actual expenditure, the Committee is satisfied that no changes are necessary to these provisions.

Rights under a title

3.103 The Bill seeks to clarify the rights of title holders. In particular, as described by the Minister in his introductory speech, the Bill seeks to clarify:

> The requirements regarding accessing a site via the shortest practicable route… to ensure appropriate consultation with the landowner and

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[89] Association of Mining and Exploration Companies, Submission No. 4, p. 2.
[90] Northern Land Council, Submission No. 9, p. 4.
[91] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 11, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

> consideration of environmental impacts. Further definition around when an access authority is required has been included to provide consistency and transparency.[92]

3.104 This is implemented through several amendments to the Act:

- Clause 31 seeks to amend section 83 to specify considerations in determining the shortest practicable route to a title area and to specify that a title holder does not need access authority to make a minimal track over land outside their title area in order to access their title area. This section includes a note to explain that a minimal track includes a 'blade up track.'
- Clause 32 seeks to amend section 84 to specify that a mineral exploration licence, mineral exploration licence in retention, or an extractive mineral exploration licence title holder is not granted the right to construct, maintain and use infrastructure outside of their title area if they hold an access authority. It also seeks to specify that mineral title holders applying for an access authority must provide notice of their intention to do so to any mineral exploration licence, mineral exploration licence in retention, or extractive mineral exploration licence title holders if the relevant land is their title area, and to seek consent from the title holders of other mineral leases if the relevant land is their title area. It also seeks to specify that access authorities expire when the mineral title for which the access authority was granted expires.
- Clause 43 seeks to amend section 123 to provide that the fit and proper persons test in sections 70 and 70A applies to the transfer of mineral rights interest in section 123 and specifies that only the Minister may set the conditions on the registration of transfer of mineral rights.

3.105 The ALC, the CLC and the NLC raised concerns regarding the right of a title holder to make a minimal track across land outside of their title area in order to access their title area, without needing access authority.[93] In particular, the ALC and the CLC submitted that construction of a minimal track without an access authority is a future act under the NTA, and is inconsistent with the ALRA:

> The holder of a mineral title having the right to construct a minimal track for access to a title area without an access authority or any form of consent required by a landowner represents legislative overreach and does not respect the rights of landowners.
>
> This right is inconsistent with the operation of ALRA and [the ALC and CLC] take this opportunity to comment that any consent for access authorities on Aboriginal land is subject to ALRA where traditional Aboriginal owners are free, consistent with their rights under the United Nations Declaration on the Rights of Indigenous Peoples, to give or withhold consent.

[92] Hon Gerard Maley, Minister for Mining and Energy, Draft Daily Hansard – Day 5 – 18 March 2026, p. 9 https://territorystories.nt.gov.au/10070/1030209.

[93] Anindilyakwa Land Council, Submission No. 5, p. 5; Central Land Council, Submission No. 6, pp. 5-6; Northern Land Council, Submission No. 9, p. 5.

> This right is also a future act which impacts on native title rights and interests and must be subject to the NTA.[94]

3.106 The Committee asked the Department several questions regarding the right to make a minimal track on Aboriginal land. The Department advised that the Act already provides titleholders the right to access their title, including by making a minimal track across Aboriginal land. Accordingly, the Bill provides clarity to the application of the existing right. It does not seek to grant the right. However, the Department also confirmed that this access must comply with the ALRA:

> All titleholders have a right to access land via the nearest practicable route. The Bill does not seek to make changes to those existing rights. With regard to Aboriginal land, ALRA requires that an applicant for a mineral title enters into an agreement under Part IV relating to the proposed activities on the title area prior to the title being granted. Access to the title area would usually form part of that agreement...
>
> Creation of access tracks would usually form part of the Part IV agreement and therefore would be consistent with ALRA.
>
> Access can also be formalised under a section 19 ALRA agreement.[95]

3.107 Additionally, the Committee asked the Department if the creation of a minimal track would be a future act under the NTA. They advised that:

> The Bill does not seek to make changes to the current right to access a mineral title under the Act, it is merely providing clarity over whether the access should be in accordance with section 83 or section 84.[96]

3.108 The NLC submitted that the right to make a minimal track could result in environmental or cultural harm. Accordingly, they argued that there should be appropriate safeguards surrounding the right to make a minimal track. The NLC suggested this could include requiring minimal tracks that will be made on Aboriginal land to necessitate an Authority Certificate provided by the AAPA or a clearance issued by a Land Council. Further, they submitted that the meaning of a minimal track was unclear and should be clearly defined:

> 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. …
>
> The Bill [should] 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.[97]

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[94] Anindilyakwa Land Council, Submission No. 5, p. 5; Central Land Council, Submission No. 6, pp. 5-6.

[95] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 5, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

[96] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 6, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

[97] Northern Land Council, Submission No. 9, pp. 5-6.

3.109 The Department advised that title holders are expected to obtain a sacred sites clearance prior to commencing authorised works, providing a safeguard to prevent a minimal track from interfering or damaging culturally sensitive areas:

> Before commencing authorised works, it would be expected that titleholders would have obtained a sacred sites clearance from the Aboriginal Areas Protection Authority (AAPA) to ensure compliance with the NT ASSA.[98]

3.110 The Committee also asked the Department what the intended meaning of minimal track was, and whether a definition in the Bill would provide useful regulatory clarity. The Department advised that:

> The intended meaning of a 'minimal track' is a track created by the clearance of vegetation though the use of vehicles or machinery. A note is included in the proposed amendment to section 83 using the example of a 'blade up' track.[99]

Committee's Comments

3.111 The Committee notes that the amendments to the Bill surrounding the minimal track provisions are clarifying in nature. The right to make a minimal track already exists and operationally requires that a title holder comply with the ALRA when the track is on Aboriginal land and seek sacred sites clearance from the AAPA. Accordingly, the Committee considers that appropriate safeguards are in place and recommend no amendment to the Bill.

Conditions of titles

3.112 The Bill seeks to revise some conditions associated with mineral titles. This is implemented through several amendments to the Act and Regulations:

- Clause 33 seeks to amend section 93 to specify that the section applies to mineral lease holders and to provide that a title holder must give the Minister geological samples only if the Minister accepts the offer of a sample, rather than in all cases. Similarly, clause 86 seeks to amend regulation 127 of the Regulations to provide that a mineral lease title holder may be required to provide a geological sample to the Minister. Clause 87 seeks to amend regulation 128 to provide that samples given by mineral lease title holders may be examined and analysed.
- Clause 34 seeks to amend section 98 to require a person to give notice to the Minister when they are appointed as a trustee of an estate in bankruptcy or executor of the estate of a deceased, when related to a mineral title. This clause also proposes that the Minister responsible for the administration of the *Environment Protection Act 2019* be notified under this section.

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[98] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 6, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

[99] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 2, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

- Clause 37 seeks to amend section 100 to provide a requirement that a variation or suspension of a condition relating to expenditure may only be made in relation to the expenditure of the current reporting period, and that requests by the title holder for a variation or suspension must be made within the first 6 months of the reporting period.
- Clause 38 seeks to amend section 101 to specify that when the Minister varies the description of a mineral title area they may do so by referencing block numbers, co-ordinates, size and title numbers.
- Clause 39 seeks to amend section 102 to specify that the amalgamation of mineral exploration licences with combined terms of more than six years is taken to be a renewal, and that within 60 days of an amalgamation of title areas the title holder must give the Minister an annual and expenditure report. If these reports are late, it also proposes that the Minister be able to waive the late lodgement fee if satisfied that the title holder had a reasonable excuse. Consequently, clause 64 seeks to amend regulation 63 of the Regulations to clarify the requirements of a final report for land not in a replacement title when the Minister amalgamates titles.
- Clause 41 seeks to amend section 105 to provide that regulations may prescribe the method by which the Minister may determine that part of a title be cancelled as penalty for not meeting expenditure conditions for two consecutive years. Consequently, clause 65 seeks to repeal and replace regulation 69 to prescribe the method for the loss of block penalty.

Geological samples

3.113 The Explanatory Statement notes that the amendment to section 93 provides the Minister the discretion to accept or not accept offers of geological samples:

> it is preferred that the holders of the relevant mineral titles offer the geological samples to the Minister, rather than give all recovered geological samples. The Minister would retain the discretion on whether to accept the geological samples.[100]

3.114 The proposed amendments to section 93 were supported by the EIA.[101]

Variation or suspension of expenditure

3.115 The AMEC opposed the proposed amendments to section 100 regarding the requirements for a variation or suspension of a condition relating to expenditure. They argued that the retrospective variations for a reporting year that are currently available were preferable to the proposed requirement to apply for a variation within the first 6 months of a reporting period. They advised the Committee that companies are often unaware of whether they will meet their expenditure condition for the year in the first 6 months of the reporting period:

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[100] Explanatory Statement, Mineral Titles Legislation Amendment Bill 2026 (Serial 56), p. 7, https://parliament.nt.gov.au/__data/assets/pdf_file/0016/1600531/Explanatory-Statement-Mineral-Titles-Amendment-Bill-2026.pdf

[101] Extractive Industry Association of the Northern Territory, Submission No. 3, p. 3.

> The removal of 'retrospective variations' for the reporting year that has just ended is not supported. Companies do not always know if they will meet their expenditure 6 months into their reporting term. Delays in fieldwork or in receiving results may not be apparent within the first 6 months. It would be very difficult for explorers to know with certainty that they will fall short in many circumstances. This could lead to applications for an advanced waiver of expenditure, resulting in more work for both industry and the Department.
>
> Companies will, unfortunately, fall short of their expenditure at the end of their reporting terms. This is especially true for companies whose anniversaries fall in the middle or at the end of their field season.[102]

3.116 The Committee asked the Department what the rationale for the 6-month requirement was, who told the Committee that the retrospective variation process did not have a legislative grounding. Additionally, they advised that the 6-month requirement would facilitate the use of the loss of block penalty:

> Currently, DME utilises 2 types of variations to a mineral title condition that relate to expenditure. The first is a retrospective variation for the reporting period that has just ended, and the second is a variation of the expenditure for the current reporting period
>
> The retrospective variation is not stipulated in the Act, however was adopted as a matter of policy to enable effective management of non-compliance with expenditure conditions. It is now proposed to discontinue this practice and permit a variation to expenditure for the current reporting period only.
>
> This will allow the loss of block penalty process to be utilised and enforced more effectively.[103]

3.117 The Department also advised that they considered the 6-month period sufficient for industry to assess if they would not meet the expenditure condition, and noted that the Minister retains the power to provide an extension of time on written request:

> It was considered that 6 months into the reporting period was sufficient to determine if the expenditure condition would not be met and to allow time for the variation to be lodged and assessed within the reporting period.
>
> The Minister maintains the power under section 167 of the Act to allow an extension of time on written request. An extension request would need to be received in a timely manner to allow assessment of the variation prior to the licence being in breach of its expenditure condition.[104]

3.118 Although AMEC's submission suggested that advanced waiver requests could create administrative burden for the Department and industry, the Department advised the Committee that they did not expect this to be the case:

> The proposal should reduce the number of waivers received, removing administrative burden on DME as well as industry.[105]

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[102] Association of Mining and Exploration Companies, Submission No. 4, p. 3.

[103] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 12, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

[104] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 12, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

[105] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 12, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

Committee's Comments

3.119 The Committee notes that the AMEC's preferred method of variation and suspensions does not have a legislative foundation. Accordingly, on the balance of evidence received the Committee considers that the proposed amendments provide a satisfactory balance of regulatory certainty with sufficient room for flexibility through the power of the Minister to extend timeframes upon written request. The Committee recommends no amendments to these provisions.

Fossicking and fossicking permits

3.120 The Bill seeks to create a permitting scheme for recreational fossicking. As described by the Minister in his introductory speech, the Bill seeks to provide a:

> A new permit to fossick is also 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 a 'NT resident permit' will be available at a reduced fee. The introduction of a fossicking permit will support fossickers doing the right thing and provide a mechanism to manage circumstances where there have been complaints related to alleged fossicking offences in the past or to legal proceedings related to fossicking offence…[106]

3.121 The Department elaborated on the proposed regime at the public briefing, explaining that:

> 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.[107]

3.122 This is implemented through amendments to the Act and the Regulations:

- Clause 5 seeks to repeal and replace section 3 to expand the objects of the Act to include the regulation of activities on land used for the purposes of exploration for and extraction of minerals and extractive minerals.
- Clause 47 seeks to insert sections 135A, 135B, 135C and 135D to set out the key features of the fossicking permit, including who is eligible for a fossicking permit, the application process, the granting of fossicking permits, and to provide a strict liability offence for unauthorised fossicking with a maximum penalty of 80 penalty units.
- Clause 46 seeks to amend section 135 to require that a person may only enter land to fossick if they hold a fossicking permit, the fossicking is conducted under a mineral lease for fossicking or tourist fossicking, or as otherwise prescribed by regulation. Clause 75 seeks to insert regulation 99A into the Regulations to prescribe the equipment that may be used for fossicking for section 135(2)(a) of the Act. Clause 72 seeks to insert regulation 97A to define

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[106] Hon Gerard Maley, Minister for Mining and Energy, Draft Daily Hansard – Day 5 – 18 March 2026, p. 8, https://territorystories.nt.gov.au/10070/1030209.

[107] Department of Mining and Energy, Committee Transcript, 24 March 2026, p. 3, https://parliament.nt.gov.au/__data/assets/pdf_file/0005/1604426/Corrected-Transcript-Public-Briefing-Serial-56-Tuesday-24-March-2026.pdf.

zebra rock as a prescribed substance for the purpose of section 135(5)(b) of the Act, and thus a mineral that can be fossicked with a fossicking permit.

- Clause 48 seeks to amend section 136 to enable the Minister to make a fossicking area declaration without needing written consent of the landowner over any Crown land, rather than only vacant Crown land. However, if there is a pastoral lease on the land then it proposes that the Minister must notify the holder of the lease and consider any submission received from the lease holder. It also proposes a restriction on fossicking area declarations on an area of land on which a mineral title is in force.
- Clause 50 seeks to amend section 140 to enable fossickers to fossick on areas under a mineral exploration licence in retention without providing notice to the title holder, unless the person is intending to fossick for gold, in which case notice must be given as prescribed by regulation. It also seeks to enable notice requirements if gold is found by fossicking to be prescribed by regulation, as well as the circumstances where the title holder of a mineral exploration licence may decline access following notification.
- Clause 73 seeks to amend regulation 98 to provide that the title area of a mineral exploration licence in retention is relevant land for a fossicking notice and to replace the terminology of a ‘fossicking request’ to ‘fossicking consent’. Clauses 79, 80, and 81 seek to amend regulations 103, 104, and 105 to align the same terminology.
- Clause 74 seeks to amend regulation 99 to provide that the title holder of a mineral exploration licence in retention is the specified person for a fossicking notice on relevant land.
- Clause 76 seeks to amend regulation 100 to extend the minimum notice period a person intending to fossick for gold on a title area of a mineral exploration licence must give the title holder from 7 days to 14 days and require that notice must include registration details of any vehicle that will enter the land, the number of people intending to fossick, measures taken to minimise the spread of weeds and the intended duration of the fossicking.
- Clause 77 seeks to insert regulation 101A to provide that a mineral exploration licence title holder may decline access to their title area under proposed section 140(3)(a) by providing written notice if they are actively conducting authorised activities on the land but must not unreasonably decline access to land. It also proposes that disputes regarding access may be decided by the Northern Territory Civil and Administrative Tribunal. Consequently, clause 78 seeks to repeal regulation 102 that provided consent was required to fossick for gold in the title area of a mineral exploration licence. Accordingly, clauses 73 and 74 seek to amend regulations 98 and 99 to omit reference to regulation 102.
- Clause 82 seeks to amend regulation 106 to provide for an offence if a person gives a notice of their intention to fossick for gold on a title area under a mineral exploration licence, is declined permission, and nonetheless fossicks

on the title area. Strict liability applies to some elements of this offence, and a maximum penalty of 80 penalty units applies.

- Clause 83 seeks to amend regulation 107 to provide that a person commits a strict liability offence if they enter onto land specified in regulation 98(2) and fossick on that land without providing a fossicking request. A maximum penalty of 80 penalty units applies.
- Clause 54 seeks to amend section 177 to provide that a function of authorised officers is to receive and investigate complaints about fossicking.
- Clause 84 seeks to amend regulation 109 to provide that the prescribed amount of gold is 100 gm of gold per day, that a person who discovers more than the prescribed amount of gold on a mineral exploration licence must notify the titleholder within 28 days, and that failure to notify the title holder and the Minister is a strict liability offence. A maximum penalty of 80 penalty units applies.

Fossicking permits

3.123 The NTPDA were strongly opposed to the proposed permitting scheme for recreational fossickers, for several reasons, arguing that the regulation of recreational fossicking was in opposition to the Territory lifestyle:

> The Northern Territory Government has publicly committed to restoring and protecting the "Territory lifestyle." Recreational fossicking is part of that lifestyle. It represents:
>
> • freedom to access the bush
>
> • low-impact outdoor recreation
>
> • family and community engagement
>
> • connection to Territory history
>
> …Rather than restoring the Territory lifestyle, the Bill introduces additional layers of regulation over a traditional and low-impact activity.[108]

3.124 They also compared recreational fossicking to recreational fishing, noting that the latter is not permit-based:

> A significant inconsistency arises when comparing fossicking to recreational fishing in the Northern Territory. Recreational fishing:
>
> - is widely recognised as a core Territory activity
> - is regulated through bag limits, size limits, and area restrictions
> - does not require a general recreational fishing licence for NT residents
>
> Fossicking shares many of the same characteristics:
>
> - it is a recreational, non-industrial activity
> - it can be effectively managed through rules and conditions
> - it is part of Territory culture and identity

[108] Northern Territory Prospectors and Detectorists Association Inc, Submission No. 1, p. 1.

> …This raises a fundamental fairness question: Why should fossickers be required to obtain and pay for a permit to engage in a low-impact recreational activity, when recreational fishers are not subject to an equivalent licensing regime? [109]

3.125 The Committee asked the Department whether a less burdensome compliance model had been considered for recreational fossickers, who advised that they did not consider it overly burdensome:

> To assist DME to monitor and manage compliance of the small number of fossickers who do the wrong thing, the additional requirement to hold a fossicking permit is on balance not considered overly burdensome for recreational fossickers.[110]

3.126 In practical terms, the NTPDA argued that this additional regulation would create red-tape that would be difficult for many members of the fossicking community to navigate, with particular concerns regarding the offence provisions proposed in the Bill:

> While compliance mechanisms are necessary, the cumulative effect is to create a system where hobby fossickers are exposed to:
>
> - technical breaches
> - administrative errors
> - disproportionate enforcement risk
>
> This is particularly concerning given that many fossickers are:
>
> - retirees
> - families
> - tourists
> - occasional hobbyists
> - rehabilitation for mental health persons.
>
> A regulatory framework should be proportionate to the nature and impact of the activity. The current approach risks over-regulating a low-impact recreational pursuit.[111]

3.127 The Committee notes that the penalties associated with each fossicking strict liability offence provide for a maximum penalty of 80 penalty units. These offences are for unauthorised fossicking, entering onto land and fossicking on that land without providing a fossicking request, fossicking on land after being denied access, and failing to notify the Minister and titleholder of their fossicking of 100 gm of gold or another mineral of equal or greater value within one day.

3.128 The Committee asked the Department what the rationale for the penalty offences related to fossicking were, and whether they were proportionate to the offence. The Department advised that these offences were consistent with current offences in the Act:

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[109] Northern Territory Prospectors and Detectorists Association Inc, Submission No. 1, p. 3.

[110] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 13, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

[111] Northern Territory Prospectors and Detectorists Association Inc, Submission No. 1, p. 3.

> The maximum penalty units for these offences are consistent with current offences within the Act relating to access to land for fossicking without notice or consent or where consent is withheld or withdrawn.[112]

3.129 The NTPDA also argued that the fossicking community should be provided benefits in return for the increased regulatory burden and fees associated with permits.[113]

3.130 The Committee notes that the proposed amendment to section 136 will enable the Minister to more easily declare Crown land as a fossicking area, by removing the requirement that the Crown land be vacant:

> The inclusion of the term vacant Crown land under section 136(2) in the Act has led to difficulties in declaring new fossicking areas, as there is a very limited amount of vacant crown land, in suitable locations within the Territory… This clause further amends section 136 to remove the reference to vacant Crown land…[114]

3.131 Further, the proposed amendment to section 140 will enable fossickers to fossick on title areas of mineral exploration licences in retention without needing to provide notice to the title holder, unless the fossicker intends to fossick for gold.

3.132 In contrast, the EIA expressed support for the recreational fossicking permitting scheme. In particular, they supported the updated notice requirements, including the proposed amendment to regulation 100 setting out conditions in which a fossicking request may be declined.[115]

Fossicking on Aboriginal land

3.133 The ALC and the CLC submitted that entry onto Aboriginal land for fossicking should be governed by Part IV of the ALRA.[116] They also argued that the provision of a fossicking permit is a future act under the NTA, and that accordingly the NT Government would be required to notify all registered native title body corporates in the NT upon the granting of each permit:

> Our view is that a fossicking permit is a future act under the NTA which triggers procedural requirements under the NTA. As the fossicking permits allows the holder to fossick over large parts of the Northern Territory, the [Northern Territory Government] will be required to notify every single registered native title body corporate in the Northern Territory about the proposed grant of a fossicking permit… the NTG should consider limiting the fossicking permit to cover a designated area.[117]

3.134 The Department advised that the requirements for a fossicker to seek permission prior to entering onto Aboriginal land is not being changed. The Committee heard that it would be inappropriate to regulate fossicking under the ALRA as Part IV

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[112] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 13, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

[113] Northern Territory Prospectors and Detectorists Association Inc, Submission No. 1, pp. 2-3.

[114] Explanatory Statement, Mineral Titles Legislation Amendment Bill 2026 (Serial 56), p. 10, https://parliament.nt.gov.au/__data/assets/pdf_file/0016/1600531/Explanatory-Statement-Mineral-Titles-Amendment-Bill-2026.pdf

[115] Extractive Industry Association of the Northern Territory, Submission No. 3, p. 3.

[116] Anindilyakwa Land Council, Submission No. 5, pp. 2-3; Central Land Council, Submission No. 6, p. 3.

[117] Anindilyakwa Land Council, Submission No. 5, p. 5; Central Land Council, Submission No. 6, p. 6.

provides for the granting of interest on Aboriginal land only for exploration and mining titles, not fossicking:

> Change is not being proposed to the current requirements to obtain permission to access Aboriginal land.
>
> Permits under the ALA is the appropriate mechanism to seek access to Aboriginal land for fossicking - subject to conditions as set by the Land Council or Traditional Owners.
>
> Part IV of ALRA regulates the granting of interests in Aboriginal land through exploration and mining titles.[118]

3.135 The Committee asked the Department whether the grant of a fossicking permit would be a future act and if it was, how the Department planned to manage notification requirements. The Department advised that the permit itself does not authorise entry onto land for the purpose of fossicking and that individual fossickers would still need to seek consent to enter Aboriginal land:

> A fossicking permit would be issued - not granted - and the issue of the permit does not in itself authorise fossicking. The requirements to notify or seek consent from landowners prior to undertaking fossicking activities remains within the Act. [119]

3.136 The NLC expressed their concerns that fossicking permit holders may be unaware of their obligations relating to the access of Aboriginal land and the protection of sacred sites:

> 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.[120]

3.137 The Committee asked the Department what protections from damage or interference from fossicking exist for areas of cultural significance for Aboriginal people, who advised that protections continue to exist under the ALA, the ASSA, and the *Heritage Act 2011*:

> The current system of access via consent through the ALA, the NT ASSA and the *Heritage Act 2011* are the appropriate mechanism for these protections.[121]

Committee's Comments

3.138 Although the Committee acknowledges the concerns of the NTPDA, it does not consider the permitting scheme to be overly burdensome. Additionally, the Committee notes that the Bill implements several policy changes that will benefit fossickers. These are the expanded powers of the Minister to declare a fossicking

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[118] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 6, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

[119] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 7, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

[120] Northern Land Council, Submission No. 9, p. 5.

[121] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 7, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

area, the ability for fossickers to fossick on title areas of exploration licences in retention without providing notice to the title holder, and the amendments to the variation and suspension of expenditure conditions process. The latter is expected to facilitate more effective use of the loss of block penalty, meaning that where expenditure conditions are not met, land may be returned to availability. On the balance of evidence, the Committee is satisfied with the introduction of a permitting regime for recreational fossicking and recommends no amendments.

3.139 Having been advised by the Department regarding the concerns of submitters that fossicking permits may be a future act, the Committee understands that the fossicking permit does not grant unconditional authority to fossick anywhere in the NT. Permitted fossickers will need to provide written notice or receive the consent of land or title holders. As such, the Committee is satisfied that the granting of a fossicking permit is not a future act under the NTA.

3.140 Additionally, the Committee is satisfied that Part II of the ALA is the appropriate regime for fossickers seeking consent to enter Aboriginal land. The Committee is also satisfied that the existing mechanisms to protect sites of cultural significance are appropriate, noting that the Bill introduces additional regulatory requirements which will require prospective fossickers to engage with the Department, providing an additional opportunity for them to learn about their legislative obligations when fossicking.

Access for geological scientific studies

3.141 The Bill seeks to provide for Northern Territory Geological Survey (NTGS), a subsidiary of the Department, to access land for geological scientific studies. The Department described this reform in their public briefing to the Committee, explaining that:

> 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.[122]

3.142 Clause 55 seeks to insert section 181A to enable the Minister to authorise a person to enter land, conduct studies of that land, and take and remove samples from that land for the purpose of conducting scientific geological studies. It also proposes notice requirements the Minister must provide landowners or occupiers, restrictions on persons acting under a Ministerial authorisation, and the creation of a strict liability offence for obstructing a person exercising a power under this proposed section.

[122] Department of Mining and Energy, Committee Transcript, 24 March 2026, p. 4, https://parliament.nt.gov.au/__data/assets/pdf_file/0005/1604426/Corrected-Transcript-Public-Briefing-Serial-56-Tuesday-24-March-2026.pdf.

3.143 The ALC, the CLC, and the NLC expressed concerns regarding proposed section 181A.[123] The ALC and the CLC submitted that entry onto Aboriginal land with only written notification is inconsistent with the ALRA:

> Entry onto Aboriginal land to conduct scientific geological investigations on the basis of mere written notification is **inconsistent** with ALRA. As the conduct of scientific geological investigations will involve ground-based geophysical or geochemical sampling, mapping, investigation or survey, a permit under ALA to undertake such activities will not suffice. Such investigations must be subject to ALRA.[124]

3.144 The NLC submitted that further clarity was needed regarding the application of this section to Aboriginal land, and in particular, the notice requirements.

> 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.[125]

3.145 The Committee notes that the Explanatory Statement specifies that this section is intended to facilitate the NTGS staff to enter land for the purpose of scientific study:

> This clause is inserted to allow Northern Territory Geological Survey (NTGS) staff to enter and remain on land by notice in order to conduct scientific geological investigations.
>
> NTGS within the Department of Mining and Energy undertakes geoscience research to better understand the Territory's geological structure and resource potential. The work undertaken by NTGS consists mostly of non-ground disturbing research projects.[126]

3.146 The Committee asked the Department whether it was intended for section 181A to apply to Aboriginal land, and if so, what requirements under the ALA, ALRA, or ASSA would apply to scientific studies conducted under the Minister's authorisation. The Department advised that this section was intended to apply to all land in the NT, and that Part IV of the ALRA is not applicable to this section as the activities are not conducted under an exploration or mineral title.[127] They further advised that the Department engages with Land Councils and Traditional Owners prior to entry onto land, undertaking of on-ground activities, and additionally where there is ground-disturbing activities planned:

> With regard to NT Government geoscientific activities and entry to Aboriginal Land, the Northern Territory Geological Survey (NTGS) will continue the existing process of providing the Land Councils with the required information on proposed programs with sufficient notice to enable them to consider

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[123] Anindilyakwa Land Council, Submission No. 5, p. 3; Central Land Council, Submission No. 6, p. 4; Northern Land Council, Submission No. 9, p. 5.

[124] Anindilyakwa Land Council, Submission No. 5, p. 3; Central Land Council, Submission No. 6, p. 4.

[125] Northern Land Council, Submission No. 9, p. 5.

[126] Explanatory Statement, Mineral Titles Legislation Amendment Bill 2026 (Serial 56), p. 11, https://parliament.nt.gov.au/__data/assets/pdf_file/0016/1600531/Explanatory-Statement-Mineral-Titles-Amendment-Bill-2026.pdf

[127] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 7, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

> undertaking their own consultation with relevant communities and Traditional Owners.
>
> In addition, NTGS engage through extensive community consultations including the engagement of Traditional Owners prior to the commencement of any on-ground activities, to ensure the avoidance of sacred sites and sensitive areas.
>
> It should be noted that most NT Government geoscientific studies are non-ground disturbing. In isolated cases where NTGS wish to undertake ground-disturbing activities on Aboriginal Land, appropriate consultation will be undertaken with Land Councils.
>
> NTGS complies fully with the requirements of the NT ASSA, utilising AAPA sacred site data to identify and avoid sacred sites for all projects irrespective of land.[128]

3.147 The Committee notes that section 6 of the ALA enables the Minister to issue a permit to a person employed under or by virtue of an Act who has need in the performance of their duties to enter and remain on Aboriginal land. Permits must specify the areas of land to be entered, and requires that features such as names, signatures and a photograph of the permitted person to be on the permit.

Committee comments

3.148 The Committee notes that the Bill does not exclude the ALA from applying to the exercise of powers under proposed section 181A. Accordingly, the Committee understands that standard procedures under the ALA will apply regarding entry to Aboriginal land.

3.149 Additionally, the Explanatory Statement indicates that this provision is designed specifically for NTGS staff to enter land, despite the authorisation being able to be made to 'any person'. Finally, the Committee notes the Department's advice that consultation and engagement procedures currently undertaken by the NTGS staff will continue to be undertaken following passage of the Bill. On these bases, the Committee considers that the powers contained under proposed section 181A are sufficiently constrained and recommend no amendments.

Non-compliant existing interests

3.150 The Bill seeks to revise provisions relating to Ministerial conversion of existing mineral titles that are not compliant with the Act and provide for a general lease. The Department provided the rationale for this reform at the public briefing, explaining that:

> 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

[128] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 7, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

> intended to remove existing rights provided the title holder complies with conditions of the title.[129]

3.151 This is implemented through several amendments to the Act and the Regulations:

- Clause 5 seeks to repeal and replace section 3 to expand the objects of the Act to include the provision of non-compliant existing interests.
- Clause 6 seeks to amend section 8 to define a general lease. Additionally, clause 8 seeks to amend section 11 to include a general lease in the definition of a mineral title.
- Clause 56 seeks to amend section 204 to provide that the Minister may take any action they consider appropriate to reconcile a non-compliant existing interest with the Act, and that prior to cancelling a non-compliant interest held by a deceased individual, the Minister must conduct a search for the deceased's beneficiary in accordance with proposed section 124A. Clause 44 seeks to insert section 124A to provide a process for determining the existence of a relative, executor, or potential beneficiary of a deceased title holder, and to enable the Minister to cancel a deceased title holder's title if none can be found within 3 months.
- Clause 57 seeks to insert section 204A to provide that the Minister may convert a non-compliant existing lease into a general lease if no other title is appropriate and provides the specifications of a general lease, including the rights of a general lease holder, the term of a general lease, and renewal requirements.
- Clause 90 seeks to insert Part 12, Division 3 into the Regulations to provide for the payment of rent for non-compliant existing interests between the proposed commencement and the Minister taking an action under proposed section 204(3). Consequently, clause 89 seeks to repeal regulation 142 which provided the former rent provisions for non-compliant existing interests.

3.152 Broadly, the NLC questioned whether the proposed general lease was suitable for the *Mineral Titles Act 2010*:

> 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…[130]

3.153 More specifically, the Committee heard concerns from the ALC, the CLC and the NLC regarding the interaction between the conversion of non-compliant existing interests and general leases with the ALRA and the NTA. [131]

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[129] Department of Mining and Energy, Committee Transcript, 24 March 2026, p. 3, https://parliament.nt.gov.au/__data/assets/pdf_file/0005/1604426/Corrected-Transcript-Public-Briefing-Serial-56-Tuesday-24-March-2026.pdf.

[130] Northern Land Council, Submission No. 9, p. 3.

[131] Anindilyakwa Land Council, Submission No. 5, p. 6; Central Land Council, Submission No. 6, p. 6; Northern Land Council, Submission No. 9, p. 3.

Interaction with the *Aboriginal Land Rights (Northern Territory) Act 1976*

3.154 The NLC questioned whether the conversion to a general lease on Aboriginal land would need to comply with the ALRA:

> It is also unclear as to how [a general lease] 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.[132]

3.155 The ALC and the CLC told the Committee that if a non-compliant existing interest on Aboriginal land was converted, then its conversion to another title would grant a mining interest. Accordingly, they argued that the conversion process must comply with the requirements of the ALRA:

> The conversion of an [non-compliant existing interest] on Aboriginal land to another form of mineral title constitutes the grant of a mining interest. Any such grant is subject to compliance with Part IV of ALRA. This means that an agreement between CLC and the holder of the [non-compliant existing interest] in relation to such grant is required in advance. Section 74 of the MTA should be explicitly applied to conversions to avoid invalidity of the Bill.[133]

3.156 The ALC and the CLC also raised the possibility that rights conferred by a general lease on Aboriginal land may fall out of scope of the Minister's powers if the rights conferred are those that may only be granted by an Aboriginal Land Trust under the ALRA:

> As the Minister will convert a [non-compliant existing interest] to a [general lease] if no other mineral title is appropriate, the [general lease] may fall outside the scope of Part IV of ALRA. In such circumstances, the Minister does not have the power to grant a [general lease] on Aboriginal land. Only an Aboriginal Land Trust has the power to grant the rights covered by a [general lease] on Aboriginal land in accordance with ALRA.[134]

3.157 The Committee asked the Department about how the general leases would intersect with requirements of the ALRA. They advised '[t]here are no titles suitable for conversion to a general lease on Aboriginal land'.[135]

Interaction with the *Native Title Act 1993*

3.158 The NLC noted that the interaction between a general lease and the future acts regime in the NTA was unclear.[136] Additionally, the ALC and the CLC

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[132] Northern Land Council, Submission No. 9, p. 3.
[133] Anindilyakwa Land Council, Submission No. 5, p. 5; Central Land Council, Submission No. 6, p. 6.
[134] Anindilyakwa Land Council, Submission No. 5, p. 6; Central Land Council, Submission No. 6, p. 6.
[135] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 8, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.
[136] Northern Land Council, Submission No. 9, p. 3.

recommended that section 74 of the Principal Act be amended to specify that conversion must comply with the NTA:

> Any conversion of NCEI to another form of title, including:
>
> a) a mineral title;
>
> b) another interest in relation to land which it relates; or
>
> c) a general lease (GL),
>
> must comply with the requirements of the NTA. To ensure that there is no doubt about this, it should be made clear in the Bill that s 74 of the MTA applies to conversions.[137]

3.159 The ALC and the CLC also advised the Committee that the conversion of a non-compliant existing interest to the proposed general lease would trigger the procedural requirements of the NTA, if the conversion provided a title holder additional rights that were not already existing:

> As the [general lease] will only be granted if no other mineral title is appropriate and allow the holder to conduct activities specified by the Minister, the ALC considers that there is a strong possibility that a [general lease] will confer additional rights not currently provided under a [non-compliant existing interest]. This will trigger procedural requirements in the NTA that the NTG must comply with.[138]

3.160 The Committee asked the Department whether conversions of title would be required to comply with the requirements of the NTA. The Department advised that conversions of existing titles would not grant a new interest or any additional rights that the title holder did not previously hold:

> The Bill does not create the power for the Minister to grant a general lease; they may only convert a non-compliant existing interest into a general lease…
>
> Conversions of existing titles under section 204 and 204A are not grants of a new interest and are not intended to provide any additional rights to a titleholder.
>
> The Bill does not seek to change the current powers to convert non-compliant existing interests in the Act and the amendments to section 204 merely seek to clarify the Minister's power to cancel an interest under that section.[139]

Committee's Comments

3.161 The Committee is satisfied that no clarification is necessary regarding the interaction between the ALRA and the proposed general lease, as there are no titles suitable for conversion to a general lease on Aboriginal land.

3.162 Additionally, the Committee notes the Department advised that the conversion of non-compliant existing interests does not grant any new interests to land or any

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[137] Anindilyakwa Land Council, Submission No. 5, p. 6; Central Land Council, Submission No. 6, p. 6.
[138] Anindilyakwa Land Council, Submission No. 5, p. 6; Central Land Council, Submission No. 6, p. 6.
[139] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p. 8, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

additional rights. Accordingly, the Committee is satisfied that no amendments to the Bill are necessary.

Reporting requirements

3.163 The Bill seeks to revise reporting requirements in the Act. As described by the Minister in his introductory speech:

> This Bill streamlines reporting requirements and compliance, while maintaining the integrity of the process. [140]

3.164 This is implemented through several amendments to the Act and the Regulations:

- Clause 16 seeks to amend section 32 to provide that a technical work programme for a mineral exploration licence should be given to the Minister within 60 days of a new operational year, rather than prior to an operational year. Clause 70 seeks to amend regulation 81 of the Regulations to align reporting timeframes by extending the reporting deadline for an expenditure report for a mineral exploration licence or mineral exploration licence in retention from 30 days to 60 days after the end of an operational year.
- Clause 34 seeks to amend section 94 to amend the terminology used to describe mineral resource reserves and the final report.
- Clause 53 seeks to amend section 171 to specify additional circumstances in which the Minister can release information given in reports under section 94.
- Clause 69 seeks to repeal and replace regulation 80 which currently provides for holders of at least 2 mineral exploration licences to apply for an expenditure project area, proposed to be replaced with an exploration project area which body corporates may also apply for, but requires a minimum of 3 mineral exploration licences.
- Clause 70 seeks to amend regulation 81 to enable title holders to report a wider array of expenditure in the title area and enable the Minister to require additional details of expenditure to be included in expenditure reports and to audit title holder's expenditure.
- Clause 71 seeks to repeal and replace regulations 83, 84, 85, 86, and 87 to amend the provisions regarding production reports, resource reports, final reports, renames amalgamated reports to group reports, and creates a partial relinquishment report. It also proposes to insert regulation 87A to enable the Minister to determine the reporting requirements for a mineral lease for tourist fossicking. Clause 88 seeks to repeal and replace regulation 131 to provide for late lodgement fees for the proposed partial relinquishment report in proposed regulation 86 and specifies the details of late lodgement fees.

[140] Hon Gerard Maley, Minister for Mining and Energy, Draft Daily Hansard – Day 5 – 18 March 2026, p. 8, https://territorystories.nt.gov.au/10070/1030209.

- Clause 85 seeks to amend regulation 126 to provide that the copyright provisions in this section applies to a partial relinquishment report.

3.165 The proposed amendments to the reporting requirements were broadly supported by submitters, including the MCA, the EIA, and the AMEC.[141] For example the AMEC supported the proposed amendment to regulation 81 to align reporting timeframes between the expenditure report and the annual report:

> AMEC supports the amendment to Regulation 81 to set the lodgement date of an expenditure report at 60 days after the end of each operational year, to coincide with the lodgement of the annual report.[142]

3.166 However, the AMEC recommended two amendments to the reporting requirements. Firstly, they proposed regulation 84 should be amended to provide that a title holder who has not yet defined a resource should be exempt from having to submit a resource report.[143] The Committee asked the Department their view on this proposal, who advised that in such a case a title holder could submit a nil resources report:

> The reporting requirements have been amended so that expenditure, annual technical and resource reports will now all be lodged together. This is a significant reduction in the administrative reporting requirements.
>
> A title holder who has not yet defined a resource will be able to provide a nil resource report within DME's proposed reporting template.[144]

3.167 Additionally, the AMEC recommended that the proposed exploration project area (replacing an expenditure project area) should be amended. They submitted that the minimum number of mineral exploration licences needed to apply for an exploration project area should be reduced from 3 to 2. They said that:

> Regulation 80(1) states, "The holder of multiple ELs may apply to the Minister for approval of an exploration project area for the title areas of 3 or more of the ELs (the project area) if:" Members' feedback has expressed to AMEC that this point should be changed from 3 to 2.[145]

3.168 The Committee notes that the Explanatory Statement states that intention of proposed regulation 80 is to create consistency in the legislation, in particular, between group reports and exploration project areas:

> To improve efficiency in reporting expenditure, it is proposed to include a regulation to allow related body corporates (parent and subsidiary companies) to apply for an expenditure project area (sic), as they can currently do under regulation 87 for group reporting. The intention is to provide consistency in the application of the legislation to particular title

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[141] Mineral Council of Australia, Submission No. 2, p. 1; Extractive Industry Association of the Northern Territory, Submission No. 3, p. 6.
[142] Association of Mining and Exploration Companies, Submission No. 4, p. 2.
[143] Association of Mining and Exploration Companies, Submission No. 4, p. 3.
[144] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, p.13, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.
[145] Association of Mining and Exploration Companies, Submission No. 4, p. 2.

> holders. That is, those who are permitted to apply for group reporting can also apply for an exploration project area.[146]

3.169 However, in order to apply for approval to provide a group report, a title holder must have a minimum of 2 mineral exploration licences, rather than 3. Notably, eligibility to apply for an exploration project area requires approval to submit a group report. Accordingly, there is inconsistency in the eligibility to apply for a group report and an exploration project area.

3.170 The Committee asked the Department what the rationale for the minimum number of mineral exploration licences titles being set at 3 was, and if there would be any risks from reducing this to 2. The Department told the Committee that:

> The rationale was that the approval criteria of an expenditure project area would be appropriately related to the sufficiency of the size of the area and a substantial work program, rather than simply the amount proposed to be expended…The reduction from 3 to 2 would not create risks.[147]

Committee's Comments

3.171 Considering the intention to provide legislative consistency between group reports and exploration project areas, the Committee recommends that the minimum number of exploration licences required to apply to the Minister for approval of an exploration project area should be reduced from 3 to 2.

Recommendation 9

The Committee recommends that clause 69 of the Bill be amended to reduce the minimum number of mineral exploration licences required to apply for an exploration project area, by replacing '3' with '2' in proposed regulation 80.

Typographical errors

3.172 Several typographical errors have been identified throughout the Committee's examination of the Bill:

- Clause 6 seeks to amend the definitions in the Act. Note 2 for the definition of GDA 2020 erroneously refers to an 'exploration licence' instead of a 'mineral exploration licence'.
- Clause 9 seeks to insert section 12A into the Act. Subsection (2) correctly uses the abbreviated form of mineral exploration licence and mineral lease as they were previously used in full and then abbreviated in section 11. However, subsections (3) and (4) unnecessarily use the full form of mineral lease and mineral exploration licence and abbreviate them again.

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[146] Explanatory Statement, Mineral Titles Legislation Amendment Bill 2026 (Serial 56), p. 13, https://parliament.nt.gov.au/__data/assets/pdf_file/0016/1600531/Explanatory-Statement-Mineral-Titles-Amendment-Bill-2026.pdf

[147] Department of Mining and Energy, Response to Written Questions – Department of Mining and Energy, 15 April 2026, pp. 12-13, https://parliament.nt.gov.au/__data/assets/pdf_file/0010/1607734/From-Department-of-Mining-and-Energy-Responses-to-Written-Questions-Mineral-Titles-Bill-Serial-56-15-April-2026.pdf.

- Clause 17 seeks to insert section 32A into the Act. Subsection (3) states that '…the holder of the of the exploration licence…'. One of the repeated uses of 'of the' should be removed. Additionally, throughout this section mineral exploration licences are incorrectly referred to as exploration licences. The abbreviated form of mineral exploration licences (EL) should be used throughout the section.
- Clause 49 seeks to amend section 138 of the Act, which it specifies is called 'Written consent required'. However, section 138 is titled 'When consent required'.
- Clause 84 seeks to amend regulation 109 of the Regulations, which the Bill specifies is called 'No extraction more than prescribed amount'. However, regulation 109 is called 'No extraction of more than prescribed amount'.
- Clause 86 seeks to amend regulation 127 of the Regulations, which it specifies is called 'Relinquishment of geological samples'. However, regulation 127 is titled 'Requirement for geological samples'.
- Clause 103 seeks to amend section 131 of the *Environment Protection Act 2019*. It specifies that section 131(3) should be omitted and that a new subsection be inserted numbered '(1)'. This should be '(3)'.

3.173 The Explanatory Statement that accompanies a Bill is designed to assist both Members of the Legislative Assembly and member of the public to gain a thorough understanding of the legislation. As stated in the *NT Government Legislation Handbook*:

> The Explanatory Statement explains the general intent of the Bill and describes the purpose of each clause of the Bill. It is to more than merely paraphrase the clauses of the Bill; it should explain the policy purpose of each clause and what the effect of the Bill would be if passed. … The sponsoring Minister uses the Explanatory Statement as a reference document in the Consideration in Detail Stage debate on the Bill. … the courts may refer to the Explanatory Statement to help ascertain the intent of the legislation in the event of related litigation or prosecution action, so it is critical the material in the Explanatory Statement is clear and comprehensive.[148]

3.174 The Committee has identified several typographical errors in the Explanatory Statement, as well as some areas where the Explanatory Statement fails to adequately explain the provisions of the Bill.

- Clause 20 seeks to insert sections 45A and Divisions 4, 5, and 6 into the Act. The Explanatory Statement erroneously refers to Divisions '3A', '3B', and '3C', when it should refer to Divisions '4', '5', and '6'.
- Clause 21 seeks to amend section 47 of the Act. The Explanatory Statement erroneously refers to 'section 27' when it should refer to 'section 47'.

[148] Northern Territory Government, *Northern Territory Government Legislation Handbook,* (unpublished), Northern Territory Government, Darwin, December 2024, pp. 14-15

- Clause 25 seeks to repeal and replace section 57 and insert section 57A into the Act. However, it does not explain the effect of section 57A.
- Clause 27 seeks to repeal and replace section 67 of the Act. It erroneously refers to 'mineral tiles' when it should refer to 'mineral titles'.
- Clause 47 seeks to insert section 135A, 135B, 135C, and 135D. However, the title of the Explanatory Statement only refers to the insertion of section 135A.
- Clause 52 seeks to amend section 168 of the Act. The Explanatory Statement notes that the amendment 'clarifies that section 168 does not apply to Aboriginal land for the purposes of sections 21(1)(c) and 135(1)(b)'. However, the latter section should be 138(1)(b), as drafted in the Bill. Additionally, the Explanatory Statement notes that the reason for this amendment is that the constructive consent regime is 'not appropriate for Aboriginal land where consent must be requested under ALRA'. However, the Bill proposes to provide that a permit granted under the ALA constitutes written consent for the purpose of section 21 and 138, not the ALRA.
- Clause 53 seeks to amend section 171 of the Act. The Explanatory Statement erroneously refers to the '*Mineral Royalties Act 1982'* when it should refer to the '*Mineral Royalty Act 1982*'.
- Clause 69 seeks to repeal and replace regulation 80 of the Regulations. The Explanatory Statement erroneously refers to the Bill as proposing to allow body corporates to apply for an 'expenditure project area' when it should refer to an 'exploration project area', as drafted in the Bill.

Committee's Comments

3.175 The Committee acknowledges that minor drafting errors are inevitable from time to time. Nonetheless, the Committee recommends that the typographical errors in the Bill should be amended to ensure clarity and certainty in interpretation.

3.176 Additionally, the Committee expects that agencies have processes in place to ensure that the content of the Explanatory Statement complies with the requirements set out in the *Legislation Handbook*. As recommended below, given that Explanatory Statements can be referred to in a Court, the Committee is of the view that Explanatory Statement for this Bill should be amended to fix the drafting errors and more fully explain some sections of the Bill.

Recommendation 10

The Committee recommends that clause 6 of the Bill be amended to insert 'mineral' prior to 'exploration licence' in the proposed definition of 'GDA 2020'.

Recommendation 11

The Committee recommends that clause 9 of the Bill be amended to replace 'a mineral lease (ML)' with 'an ML' in proposed section 12A(3).

Recommendation 12

The Committee recommends that clause 9 of the Bill be amended to replace 'a mineral exploration licence (EL)' with 'an EL' in proposed section 12A(4).

Recommendation 13

The Committee recommends that clause 17 of the Bill be amended to omit 'of the' following 'of the' in proposed section 32A(3).

Recommendation 14

The Committee recommends that clause 17 of the Bill be amended to replace each instance of 'exploration licence' with 'EL' in proposed sections 32A(1), 32A(1)(a), 32A(1)(c), 32A(2), and 32A(3).

Recommendation 15

The Committee recommends that clause 103 of the Bill be amended to replace '(1)' with '(3)' in section 131(3).

Recommendation 16

The Committee recommends that the Explanatory Statement be amended at clause 21 to refer to 'section 47' instead of 'section 27'.

Recommendation 17

The Committee recommends that the Explanatory Statement be amended at clause 25 to explain the effect of proposed section 57A.

Recommendation 18

The Committee recommends that the Explanatory Statement be amended at clause 27 to refer to 'mineral titles' instead of 'mineral tiles'.

Recommendation 19

The Committee recommends that the Explanatory Statement be amended at the heading of clause 47 to note the insertion of sections 135B, 135C, and 135D.

Recommendation 20

The Committee recommends that the Explanatory Statement be amended at clause 52 to refer to the 'ALA' instead of 'ALRA'.

Recommendation 21

The Committee recommends that the Explanatory Statement be amended at clause 52 to refer to 'section 138(1)(b)' instead of 'section 135(1)(b)'.

Recommendation 22

The Committee recommends that the Explanatory Statement be amended at clause 53 to refer to the '*Mineral Royalty Act 1982*' instead of the '*Mineral Royalties Act 1982*'.

Recommendation 23

The Committee recommends that the Explanatory Statement be amended at clause 69 to refer to an 'exploration project area' instead of an 'expenditure project area'.

Appendix 1: Submissions Received

Submissions Received

1. Northern Territory Prospectors and Detectorists Association
2. Mineral Council of Australia Northern Territory Division
3. Extractive Industry Association of the Northern Territory
4. Association of Mining and Exploration Companies
5. Anindilyakwa Land Council
6. Central Land Council
7. Arid Lands Environment Centre
8. Tiwi Land Council
9. Northern Land Council

Note: Copies of submissions are available at:
https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/56-2026

Appendix 2: Public Briefing

Public Briefing – Darwin, 24 March 2026

Department of Mining and Energy

- Anne Tan: Acting Chief Executive Officer, Department of Mining and Energy
- Simone Symonds: Director, Mineral Titles, Department of Mining and Energy

Department of Lands, Planning and Environment

- Kathleen Davis: Executive Director, Mining Division, Department of Lands, Planning and Environment

Note: A copy of the public briefing transcript is available at:
https://parliament.nt.gov.au/committees/list/legislative-scrutiny-committee/56-2026

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Dissenting Report – Justine Davis MLA

Justine Davis MLA
Independent Member for Johnston
Alawa - Jingili - Millner - Moil
integrity | action | community

29/04/26

Dear Chair and Members of the Legislative Scrutiny Committee,

Re: Mineral Titles Legislation Amendment Bill 2026 (Serial 56)

I acknowledge the work of the Legislative Scrutiny Committee and the Committee Secretariat for their diligent work in examining this Bill and preparing a report for Parliament.

I also acknowledge those who provided submissions to the Committee. The Inquiry received nine written submissions. The land councils - the Central Land Council (CLC), the Anindilyakwa Land Council (ALC), and the Northern Land Council (NLC) - each raised serious concerns about the impact of this Bill on Aboriginal landowners and native title holders. Those concerns have not been adequately addressed.

The Committee report records that:

> The Committee is satisfied that the proposed mineral leases for small scale mining, tourist fossicking, and fossicking will be subject to the right to negotiate under the Native Title Act 1993. Additionally, the Committee was assured that Part II of the Aboriginal Land Act 1978 provides an appropriate mechanism for access to Aboriginal land for the purposes of preliminary exploration and fossicking.

That satisfaction rests almost entirely on the Department of Mining and Energy's responses to written questions. However, the evidence before the Committee raises real and unresolved questions about whether this Bill adequately protects Aboriginal people's rights over their land. In line with my responsibility on this Committee, I provide this dissenting report.

My commitment is that legislation passed by this Parliament must be clear, evidence-based, and must not erode the rights of Territorians in the process of streamlining regulation for industry.

Access to Aboriginal land: the consent problem

The Bill proposes to treat a permit issued under Part II of the Aboriginal Land Act 1978 (NT) (ALA) as written consent for preliminary exploration and fossicking under the Mineral Titles

www.justinedavis.com.au
@justine4johnston
08 8999 6620
electorate.johnston@nt.gov.au
Millner Village Plaza, Cnr of Fitzgerald St and Bagot Rd, Millner NT 0810

Act 2010 (MTA). The majority accepted the Department's assurance that Part II of the ALA provides "an appropriate mechanism" for this.

Submissions said clearly it does not. Their concern is straightforward: a permit under Part II of the ALA is issued for a specific purpose. It was not granted with mining or fossicking activities in mind. Treating it as blanket consent for new activities under the MTA removes the protection that the land council consent process is meant to provide. As the Land Councils highlighted, attempting to bypass Commonwealth law with a Territory-level permitting regime risks constitutional inconsistency. The Department's response did not address this but simply reasserted that the mechanism is appropriate.

I also note that the Bill's drafting around the constructive consent provisions is confused. The Explanatory Statement incorrectly describes the relevant legislation in clause 52, and the majority has had to recommend corrections. This does not give confidence that the interaction between this Bill and the ALA has been carefully worked through.

Recommendation: *Clause 11 of the Bill must be removed in its entirety, so that a permit under Part II of the Aboriginal Land Act 1978 (NT) is not treated as written consent for the purposes of section 21 of the Mineral Titles Act. Any access for preliminary exploration and fossicking on Aboriginal land must continue to be strictly governed by the informed consent and consultation processes set out in Part IV of the Aboriginal Land Rights (Northern Territory) Act 1976 (Cth).*

New mineral leases

The Bill creates four new types of mineral title, including leases for small scale mining, tourist fossicking, and fossicking. The majority says it is satisfied these leases will attract the right to negotiate under the Native Title Act 1993 (Cth) (NTA). This satisfaction comes from the Department's written answers, not from anything in the Bill itself.

The CLC and ALC were explicit about this problem. As the CLC submitted, to ensure there is no doubt, the Bill should make clear that section 74 of the MTA applies to the grant of these new leases on land where native title has not been extinguished. If the Government is confident the right to negotiate applies, as it says, there is no good reason not to put that on

the face of the legislation. Leaving it to a departmental assurance creates legal uncertainty for everyone: for Aboriginal people whose rights may be affected, and for title holders who could face challenges to the validity of their leases down the track.

Recommendation: *The Bill should be amended to expressly provide, on the face of the legislation, that section 74 of the MTA applies to the grant of mineral leases for small scale mining, tourist fossicking, and fossicking on land where native title has not been extinguished.*

Tourist fossicking lease

The tourist fossicking lease is a particular concern. Proposed section 45J allows a lease holder to bring tourists onto their land to fossick. The CLC raised questions about what tourists will be told about their obligations, and how any breaches will be enforced. The majority's answer is to recommend the Department publish guidance. Guidance is not law. It cannot be enforced. For activities that may occur on or near Aboriginal land or areas of cultural significance, that is not an adequate response.

Recommendation: *The non-binding guidance recommended by the majority in relation to tourist fossicking (proposed section 45J) should be replaced with enforceable obligations on lease holders, including penalties for breach.*

General lease

The Bill allows the Minister to convert non-compliant existing interests (NCEIs) into a new "general lease" where no other mineral title is appropriate. The ALC, CLC, and NLC all raised concerns about this. The NLC described the general lease as "conceptually problematic" because it does not fit within the existing structure of the mineral titles regime.

The CLC identified two specific legal problems. First, converting an NCEI on Aboriginal land to another title constitutes the grant of a mining interest. Any such grant must comply with Part IV of the Aboriginal Land Rights (Northern Territory) Act 1976 (Cth) (ALRA). The CLC recommended that section 74 of the MTA be explicitly applied to conversions to avoid the risk of invalidity.

The Department's response was that there are "no titles suitable for conversion to a general lease on Aboriginal land." That may be the current administrative position, but it is not written into the Bill. Nothing in the Bill prevents the Minister from attempting such a conversion, and if that happens without compliance with the ALRA, the conversion may be invalid.

Recommendation: *The Bill should be amended to expressly apply section 74 of the MTA to conversions under proposed sections 204 and 204A, to make clear that any conversion of a non-compliant existing interest must comply with the ALRA and, where applicable, the future acts provisions of the NTA.*

Second, the CLC and ALC warned that a general lease - which authorises activities "specified by the Minister" - could confer additional rights beyond what the original NCEI provided. If it does, that would trigger the future acts requirements of the NTA. The Department denied this. But the scope of a "general lease" is by definition uncertain. The Department's assurance that no new rights will be granted is not the same as the legislation saying so. The work of testing whether a law will do what the Government says it will do must happen before the law is passed, not after.

Recommendation: *The Bill should be amended to explicitly limit the Minister's power, stating on the face of the legislation that a general lease granted under proposed sections 204 and 204A cannot confer any new rights, or authorise any additional activities, beyond those strictly provided by the original non-compliant existing interest.*

This Bill does not have sufficient regard to Aboriginal and Torres Strait Islander tradition

The Committee's terms of reference require us to consider whether legislation has sufficient regard to Aboriginal and Torres Strait Islander tradition. I am not satisfied that this Bill does.

This reform process has been driven largely by industry. The Approvals Fast-Track Taskforce recommended streamlining. Industry bodies supported the Bill. The land councils, whose constituents hold rights over significant areas of land affected by these changes, raised detailed and serious concerns. Those concerns have been met with departmental assurances rather than legislative amendments.

www.justinedavis.com.au
@justine4johnston
08 8999 6620
electorate.johnston@nt.gov.au
Millner Village Plaza, Cnr of Fitzgerald St and Bagot Rd, Millner NT 0810

The majority's recommendations are largely about fixing drafting errors and asking the Department to publish guidance. Those are important, but they do not address the substantive problems identified by the CLC, ALC, and NLC.

The five amendments recommended above would not prevent this Bill from passing. They would make it legally sound and ensure that Aboriginal Territorians' rights are protected alongside industry's interests.

Justine Davis

Independent Member for Johnston

www.justinedavis.com.au
@justine4johnston
08 8999 6620
electorate.johnston@nt.gov.au
Millner Village Plaza, Cnr of Fitzgerald St and Bagot Rd, Millner NT 0810