

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

WRITTEN QUESTION

Ms Purick to Minister for Primary Industry, Fisheries and Resources

Moratorium on Licences for Sea Bed Mining and Exploration

1. How many companies are affected by the three year moratorium for exploration and mining on the Northern Territory's sea bed?

A: *Nine.*

2. Name the companies affected by the moratorium.

A: *Refer to attachment A (it should be noted that the moratorium relates to minerals only).*

3. List the minerals/petroleum granted titles by number and which company holds the titles.

A: *Refer to attachment A.*

4. List the minerals/petroleum application for title by number and which company holds the titles.

A: *Refer to attachment A.*

5. Provide details as to the exact location of the granted titles and applications.

A: *Refer to attachment B.*

6. In regard to granted titles, how much rent has been paid for what title by which company?

A: *Refer to attachment A.*

7. What notification was provided to affected companies and when was notification provided and by what transmission?

A: *On 8 March 2012, a letter was sent to all affected companies, advising of the moratorium; including copies of the media release and the Policy Document.*

8. In light of the moratorium and companies' inability to progress work, will Government be waiving rental payments?

A: *Please refer to note appearing in Section 4.1 of the Policy Document (refer to attachment C).*

9. In light of the moratorium and companies' inability to meet covenant commitments, what arrangements will be put in place to avoid any action under the legislation?

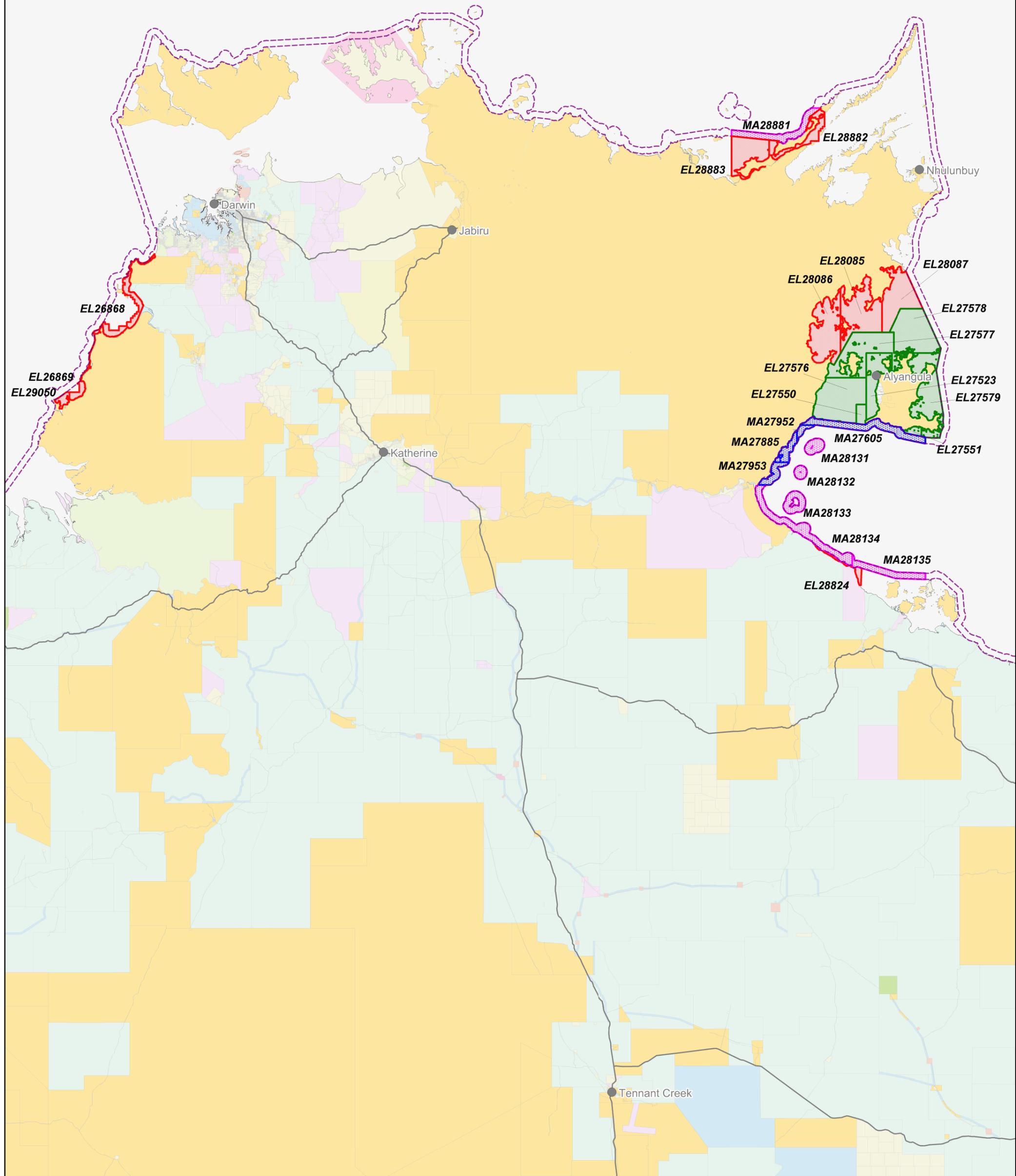
A: *As above, per Answer 8.*

Current Exploration Tenure over Water Effective 03 April 2012

ATTACHMENT A

TITLE NUMBER	STATUS	HOLDER	RENT PAID (excl. GST)
26868	application	Territory Minerals Pty Ltd	
26869	application	Territory Minerals Pty Ltd	
28085	application	North Manganese Pty Limited	
28086	application	North Manganese Pty Limited	
28087	application	North Manganese Pty Limited	
28824	application	Australian Manganese Resources Pty Ltd	
28882	application	Ocre Rouge Resources Pty Ltd	
28883	application	Ocre Rouge Resources Pty Ltd	
29050	application	Minemakers (Salt) Pty Ltd	
28131	application	Groote Resources Limited	
28132	application	Groote Resources Limited	
28133	application	Groote Resources Limited	
28134	application	Groote Resources Limited	
28135	application	Groote Resources Limited	
28881	application	Ocre Rouge Resources Pty Ltd	
27523	grant	Reflective Minerals Pty Ltd	\$5,400.00
27550	grant	Reflective Minerals Pty Ltd	\$1,000.00
27551	grant	Reflective Minerals Pty Ltd	\$780.00
27576	grant	Groote Eylandt Mining Company Proprietary Limited	\$9,900.00
27577	grant	Groote Eylandt Mining Company Proprietary Limited	\$9,700.00
27578	grant	Groote Eylandt Mining Company Proprietary Limited	\$9,220.00
27579	grant	Groote Eylandt Mining Company Proprietary Limited	\$10,000.00
27605	grant	Reflective Minerals Pty Ltd	\$5,660.00
27885	grant	Yukida Resources Pty Ltd	\$1,560.00
27952	grant	Yukida Resources Pty Ltd	\$700.00
27953	grant	Yukida Resources Pty Ltd	\$1,560.00

MINERAL TITLES WITHIN TERRITORY WATERS



LEGEND

	Exploration Licence Application		Pastoral Lease		Freehold Land
	Exploration Licence Granted		Crown Lease (P)		Road/Highway
	Mineral Authority Application		Vacant Crown Land		Town/Locality
	Mineral Authority Granted		Aboriginal Freehold Land		3NM Limit



Northern Territory Government

Date: 03 April 2012
Prepared By: Titles Division

Datum: GDA94

NOTE TO MAP USERS: Mining and exploration tenure depicted on this map are plotted from descriptions supplied by the holders and the Northern Territory takes no responsibility as to their accuracy. Further, users should be aware that inconsistencies may occur between data on selected layers due to the origin of the data depicted.

**MORATORIUM ON EXPLORATION
AND MINING IN COASTAL WATERS
OF THE NORTHERN TERRITORY
UNTIL 2015**

6 MARCH 2012

TERMS

1. POLICY STATEMENT

The Northern Territory Government has established a moratorium on granting titles permitting exploration for minerals or mining and on issuing authorisations permitting mining activities to be undertaken within the coastal waters of the Northern Territory until a review of actual or potential impacts of seabed mining has been undertaken.

2. MORATORIUM

- (a) A Moratorium is in place in respect to all activities, whether they involve substantial disturbance or not, including those related to or associated with, exploration for minerals within the coastal waters of the Northern Territory, mining in the coastal waters of the Northern Territory, or both.
- (b) Despite the legislative ability to grant mineral titles under the *Mineral Titles Act* and to grant an authorisation to carry out mining activities under the *Mining Management Act* in respect of mining activities, the Minister administering those Acts (the “Minister”) will not for a period of 3 years from the date of this Moratorium (or any extension of it by the Minister):
 - (i) grant any:
 - A. mineral exploration licence;
 - B. mineral exploration licence in retention;
 - C. mineral lease;
 - D. mineral authority; or
 - (ii) issue any:
 - A. authorisation,in respect of exploration for minerals within the coastal waters of the Northern Territory or mining within the coastal waters of the Northern Territory.
- (c) For the term of this Moratorium the Minister will not exercise any functions in respect to assessing, granting, or reviewing mineral titles relating to exploration for minerals within the coastal waters of the Northern Territory or mining in the coastal waters of the Northern Territory.
- (d) For the term of this Moratorium the Minister will not exercise any functions in respect to assessing and issuing authorisations in relation to any activities for or associated with exploration for minerals or mining within the coastal waters of the Northern Territory.

- (e) For the sake of certainty:
 - (i) All applications for mineral titles, authorisations, or both, in respect of any area or activity within the coastal waters of the Northern Territory lodged prior to the commencement of this Moratorium will not be assessed, or granted or issued with the relevant title or authorisation during the term of this Moratorium.
 - (ii) All applications for mineral titles, authorisations, or both, in respect of any area or activity within the coastal waters of the Northern Territory lodged after the commencement of this Moratorium will be received but not assessed and no title or authorisation will be granted or issued during the term of this Moratorium.

3. BACKGROUND

- (a) Applications in relation to grants of titles and authorisation of activities in respect to exploration for minerals within the coastal waters of the Northern Territory have been lodged.
- (b) Seabed mining is a new and evolving worldwide industry with a minimum number of generally accepted practice standards. The methods applied in seabed mining are rapidly changing. Limited information is available on:
 - (i) the actual or potential impacts on the environment and other resource industries; and
 - (ii) methods for managing the impacts of the extraction of minerals from the seabed.
- (c) The current paucity of information decreases the ability of the Minister to:
 - (i) accurately assess the appropriate methodology for management of the industry, its development, and sustainability; and
 - (ii) develop appropriate conditions for mineral titles and authorisations relating to seabed mining.

4. POLICY IMPLEMENTATION

4.1 Effect of Moratorium

A Moratorium on the following matters is in effect:

- (a) the granting by the Minister of any titles over any land within the coastal waters of the Northern Territory in relation to exploration for minerals and mining; and
- (b) the issuing by the Minister any authorisations for activities relating to exploration for minerals or mining within the coastal waters of the Northern Territory.

If a mineral title holder or authorised operator considers this Moratorium impacts upon their legal obligations under the *Mineral Titles Act* or the *Mining Management Act* and a detriment is suffered by that person as a result, that person may make an application to the Minister for relief (in the form of a waiver of those legal obligations), and the Minister may, to the extent possible under the laws of the Northern Territory, give that application consideration.

NOTE: An application for relief could seek to reduce or halt statutory obligations imposed on a title holder or operator under the respective Acts, such as the payment of fees or charges, or to provide reports or other information within particular timeframes. The applications for relief could not seek to prevent the application of either Act in respect to environmental obligations and could not seek to exclude the title holder or operator from the application of this Moratorium.

4.2 Moratorium to continue until review completed

- (a) Until completion of a formal review of the actual or potential impacts on the environment and other resource industries, and the Minister is satisfied that appropriate methods for managing these impacts have been identified all:
 - (i) current and new applications lodged for mineral titles or authorisations relating to exploration for minerals or mining within the coastal waters of the Northern Territory will not be assessed;
 - (ii) mineral titles, authorisations or both will not be granted or issues; and
 - (iii) the status of all currently issued mineral titles and authorisations will remain as it was at the commencement of this Moratorium and the Minister will not exercise any of his functions under either the *Mineral Titles Act* or the *Mining Management Act* in respect to assessment, review, renewal, transfer or the like to alter that status.
- (b) For the term of this Moratorium the Minister will hold over the determination of all applications for mineral titles and authorisations and will not exercise certain legislative functions in respect of mineral titles and authorisations previously granted.

4.3 Status of mineral title during Moratorium

- (a) Each granted mineral title will be retained on the register of titles maintained by the Director of Mineral Titles in the form and to the extent of the title as at the commencement of this Moratorium.
- (b) For the term of this Moratorium the Minister will not:
 - (i) assess or approve an application to transfer a mineral title; or
 - (ii) require a mineral title holder to comply with the requirements of the *Mineral Titles Act* or regulations in respect to such matters as those relating to annual reporting, reduction of the title area and the like.

4.4 Status of authorisation during Moratorium

- (a) Each authorisation issued will remain on the register of authorisations maintained by the Director of Mining Performance in the form and to the extent of the title as at the commencement of this Moratorium.
- (b) The Minister will retain all security deposits paid by appointed operators in respect of any authorisations issued.
- (c) For the term of this Moratorium, in respect to an authorisation permitting exploration or mining activities to be carried out within the coastal waters of the Northern Territory the Minister will not:
 - (i) review or assess an original, revision or amended version of a Mining Management Plan; or
 - (ii) review a security calculation submitted by a person in connection with a security deposit required for an authorisation or any conditions imposed on an authorisation to review the security amount.

4.5 National Approach

The Northern Territory Government will, through appropriate Ministerial Councils, also pursue development of a nationally consistent approach to the assessment of seabed mining.

5. REVIEW

- (a) The review of seabed mining will provide a basis for assessment of the possible future development and sustainability of this industry.
- (b) The review will:
 - (i) examine practices adopted or applied in seabed mining both internationally and within Australia, and identify which of these are considered as environmentally best practices;
 - (ii) identify the likely impacts of seabed mining on the environment and other resources, including commercial and recreational fishing, including identification of impacts which have occurred as a result of, or in association with, seabed mining;
 - (iii) examine the mitigation strategies that have or could be used to manage the impacts of sea based exploration and seabed mining on the environment and other resources; and
 - (iv) include consideration of advice from the Aboriginal Areas Protection Authority on appropriate measures to ensure the avoidance of sacred sites and protection of sacred sites as a part of any exploration and/or mining of seabed mineral resources.
- (c) The aim of the review will be to:
 - (i) identify the appropriate standards for acceptance by the Territory which will adequately address the needs of the

community in respect of industry “best practice”, protection of the environment, protection of social and cultural impacts, mitigation strategies and community involvement; and

- (ii) permit the development of regulations, guidelines, or both, for the assessment of applications (received but not assessed due to the moratorium and future applications) to ensure consistency of assessment procedures and appropriate determinations, taking into account the relevant factors.
- (d) The Environmental Protection Authority will be asked to undertake a review of the following elements:
 - (i) the actual or potential impacts on the environment and other resource industries; and
 - (ii) methods for managing the impacts of seabed mining.
- (e) The Aboriginal Areas Protection Authority, in association with relevant NTG agencies, will be asked to review:
 - (i) appropriate measures to ensure the avoidance of sacred sites and protection of sacred sites as a part of any exploration and/or mining of seabed mineral resources.
- (f) Ad hoc decisions to grant mineral titles or authorisations will not adequately address the issues outlined above. Such decisions could create risks and have the potential to be inconsistent.

6. AREA

- (a) The proposed policy extends seaward of the low water mark in all coastal waters of the Northern Territory.
- (b) For the sake of certainty, land to the low water mark of any islands located within the coastal waters of the Northern Territory is excluded from this Moratorium.

7. APPLICATIONS FOR MINERAL TITLES

For the term of this Moratorium applications made under the *Mineral titles Act* for the grant of a mineral title over land within the coastal waters of the Northern Territory, whether lodged prior to or after the commencement of this Moratorium, will not be assessed or granted.

8. APPLICATIONS FOR AUTHORISATION

For the term of this Moratorium, applications for authorisation by a mineral title holder as required by the *Mining Management Act*, whether received prior to or after commencement of this Moratorium will not be assessed and an authorisation will not be granted for any activities, whether they involve substantial disturbance or not, in respect to (including those related to or associated with) exploration for minerals and mining within the coastal waters of the Northern Territory.

9. EXCLUSIONS

This Moratorium does not include any application or grant in respect to petroleum exploration and production, dredging for port development and maintenance activities, geothermal activities and fishing.