Response to Written Questions – Department of Mining and Energy

Inquiry into the Mineral Titles Legislation Amendment Bill 2026 (Serial 56)

Consultation

1. Several submitters, including all four Land Councils, submitted that the consultation process was inadequate, with the Central Land Council (CLC) noting that it did not receive an invitation to participate in the 2024 discussion paper process (Sub 6, p. 2).

    a. *Who was invited to participate in the 2024 discussion paper process and how were invitations communicated?*

    Public Consultation on the *Mineral Titles Act and Regulations Discussion Paper* (the Discussion Paper) opened on 18 June 2024 and closed on 13 August 2024.

    The Discussion Paper was published on the *Have Your Say* NT website, and was also advertised on LinkedIn, Facebook, the NT News and various business bulletins.

    Invitations to comment were sent via email to peak industry bodies, land councils and environmental groups.

    Briefings were organised upon request.

    Extensions of time were also offered via email to those groups (including the CLC) who had not submitted a response to the Discussion Paper after the closing date.

Definitions

2. Clause 7 replaces the previous definition of an extractive mineral in section 10 of the *Mineral Titles Act 2010* (the Act) with a new definition that references non-mechanical processing.

    The Extractive Industry Association of the Northern Territory (EIA) submitted that the concepts of 'mechanical' and 'non-mechanical' should be defined in the Bill (Submission No. 3, p.4-5).

    a. *As drafted, what non-mechanical means are intended to be captured in the definition of extractive mineral?*

    The reference to non-mechanical processing means would include chemical or hydrometallurgical processing methods, such as leaching via chemicals or solvents.

    b. *Would a definition of 'mechanical' and 'non-mechanical' provide useful additional regulatory clarity to the Bill, noting that any definition of 'non-mechanical' would also apply to amended section 53(3)? If not, why not?*

    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.

3. Clause 15 amends Section 31 of the Act, providing for the Minister to authorise bulk sampling and adding a definition of bulk sampling. The Explanatory Statement (ES) notes that 'A bulk sample may only be requested by an exploration licence holder and usually involves the excavation of more than 1000 tonnes of material.'

   The Anindilyakwa Land Council (ALC) (Sub 5 p. 3), CLC (Sub 6, p. 4) and Northern Land Council (NLC) (Sub 9, p. 4) submitted that bulk sampling with the use of a mobile crusher and explosives is excessive for the needs of bulk sampling.

   a. *In what circumstances would it be appropriate for the Minister to authorise bulk sampling?*

      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.

   b. *What approval requirements would an applicant need to meet?*

      An application for a bulk sample would require the following information:

      - 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.

   c. *What range of weight or volume thresholds of excavated material is normally expected to be authorised under section 31(2)?*

      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.

4. Clause 31 amends section 83 of the Act, providing that title holders may make a minimal track across land without an access authority to access their title area.

   The NLC (Sub 9, p. 5) submitted that the phrase 'minimal track' lacks clarity.

   a. *As drafted, what is the intended meaning of 'minimal track'?*

      The intended meaning of a 'minimal track' is a track created by the clearance of vegetation though the use of vehicles or machinery.

   b. *Would a definition of 'minimal track' provide useful additional regulatory clarity to the Bill?*

      A note is included in the proposed amendment to section 83 using the example of a 'blade up' track.

5. Clause 66 amends regulation 71 of the Mineral Titles Regulations 2011, providing that a title holder must give written notice of their intent to conduct authorised activities to the landowners or occupiers 14 days prior to the beginning of each field season activities are expected to occur, or as agreed with the landowners and occupiers. The ES notes that 'it was preferred that a single notice be given unless a different frequency of notices was agreed to with the landowner/occupier.'

The EIA (Sub 3, p. 4) submitted that the concept of 'field season' is unclear, meaning that on the face of the Bill multiple notices may still be required to be given.

a. *As drafted, what are the intended notice requirements?*

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.

b. *Would a definition of 'field season' provide useful additional regulatory clarity to the Bill? If not, why not?*

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.

Interaction with other legislation

6. The ALC (Sub 5, p. 4) and CLC (Sub 6, p. 4) submitted that all title holders of mineral leases should be required to undertake surveys of sacred sites prior to commencement of works.

a. *How does the Mineral Titles Act 2010 interact with the Aboriginal Sacred Sites Act 1978 (NT) (ASSA)?*

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).

b. *What risks are there that sacred sites will be damaged or interfered with under the current Act?*

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.

c. *What consideration has been given to strengthening protections for sacred sites in this Bill?*

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.

7. Clause 11 amends section 21, providing that a permit under Part II of the *Aboriginal Land Act 1978 (NT)* (ALA) constitutes written consent for preliminary exploration on Aboriginal land, which includes airborne geoscientific surveys and removals of small samples of minerals or extractive minerals.

   The Committee received submissions from the ALC (Sub 5, p. 2), CLC (Sub 6, p. 3) and NLC (Sub 9, p. 3) stating that preliminary exploration should be regulated by Part IV of the *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)* (ALRA) rather than Part II of the *ALA*. They note that the ALA provides permits for physical entry to Aboriginal land, whereas the ALRA provides for mining and exploration licensing on Aboriginal land. Further, preliminary exploration, although low-impact, may still disturb areas of cultural significance for Aboriginal peoples.

   The ES does not explain why the ALA is the appropriate regulatory mechanism for permitting preliminary exploration.

   a. *What is the rationale for permitting preliminary exploration in accordance with the* ALA *rather than the* ALRA, *and is this consistent with the requirements of the ALRA?*

      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.

   b. *What protections from damage or interference through preliminary exploration exist for areas of cultural significance to Aboriginal people under the Bill as drafted, and how would protections differ if preliminary exploration was governed by Part IV of 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.

8. Clause 20 inserts Divisions 4 to 6, creating mineral leases for small scale mining, fossicking and tourist fossicking.

   The ALC (Sub 5, p. 3) and CLC (Sub 6, p. 4) submitted that a mineral lease for small scale mining and tourist fossicking would create a right to mine under the *Native Title Act 1993* (Cth) (NTA). The NLC further submitted that it is unclear how the three new mineral leases would intersect with the 'future acts' regime in the NTA (Sub 9, p. 2).

   a. *As drafted, do the new mineral leases create a right to mine under the NTA, and if so, do the procedural requirements under the NTA apply?*

      It is intended that as currently with mineral leases under the MTA the new mineral lease

for small scale mining would be subject to the right to negotiate procedure.

It is further intended that the new mineral leases for fossicking and tourist fossicking

b. *As drafted, are the new mineral leases a 'future act' under the NTA, and if so, is it the intention that will they attract the normal negotiation procedure or the expedited procedure?*

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.

9. Clause 23 amends section 53 to prohibit processing of extractive minerals by non-mechanical means on an extractive mineral permit. The ES notes that this amendment is to provide 'clarity that activities on an [extractive mineral permit] are not mining as defined in the *Native Title Act 1993 (Cth)*.'

The ALC (Sub 5, p. 4) and CLC (Sub 6, p. 5) submitted that because the current Act does not prohibit using non-mechanical means to process extractive minerals, the procedural obligations under the NTA should have applied when non-mechanical means were utilised.

a. *Under the current Act, did the granting of extractive mineral permits create a right to mine under the NTA, and if so, were the procedural obligations under the NTA complied with?*

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.

b. *Would failure to comply with the NTA procedural obligations invalidate any granted permits to the extent that they affected native title?*

The Bill does not seek to make changes to the rights granted for an extractive mineral permit, it merely clarifies activities that are already not permitted by DME.

10. Clause 31 amends section 83, providing that title holders may make a minimal track across land to access their title area, without an access authority.

The ALC (Sub 5 p. 5) and CLC (Sub 6, p. 5) submitted that the creation of a minimal track is inconsistent with the *ALRA* and would be a 'future act' under the NTA. The NLC further submitted that minor works can impact culturally sensitive areas and that Authority Certificates issued by the Aboriginal Areas Protection Authority or similar instruments issued by a Land Council should be required for all access arrangements (Sub 9, p. 5).

a. *As drafted, what rights would title holders have to make minimal tracks across Aboriginal land?*

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.

b. *If a minimal track can be created on Aboriginal land:*

i. *is the creation of a minimal track required to be consistent with the ALRA?*

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.

ii. *would the creation of a minimal track be a future act under the NTA?*

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.

iii. *what obligations would title holders have under the ALRA and NTA prior to or when making minimal tracks across Aboriginal land?*

Access to the title area would form part of the Part IV or section 19 agreement under ALRA. The NTA does not apply to Aboriginal land.

iv. *what obligations would title holders have under the ASSA when seeking to make a minimal track?*

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.

11. Clauses 46 and 47 amend section 135 and insert sections 135A-D, creating a permitting regime for recreational fossickers.

The ALC (Sub 5, p. 2-3) and CLC (Sub 6, p. 3) submitted that fossicking should be regulated by Part IV of the ALRA rather than Part II of the ALA. The ALC (Sub 5, p. 5) and CLC (Sub 6, p. 6) further submitted that the grant of a fossicking permit is a future act under the NTA, and would trigger procedural requirements under the NTA, including notification of every single registered native title body corporate in the Northern Territory about the proposed grant of a fossicking permit.

The ES does not explain why the ALA is the appropriate regulatory mechanism for permitting fossicking.

a. *Can you explain the rationale for permitting fossicking in accordance with the ALA rather than the ALRA?*

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.

b. What protections from damage or interference from fossicking exist for areas of cultural significance to Aboriginal people under the Bill as drafted, and how would protections differ if fossicking was governed by Part IV of the ALRA?

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.

c. Would the grant of a fossicking permit be a future act under the NTA? If so:

i. Would notification of every registered native title body corporate in the Territory about the proposed fossicking permit be required?

ii. If so, how does the Department propose to manage notification obligations?

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.

12. Clause 55 inserts section 181A, providing the Minister power to authorise entry to land for scientific geological studies.

The ALC (Sub 5, p. 3) and the CLC (Sub 6, p. 4) submitted that such entry onto Aboriginal land should be regulated by Part IV of the ALRA. The NLC (Sub 9, p. 5) further submitted that this provision lacks clarity regarding notice and engagement requirements with Traditional Owners.

a. Do Ministerial powers under section 181A apply to Aboriginal land?

Yes, this applies to all land in the NT.

b. If so, what requirements under the ALA, ALRA, and/or ASSA will apply to scientific studies conducted under section 181A, including notice requirements?

Part IV of the ALRA does not apply as these relate to NT Government geoscientific activities rather than mining.

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 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 tenure and seeking Authority Certificates for any significant ground disturbing activities

13. Clauses 56 and 57 amend section 204 and insert section 204A, providing for conversions of non-compliant existing interests and the creation of general leases.

The ALC (Sub 5, p. 5-6), the CLC (Sub 6, p. 6), and the NLC (Sub 9, p. 3) submitted that conversion of a non-compliant existing interest must comply with the ALRA and the NTA, and the ALC and the CLC further queried whether the Minister would have the power to grant a general lease on Aboriginal land, stating that only an Aboriginal Land Trust has the power to grant the rights covered by a general lease on Aboriginal land in accordance with the ALRA. The NLC further submitted that it was unclear whether the conversion of title would attract the expedited procedure under the NTA, and that it was unclear how a general lease would intersect with the ALRA and future act regime in the *NTA* (Sub 9, p. 3).

a. *As drafted, are the conversions of title required to comply with the ALRA and the NTA?*
b. *If the conversion of title must comply with the NTA, is it the intention that will they attract the normal negotiation procedure or the expedited procedure?*
c. *As drafted, is it intended that the requirements in section 74 of the Act will be applied to conversions of title?*
d. *Would an amendment of section 74 to include a specific subsection regarding conversions of title provide useful additional regulatory clarity to the Bill? If not, why not?*
e. *As drafted, would the Minister have the power to grant a general lease on Aboriginal land?*
f. *As drafted, how will general leases intersect with the requirements of the ALRA and the NTA?*

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.

There are no titles suitable for conversion to a general lease on Aboriginal land.

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.

Regulatory regimes

14. Clause 12 amends section 27 of the Act, adding a requirement in section 27(2)(c) that applications for an exploration licence must include a summary of the proposed technical work program for operational years three through six.

The ES notes that the intent of clause 12 is 'to ensure that an application can be assessed more efficiently and to remove the likelihood of applications not being accepted due to deficient or incorrect information.'

The Association of Mining and Exploration Companies (AMEC) submitted that this new requirement is not reflective of commercial realities because forward work programs depend on exploration findings and company priorities change year-to-year (Sub 4, p. 2). This suggests that requirements to provide predictions out to year six may generate incorrect information.

a. *What issues have been identified in the current operation of the Act regarding proposed technical work programs, and how will these amendments resolve these issues?*

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.

b. *Has the Department considered making these requirements less prescriptive?*

DME does not consider requesting a detailed technical work program for the first 2 years, and/or a summary of the proposed technical work program for the following 4 years, overly prescriptive.

c. *What are the risks of a company's actual priorities and activities significantly diverging from their proposed activities in an application for an exploration licence?*

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.

15. Clause 14 replaces sections 29 and 30, requiring that the size of an exploration licence be reduced by 50% upon renewal rather than every two years, and increasing the initial renewal period of an exploration licence from two to six years. The ministerial waiver on reduction requirements is also amended so that it may not be exercised if the aggregate term on an exploration licence has reached 12 or more years, unless exceptional circumstances apply.

The Northern Territory Prospectors & Detectorists Association (Sub 1, p. 2-3) and the NLC (Sub 9, p. 2) submitted that changes to the initial renewal period and reduction requirements will reduce land turnover. The AMEC submitted that the aggregate term limitation on the Ministerial waiver could influence early reduction in title areas and land banking (Sub 4, p. 2). The NLC also contested the statement in the ES that 'approvals outside of the Act take considerable time to secure, such as approvals for ELs on Aboriginal land' (p. 4).

a. *What are the estimated impacts of the initial renewal period term length and reduction requirements changes on land turnover and banking?*

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.

b. *What is the rationale for the Ministerial waiver requirements? What are the estimated impacts of the aggregate term limitation on the Ministerial waiver on land turnover and banking?*

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

c. *What mechanisms will ensure that underutilised or inactive exploration licences do not result in prolonged land-lockup?*

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 an EL where insufficient exploration activities have been undertaken.

d. *Can you comment on the NLC's concerns that the ES refers to approvals for exploration licences on Aboriginal land taking considerable time being without substantive basis?*

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.

16. Clause 20 inserts Divisions 4 to 6 into Part 3 of the Act, including creating strict liability offences in new sections 45J and 45N if a person fails to notify the Minister within 28 days if they have fossicked a mineral of equal or greater economic value than 100gm of gold during one day.

a. *Can you explain the intended operation of section 45J and 45N, including whether it is intended that a fossicker of a mineral that is not gold will be expected to periodically compare the value of the mineral against the changing value of 100 gm of gold?*

Yes, 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.

b. *Is the 'person' referred to in section 45J(1), (3) and (4) intended to be title holder of the mineral lease for tourist fossicking or a person who fossicks under that mineral lease (e.g. a tourist who has paid the title holder to fossick on their title area)?*

The person is intended to be the person who is fossicking.

c. *If the person is intended to be the title holder, would specific reference to the title holder instead of 'a person' provide useful additional regulatory clarity to the Bill? If not, why not?*

The person is intended to be the person who is fossicking, who may also be the titleholder.

17. Clause 25 replaces section 57, providing the title holder of an extractive mineral lease the ability to store and process extractive materials on that land that had been mined in the title area of another extractive mineral permit granted to the same person, when authorised by the Minister.

The EIA submitted that the same title holder restriction may present commercial and logistical barriers to industry and noted that the same restriction does not apply to the storage and processing extractive materials from one extractive mineral permit to another as provided for by proposed section 53(ba) (Sub 3, p. 5).

The ES does not provide a reason why the same title holder restriction applies in section 57 but not section 53.

a. *What is the justification for the same title holder restriction applying to section 57 but not section 53?*

The restriction in section 57 is an error in drafting.

b. *Would the removal of the same title holder restriction from section 57 create any risks or benefits?*

The removal of the same title holder restriction would not create any risks.

c. *Would the addition of the same title holder restriction in section 53 mitigate any risks or inhibit any benefits?*

There would be no benefit in adding this restriction to section 53.

18. Clause 28 amends section 71, providing the Minister flexibility in how public notices are made.

The NLC submitted that many people continue to use newspapers as a reliable method of sourcing notices of applications (Sub 9, No. 4).

The ES does not state whether notification in newspapers is expected to continue.

a. *What methods are expected to be used to circulate public notifications following this amendment? Will notice of applications still be circulated in the newspaper despite the removal of the requirement to do so?*

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.

b. *If notice will not be circulated in newspapers, how will the Department ensure that communities with limited internet access are not excluded from notice of applications?*

It is intended to continue to use newspapers as the source of public notification.

19. Clause 37 amends section 100, providing that an application to vary or suspend a condition relating to expenditure must be made within the first six months of the reporting period, if requested by the title holder.

    AMEC submitted that the six-month requirement does not sufficiently consider that companies are often unaware of whether will meet their expenditure in the first 6 months of the reporting period. This could create more work for industry and the department through advanced applications for waivers of expenditure that may not ultimately be necessary (Sub 4, p. 3).

    a. *Can you explain the rationale for the six-month time requirement?*

       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.

    b. *Has the Department considered extending the period in which an application can be made? What are the risks or benefits of this?*

       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.

    c. *How will the department handle any additional administrative burdens generated by increased numbers of advanced waivers of expenditure?*

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

20. Clause 69 replaces regulation 80, providing for the conditions and approval process for exploration project areas.

    AMEC submitted that the minimum number of exploration licences required for a title holder to apply for for an exploration project area should be reduced from three to two (Sub 4, p. 2). The ES does not provide justification for why three was selected as the minimum requirement.

    a. *Can you explain the rationale for three minimum exploration licences being necessary to apply for an exploration project area?*

       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.

b. Would the reduction of three exploration licences to two create any risks or benefits?

The reduction from 3 to 2 would not create risks.

21. Clause 71 replaces regulations 83 to 87, which prescribe reporting requirements for mineral leases.

AMEC submitted that regulation 84 should be amended so that a title holder who has not yet defined a resource should not be required to supply a resource report (Sub 4, p. 3).

a. Can you comment on this suggestion?

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.

22. Clauses 82, 83, and 84 amend regulations 106, 107 and 109, providing for strict liability offences in relation to recreational fossicking with maximum penalties of 80 penalty units. A fossicking offence is also created by proposed section 135D.

The Northern Territory Prospectors & Detectorists Association (Sub 1) submitted that fossicking offences are not proportionate, and that the proposed permitting scheme creates significant red-tape for the recreational fossicking community without clear benefits to the community.

a. Can you explain the rationale behind the maximum penalty units for each offence, and whether these penalties are proportionate to the offence?

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.

b. Has the Department considered a less burdensome compliance model for recreational fossickers?

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.