

Serial 56
Mineral Titles Legislation Amendment Bill 2026
Mr Maley

A Bill for an Act to amend the *Mineral Titles Act 2010*, the *Mineral Titles Regulations 2011*, the *Environment Protection Act 2019* and the *Environment Protection Regulations 2020*

NORTHERN TERRITORY OF AUSTRALIA

MINERAL TITLES LEGISLATION AMENDMENT ACT 2026

Act No. [] of 2026

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2026

5

An Act to amend the *Mineral Titles Act 2010*, the *Mineral Titles Regulations 2011*, the *Environment Protection Act 2019* and the *Environment Protection Regulations 2020*

[Assented to [] 2026]
[Introduced [] 2026]

10

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Mineral Titles Legislation Amendment Act 2026*.

15

2 Commencement

This Act commences on the day after the day on which the Administrator's assent to this Act is declared.

Part 2 Amendment of Mineral Titles Act 2010

3 Act amended

This Part amends the *Mineral Titles Act 2010*.

20

4 Long title replaced

Long title

repeal, insert

5

An Act regarding the exploration for, extraction of, processing of and title to minerals, extractive minerals and prescribed substances, for the regulation of activities on lands used for those purposes, and for related purposes

5 Section 3 replaced

Section 3

10

repeal, insert

3 Objects of Act

The objects of this Act are as follows:

(a) to establish a framework for regulating:

15

(i) the exploration for, extraction of and processing of minerals, extractive minerals and prescribed substances; and

(ii) titles to minerals, extractive minerals and prescribed substances;

20

(b) to facilitate the commercialisation of activities conducted under mineral titles by authorising the creation and transfer of interests in those titles;

(c) to authorise other activities relating to minerals, extractive minerals and prescribed substances conducted without mineral titles;

25

(d) to regulate activities on lands used for the purposes of the exploration for, extraction of, processing of and title to minerals, extractive minerals and prescribed substances;

30

(e) to provide for the conversion of certain non-compliant existing interests to a mineral title that is appropriate for their regulation under this Act.

6 Section 8 amended (Definitions)

(1) Section 8, definitions ***business day*** and ***operational year***

omit

(2) Section 8

5 *insert*

care and maintenance period means a period that, in relation to the title area of an ML, MLSSM or EML, is a care and maintenance period under the *Environment Protection Act 2019* for the corresponding environmental (mining) licence under that Act.

10 ***commercial fossicking*** means fossicking that constitutes a commercial fossicking activity under section 135(3).

15 ***GDA 2020*** means the national datum known as Geocentric Datum of Australia 2020 used for surveying, mapping and spatial referencing of geographical data, as defined by the Australian Geospatial Reference System.

Notes for definition GDA 2020

1 *GDA 2020 is a dynamic referencing system and timestamps are required to determine the accuracy of any coordinates.*

20 *2 For exploration licences and extractive mineral exploration licences the relevant GDA is GDA 94.*

general lease, see section 204A.

GL means a general lease.

mineral lease for fossicking, see section 45K.

mineral lease for small scale mining, see section 45B.

25 ***mineral lease for tourist fossicking***, see section 45F.

MLF means a mineral lease for fossicking.

MLSSM means a mineral lease for small scale mining.

MLTF means a mineral lease for tourist fossicking.

occupier, in relation to land, means:

30 (a) a person lawfully occupying the land (including so as to exercise rights to control or manage the land); or

-
- (b) a person entitled to occupy the land whether or not the person is actually occupying the land.

Example for definition occupier

The station manager in relation to land with a pastoral lease.

5 **operational year**, see section 12A.

rehabilitation rent means the rent that is payable under the regulations in relation to the rehabilitation of land once activities for the extraction of extractive minerals from the land have ceased.

10 **reporting period** means the period of time for which a report is required under this Act after taking into account any matter prescribed by regulation (including so as to provide for a reporting period determined by the Minister, or agreed by the Minister and the holder of a mineral title, under the regulations).

- (3) Section 8, at the end

15 *insert*

Note for section 8

The Interpretation Act 1978 contains definitions and other provisions that may be relevant to this Act.

7 Sections 9 and 10 replaced

20 Sections 9 and 10

repeal, insert

9 Mineral

- (1) **Mineral** means a naturally occurring substance that is:

(a) obtainable by mining; or

25 (b) prescribed by regulation.

- (2) Despite subsection (1), the following are not a mineral:

(a) petroleum as defined in section 5(1) of the *Petroleum Act 1984*;

(b) water;

30 (c) an extractive mineral;

(d) a substance prescribed by regulation.

10 Extractive mineral

(1) **Extractive mineral** means clay, sand, gravel, rocks or soil, or other mineral prescribed by regulation, extracted, obtained or removed for a purpose other than:

- 5 (a) extracting, producing or refining minerals from the clay, sand, gravel, rocks, soil or other mineral prescribed by regulation; or
- (b) processing the clay, sand, gravel, rocks, soil or other mineral prescribed by regulation by non-mechanical means.

(2) Despite subsection (1), the following are not extractive minerals:

- 10 (a) fire clay;
- (b) bentonite;
- (c) kaolin.

8 Section 11 amended (Mineral title)

(1) Section 11(1)(g)

15 *omit*

MA).

insert

MA);

(2) After section 11(1)(g)

20 *insert*

(h) a mineral lease for small scale mining (an **MLSSM**);

(i) a mineral lease for tourist fossicking (an **MLTF**);

(j) a mineral lease for fossicking (an **MLF**);

(k) a general lease (a **GL**).

25 (3) After section 11(3)(c)

insert

(ca) for an MLSSM – section 45B(1);

(cb) for an MLTF – section 45F(1)(a);

(cc) for an MLF – section 45K(1)(a);

(4) Section 11(3)(g)

omit

118(2)(b).

5

insert

118(2)(b);

(5) After section 11(3)(g)

insert

(h) for a GL – section 204A(3)(a).

10

9 Section 12A inserted

After section 12

insert

12A Operational year

(1) Subject to this section, an ***operational year*** for a mineral title is:

15

(a) the period of 12 months immediately after the title comes into force; and

(b) each subsequent period of 12 months.

(2) For annual and expenditure reports relating to ELs, ELRs and MLs for which group reporting is authorised by regulation, the reports must be given for the applicable reporting period.

20

(3) For annual and expenditure reports relating to a mineral lease (ML), granted before 1 December 1999, the operational year is the calendar year.

(4) For annual and expenditure reports relating to a mineral exploration licence (EL) that was previously subject to the Tanami Exploration Agreement under the *Tanami Exploration Agreement Ratification Act 2004*, the operational year is:

25

(a) the period of 12 months commencing immediately following the day the licence was no longer subject to that agreement; and

30

(b) each subsequent period of 12 months.

10 Section 17 amended (Authorised preliminary exploration)

Section 17(3)(b)

omit, insert

(b) an airborne geoscientific survey in accordance with:

- 5
- (i) any requirements prescribed by the regulations; or
 - (ii) any conditions imposed by the Minister under the regulations;

11 Section 21 amended (When consent required)

After section 21(2)

10 *insert*

(2A) For subsection (2), a permit issued under Part II of the *Aboriginal Land Act 1978* constitutes written consent for preliminary exploration on Aboriginal land.

12 Section 27 amended (Application for and grant of EL)

15 Section 27(2)

omit, insert

(1A) The application may be made in relation to:

- 20
- (a) any number of blocks not exceeding 250 blocks; and
 - (b) a maximum of 3 separate non-contiguous areas that are no more than 3 blocks apart from each other.

(2) The application must include the following:

- 25
- (a) a description of the blocks comprising the proposed title area of the EL;
 - (b) a detailed technical work program for the first 2 operational years of the EL;
 - (c) a summary of the proposed technical work program for the following 4 operational years of the EL.

13 Section 28 amended (Title area of EL on grant)

(1) Section 28(1)

omit

4 adjoining blocks

5 *insert*

1 block

(2) Section 28(2)

omit

, each area comprising a minimum of 4 adjoining blocks

10 (3) Section 28(3)

omit

14 Sections 29 and 30 replaced

Sections 29 and 30

repeal, insert

15 **29 Renewal of EL**

(1) Before the end of the term of an EL, the title holder may apply in the approved form to the Minister for the renewal of the EL.

(2) An EL may be renewed more than once.

(3) The Minister may renew an EL for the following terms:

20 (a) for an EL that was not previously renewed – a term not exceeding 6 years;

(b) for an EL that was previously renewed – a term not exceeding 2 years.

(4) The renewal of an EL operates subject to section 30.

25 **30 Reduction of title area on renewal of EL**

(1) The renewal of an EL may only be granted for a maximum of 50% of the number of blocks in the title area of the EL before the renewal.

- (2) For subsection (1), the title holder must, in an application to renew an EL, specify the blocks to be renewed in the title area of the EL.
- (3) Despite subsections (1) and (2), the Minister may, on application by the title holder or on the Minister's own initiative, decide:
- 5 (a) no reduction of the title area is required on a renewal of an EL; or
- (b) a lesser reduction than 50% is permitted, as specified in the decision; or
- 10 (c) to defer the reduction of the title area by a period specified in the decision.
- (4) Before making a decision under subsection (3), the Minister must take into account:
- (a) the extent to which a reduction of the title area may affect the authorised activities conducted under the EL; and
- 15 (b) any other matter prescribed by regulation.
- (5) The Minister must not act under subsection (3) in relation to an EL with an aggregate term that has reached 12 or more years (as determined at the time of the renewal) unless satisfied by the title holder that exceptional circumstances exist.
- 20 (6) For this section, if the title area on a renewal comprises an odd number of blocks, the number of blocks able to be renewed may be determined by rounding up to the next even number.

15 Section 31 amended (Authorised activities under EL)

Section 31(2)

25

omit, insert

- (2) Despite subsection (1)(c), the Minister may, in connection with the assessment of the economic potential of an area, authorise the title holder to conduct bulk sampling, with the use of a mobile crusher and explosives for that purpose, if the Minister is satisfied that:
- 30 (a) the title holder has an environmental (mining) licence for that purpose under the *Environment Protection Act 2019*; and
- (b) it is appropriate in the circumstances.

(3) In this section:

bulk sampling means the excavation of a sample of minerals weighing an amount that falls within a range specified by the Minister as part of an authorisation under subsection (2).

5 **16 Section 32 amended (Conditions of EL)**

(1) Section 32(2)(a)(ii), after "EL"

insert

or otherwise as prescribed by regulation

(2) Section 32(2)(d)

10 *omit*

before

insert

within 60 days after

17 Section 32A inserted

15 After section 32, in Part 3, Division 1

insert

32A Slivers of exploration licence areas

(1) Subsections (2) and (3) apply to 2 exploration licence areas if:

20 (a) one area is in respect of an exploration licence granted on or after 1 January 2000 and the other area is in respect of an exploration licence granted before that date; and

(b) the areas would, by reference to geographical coordinates using GDA-94, have a common boundary; and

(c) an area of land lies between the exploration licence areas.

25 (2) The holder of the exploration licence granted before 1 January 2000 has, during the term of the licence, a right of access to the area of land that lies between the exploration licence areas.

- (3) On the expiry of the licence referred to in subsection (2), the holder of the of the exploration licence granted on or after 1 January 2000 has, during the term of the licence, a right of access to the area of land that lies between the exploration licence areas.

5 **18 Section 40 amended (Mineral lease)**

- (1) Section 40(1)(b)(ii)

omit

plant); or

insert

10 plant).

- (2) Section 40(1)(b)(iii)

omit

19 Section 44 amended (Authorised activities under ML)

Section 44(1)(f)

15 *omit, insert*

(f) other related or ancillary activities as specified in the ML.

Example for subsection (1)(f)

Constructing a pipeline for water or constructing and operating a camp and site office.

20 **20 Section 45A and Part 3, Divisions 4, 5 and 6 inserted**

After section 45, in Part 3, Division 3

insert

45A Activities relating to care and maintenance period

25 (1) The title holder of an ML must manage and maintain the title area and its structures, facilities and equipment in a way that manages any environmental impacts in the title area during any care and maintenance period for the title area.

- (2) The title holder of an ML may also perform the following activities during any care and maintenance period for the title area:

30 (a) remediation activities in the title area;

- (b) rehabilitation activities in the title area.

Division 4 Mineral lease for small scale mining operations

45B Mineral lease for small scale mining

- 5 (1) A ***mineral lease for small scale mining*** is a mineral title that gives the title holder the right to:
- (a) carry out exploration for minerals or extractive minerals in the title area and any operations and works that are reasonably necessary for that purpose, including the removal from the title area, and the treatment of, tailings or other minerals; and
- 10 (b) carry out mining for minerals in the title area and any operations and works that are reasonably necessary for or associated with that purpose; and
- (c) in carrying out mining for minerals under paragraph (b), carry out mining for extractive minerals when that mining is directly associated with or reasonably incidental to the mining of minerals and any operations and works that are reasonably necessary for or associated with that purpose; and
- 15 (d) carry out any other related activities as specified in the MLSSM; and
- 20 (e) engage in tourist fossicking.
- (2) A mineral lease for small scale mining operations is subject to the following conditions:
- (a) use the title area only for the purposes for which it is granted;
- 25 (b) within 28 days after confirmation of their discovery, report in writing to the Minister all minerals of possible economic or scientific interest discovered in the title area;
- (c) ensure that no activities interfere with:
- 30 (i) existing roads, railways, telephone or telegraph lines, power lines or cables, water pipelines or dams or reservoirs, gas, oil, slurry, or tailings pipelines or storage containers, situated in title area; or
- (ii) the lawful activities or rights of any person on or in relation to land adjacent to the title area.

45C Application for and grant of MLSSM

- 5
- (1) A person may apply in the approved form to the Minister for:
- (a) the grant of an MLSSM; or
 - (b) the conversion of a non-compliant existing interest or an ML to an MLSSM.
- (2) The title area of an MLSSM must not exceed 40 hectares.
- (3) A person may only hold one MLSSM at any time.
- (4) The application must include the following information:
- 10
- (a) a description of the land comprising the proposed title area of the MLSSM;
 - (b) a technical work program for the first operational year of the MLSSM.
- (5) If the proposed title area of the MLSSM is located in whole or in part within the title area of an EL, the applicant must obtain the written consent of the title holder of the EL to the application.
- 15
- (6) The written consent of the title holder of an EL to an application under this section cannot be unreasonably withheld.
- (7) The Minister may:
- (a) grant an MLSSM; or
 - (b) convert a non-compliant existing interest or an ML to an MLSSM.
- 20
- (8) The term of an MLSSM must not exceed 10 years.

Notes for section 45C

25

1 Part 5, Division 1 and section 164 include other provisions relevant to the application.

2 Part 5, Division 2 includes procedures relevant to making a decision about the application.

45D Renewal of MLSSM

- 30
- (1) Before the end of the term of an MLSSM, the title holder may apply in the approved form to the Minister for the renewal of the MLSSM for all or part of the title area.
- (2) The Minister may renew an MLSSM for a term not exceeding 10 years.

- (3) An MLSSM may be renewed more than once.

45E Activities relating to care and maintenance period

5 (1) The title holder of an MLSSM must manage and maintain the title area and its structures, facilities and equipment in a way that manages any environmental impacts in the title area during any care and maintenance period for the title area.

(2) The title holder of an MLSSM may also perform the following activities during any care and maintenance period for the title area:

(a) remediation activities in the title area;

10 (b) rehabilitation activities in the title area.

Division 5 Mineral lease for tourist fossicking

45F Mineral lease for tourist fossicking

(1) A ***mineral lease for tourist fossicking*** is a mineral title that gives the title holder the right to:

15 (a) conduct commercial tours to undertake tourist fossicking in the title area; and

(b) use only hand-held tools to facilitate fossicking; and

(c) remove fossicked material from the title area; and

(d) construct temporary infrastructure to facilitate fossicking tours.

20 (2) A mineral lease for tourist fossicking is subject to the following conditions:

(a) all activities are restricted to the natural surface of the land;

(b) the topsoil must not be disturbed to more than a maximum depth of 1 metre;

25 (c) no processing may be conducted in the title area;

(d) no blasting may be conducted in the title area;

(e) no residence or permanent infrastructure may be constructed in the title area.

30 (3) Despite any provision to the contrary, an MLTF is not subject to Part 8.

45G Application for and grant of MLTF

- (1) A person may apply in the approved form to the Minister for:
- (a) the grant of an MLTF; or
 - (b) the conversion of a non-compliant existing interest or an ML to an MLTF.
- (2) The title area of an MLTF must not exceed 40 hectares.
- (3) The application must include the following information:
- (a) a description of the land comprising the proposed title area of the MLTF;
 - (b) details of the applicant's business structure, public liability insurance and insurance under the *Return to Work Act 1986*;
 - (c) a summary of the proposed activities to be conducted under the MLTF.
- (4) If the proposed title area of the MLTF is located in whole or in part within the title area of an EL, the applicant must obtain the written consent of the title holder of the EL to the application.
- (5) The written consent of the title holder of an EL to an application under this section cannot be unreasonably withheld.
- (6) The Minister may grant an MLTF if satisfied that:
- (a) the applicant has an Australian Business Number or an Australian Company Number and the business to which this identification or registration relates has conducting fossicking tours as its primary purpose; and
 - (b) the applicant has a minimum of \$5 million in public liability insurance; and
 - (c) the applicant is insured under the *Return to Work Act 1986*; and
 - (d) if the proposed title area of the MLTF is located in whole or in part within the title area of an EL – the title holder of the EL gave written consent to the application.
- (7) The Minister may limit the number of MLTFs granted:
- (a) in relation to a particular area; or

(b) to a particular person and any other person associated with the person.

(8) The term of an MLTF must not exceed 5 years.

45H Renewal of MLTF

5 (1) Before the end of the term of an MLTF, the title holder may apply in the approved form to the Minister for the renewal of the MLTF for all or part of the title area.

(2) The Minister may renew an MLTF for a term not exceeding 5 years.

(3) An MLTF may be renewed more than once.

10 **45J Gold or other mineral of economic interest**

(1) A person who fossicks any of the following minerals under an MLTF must give written notice of the mineral, in the approved form, to the Minister:

(a) 100 gm or more of gold fossicked during 1 day;

15 (b) any other mineral of equal or greater economic value.

(2) The notice must be given within 28 days after the requirement to give the notice arises.

(3) A person commits an offence of strict liability if:

20 (a) the person is required to give a notice under subsection (1);
and

(b) the person fails to give the notice within the period mentioned in subsection (2).

Maximum penalty: 80 penalty units.

25 (4) The person who gives notice under subsection (1) has the exclusive right to apply for an MLSSM for the mineral.

Division 6 Mineral lease for fossicking

45K Mineral lease for fossicking

(1) A **mineral lease for fossicking** is a mineral title that gives the title holder the right to:

30 (a) conduct commercial fossicking in the title area; and

(b) use only hand-held tools to facilitate fossicking; and

- (c) remove fossicked material from the title area.
- (2) A mineral lease for fossicking is subject to the following conditions:
- (a) all activities are restricted to the natural surface of the land;
- 5 (b) the topsoil must not be disturbed to more than a maximum depth of 1 metre;
- (c) no processing may be conducted in the title area;
- (d) no blasting may be conducted in the title area;
- (e) no infrastructure may be constructed in the title area.
- (3) Despite any provision to the contrary, an MLF is not subject to Part 8.
- 10

45L Application for and grant of MLF

- (1) A person may apply in the approved form to the Minister for:
- (a) the grant of an MLF; or
- 15 (b) the conversion of a non-compliant existing interest or an ML to an MLF.
- (2) The title area of an MLF must not exceed 20 hectares.
- (3) The application must include the following information:
- (a) a description of the land comprising the proposed title area of the MLF;
- 20 (b) details of the applicant's business structure, public liability insurance and insurance under the *Return to Work Act 1986*;
- (c) a summary of the proposed activities to be conducted under the MLF.
- (4) If the proposed title area of the MLF is located in whole or in part within the title area of an EL, the applicant must obtain the written consent of the title holder of the EL to the application.
- 25
- (5) The written consent of the title holder of an EL to an application under this section cannot be unreasonably withheld.
- (6) The Minister may grant an MLF for the term the Minister considers appropriate.
- 30

- (7) The Minister may limit the number of MLFs granted:
- (a) in relation to a particular area; or
 - (b) to a particular person and any other person associated with the person.

5 (8) The term of an MLF must not exceed 5 years.

45M Renewal of MLF

(1) Before the end of the term of an MLF, the title holder may apply in the approved form to the Minister for the renewal of the MLF for all or part of the title area.

10 (2) The Minister may renew an MLF for a term not exceeding 5 years.

(3) An MLF may be renewed more than once.

45N Gold or other mineral of economic interest

15 (1) A person who fossicks any of the following minerals under an MLF must give written notice of the mineral, in the approved form, to the Minister:

(a) 100 gm or more of gold fossicked during 1 day;

(b) any other mineral of equal or greater economic value.

(2) The notice must be given within 28 days after the requirement to give the notice arises.

20 (3) A person commits an offence of strict liability if:

(a) the person is required to give a notice under subsection (1); and

(b) the person fails to give the notice within the period mentioned in subsection (2).

25 Maximum penalty: 80 penalty units.

(4) The person who gives notice under subsection (1) has the exclusive right to apply for an MLSSM for the mineral.

21 Section 47 amended (Application for and grant of EMEL)

(1) After section 47(1)

insert

5 (1A) No application may be made in respect of land that was previously subject to an EMEL until at least 30 days after the day a notice stating that the EL has ceased to be in force is published in accordance with the regulations.

(2) Section 47(2)(a)

omit

10 4

insert

2

(3) Section 47(3)

omit

15 2

insert

3

22 Section 52 amended (Renewal of EMP)

After section 52(3)

20 *insert*

(4) When renewing an EMP, the Minister may amend the EMP to revoke the authority of the title holder to remove extractive minerals if rehabilitation rent is approved for the EMP.

23 Section 53 amended (Authorised activities under EMP)

25 (1) Section 53, before "An"

insert

(1)

(2) After section 53(b)

insert

(ba) the movement of extractive material from the title area to the title area of another EMP for its processing, storage and ultimate removal;

(3) Section 53, at the end

insert

(2) It is a condition of an EMP that processing extractive minerals by non-mechanical means is prohibited.

24 Section 54 amended (Extractive mineral lease)

After section 54(1)

insert

(1A) If authorised by the Minister in the EML, the title holder has the right to conduct activities in the title area that are ancillary to mining conducted under an EMP or another EML granted to the title holder.

25 Section 57 replaced

Section 57

repeal, insert

57 Authorised activities under EML

(1) An EML gives the title holder the right to conduct the following activities:

(a) the stockpiling, storage and processing of extractive minerals mined in the title area;

(b) to the extent specifically authorised by the Minister, the storage and processing of extractive materials mined in the title area of an EMP or another EML granted to the title holder;

(c) the removal of extractive minerals from the title area, including the transport of extractive minerals to the title area of another EML;

(d) the processing and storage of clean concrete if authorised by the Minister under subsection (2);

-
- (e) the storage of waste and other material in the title area;
 - (f) tourist fossicking;
 - (g) other related or ancillary activities as specified in the EML.

Example for subsection (1)(g)

5 *Constructing a pipeline for water or constructing and operating a camp and site office.*

- (2) The Minister may authorise the title holder of an EML to store and process clean concrete in the title area if satisfied that it is not the primary activity conducted under the EML.

10 (3) In this section:

clean concrete means any of the following:

- (a) concrete rubble from a demolished structure, including reinforced concrete rubble containing steel;
- (b) concrete slurry left over from a construction site;
- 15 (c) concrete blocks.

57A Activities relating to care and maintenance period

- (1) The title holder of an EML must manage and maintain the title area and its structures, facilities and equipment in a way that manages any environmental impacts in the title area during any care and maintenance period for the title area.

20

- (2) The title holder of an EML may also perform the following activities during any care and maintenance period for the title area:

- (a) remediation activities in the title area;
- (b) rehabilitation activities in the title area.

25

26 Section 65 amended (Applications relating to same land or existing title area or existing proposed title area)

Section 65(2)

omit

that EL ceases to be in force for the land.

insert

the day a notice stating that the EL has ceased to be in force for the land is published in accordance with the regulations.

27 Section 67 replaced

5

Section 67

repeal, insert

67 Renewal applications

(1) Unless otherwise provided in this Act, an application for the renewal of a mineral title must be made:

10

(a) at least 1 month before the expiration of the mineral title; or

(b) at a later time, before the expiration, that the Minister allows.

(2) The application must be accompanied by the rent prescribed by regulation for that mineral title for the first operating year after the renewal.

15

28 Section 71 amended (Public notice of application for grant of mineral title)

Section 71(2)

omit

newspaper circulating throughout the Territory

20

insert

manner determined by the Minister

29 Section 76 amended (Survey of particular title areas)

(1) After section 76(3)

insert

25

(3A) The Minister may require the applicant to complete the survey within a period of time determined by the Minister.

(2) After section 76(4)

insert

(4A) The applicant for an MLSSM must survey the title area as prescribed by regulation.

5 **30 Section 77 amended (Discretions relating to title area)**

Section 77(4) and (5)

omit

separate title

insert

10 separate

31 Section 83 amended (Right to construct road for access to title area)

After section 83(1)

insert

15 (1A) For subsection (1), the shortest practicable route must be determined after considering the following factors:

(a) the environmental impact of the proposed route;

(b) the views of the landowner of the land to be used for the route;

20 (c) standards to be applied in constructing any road for the proposed route.

Note for subsection (1A)

Sections 87 and 88 are also relevant to the selection and construction of the route.

25 (1B) Despite section 84, the holder of a mineral title does not require an access authority under that section to make a minimal track for access to the title area.

Example for subsection (1B)

A "blade up" track would not require an access authority under section 84.

32 Section 84 amended (Right to enter and use land outside title area)

(1) Section 84(1) and (2)

omit

5 holder of a mineral title

insert

holder of an ML, EMP, EML, MLSSM, MLTF or MLF

(2) Section 84(3)(a)(ii)

omit, insert

10 (ii) the holder of any EL, ELR or EMEL in force on the relevant land; and

(3) Section 84(3)(c), after "regulation,"

insert

15 and the holders of any ML, EMP, EML, MLSSM, MLTF or MLF on the relevant land

(4) After section 84(4)

insert

(5) An access authority expires when the mineral title for which it was granted ceases to be in force.

20 **33 Section 93 amended (Drill cores, cuttings and other geological samples)**

(1) Section 93(1) and (3)

omit

or EMEL

25 *insert*

, EMEL or ML

-
- (2) Section 93(3), before "give"

insert

in the written notice referred to in subsection (1) offer to

- (3) After section 93(3)

5 *insert*

- (3A) The title holder must give the Minister the geological samples offered under subsection (3) if the Minister accepts the offer.

34 Section 94 amended (Reports)

- (1) Section 94(2)(d)

10 *omit*

reserves of minerals

insert

mineral resources

- (2) Section 94(2)(e)

15 *omit, insert*

- (e) a report about the work carried out under the title up to the time when the title ceases to be in force for all or part of the title area;

35 Section 98 amended (Notice of changes)

20 Section 98(3)

omit, insert

- (3) The following persons must, as soon as practicable after their appointment or assumption of duties in relation to the holder of a mineral title, give a notice to the Minister of their appointment or duties:

25

- (a) an administrator, liquidator or controller under the *Corporations Act 2001* (Cth);

- (b) the trustee of an estate in bankruptcy;

30

- (c) the executor of the estate of a deceased holder of a mineral title.

-
- (4) A person who is required to give notice to the Minister under this section must, at the same time, give a copy of that notice to the Minister responsible for the administration of the *Environment Protection Act 2019*.

5 **36 Section 98A inserted**

After section 98

insert

98A Automatic refusals of certain outstanding applications

10 Despite any provision to the contrary, any outstanding application for the grant of a mineral title is automatically refused if made solely by:

- (a) a corporation that is deregistered under the *Corporations Act 2001* (Cth) after the application has been made; or
- (b) a person who declares bankruptcy.

15 **37 Section 100 amended (Variation of conditions of mineral title)**

After section 100(3)

insert

- (4) If the variation or suspension is for a condition relating to expenditure under the mineral title:
- 20 (a) the variation or suspension may only be made in relation to an expenditure in the current reporting period; and
- (b) if made on application of the title holder – the application must be made before the end of the 6th month of the current reporting period.

25 **38 Section 101 amended (Division of title area into separate parts)**

Section 101(3)(a), after "necessary"

insert

, including its block numbers, coordinates, size and title number

39 Section 102 amended (Amalgamation of title areas)

After section 102(4)

insert

- 5 (5) If the original title areas of 2 or more ELs are amalgamated and the combined age of the original titles is greater than 6 years, the amalgamation is taken to be a renewal for the purposes of determining rent.
- 10 (6) No later than 60 days after an amalgamation, the title holder must give the Minister an annual report and an expenditure report for the original titles covering the period from the last reports for those titles to the day of amalgamation, unless the title holder is reporting those titles as a group.
- 15 (7) The Minister may waive the fee payable for late lodgement of a report referred to in subsection (6) if satisfied that the title holder had a reasonable excuse.

Note for subsection (7)

The regulations may provide for payment of late fees under section 95(2)(f).

40 Section 103 amended (Application for acceptance of surrender)

20 (1) Section 103(2)

omit

, each comprising at least 4 adjoining blocks

(2) After section 103(2)

insert

- 25 (2A) The application must include a copy of the rehabilitation and closure plan for the title area required under the *Environment Protection Act 2019*.

41 Section 105 amended (Cancellation or partial cancellation of mineral title)

30 After section 105(4)

insert

- (5) The regulations may prescribe a method for determining the relevant part to be cancelled.

42 Section 113 amended (General reserved land – limited or no activities)

(1) After section 113(4)

insert

5 (4A) For subsection (4), the variation or revocation of general reserved land may include the following:

(a) a reduction in size of the land;

(b) the application of different conditions to different parts of the land;

10 (c) the revocation of the reservation of part of the land.

(2) After section 113(5)

insert

15 (6) If the title area of an MA is located in general reserved land that is revoked, the Minister may convert the MA to an EL or EMP if satisfied that the MA substantially corresponds to that mineral title.

43 Section 123 amended (Registration of transfer of mineral rights interest)

(1) After section 123(1)

insert

20 (1A) To avoid doubt, sections 70 and 70A apply to an application under this section and a transfer may only be made to a person who is a fit and proper person to hold a mineral title.

(2) Section 123(4), after "condition"

insert

25 imposed by the Minister

44 Section 124A inserted

After section 124

insert

124A Search for beneficiary of deceased title holder

- 5 (1) If the holder of a mineral title dies and no beneficiary of the deceased title holder is known, the Minister may publish a notice, in a manner determined by the Minister, in the jurisdiction where the deceased title holder last resided for the purpose of finding the deceased's beneficiary, executor or relative.
- 10 (2) Any notice published under subsection (1) must be repeated at least 3 times with an interval of at least 7 days between each notice, unless a beneficiary, executor or relative is found earlier.
- 15 (3) If no beneficiary, executor or relative is found within 3 months after the last notice is published, the Minister may cancel the mineral title.

45 Section 132 amended (When caveat ceases to be in force)

Section 132(3)

omit, insert

- 20 (3) If a caveat ceases to be in force, the caveator must not lodge another caveat claiming the same interest as specified in the caveat that ceased to be in force.

46 Section 135 amended (Authorised fossicking)

(1) Section 135(1)

omit, insert

- 25 (1) A person may enter land to fossick only if:
- (a) the person holds a fossicking permit and conducts the fossicking in accordance with this Part; or
 - (b) the fossicking is conducted under an ML or an MLTF; or
 - (c) the fossicking is authorised as prescribed by regulation.

(2) Section 135(2)

omit

except as a commercial fossicking activity

(3) Section 135(2)(a)

5

omit

any hand-held instrument (for example, a hand-held metal-detecting device)

insert

using any hand-held instrument prescribed by regulation

10

(4) After section 135(4)

insert

(4A) For this Act, merely picking up a mineral from the ground while engaged in another activity is not fossicking.

Example for subsection (4A)

15

Picking up an interesting rock while hiking.

47 Section 135A inserted

After section 135

insert

135A Fossicking permits

20

(1) An individual 18 years of age or older may apply for a personal fossicking permit for:

(a) the individual; or

(b) the individual and the individual's spouse and children under 18 years of age.

25

(2) An association incorporated under the *Associations Act 2003* may apply for a club fossicking permit if the association is established for the educational, scientific or recreational study of minerals.

Examples for subsection (2)

A gem or lapidary club or a geological or gemmological association.

- (3) A corporation may apply for a commercial fossicking permit if the corporation is in the business of conducting tours related to fossicking.

135B Applications for fossicking permits

- 5 (1) An application for a personal fossicking permit must be in the approved form and accompanied by the following:

(a) the name of the applicant and any family members to be included on the permit;

10 (b) the applicant's driver's licence or other government issued photographic identification;

(c) the prescribed fee.

- (2) An application for a club fossicking permit must be in the approved form and accompanied by the following:

(a) the name of the applicant;

15 (b) evidence that the applicant is incorporated under the *Associations Act 2003*;

(c) the prescribed fee.

- (3) An application for a commercial fossicking permit must be in the approved form and accompanied by the following:

20 (a) the name of the applicant;

(b) a description of the land to be fossicked;

(c) details of the applicant's business structure, public liability insurance and insurance under the *Return to Work Act 1986*;

25 (d) a summary of the proposed activities to be conducted under the permit;

(e) the prescribed fee.

135C Granting fossicking permits

- (1) The Minister may grant a personal fossicking permit if satisfied that the applicant is an individual 18 years of age or older.

30 (2) The Minister may grant a club fossicking permit if satisfied that the applicant is incorporated under the *Associations Act 2003*.

(3) The Minister may grant a commercial fossicking permit if satisfied that:

5 (a) the applicant has an Australian Business Number or an Australian Company Number and the business to which this identification or registration relates has conducting fossicking tours as its primary purpose; and

(b) the applicant has a minimum of \$5 million in public liability insurance; and

(c) the applicant is insured under the *Return to Work Act 1986*.

10 (4) In considering whether to grant a fossicking permit, the Minister may consider the suitability of the applicant and whether the applicant has been the subject of a complaint or legal proceedings for conduct contrary to this Act.

15 (5) The Minister may refuse to grant a fossicking permit if satisfied there are reasonable grounds to do so.

(6) The Minister must give an applicant a notice providing the reasons for any refusal to grant a fossicking permit.

20 (7) If an application is refused by the Minister, the applicant must not make another application for a fossicking permit until at least 12 months after the day of the refusal.

(8) The term of a fossicking permit must not exceed 12 months.

135D Offence of unauthorised fossicking

A person commits an offence of strict liability if:

25 (a) the person conducts fossicking in the Territory; and

(b) the person does not hold a fossicking permit or a mineral title authorising that conduct.

Maximum penalty: 80 penalty units.

48 Section 136 amended (Fossicking area declaration)

(1) Section 136(2)

30 *omit*

vacant

(2) After section 136(2)

insert

(2A) If the specified area of land is pastoral land, the Minister must:

5

(a) give the holder of the relevant pastoral lease written notice of the proposed fossicking area declaration; and

(b) consider any comments or submissions made to the Minister by the holder within 30 days after the day the notice was received by the holder.

10

(2B) A fossicking area declaration may not be made for an area of land on which a mineral title is in force.

49 Section 138 amended (Written consent required)

After section 138(2)(a)

insert

15

(ab) in relation to Aboriginal land – a permit under Part II of the *Aboriginal Land Act 1978*;

50 Section 140 amended (Requirements for title area of EL)

(1) Section 140(1) and (2), after "EL" (*all references*)

insert

or ELR

20

(2) Section 140(3)

omit, insert

(3) A regulation may prescribe:

(a) circumstances where the holder of an EL may decline access to land after notice is given under the regulations; and

25

(b) notice requirements if gold is found by fossicking on an EL.

51 Section 148 amended (Conducting activities without mineral title)

After section 148(2)

insert

- 5 (3) Subsection (1) does not apply to conduct referred to in section 12(3)(a) or (b) or 50(3).

52 Section 168 amended (Constructive consent of landowner)

Section 168(1)

omit

10 This section applies if a provision of this Act

insert

Subsection (2) applies to any provision of this Act, other than sections 21(1)(c) and 138(1)(b), that

53 Section 171 amended (Release or publication of information)

15 Section 171(1)

omit, insert

- (1) The Minister may release or publish information contained in a report given under section 94 if the release or publication:
- (a) is for the purpose of calculating, collecting or recovering:
- 20 (i) a fee or charge payable to the Territory under this Act; or
- (ii) a levy payable to the Territory under this Act; or
- (iii) a royalty payable under the *Mineral Royalty Act 1982* or the *Mineral Royalties Act 2024*; or
- (b) relates to the exercise of a power or the performance of a function by another Minister under this Act; or
- 25 (c) relates to the exercise of a power or the performance of a function under:
- (i) the *Environment Protection Act 2019*; or
- (ii) the *Legacy Mines Remediation Act 2023*; or

-
- (iii) the *Mineral Royalty Act 1982*; or
 - (iv) the *Mineral Royalties Act 2024*; or
 - (d) is authorised by regulation.

54 Section 177 amended (Functions of authorised officer)

5 After section 177(e)(ii)

insert

- (iii) fossicking;

55 Section 181A inserted

After section 181, in Part 10, Division 2

10 *insert*

181A Power to conduct scientific geological investigations

- 15 (1) For the purpose of conducting or undertaking any scientific geological studies, including airborne and ground-based geophysical or geochemical sampling, mapping, investigations or surveys, the Minister or any person authorised in writing by the Minister, may:
- 20 (a) enter and remain on any land with such assistants, vehicles and equipment as may be necessary or expedient for the purposes of a study; and
 - (b) conduct any study, sampling, mapping, investigations or surveys; and
 - (c) take, and remove from the land, geological specimens or samples.
- 25 (2) Before a power is exercised under subsection (1) on land, the Minister or a person authorised in writing by the Minister must give written notice of the study to any landowner or occupier of the land in a manner determined by the Minister.
- (3) A person exercising a power under subsection (1) must not:
- 30 (a) recover from any land more geological specimens or samples than are reasonably necessary for the purpose of conducting or undertaking the relevant study or other activity; or
 - (b) unnecessarily impede or obstruct the lawful use or enjoyment of any land by an owner of the land.

-
- (4) A person commits an offence of strict liability if the person interferes with or obstructs a person in the exercise of a power under this section.

Maximum penalty: 40 penalty units.

5 **56 Section 204 amended (Non-compliant existing interests)**

Section 204(3)

omit, insert

- (3) The Minister must take one of the following actions in relation to a non-compliant existing interest:

- 10 (a) convert it to the mineral title the Minister considers appropriate;
- (b) facilitate its conversion to another interest in relation to the land to which it relates;
- (c) accept its surrender;
- 15 (d) cancel it;
- (e) take any other action the Minister considers appropriate to reconcile the interest with this Act.

Example for subsection (3)(b)

A conversion of the interest to a licence under the Crown Lands Act 1992.

- 20 (3A) Before cancelling a non-compliant existing interest referred to in subsection (1)(b) held by an individual who is deceased, the Minister:

- (a) must conduct a search for the deceased's beneficiary, executor or relative in accordance with section 124A; and
- 25 (b) if no beneficiary, executor or relative is found within 3 months after the last notice is published – may cancel the interest.

57 Section 204A inserted

After section 204

insert

30 **204A General lease**

- (1) The Minister may convert a non-compliant existing interest into a **general lease** (a **GL**) if no other mineral title is appropriate.

-
- (2) To avoid doubt, no GL may be issued except under subsection (1).
- (3) A GL entitles the holder to:
- (a) conduct the activities specified by the Minister in the GL; and
 - (b) maintain any improvements on the land included in the non-compliant existing interest.
- (4) The holder of a GL must pay the prescribed administrative fees and prescribed rent.
- (5) A GL expires 10 years from day the GL was created.
- (6) A GL may be transferred to a person who is a fit and proper person to hold a GL.
- (7) The holder of a GL may apply in the approved form to the Minister for:
- (a) the renewal of the GL; or
 - (b) the issue of another mineral title in exchange for the GL.
- (8) The Minister may renew a GL for a term determined by the Minister.

58 Part 12, Division 3 inserted

After section 215

insert

Division 3 Transitional matters for Mineral Titles Legislation Amendment Act 2026

216 Definitions

In this Division:

amending Act means the *Mineral Titles Legislation Amendment Act 2026*.

commencement means the commencement of section 3 of the amending Act.

217 Applications

The provisions of this Act amended by the amending Act relating to the process for making an application and the deadline for making it do not apply to applications made before the commencement.

218 Fossicking area declaration

To avoid doubt, section 136(3A) applies only to a fossicking area declaration made after the commencement.

Part 3 Amendment of Mineral Titles Regulations 2011**5 59 Regulations amended**

This Part amends the *Mineral Titles Regulations 2011*.

60 Regulation 3 amended (Definitions)

- (1) Regulation 3, definitions ***amalgamated report***, ***approved airborne survey*** and ***reserves report***

10 *omit*

- (2) Regulation 3

insert

airborne survey means an airborne geoscientific survey for the preliminary exploration of land.

15 ***group report*** means a report required to be given under regulation 87(6).

related body corporate, see section 9 of the *Corporations Act 2001* (Cth).

20 ***resource report*** means the report mentioned in section 94(2)(d) of the Act.

61 Regulations 6, 7 and 8 replaced

Regulations 6, 7 and 8

repeal, insert

6 Notice of airborne survey

- 25 (1) For section 17(3)(b) of the Act, a person who intends to conduct an airborne survey must give notice to the Minister at least 30 days in advance.

- (2) The notice must:

- (a) be made in the approved form; and

- (b) specify the date on which the person intends to start the airborne survey; and
- (c) include a description or map that clearly indicates the location and boundaries of the land; and
- 5 (d) if it will be necessary to land an aircraft or drone on the land when conducting the survey – specify the reasons for, and any other relevant information about, the landing.
- (3) The Minister may, by written notice, impose conditions on the conduct of an airborne survey that the Minister considers
- 10 appropriate, including any of the following:
- (a) the requirement to give written notice of the survey and information about the survey to title holder, landowner or occupier of the land;
- (b) the requirement to obtain consent to the landing of any aircraft
- 15 or drone on the land from the title holder, landowner or occupier of the land.

7 No airborne geoscientific survey without notice

A person commits an offence of strict liability if the person conducts an airborne survey without giving notice in accordance with

20 regulation 6.

Maximum penalty: 100 penalty units.

8 Compliance with conditions on airborne geoscientific survey

- (1) A person who conducts an airborne survey commits an offence of strict liability if the person fails to comply with any conditions
- 25 imposed under regulation 6(3).

Maximum penalty: 100 penalty units.

- (2) It is a defence to a prosecution for an offence against subregulation (1) if the defendant has a reasonable excuse.

62 Regulation 9 amended (Airborne survey report)

(1) Regulation 9(1)

omit, insert

5 (1) A person who conducts an airborne survey must give the Minister a written report about the survey within 12 months after the person gives notice to the Minister in accordance with regulation 6.

Note for subregulation (1)

See regulation 131 for provisions about the late lodgement fee payable if the report is not given on or before the reporting day.

10 (2) Regulation 9(2)(a)

omit

approved

63 Regulation 42 amended (Plan of survey and other information)

(1) Regulation 42(2)

15 *omit, insert*

(2) The plan of survey must include:

(a) the latitude and longitude in the relevant national datum of each boundary marker and the dimensions of the boundary lines; and

20 (b) a photograph of the datum post, the datum plate and each corner boundary marker; and

(c) in the case of GDA 2020, a timestamp for the datum.

(2) After regulation 42(4)

insert

25 (5) In this regulation:

relevant national datum means:

(a) in relation to a survey for an EL or EMEL – GDA 94; and

(b) in any other case – GDA 2020.

64 Regulation 63 amended (Amalgamation of title areas)

Regulation 63(6)(b)

omit

Cancels the original titles and issues the replacement title.

5 *insert*

amalgamates the titles.

65 Regulation 69 replaced

Regulation 69

repeal, insert

10 **69 Loss of block penalty**

- (1) For section 105(5) of the Act, the number of blocks for which the mineral title may be cancelled under section 105(1)(b) of the Act because of a contravention of an expenditure condition of the mineral title is calculated on the basis of the following formula:

15 N is $[TPE - AE] \times 0.5 \div [TPE \div B]$

where:

AE is the actual expenditure for the title area for an operational year.

B is the number of blocks in the title area.

20 **N** is the number of blocks for which the mineral title may be cancelled, rounded to the nearest whole number.

TPE is the total proposed expenditure for the title area for an operation year.

25 (2) The formula in subregulation (1) must be calculated for every operational year for which the contravention occurred.

- (3) The cancellation of an EL for part of the title area during the term for which the EL is first granted does not affect the requirement to reduce the remaining title area under section 30 of the Act.

66 Regulation 71 amended (Notice before starting authorised activities for exploration)

Regulation 71(2)

omit, insert

- 5 (2) The title holder must give written notice of the intention to conduct the authorised activities to the landowners or occupiers of the land:
- (a) at least 14 days before the beginning of each field season when the activities are to be conducted; or
- 10 (b) at the times and frequency agreed to by the landowners or occupiers of the land.

67 Regulation 77A inserted

After regulation 77

insert

77A Rehabilitation rent

- 15 (1) Before ceasing extraction activities on the title area and beginning rehabilitation of the title area, the holder of an EMP must apply to the Minister for approval to pay the rehabilitation rent applicable to the title area.
- (2) The application must be:
- 20 (a) in the approved form; and
- (b) made at least 30 days before the end of the last operational year.
- (3) The Minister may:
- 25 (a) initially give an approval with respect to a period not exceeding 2 years; and
- (b) on application under this subregulation, extend an approval for a further period or periods, but not so as to result in a total period exceeding 4 years.

68 Regulation 78 amended (Annual report for EL, ELR or ML)

- (1) Regulation 78, heading

omit

or ML

5

insert

, ML or MLSSM

- (2) Regulation 78(1)

omit

or ML

10

insert

, ML or MLSSM

- (3) Regulation 78(1), after "report"

insert

, in the approved form,

15

- (4) After regulation 78(2)

insert

- (2A) The annual report must include the number of any environmental (mining) licences issued in relation to the mineral title under the *Environment Protection Act 2019*.

20

69 Regulation 80 replaced

Regulation 80

repeal, insert

80 Exploration project area for ELs

25

- (1) 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:

- (a) the ELs in the project area are at least 2 years old; and

-
- (b) the title holder is approved to give a group report under regulation 87 for the project area; and
- (c) the title holder has already conducted a substantial amount of technical work in the project area; and
- 5 (d) the title holder intends to conduct a substantial amount of further technical work in the project area.
- (2) If the holder is a body corporate, the application may be made jointly with a related body corporate if the proposed project area includes at least 3 title areas.
- 10 (3) The application must be made, in the approved form, and include the following information:
- (a) details of the technical work conducted in the project area during the previous 2 years;
- 15 (b) details of the proposed technical work to be conducted in the project area during the next 12 months.
- (4) The application must be made within 60 days after the end of an operational year of the mineral titles for the project area.
- (5) The Minister may approve an exploration project area if satisfied that:
- 20 (a) the criteria in subregulation (1)(a) to (d) are met; and
- (b) the applicant has met the expenditure conditions for the ELs for the reporting year prior to the date of the application.
- (6) The Minister may revoke the approval of an exploration project area if the holder of an EL in the exploration project area declares bankruptcy or is placed into administration, liquidation or control under the *Corporations Act 2001* (Cth).
- 25 (7) On application by the holder of an EL in an approved exploration project area, the Minister may add or remove one or more ELs from the project area if at least 3 ELs remain in the project area.

30 **70 Regulation 81 amended (Expenditure report for EL, ELR or ML)**

- (1) Regulation 81, heading

omit

or ML

insert

, ML or MLSSM

(2) Regulation 81(1)

omit, insert

5 (1) The holder of an EL, ELR, ML or MLSSM must give the Minister an expenditure report, in the approved form, within 60 days after the end of an operational year.

(3) Regulation 81(3)

omit, insert

10 (3) The title holder may also include in the expenditure report:

(a) for the first operational year of an EL – details of any amount specified in an airborne survey report of land, now in the title area, and expended by the title holder; and

15 (b) any other expenditure on the title area otherwise required to be included in the report.

(4) The Minister may:

(a) require the title holder to provide further or better information relating to expenditures or proposed expenditures included in the expenditure report; and

20 (b) audit, or require the title holder to have a third party audit, any expenditures.

71 Regulations 83 to 87 replaced

Regulations 83, 84, 85, 86 and 87

repeal, insert

25 83 Production report for ML, MLSSM, MLTF, EML or EMP

(1) Subject to subregulation (2), the holder of an ML, MLSSM, MLTF, EML or EMP must give the Minister a production report, in the approved form, within 14 days after the end of each financial year.

(2) A production report is not required for:

30 (a) an ML or EML that gives the title holder the right to conduct activities in the title area that are ancillary to mining conducted under another ML or EML granted to the title holder; or

- (b) an MLSSM for which the Minister grants an exception; or
- (c) an MLF, MLSSM or MLTF that was converted from a non-compliant existing interest; or
- (d) an ML, EML or EMP that does not have an environmental (mining) licence issued under the *Environment Protection Act 2019*.

84 Resource report for EL, ELR or ML

- (1) The holder of an EL, ELR or ML must give the Minister a resource report, in the approved form, within 60 days after the end of each operational year.
- (2) A resource report may be combined with an annual report for the same mineral title.

85 Final report for EL, ELR, ML or MLSSM

- (1) For section 94(2)(e) of the Act, the holder of an EL, ELR, ML or MLSSM must give the Minister the final report, in the approved form, within 60 days after the mineral title ceases to be in force for all of the title area.

Note for subregulation (1)

See regulation 131 for provisions about the late lodgement fee payable if the report is not given when required.

- (2) A final report must include the following:
- (a) a summary of all of the information given in all of the annual reports for the mineral title;
- (b) information about the authorised activities conducted in the title area since the end of the operational year for which the latest annual report was given, including information that would otherwise be required to be included in an annual report for the mineral title under regulation 78;
- (c) the amount expended on authorised activities conducted in the title area since the last expenditure report for the title was given.

Note for subregulation (2)

See regulation 126 for provisions about copyright authorisation for the report.

- (3) A final report may be lodged as a group report if the title holder is approved to give a group report under regulation 87 for the title area.

86 Partial relinquishment report for EL, ELR or ML

- (1) The holder of an EL, ELR or ML must give the Minister a partial relinquishment report, in the approved form, within 60 days after the mineral title ceases to be in force for part of the title area.

5 *Note for subregulation (1)*

See regulation 131 for provisions about the late lodgement fee payable if the report is not given when required.

- 10 (2) A partial relinquishment report must include the following in relation to the part of the title area for which the mineral title ceased to be in force:

(a) a summary of all of the information given in all of the annual reports for that part;

15 (b) information about the authorised activities conducted in that part since the title was granted, including information that would otherwise be required to be included in an annual report for the part under regulation 78;

(c) the amount expended on authorised activities conducted in that part since the last expenditure report for the title was given.

20 *Note for subregulation (2)*

See regulation 126 for provisions about copyright authorisation for the report.

- (3) A partial relinquishment report may be lodged as a group report if the title holder is approved to give a group report under regulation 87 for the title area.

25 87 Group report for ELs, ELRs or MLs

- (1) This regulation applies in relation to ELs, ELRs and MLs.

30 (2) The holder of multiple mineral titles may apply to the Minister for approval to give a group report that combines the annual reports and expenditure reports for 2 or more mineral titles if the titles are of the same type and same geological province.

- (3) If the holder is a body corporate, the application may be made jointly with a related body corporate.

35 (4) The Minister may approve the giving of a group report for all or some of the mineral titles in an application if satisfied that it is appropriate.

(5) The Minister may, at the Minister's discretion or on application by the title holder, add or remove mineral titles from an approval to give a group report.

(6) A group report must be:

5 (a) provided for the reporting period determined by the Minister, or agreed on by the Minister and the title holder, in the approval; and

(b) lodged on the date determined by the Minister in the approval.

Note for subregulation (6)

10 See regulation 131 for provisions about the late lodgement fee payable if the report is not given on or before the reporting day.

87A Report for MLTF

(1) The Minister may determine the reporting requirements for the holder of an MLTF.

15 (2) The holder of an MLTF must report on the activities conducted under the mineral title in accordance with the Minister's determination.

72 Regulation 97A inserted

Before regulation 98, in Part 9, Division 1

20 *insert*

97A Meaning of *mineral*

For section 135(5)(b) of the Act, zebra rock is a prescribed substance.

73 Regulation 98 amended (Meaning of *relevant land*)

25 (1) Regulation 98(1)(b)

omit, insert

(b) the title area of an EL or ELR;

(2) Regulation 98(2)

omit

30 request

insert

consent

(3) Regulation 98(2)(d)

omit

5 **74 Regulation 99 amended (Meaning of specified person)**

(1) Regulation 99(1)(b), after "EL"

insert

or ELR

(2) Regulation 99(2)(c)

10 *omit*

in the title area of an EL for which consent to fossick is required under regulation 102 or

75 Regulation 99A inserted

After regulation 99, in Part 9, Division 1

15 *insert*

99A Fossicking equipment

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;

20 (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.

25 **76 Regulation 100 amended (Requirement to give notice of intention to fossick)**

(1) Regulation 100(1), note

omit

(2) Regulation 100(2)

omit

at least 7 days

(3) After regulation 100(2)

5 *insert*

(2A) A fossicking notice must be given:

(a) if the person intends to fossick for gold on an EL – at least 14 days before the person wishes to enter the land; and

10 (b) in any other case – at least 7 days before the person wishes to enter the land.

(4) Regulation 100(3)(f)

omit, insert

15 (f) the equipment to be used for the fossicking, including the registration details of all vehicles, trailers and caravans that will enter the relevant land;

(fa) the number of people who will enter the relevant land;

(fb) the details of the measures to be taken by the person to minimise the spread of weeds caused by the fossicking;

20 (fc) the duration of each fossicking activity, from the entry until the exit of the fossickers on the relevant land;

(5) Regulation 100(3)(g)

omit

at least 7 days after the date on which the notice is given

insert

25 after the expiration of the notice period that applies under subregulation (2A)

77 Regulation 101A inserted

After regulation 101

insert

101A When access to fossick for gold may be declined

- 5 (1) For section 140(3)(a) of the Act, the title holder of an EL may decline access to land in the title area of the EL if the title holder is actively conducting authorised activities on that land.
- (2) A notice under subregulation (1) must:
- (a) be in the approved form; and
- 10 (b) be given to the person who gave the fossicking notice within 14 days after the day on which the notice was received by the title holder.
- (3) However:
- (a) the title holder must not unreasonably decline access to land
- 15 under this regulation; and
- (b) a dispute about gaining access may be decided by the Tribunal on application by the person who gave the fossicking notice.
- (4) The title holder may be taken to have unreasonably declined
- 20 access if the fossicking described in the fossicking notice would not interfere substantially with the title holder's authorised activities on the land.

78 Regulation 102 repealed (When consent required to fossick for gold in title area of EL)

25 Regulation 102

repeal

79 Regulation 103 amended (Requirement to obtain consent to fossick)

- (1) Regulation 103(2)

30 *omit*

fossicking request

insert

request for consent

(2) Regulation 103(3) and (4)

omit

5 fossicking request

insert

request for consent

80 Regulation 104 amended (Refusal of consent)

Regulation 104(1), (2), (3) and (5)

10 *omit*

fossicking request

insert

request for consent

81 Regulation 105 amended (Withdrawal of consent)

15 Regulation 105(1)

omit

fossicking request

insert

request for consent

82 Regulation 106 amended (Offences relating to entry onto relevant land requiring notice)

After regulation 106(3)

insert

(4) A person commits an offence if:

25 (a) the person has given a fossicking notice to the specified person for the relevant land; and

(b) the specified person is the title holder of an EL; and

(c) the specified person declines access to the land under regulation 101A; and

(d) the person enters the relevant land to fossick on the land.

Maximum penalty: 80 penalty units.

5 (5) Strict liability applies to subregulation (4)(a) and (b).

83 Regulation 107 amended (Offences relating to entry onto or remaining on relevant land requiring consent)

(1) After regulation 107(4)

insert

10 (4A) A person commits an offence if:

(a) the person enters relevant land mentioned in regulation 98(2);
and

(b) the person fossicks on the land; and

15 (c) the specified person for the land was not given a fossicking request mentioned in regulation 99(2)(b)(ii).

Maximum penalty: 80 penalty units.

(2) Regulation 107(5)

omit

and (4)(a).

20 *insert*

, (4)(a) and (4A).

84 Regulation 109 amended (No extraction more than prescribed amount)

(1) Regulation 109(1)(a), after "gold"

25 *insert*

per day

(2) After regulation 109(3)

insert

5 (4) A fossicker who discovers more than the prescribed amount of gold in the title area of an EL during 1 day must, within 28 days after the discovery, give the title holder of the EL a notice in the approved form about the discovery.

(5) A fossicker commits an offence of strict liability if:

(a) the fossicker is required to give a notice under subregulation (3) or (4); and

10 (b) the fossicker fails to comply with the requirement within the period mentioned in subsection (3) or (4).

Maximum penalty: 80 penalty units.

85 Regulation 126 amended (Copyright – authorisation of publication)

15 Regulation 126(1)

omit, insert

(1) This regulation applies to a person (the **relevant person**) who is required to give the Minister any of the following:

(a) an airborne survey report;

20 (b) an annual report;

(c) a final report;

(d) a partial relinquishment report.

86 Regulation 127 amended (Relinquishment of geological samples)

25 Regulation 127(2)

omit

or EMEL

insert

, EMEL or ML

87 Regulation 128 amended (Examination and analysis of geological samples)

(1) Regulation 128(1), (2) and (4), after "examination"

insert

5 or analysis

(2) Regulation 128(2)(a), (3) and (4)

omit

or ELR

insert

10 , ELR or ML

(3) Regulation 128(5) and (6)

omit

88 Regulation 131 replaced

Regulation 131

15 *repeal, insert*

131 Late lodgement fee

(1) This regulation applies to the following:

(a) an airborne survey report;

(b) an annual report;

20 (c) an expenditure report;

(d) a partial relinquishment report;

(e) a final report;

(f) a group report;

25 (g) an application under regulation 80 for an exploration project area.

(2) A person must pay a late lodgement fee if the person:

(a) fails to lodge the report within the time required by these Regulations; or

-
- (b) lodges the application after the time required by these Regulations.
- 5 (3) The late lodgement fee is payable for each week or part of a week for which the report or application is late, as specified in Schedule 1, Part 5.
- (4) The Minister must give the person a late lodgement notice stating:
- (a) the reason for the late lodgement fee; and
- (b) the amount of the fee.
- (5) The late lodgement notice must be given:
- 10 (a) by registered post; or
- (b) if the contact details of the person given the notice include an email address – by email.
- (6) The amount of any unpaid late lodgement fee is a debt owing to the Territory.
- 15 (7) Despite subregulations (2) and (3), the Minister may waive the late lodgement fee if satisfied the person has a reasonable excuse.

89 Regulation 142 repealed (Payment of rent for non-compliant existing interest)

Regulation 142

20 *repeal*

90 Part 12, Division 3 inserted

After regulation 146

insert

Division 3 Mineral Titles Legislation Amendment Act 2026

25 **147 Definition**

In this Division:

commencement means the commencement of section 92 of the *Mineral Titles Legislation Amendment Act 2026*.

148 Payment of rent for non-compliant existing interest

- 5 (1) Rent is payable for a non-compliant existing interest in the amount specified for the title in Schedule 1, Part 2 for the period beginning on the commencement until the Minister takes action under section 204(3) of the Act.
- (2) If the Minister converts the non-compliant existing interest to a mineral title, rent is payable for the mineral title under regulation 77 from the day the title is issued.
- 10 (3) If the Minister does not convert the non-compliant existing interest to a mineral title, but takes an action mentioned in section 204(3)(b) to (d) of the Act, the Minister may refund to the former holder of the existing interest the amount of rent paid for the remaining period of the current rental period for the interest.

91 Schedule 1 amended (Fees and rent)

- 15 (1) Schedule 1, Part 1

insert (in numerical order)

12A	group reporting	100
12A	variation to group reporting	50
31(2)	bulk sample approval	100
45C	mineral lease for small scale mining	750
45G	mineral lease for tourist fossicking	500
45L	mineral lease for fossicking	500
101(2)(b)	division of title area into separate parts	100
102(2)(b)	amalgamation of mineral titles	100
135C	personal fossicking permit individual resident	30
	personal fossicking permit individual non-resident	50
	personal fossicking permit resident family (2 adults and children under 18 years of age)	50

	personal fossicking permit non-resident family (2 adults and children under 18 years of age)	70
	personal fossicking permit resident senior	15
	personal fossicking permit non-resident senior	15
	club fossicking permit	100
	commercial fossicking permit	250
	replacement of fossicking permit	15
(2)	Schedule 1, Part 2	
	<i>omit</i>	
	all words from "EL" to "175 revenue units per block"	
	<i>insert</i>	
EL	1st – 6th operational years – 75 revenue units per block	
	7th – 8th operational years – 175 revenue units per block	
	Each subsequent operational year – 225 revenue units per block	
MLTF	54 revenue units per hectare	
MLF	18 revenue units per hectare	
MLSSM	54 revenue units per hectare	
GL	118 revenue units per hectare	
5 (3)	Schedule 1, Part 3, at the end	
	<i>insert</i>	
MLTF		200
MLF		200
MLSSM		200

GL 50

(4) Schedule 1, Part 5

omit

Amalgamated report

insert

5 **Group report**

(5) Schedule 1, Part 5

omit

an amalgamated report

insert

10 a group report

(6) Schedule 1, Part 5

omit (all references)

the amalgamated report

insert

15 the group report

92 Schedule 2 amended

Schedule 2, heading

omit, insert

Schedule 2 Reviewable decisions

20 regulation 114(2)

Part 4 Amendment of Environment Protection Act 2019

93 Act amended

This Part amends the *Environment Protection Act 2019*.

94 Section 4 amended (Definitions)

(1) Section 4

insert

commercial fossicking, see section 8 of the Mineral Titles Act.

5 **fossicking** means an activity carried out under any of the following under the Mineral Titles Act:

(a) a mineral lease for tourist fossicking;

(b) a mineral lease for fossicking;

10 (c) a mineral lease to the extent that it authorises tourist fossicking;

(d) a mineral lease to the extent that it authorises commercial fossicking;

(e) an extractive mineral lease to the extent that it authorises tourist fossicking;

15 (f) a non-compliant existing interest to the extent that it authorises tourist fossicking or commercial fossicking.

tourist fossicking, see section 8 of the Mineral Titles Act.

(2) Section 4, definition **exploration**, after paragraph (c)

insert

20 (ca) a mineral lease for small scale mining to the extent to which it authorises exploration for minerals or extractive minerals;

(cb) a general lease to the extent to which it authorises exploration for minerals or extractive minerals;

(3) Section 4, definition **exploration**, paragraph (e), after "minerals"

25 *insert*

or extractive minerals

(4) Section 4, definition **extractive operation**, after paragraph (c)

insert

30 (ca) a mineral lease for small scale mining to the extent to which it authorises the extraction of minerals or extractive minerals;

(cb) a general lease to the extent to which it authorises the extraction of minerals or extractive minerals;

(5) Section 4, definition ***mining operation***, after paragraph (b)

insert

5 (ba) a mineral lease for small scale mining to the extent to which it authorises the mining of minerals;

(bb) a general lease to the extent to which it authorises the mining of minerals;

95 Section 13A amended (Meaning of *mining activity*)

10 Before section 13A(1)(a)

insert

(aa) fossicking;

96 Section 124G amended (General obligations of mining operator)

15 (1) Section 124G(1)(b)

omit

decommission

insert

decommission,

20 (2) Section 124G(1)(d)

omit, insert

(d) during any care and maintenance period for the mining site, maintain structures, facilities and equipment and implement an appropriate program of maintenance to ensure that structures, facilities and equipment do not cause environmental impacts.

25

97 Section 124L amended (Requirement for environmental (mining) licence)

Section 124L(2)

omit, insert

5 (2) Subsection (1) does not apply in relation to the following activities unless they involve substantial disturbance of the mining site:

(a) fossicking;

(b) carrying out of exploration for minerals or extractive minerals.

98 Section 124LA inserted

10 After section 124L

insert

124LA Environmental (mining) licence for fossicking

15 An environmental (mining) licence for fossicking applies to any phase of operating the relevant mineral title associated with fossicking, including:

(a) fossicking activities; and

(b) remediation and rehabilitation of land as a result of fossicking activities; and

(c) care and maintenance periods; and

20 (d) closure of those parts of a mining site that are not required for fossicking; and

(e) post-closure monitoring, management and reporting.

99 Section 124ZB amended (Conditions relating to care and maintenance periods)

25 Section 124ZB(a)

omit

and facilities

insert

, facilities and equipment

100 Section 124ZC amended (Conditions may apply after mining activity completed)

Section 124ZC(3)

omit, insert

- 5 (3) Without limiting subsection (1), any conditions referred to in subsection (2), including a condition that requires mining security, extend beyond the period to which the environmental (mining) licence relates to include any period for which remediation, rehabilitation, post-closure monitoring, management or reporting of
10 the mining site are required.

Note for subsection (3)

Sections 124ZJ, 124ZK and 124ZL and Part 7, Division 1A, provide for matters relating to mining security.

101 Section 124ZJ amended (Standard condition licence)

15 Before section 124ZJ(2)(a)

insert

(aa) the risk criteria applying to the mining activity; and

102 Section 124ZM amended (Time for decision on environmental (mining) licence)

- 20 (1) Section 124ZM(2), definition ***prescribed period***, after subparagraph (a)(i)

insert

(ia) for fossicking – 30 business days; and

- 25 (2) Section 124ZM(2), definition ***prescribed period***, after subparagraph (b)(i)

insert

(ia) for fossicking – 40 business days; and

- (3) Section 124ZM(2), definition ***prescribed period***, after
30 subparagraph (c)(i)

insert

(ia) for fossicking – 60 business days; and

103 Section 131 amended (Claim on bond)

Section 131(3)

omit, insert

- 5 (1) A claim may be made before the Minister or the CEO incur any costs or expenses, but the amount claimed cannot exceed the expected reasonable costs and expenses of the Minister or the CEO in carrying out any action mentioned in section 128.

104 Section 132B amended (Purpose of mining security)

- (1) Section 132B(d)

10 *omit*

reporting.

insert

reporting; and

- (2) After section 132B(d)

15 *insert*

(e) the payment of outstanding amounts owed to the Territory by the mining operator under this Act, the Mineral Titles Act (including for fees, rent or royalty) or the Legacy Mines Remediation Act.

20 105 Section 132BA inserted

After section 132B

insert

132BA Duration of mining security

25 Mining security provided by a mining operator must continue in force for any period for which remediation, rehabilitation, post-closure monitoring, management or reporting of the mining site are required.

106 Section 132E amended (Claim on mining security)

Section 132E(3)

omit, insert

(3) A claim may be made:

5 (a) except in respect of a claim referred to in paragraph (b) – by
the Minister or the CEO before the Minister or the CEO incur
any costs or expenses but, in this case, the amount claimed
cannot exceed the expected reasonable costs and expenses
10 of the Minister or the CEO in carrying out any action
mentioned in section 128; and

(b) in the case of a claim that relates to any levy, fees, rent or
royalty owed to the Territory – by the Minister on behalf of the
Territory when the Minister is satisfied that the other purposes
15 with respect to which the mining security may be applied have
been covered to a reasonable extent or degree.

(3A) Subsection (3)(a) does not limit the ability to make a claim after any
costs or expenses have actually been incurred.

107 Section 132F amended (Unused mining security refundable)

Section 132F(3), after "Remediation Act"

20 *insert*

, and not already recovered under section 132E,

108 Section 214E amended (Effect of mining closure certificate)

Section 214E(2)

omit, insert

25 (2) Subsection (1)(a) and (b) do not apply to a mining closure
certificate for the Ranger Project Area.

**Part 5 Amendment of Environment Protection
Regulations 2020****109 Regulations amended**

30 This Part amends the *Environment Protection Regulations 2020*.

110 Regulation 233S amended (Publication of documents)

Regulation 233S(2)

omit, insert

(2) Subregulation (1) does not apply to an application if:

- 5
- (a) the application relates to a mining activity for which an environmental approval has been granted or is required; or
 - (b) the Minister determines that the application was sufficiently published during an environmental impact assessment process.

10 **111 Regulation 233T amended (Public consultation)**

(1) Regulation 233T(5), definition ***prescribed period***, after subparagraph (a)(i)

insert

(ia) for fossicking – 15 business days; and

15 (2) Section 233T(5), definition ***prescribed period***, after subparagraph (b)(i)

insert

(ia) for fossicking – 25 business days; and

Part 6 Repeal of Act

20 **112 Repeal of Act**

This Act is repealed on the day after it commences.