Mineral Titles Act and Regulations Discussion Paper

June 2024

NORTHERN TERRITORY GOVERNMENT

Acronyms	Full form
ALRA	*Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)*
DITT	Department of Industry, Tourism and Trade
EL	(Mineral) Exploration Licence
ELR	(Mineral) Exploration Licence in Retention
EMEL	Extractive Mineral Exploration Licence
EML	Extractive Mineral Lease
EMP	Extractive Mineral Permit
EPA	*Environment Protection Act 2019*
GDA	Geocentric Datum of Australia
MA	Mineral Authority
MDT	Mineral Development Taskforce
ML	Mineral Lease
MLF	Mineral Lease for Fossicking
MLTF	Mineral Lease for Tourist Fossicking
MMA	Mining Management Act 2001
NCEI	Non-Compliant Existing Interest
NTA	*Native Title Act 1993 (Cth)*
NTGS	Northern Territory Geological Survey
RL	Reserved Land
TEA	Tanami Exploration Agreement
TERC	Territory Economic Reconstruction Commission

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Acknowledgement of country

The Northern Territory Government respectfully acknowledges the First Nations people. We pay our respects to Elders past, present and emerging and extend that respect to Aboriginal and Torres Strait Islander people here today.

We recognise the enduring relationship of First Nations people to their Country as well as honour their ongoing cultures and connections to the lands, waters and communities of the Northern Territory.

The Northern Territory Government recognises the valuable contributions made by First Nations people and communities and how this continues to enrich our society in the Northern Territory.

Minister's foreword

Following the release of the Territory Economic Reconstruction Commission Report in December 2020, the Northern Territory Government is committed to achieving our goal of a $40 billion economy by 2030. A key element of this commitment is strengthening the Territory's mineral titles framework to encourage investment and sustainable resource development in the mining industry.

The mining industry plays a crucial role in our economy, providing jobs, revenue and resources required for our modern way of life. Mining also powers a number of critical industries including manufacturing, construction, telecommunications, energy and technology. As such, it is imperative that our legislative framework remains current, adaptive and responsive to the evolving needs of industry, communities and the environment. Providing for the future challenges of critical mineral supply to support the global imperatives of decarbonisation is a cornerstone foundation of our collective future.

The *Mineral Titles Act 2010* and Mineral Titles Regulations 2011 regulates the tenure of mineral titles in the Northern Territory which allow for the exploration, extraction and processing of minerals and extractive minerals. The Act plays a crucial role in facilitating responsible and sustainable resource development, ensuring a stable and reliable supply of raw materials that are essential to the Territory's long-term economic growth.

It is now timely to conduct a comprehensive review of the legislation to make sure they continue to fulfil the expectations of both industry, government and the community for years to come. The proposed amendments aim to enhance the efficiency, transparency, and sustainability of the mineral titles framework while balancing the interests of stakeholders. They reflect previous consultations with industry representatives, land councils, environmental groups and other key stakeholders to ensure a comprehensive and inclusive approach.

These amendments seek to put our regulation of mineral title administration at the forefront of the Australian resource industry to streamline the regulatory framework and drive investment opportunities to boost the Northern Territory's economy. They have been designed to ensure the long-term sustainability of our mining sector by encouraging meaningful activity and advancements in resource development.

I have released this Discussion Paper to seek your views and contributions on the proposed changes as well as ways we can continue to improve the Territory's mineral titles framework.

Hon Mark Monaghan MLA
Minister for Mining

Background

1. Introduction

The *Mineral Titles Act 2010* (the Act) and the Mineral Titles Regulations 2011 (the Regulations) commenced on 7 November 2011, replacing the former *Mining Act 1980* (the Mining Act). The Act regulates the tenure of mineral titles in the Northern Territory to allow for the exploration, extraction and processing of extractive minerals and minerals more generally. The Department of Industry, Tourism and Trade (DITT) is responsible for the regulation and administration of mineral titles in the Northern Territory.

The Act establishes the criteria for the grant of mineral titles and sets out the rights and conditions under those titles, including the requirements to pay annual rent to the Northern Territory Government. It also allows for variations, subdivisions, amalgamations, surrenders and cancellation of titles, and has provisions in relation to reserving land, maintaining a mineral titles register and fossicking requirements.

The Act has operated effectively since its commencement in 2011, however a number of technical and administrative issues have emerged during its 13 year operation period which, if addressed, would provide greater clarity and reduce administrative burden for title holders and government.

The proposed amendments under the Act and Regulations would:

- improve administrative and procedural processes for mineral title management
- ensure the most effective use of the Territory's mineral resources for Territorians by strengthening the application and grant requirements for mining leases
- provide flexibility and increased opportunities for the extractive mineral industry
- support and grow our fossicking tourism sector
- strengthen information that must be provided in relation to proposed activities on an exploration licence (EL) and mineral lease (ML), through the technical work program requirements
- implement new measures to clarify the standing of non-compliant existing interests
- implement new initiatives to encourage meaningful activity and progress towards the development of resources
- contribute to the implementation of the recommendations of the Mineral Development Taskforce (MDT) Final Report released in December 2022.

In addition to the MDT Final Report, a number of reviews and reports in the mining sector have helped guide the proposed amendments, ensuring that the Act and Regulations continue to meet the expectations of both industry and government into the future.

This Discussion Paper highlights key elements of the Act and Regulations that are being proposed for amendment and invites comments from industry and the community on how to further improve mineral titles management. This Discussion Paper also seeks comment on any concerns or issues that may arise from the proposed changes outlined in this paper.

Due to the technical and specific nature of many of the proposed amendments, it is recommended that this Discussion Paper is read in conjunction with the *Mineral Titles Act 2010* and Mineral Titles Regulations 2011 which can be accessed via the Northern Territory Legislation website.

2. History of the *Mineral Titles Act 2010*

The Northern Territory's *Mining Act 1980* commenced in 1982, replacing the *Mining Ordinance* of 1939. The new Mining Act was significant for its time as it modernised and simplified the regime for the administration of mining tenure. It also provided a framework that was competitive with other jurisdictions, taking into consideration issues unique to the Territory, such as the implementation of the *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)* (ALRA).

A review in 2006 recommended the Mining Act be repealed and replaced with new legislation that more accurately reflected contemporary methods for issuing and managing mineral titles. Though many elements of the existing regime remained in place, the new *Mineral Titles Act 2010* provided an opportunity to reformat the legislation, making it easier to read and more logical in approach. The change in name to the Mineral Titles Act also better reflected the purpose of the legislation and provided a clear distinction from other acts that oversee mining and environmental matters (i.e. *Mining Management Act 2001 (MMA)).*

On 7 November 2011, the Act commenced and replaced the repealed Mining Act. The objective of the Act is to establish a regime that encourages active exploration, turnover of land and active development of known mineral deposits, which provide a mechanism to further strengthen the significant contribution of the resource industry to the Northern Territory economy.

The Act also contains provisions to identify and manage preliminary exploration and fossicking activities that do not require a mineral title.

3. The case for change

3.1. Territory Economic Reconstruction Committee

The Territory Economic Reconstruction Committee (TERC) was established by the former Chief Minister Michael Gunner in May 2020, as part of the Northern Territory Government's response to the economic challenges posed by changes in the Commonwealth GST funding model, followed by the COVID-19 pandemic. TERC was tasked with developing and implementing strategies to stimulate economic growth, create jobs and support businesses and communities to grow the Northern Territory economy.

On 30 November 2020, TERC provided its Final Report to the then Chief Minister, which outlined a number of recommendations to accelerate the Territory's economic growth in order to achieve a $40 billion economy by 2030. In particular, the TERC Final Report recommended that the Northern Territory Government *'quickly streamline regulatory processes to make it easy to do business in the Territory'* and to *'urgently stand up a Territory Mineral Development Taskforce to accelerate mining development'*.

3.2. Mineral Development Taskforce

In line with a key recommendation from the TERC Report, the Mineral Development Taskforce was established in November 2021 to investigate and identify opportunities to accelerate external investment in mining and downstream value-add projects in order to reach the goal of a $40 billion economy. The MDT Final Report was released in December 2022 and provided a number of recommendations, some of which would directly impact the Act and its proposed amendments.

Several specific reform recommendations included:

- reviewing and amending the legislative architecture for the Territory's mining industry to make it simpler and more transparent, and to increase focus on sustainable mining industry development
- implementing a detailed framework for assessments and renewals of EL applications, including to secure rigour in assessment of proponent capacity and capability, with associated annual reporting of performance against licence commitments
- introducing new mineral lease categories that take a risk-based approach to better recognise and encourage smaller explorers, miners and prospectors
- introducing additional intiatives to encourage meaningful activity and progress towards development of the resource.

The proposed amendments to the Act and Regulations would enable the execution of these recommendations from the MDT's Final Report.

3.3. Environmental regulatory reform of mining activities

On 28 November 2023, the Northern Territory Legislative Assembly passed the *Environment Protection Legislation Amendment Act 2023* reforming the environmental regulation of mining activities in the Northern Territory. These reforms increase transparency in how environmental impacts of mining activities are regulated and provides the public more opportunity to participate in that process.

The amendments establish a new tiered, risk-based and outcome-focused environmental (mining) licensing framework for regulating the environmental impacts of mining under the *Environment Protection Act 2019* (EPA).

The new laws commence on 1 July 2024 and will apply to all mining activities including exploration and extraction. The MMA will be repealed during this period, leaving the *Mineral Titles Act 2010* as the last piece of mining legislation to be amended.

As such, the Discussion Paper should be read as though the new environmental regulatory reforms have commenced.

3.4. Review of the *Mineral Titles Act 2010*

The Act has not been significantly amended in its 13 years of operation and it is now timely to undertake a thorough review to ensure the Act and Regulations continue to meet the expectations of both industry, government and the community into the future.

A number of opportunities to enhance the administration of mining tenure have already been identified by government and industry, along with the implementation of specific recommendations from the MDT Final Report (see Mineral Development Taskforce). These proposed amendments largely reflect previous consultations with industry representatives, land councils, environmental groups and other key stakeholders.

A review of the Act and its proposed amendments will ensure the Act continues to deliver a regulatory framework that enables growth, market access and stakeholder certainty into the future.

4. Making a submission

You are invited to give feedback on the proposed changes outlined in this Discussion Paper. Public comment on this paper will remain open until 5pm, Tuesday 13 August 2024. You are encouraged to provide your submission as early as possible.

Please note that your submission:

- does not have to address all issues raised
- is not limited to the issues set out in this paper
- wherever possible should specifically state the issue you are addressing, with reference to a section of this paper or relevant provision under the Act or Regulations.

Submissions may be lodged electronically or by post, however electronic lodgement is preferred. Feedback provided will be used to inform potential legislative amendments and other changes to the mineral titles framework.

Feedback can be provided by email at StrategyPolicyCoordination.DITT@nt.gov.au or by post to:

Mineral Titles
Department of Industry, Tourism and Trade
GPO Box 4550
DARWIN NT 0801

For more information, please visit the Have Your Say website. To read the current Act and Regulations, please visit the Northern Territory Legislation website.

For questions about this Discussion Paper, please contact Resource Policy and Reform at StrategyPolicyCoordination.DITT@nt.gov.au.

Note: Submissions or comments are generally subject to freedom of information processes. If you do not wish for us to make your comments public, please ensure you include this information with your submission. Your personal details will not be included or published in any report.

5. Key principles and themes of the proposed amendments

Many of the proposed amendments set out in this Discussion Paper are minor in nature and have been recorded by various agencies administrating the Act over its 13 years of operation.

The more significant proposed amendments will address:

- conversion of non-compliant existing interests
- newly proposed mineral title categories to support greater engagement
- clearer and more streamlined and stringent reporting requirements
- incentives to encourage increased activity on exploration licences and mineral leases
- additional initiatives to encourage meaningful activity and progress towards development of the resource
- increased operational flexibility for extractive mineral title holders
- more flexibility for mineral title holders in tenure management.

Proposed amendments that are minor in nature include administrative overlaps, typographic errors, inconsistencies or inefficiencies. In addition, it is proposed to return some of the of the repealed provisions under the Mining Act, as they have been found to be a more preferable approach to mineral title management.

The proposed amendments also seek to:

- fix typographical or administrative errors
- improve effectiveness and efficiency
- clarify intent
- update provisions to reflect contemporary approaches
- apply regulation fairly to all affected parties
- provide more opportunity to realise resource development potential.

The following sections outline the key areas proposed for amendment throughout the Act and Regulations.

Fixing minor administrative issues

6. Fixing minor administrative issues

The objects and application of the Act have been consequentially amended to reflect the repeal of the MMA on 1 July 2024 and to ensure alignment with new provisions under the EPA.

The following section outlines other relatively minor administrative changes that have been recorded and collated over time. While not significant, these minor changes would improve certainty and the overall usability of the Act for both the government and industry.

6.1. Include new definitions

6.1.1. Bulk sample

Industry and the department refer to an application for a larger sample of ore under an EL as a 'bulk sample', however there is no definition for this term in the Act.

It is proposed a new definition of 'bulk sample' should be provided under Section 8 of the Act, in accordance with Section 31(2).

6.1.2. Occupier

The Act currently refers to an 'occupier' under Sections 20, 25, 32, 45, 49, 139, 144 and 191. Currently, the term 'occupier' is not defined, nor is there a way to identify someone who may fit that description. Some jurisdictions, such as QLD, WA, VIC and TAS have taken a more mixed approach and have included a definition of 'occupier'. Currently, SA, NSW and the NT do not include a definition in its legislation.

It is proposed a definition for 'occupier' should be included under Section 8 of the Act, to mean a person who is in occupation or control of the property (e.g. a station manager in relation to a pastoral lease).

6.1.3. Operational year

The Act currently refers to an 'operational year' as the period of 12 months immediately after the title comes into force and each subsequent year. This works for most statutory requirements, such as the payment of rent or lodgement of reports that are not the subject of approved amalgamated reporting, however this is not the case when amalgamated reporting is approved and lodgement dates fall outside of this definition.

To effectively manage this issue and continue to provide industry with the flexibility to nominate a reporting date, it is proposed to exclude mineral titles that have approved amalgamated reporting from this definition. This exclusion would only relate to reporting requirements.

Mineral titles that have approved amalgamated reporting would instead be subject to 'reporting periods' and a definition of this would be included in the proposed amendments.

To resolve other long standing issues with the definition of operational year, it is also proposed to include:

- for MLs only; in relation to annual and expenditure reports, where the ML was granted prior to December 1999, the operational year is the 12 month period commencing 1 January, regardless of the grant date

- for ELs that were previously part of the Tanami Exploration Agreement (TEA), in relation to annual and expenditure reports, the operational year is the 12 months immediately following the exit date from the TEA, not the grant date.

6.1.4. Reporting period

The 'reporting period' is the period approved as part of the process for obtaining amalgamated reporting. The reporting period could be greater than or less than 12 months, depending on what the Minister deems appropriate to the particular circumstance.

6.1.5. Geocentric Datum of Australia

In December 2017, Australia updated its national (and international) coordinate system to Geocentric Datum of Australia 2020 (GDA2020). The GDA2020 replaces the former Geocentric Datum of Australia 1994 (GDA94). GDA2020, which lacks the known distortions of GDA94, is more accurate than GDA94, and aligns more closely with global positioning and navigation satellite system positioning services, and supports nationally consistent datasets.

Since GDA2020 is a dynamic datum that would be updated constantly, it is proposed that the definition of 'GDA94' under Section 8 be amended to 'Geocentric Datum of Australia (GDA)' to refer to the GDA that is in use in Australia from time to time. Moreover, timestamps would be required to specify the datum in use.

While the location of a mineral title remains fixed, coordinate references will change over time.

6.1.6. Extractive mineral

Section 10 of the Act currently defines 'extractive mineral' as soil, sand, gravel, rock or peat, or another substance prescribed by regulation.

In the repealed Mining Act, the definition of 'extractive mineral' closely followed the term 'mine' under Section 253 the *Native Title Act 1993 (Cth)* (the NTA) where:

> ***mine*** *includes:*
>
> *(a) explore or prospect for things that may be mined (including things covered by that expression because of paragraphs (b) and (c)); or*
>
> *(b) extract petroleum or gas from land or from the bed or subsoil under waters; or*
>
> *(c) quarry;*
>
> *but does not include extract, obtain or remove sand, gravel, rocks or soil from the natural surface of land, or of the bed beneath waters, for a purpose other than:*
>
> *(d) extracting, producing or refining minerals from the sand, gravel, rocks or soil; or*
>
> *(e) processing the sand, gravel, rocks or soil by nonmechanical means.*

When the Act was implemented in 2011, the definition of 'extractive mineral' was modified and for unknown reasons, exclusions (d) and (e) were removed from the definition of 'extractive mineral'.

It is proposed that the definition of 'extractive mineral' under Section 10 is amended to include (d) and (e) under the NTA, and to include a reference to these on an extractive mineral permit (EMP) under Section 50.

6.1.7. Landowner

Section 14 currently provides the definition of a 'landowner' and acknowledges that if the land is native title, the landowner is the holder of the native title. However, there are occasions in which Section 24MD (6)(A) and (6)(B) of the NTA apply, and a registered native title claimant is also regarded as a landowner.

It is proposed that the definition of 'landowner' is amended to also require notification of any registered native title claimants when a person applies for the grant of an ancillary mineral lease or access authority on native title land.

6.1.8. Block

Section 16 provides the definition of 'block' and describes how the land of the Territory is taken to be divided into graticular sections or blocks.

A minor amendment should be made to the definition of 'block' to state that the geographical coordinates of the graticular sections are to be determined on the basis of the GDA as defined above.

6.2. Public notice of application for grant of mineral title (s.71)

Section 71(2) provides that the Minister must publish in a newspaper circulating throughout the Territory, a notice stating that the application for the grant of a mineral title has been made. The current provision as it stands limits other ways that mineral title applications can be published (e.g. on a government website).

It is proposed that Section 71(2) is amended so that the Minister must publish an application for the grant of a mineral title in a way determined by the Minister. The proposed amendment would give the department more flexibility and provide the community with greater access to information.

Additionally, it is proposed that the Minister have power to require that applicants either pay advertising costs or a small administrative fee. This amendment would only apply to advertising required under the Act. It would not affect advertising required by the NTA, as the NTA still requires certain notices to be published in a relevant newspaper.

Notwithstanding this proposed change, a separate notice of the application for the grant of mineral title would still be sent to the affected landowners and other specified persons.

6.3. Survey of particular title areas (s.76)

Section 76(2) provides that the applicant must survey the proposed title area of the mineral title and give the Minister a copy of the plan of survey before the Minister may issue or grant the relevant mineral title.

However in practice, the Minister issues a letter requesting the survey once the application has progressed to a stage where the grant is likely to occur. As such, it is proposed that Section 72(2) is amended to better reflect what currently occurs in practice.

It is also proposed that the Minister is given the authority to request a survey and that a timeframe (possibly six months) be imposed to complete the survey. This is a new amendment as Section 76 currently does not provide the Minister power to request a survey or impose a timeframe. The minor amendment would ensure surveys are conducted in a timely manner.

The provision under Section 167 'Minister may extend time' would apply, if additional time is required to complete the survey.

6.4. Plan of survey and other information (r.42)

For surveys not required to be carried out by a licensed surveyor, applicants are required to provide the Minister with sufficient information to enable the accuracy of the survey to be validated. Many applicants provide photos of the datum post and other boundary markers as evidence that the survey has been conducted and it would be beneficial if all applicants provided this information.

It is proposed that Regulation 42 include photographic evidence of the datum post, plate and corner boundary markers, along with relevant position references. The datum post is the boundary marker at the north-eastern corner of the survey area to which the datum plate with the survey details is attached. A photo would only be required of the datum post, plate and the other corner boundary markers. A photo of each boundary marker would not be required.

6.5. Discretions relating to title area (s.77)

Section 77 outlines discretions relating to title area. The issue relates to the terminology used in this section, which refers to 'separate title areas' rather than just 'separate areas' when discussing the grant of a single mineral title.

To avoid confusion, the meaning of this section should be made clearer by removing the word 'title' in the phrase 'separate title areas'. This would clarify the intent of this section and avoid misinterpretation.

6.6. Division of title area into separate parts (s.101)

Under this section, the Minister has the power to divide a title into two or more parts and after dividing the title area into parts, may subsequently vary the description of the title area as necessary. It is not clear under Section 101(3)(a) that 'varying the description' refers to more than just describing the shape of the title. It may also refer to a block number, coordinates, size or title number, but does not include a condition or use of a title.

Providing further detail that the Minister may also vary block numbers, coordinates, size and title numbers would clarify the intent of this provision.

6.7. Right to construct road for access to title area (s.83)

Under Section 83(1), the holder of a mineral title has a right of access to the title area by the shortest practicable route from a road, railway, airstrip, sea or waterway. The problem arises when a title holder builds a road to access their title area by the 'shortest route', often without regard to the landholder, the environment or construction standards. As such, the term 'practicable' is either being ignored or misunderstood.

Amending the phrase 'shortest practicable route' to something more descriptive and understandable such as 'the shortest and most practicable route in consultation with the landholder' would clarify the intent of this provision.

6.8. Registration of transfer of mineral rights interest (s.123)

Under this section, a person who intends to transfer all or part of the person's mineral rights interest to another person must apply to the Minister for approval and registration of the transfer.

Section 123(4) provides that on application by either party to the transfer of a mineral rights interest, the Minister must give the parties a notice of the approval of the transfer, which may include a statement that the transfer would be registered on a date or occurrence, or subject to a condition, specified in the notice.

There is a current misconception that either of the transfer parties may impose conditions on the transfer. Amending this provision to explicitly state that only the Minister may set a condition on the registration of transfer of the mineral rights would clarify the intent of this provision.

It is also proposed to extend the fit and proper person test (consequential amendments under the EPA), which will commence on 1 July 2024, to the transfer of mineral rights interest under Section 123. Currently, the introduction of a fit and proper person test only applies to an application for the grant or renewal of a mineral title and does not apply to the transfer of a person's mineral rights interest.

6.9. When caveat ceases to be in force (s.132)

This issue relates to the use of the term 'cancelled caveat' in Section 132(3) to refer to a caveat that ceases to be in force. Since the term 'cancelled' is used elsewhere in the Act to refer to a situation in which the Minister takes an action to cancel something, it is considered misleading in this provision.

Amending the term 'cancelled caveat' to read 'caveat which ceases to be in force' would clarify the intent of this provision.

6.10. Conducting activities without mineral title (s.148)

Under Section 148, it is an offence to conduct exploration, mining or other extraction of minerals without a mineral title. However, Section 12(3) exempts the extraction of extractive minerals from the definition of mining, where it is incidental to construction work (e.g. building the foundation of a building or road) or if the extractive minerals are for use elsewhere on the land by the landowner (e.g. to build a dam).

Similarly, Section 50(3) also exempts a person from the requirement to hold an EMP if the extraction of extractive materials is incidental to a construction project and not for the sale of the extractive minerals.

For greater clarity, it would be beneficial if Section 148 made reference to the exemptions provided at Sections 12(3) and 50(3) as mentioned above.

6.11. Constructive consent of landowner (s.168)

Section 168 applies if a provision of this Act requires a person to obtain the written consent of a landowner before the person may take an action (e.g. to enter the landowner's land). It further provides that the landowner is taken to have given consent if the person has served on the landowner a notice requesting the consent, and the landowner has not responded in writing to the request within two months after the day it was served.

This section implies that should consent be required in another legislation (e.g. ALRA), then it will be considered to have been obtained within two months after a notice was served to the landowner requesting the consent. Legal advice has confirmed that because separate legislative processes must be followed in order to obtain consent under ALRA, this section is inappropriate for Aboriginal land.

For greater clarity, Section 168 should include a note that the section does not apply to Aboriginal land for the purposes of Section 21(1)(c) or Section 138(1)(b) of the Act.

6.12. Release or publication of information (s.171)

Section 171 provides the Minister may release or publish information contained in a report given under Section 94 only as prescribed by regulation. The type of information that can be released is also restricted by Regulation 125.

Currently, the Act does not allow information to be released to other government agencies, where appropriate. This has led to some confusion in relation to releasing production report details to the Department of Treasury and Finance, to assist with the assessment of outstanding royalties and other matters.

To improve regulatory efficiency, it is proposed that a new provision is included in Section 171 so that the Minister may, at any time, release information, collected or acquired under this Act to another Minister if the release:

(a) is for the purposes of the calculation, collection or recovery of:

(i) a fee or charge payable to the Territory under this Act; or

(ii) royalty payable on minerals; or

(iii) a levy payable to the Territory under this Act; or

(b) relates to the exercise of a power or the performance of a function by another Minister under this Act.

6.13. Functions of authorised officers (s.177)

Section 177 outlines the functions and powers of an authorised officer and sets out the matters that can be investigated. In the past, pastoralists and the broader public have filed complaints about fossicking activities, however as the Act stands, complaints relating to fossicking are not covered under Section 177.

For the purpose of regulatory clarity, Section 177(e) should be amended to include receiving and investigating complaints concerning fossicking activities.

Growing our exploration industry

7. Growing our exploration industry

7.1. When consent required (s.21)

Preliminary exploration allows for an initial assessment of the land's geological characteristics for potential future mineral or extractive mineral exploration under a mineral title. As significant ground disturbance is not permitted, the grant of an EL is not required to conduct preliminary exploration activities.

Section 21(1) provides that preliminary exploration of 'relevant land', still requires written consent from the landowner which includes Aboriginal land. However, industry are currently unclear as to whether the Act's Section 21 written consent requirement is the same as ALRA's Section 41 consent requirements which applies to the application for consent to the grant of ELs.

Since preliminary exploration does not extend any interest in the land, obtaining written consent should be a simple process without imposing any regulatory burden or administrative costs.

For greater clarity under Section 21, it is proposed that written consent in relation to Aboriginal land relates to Part II of the *Aboriginal Land Act 1978* (entry onto Aboriginal land) and does not include consent for the purposes of Section 41 of ALRA.

7.2. Application for and grant of EL (s.27)

Since it is not stated otherwise in Section 27, applicants are currently applying for a greater number of blocks than the maximum of 250 blocks that can be granted under Section 28(1). This increases administrative burden for the department due to the need to confirm with the applicant which blocks they would prefer to have granted (down to 250 blocks).

In addition, the repealed Mining Act previously permitted ELs to be applied for and granted where they consisted of a single block. The Act's requirement that the title area of an EL cannot be granted for an area of less than four adjoining blocks has caused unintended issues.

Although Section 28(3) gives the Minister discretion to grant an EL with a title area smaller than four adjoining blocks, if there are circumstances to justify it (e.g. geography or natural configuration of the land), there is no provision for an application to be made for an area of less than four adjoining blocks.

Section 28(2) also allows the Minister to grant an EL with a maximum of three separate areas in the same geographic area, if considered appropriate. As such, it would be beneficial if an application for an EL could be made using this same criteria under Section 27. While an applicant may request three separate areas, it does not mean the Minister must grant the title areas in that format, as the Minister would retain power to consider if it is appropriate to do under Section 28(2).

To improve administrative efficiency in the application of ELs, it is proposed to:

- include the minimum and maximum number of blocks that can be applied for under Section 27(2), so that a person can apply for a minimum of one block and a maximum of 250 blocks
- allow an applicant to apply for more than one separate area, up to a maximum of three separate non-contiguous areas under Section 27(2).

7.3. Reduction of title area of exploration licence (s.29)

Section 29 currently requires an EL title area to be reduced every two operational years. While this is designed to encourage the turnover of blocks, it can also be problematic when other approvals have taken considerable time to secure, such as those required for ELs granted on Aboriginal land.

Since the title holder must comply with the reduction of title area every two years or request a waiver from this requirement, it has increased administrative workload. Changing this legislative requirement would be beneficial to both industry and the government by reducing administrative, regulatory and financial burden.

It is proposed to change the reduction of title area requirements for an EL to apply at the end of the initial grant period, instead of at the end of the first two years, and subsequent two year periods within the initial grant period.

If the title holder applies for a renewal of the EL at the end of the initial grant period, the title holder would then be required to nominate the blocks to be reduced for the renewal period in accordance with Section 29(3). The Minister will retain the discretion in Section 29(4) to waive, in part or fully, the initial reduction requirement before granting a renewal of the EL, if satisfied there is a valid reason to do so. This would be particularly relevant for complex EL projects and ELs on Aboriginal land.

At the end of the first renewal period, the reduction of title area would be compulsory, with no capacity for the Minister to waive the requirement. Any subsequent renewals would be subject to the mandatory reduction of the title area. Other jurisdictions in Australia offer a similar regime.

Also, regulation 69 provides that 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 29 of the Act. Should the proposed changes to the reduction of title area under Section 29 commence, this regulation would no longer be required.

As such, it is proposed that Regulation 69 is replaced with the ‘loss of blocks penalty’ formula, which applies to the partial cancellation of a mineral title. Further details of the partial cancellation of mineral titles is provided under the ‘Improving our mineral titles management’ section.

7.4. Renewal of exploration licence (s.30)

Section 30(2) provides that the Minister may renew an EL for a term not exceeding two years. The short renewal period has often drawn concern from industry since it makes it difficult to secure funding for capital raising efforts. Other jurisdictions offer an initial renewal period that coincides with the initial grant period.

It is proposed that Section 30(2) is amended so that the Minister may renew the EL for a term not exceeding six years. After this 12 year period, further renewals would be contingent upon the level of compliance with conditions of grant in preceding years. Any further renewals would be limited to a maximum two year period, and contingent upon strict compliance with conditions of grant of the previous renewal period.

It is anticipated this approach would encourage explorers to progress exploration more quickly to then relinquish the EL or transition to mining, if the results support it.

7.5. Authorised activities under exploration licence (s.31)

Section 31 specifies the types of activities that an EL holder may carry out such as taking samples of ore and other substances from the title area to evaluate the area's potential for mining. It provides that larger samples from the title area may be removed if the Minister is satisfied and has authorised the removal.

Occasionally, an explorer may want to use a mobile crusher to crush the material on-site (within the title area). However, an EL does not currently permit this activity and it is not the intention of this inclusion to allow processing to occur on an EL, unless the titleholder has an approved 'bulk sample'.

Furthermore, it is recognised that an exploration program does not typically involve the use of explosives, however when a larger sample of ore is required, blasting may assist in certain circumstances when conducting exploration.

To enable bulk sampling to be more efficient and economical, it is proposed that a provision is included to allow the explorer to seek approval for blasting (if required) and to use a mobile crushing plant within the existing approval process for bulk sampling.

7.6. Conditions of exploration licence (s.32)

To streamline current processes, it is proposed to amend Section 32(2)(d) by removing the reference *"before the end of each operational year"* and to require lodgement of the technical work program in conjunction with the expenditure report (60 days).

The technical work program would replace page 2 of Approved Form 17 'Mineral Title Expenditure Report' for ease of submission.

7.7. Notice before starting authorised activities for exploration (r.71)

The title holder of an EL or extractive mineral exploration licence (EMEL) is required by Regulation 71 to provide landowners or occupiers of the land at least 14 days' notice before the title holder starts conducting authorised activities on the land.

Currently, a title holder may choose to enter the land multiple times over a longer period to conduct their exploration program, or they may choose to conduct one short, concentrated exploration program during a field season.

The question of whether one notice is adequate to cover the full field season or if one notice should be given for each proposed entry onto the land is not addressed in Regulation 71. This has led to several misunderstandings between explorers and pastoralists.

To provide greater clarity for this regulation, it is proposed to amend Regulation 71 to clarify that the title holder must give written notice prior to each entry, unless the landowner or occupier has agreed to a different frequency of notices.

Expanding our mineral lease categories

8. Expanding our mineral lease categories

A person seeking to develop a small scale mine could previously apply for a mineral claim under the repealed Mining Act for an area no larger than 40 hectares. The application requirements for a mineral claim were less stringent than those for a ML (e.g. no evidence of a resource was required and there was no requirement to obtain a licensed survey for the title area).

When the Act was introduced, it was expected that title holders wanting small scale mines would not be disadvantaged by the demise of mineral claims under the repealed Mining Act and that the new ML provisions would accommodate their specific needs.

However, the requirement under Section 41 of the Act to provide 'evidence of an ore body or anomalous zone of likely economic value' in a ML application is excluding anyone wanting a small scale mine from applying. In addition, title holders with a small scale mine are currently held to the same reporting requirements as other ML holders despite the fact that there may be less activity, no identifiable resource or deposit and little or no production.

8.1. New mineral lease for small mines (s.41)

It is proposed to introduce a new category of mineral lease for small scale mines that will accommodate 'small mining operations' which would be similar to an earlier mineral claim under the repealed Act. It is also proposed to include a provision providing the Minister discretion to exclude the requirement for small scale mines to provide 'evidence of an ore body or anomalous zone of likely economic value' when applying for a ML that does not exceed 40 hectares. Section 76(4) and Regulation 30 already exempt small mineral leases from the need to obtain a licensed survey for title areas not exceeding 40 hectares.

It is also proposed to allow the title holder of a mineral lease for small scale mining to submit an application to reduce or simplify reporting on MLs where there is low level activity. The application would need to meet specific criteria and the Minister could refuse to approve all or part of the application. This would enable the submission of simplified annual reports or exemption from reporting requirements relating to production, reserves and/or resources.

8.2. Authorised activities under mineral lease (s.44)

Section 44 outlines authorised activities that may be conducted on a ML, but it does not expressly provide for the title holder to conduct 'care and maintenance activities'.

The MMA currently defines mining activity as:

> ***mining activity*** *means any of the following activities:*
>
> *(a) exploration for minerals;*
>
> *(b) mining of minerals;*
>
> *(c) processing of minerals, tailings, spoil heaps or waste dumps;*
>
> *(d) decommissioning or rehabilitation of a mining site;*
>
> *(e) operations and works in connection with the activities in paragraphs (a), (b), (c) and (d), including:*

(a) (i) the removal, handling, transport and storage of minerals, substances, contaminants and waste; and

(b) (ii) the construction, operation, maintenance and removal of plant and buildings;

(ea) operations and works in connection with exploration or mining generally;

(eb) the construction, maintenance and use of infrastructure authorised by an access authority granted under the Mineral Titles Act 2010;

(f) operations for the care and maintenance of a mining site when an activity referred to in another paragraph of this definition, except paragraph (e), is suspended.

The MMA will be repealed on 1 July 2024, however provisions for care and maintenance activities provided under (f) in the definition of mining activity will be included in the EP Act.

It is proposed to include a provision that when mining and activities at (b) and (e) have been suspended, care and maintenance activities should be convened under Section 44(1) of the Act. This provision should also relate to the new Small Scale Mining ML, as proposed above.

8.3. New expenditure condition on a mineral lease

The MDT Final Report recommended the introduction of an expenditure condition on MLs. It is yet to be determined how this provision will work, however one proposal in relation to MLs for mining is to apply this condition only if the ML is licensed under the EPA to conduct:

- exploration or other development activities (prior to the commencement of production)
- care and maintenance activities.

This could result in the Act prescribing a minimum expenditure amount, on a flat rate or per hectare amount depending on what was the greater amount, on a similar basis to WA and Victoria.

This would require some consideration of criteria for admissible expenditure that can be included. The holder of a ML subject to expenditure condition would be able to apply for a variation under Section 100. A fee for non-compliance is also proposed to be introduced.

It is proposed a minimum amount of $10,000 in relation to exploration or other development activities or $100 per hectare, and a minimum amount of $2,000 for care and maintenance activities or $50 per hectare.

It is also proposed to apply this provision to the two new MLs for fossicking, however this would be applied at a lesser rate, in the same manner as care and maintenance activities above.

Building our extractive mineral industry capacity

9. Building our extractive mineral industry capacity

The extractive mineral industry plays an important role in the development of critical infrastructure in the Northern Territory. To enable the Government to be more responsive to the ongoing and emerging needs of this industry, several amendments have been proposed to provide for greater flexibility in activities that can be conducted on an extractive mineral title.

Other proposed amendments would reduce the opportunity to apply for excessive areas of land under an extractive mineral exploration licence, to ensure access to resources across the entire industry.

9.1. Application for and grant of extractive mineral exploration licence (s.47)

Section 47 sets out the procedures for the application and grant of an EMEL. It provides that the Minister may grant an EMEL for a term not exceeding two years, after which it cannot be renewed.

Another issue relates to the absence of a 30 day moratorium for EMEL applications, in contrast to ELs under Section 65(2). It is believed that introducing a 30 day moratorium on EMEL applications would increase competition during the application process, particularly where multiple interests exist.

Additionally, the maximum four block limit that can be applied for when submitting an EMEL application has given applicants an unacceptable way to tie up (land bank) large areas of land to the exclusion of other potential extractive operators and explorers.

It is proposed the following changes are made in relation to EMELs:

- to provide for a longer grant period by extending the provision at Section 47(3) to allow the Minister to grant an EMEL for a period not exceeding 3 years
- to introduce a new provision where a person cannot apply for the grant of an EMEL for an area of land that was previously an EMEL until 30 days have passed since the ‘mining notice’ under Regulation 70 was published, consistent with the process for ELs
- it is proposed that EMEL applications be limited to one block to minimise the possibility of land banking and to increase efficiency
- to restrict the number of granted blocks that can be held by any person at any one time to eight.

9.2. Renewal of extractive mineral permit (s.52)

Section 52 sets out procedures for the renewal of an EMP. It provides that the Minister may renew an EMP for a period not exceeding five years.

Currently, the purpose of an EMP cannot be changed at the time of renewal. However, in some instances it would be appropriate to change the EMP's purpose to remove the right to extract and remove extractive minerals, particularly if rehabilitation rent has been approved. While the Act does allow for conditions to be changed at renewal under Section 85(4), this provision does not extend to amending the EMP’s purpose.

It is proposed that once approved rehabilitation rent has been applied to an EMP, the Minister may change the EMP's purpose upon renewal.

9.3. Authorised activities under extractive mineral permit (s.53)

Section 53 outlines the authorised activities that can be conducted on an EMP, particularly with regard to extraction of extractive minerals from the natural surface of the land in the title area.

Under Section 253 of the NTA, the definition of 'mine' does not include extracting, obtaining or removing sand, gravel, rocks or soil from the natural surface of the land, or the bed beneath waters. It also does not include processing these materials using mechanical means.

The former Mining Act reflected this position, however when the Act was introduced it did not carry forward the specific exclusion on EMPs and that the processing of minerals using non-mechanical means was not permitted. Even though the department does not permit the processing of minerals using non-mechanical means on EMPs, the oversight has caused uncertainty on the grant of EMPs and how they should relate to the NTA.

It is proposed to include a specific exclusion on authorised activities under an EMP, that processing using non-mechanical means is not permitted. Where non-mechanical processing is proposed, the appropriate title to seek is an extractive mineral lease (EML).

In addition, the Act limits authorised activities to those related to the extraction of extractive minerals in the granted title area. This means the EMP holder is only allowed to process, store or remove extractive minerals that have been extracted from that location. It does not allow for extractive minerals to be moved from one EMP to another granted EMP in order to process, store and ultimately remove the material.

To enable the Territory to respond to the emerging needs of extractive operators and support large scale operations, it is proposed to allow extractive minerals from one granted EMP to be transported to another EMP for processing, storage and removal.

All granted titles would need to be held by the same person.

9.4. Extractive mineral lease (s.54)

Currently, an EML cannot be granted for ancillary purposes in the same way that an ML can be granted for ancillary purposes (e.g. stockpiling, operations in relation to transport of material or construction of plant and buildings). Allowing an EML to be used for ancillary purposes would give title holders greater flexibility and scope for the use of that title. This activity was permitted under the repealed Mining Act.

Additionally, an EML cannot be granted for tourist fossicking purposes (e.g. to enable fossicking-related commercial activity to be undertaken) in the same way that an ML can. While it is uncommon to fossick for extractive minerals such as sand, gravel, or rock, zebra rock in particular has recently grown in popularity among tourists. The only known resource of zebra rock found in Australia is in the Northern Territory, close to Kununurra near the WA border.

Currently, zebra rock is extracted under several granted EMPs. While these titles address that activity, they do not account for the increasing number of tourists that visit the region annually for fossicking.

It is proposed that an existing EML holder be permitted to apply for another EML, to conduct ancillary activities in the title area that are ancillary to extractive mining being undertaken on a separate EML granted to the same title holder. For example, the title holder may engage in activities such as stockpiling, construction of a camp or pipeline, processing, storing, or operating a site office that are directly related to or reasonably ancillary to the mining of extractive minerals.

Additionally, it is proposed to allow a person to apply for an EML for tourist fossicking purposes. For example, an EML granted for tourist fossicking purposes would be subject to the same conditions as an ML granted for tourist fossicking purposes. An EML for tourist fossicking purposes would also be restricted to one type of extractive material, being zebra rock, as prescribed by regulation.

9.5. Authorised activities under extractive mineral lease (s.57)

The Act limits authorised activities for EMLs to those related to the mining of extractive minerals in that granted title, meaning you can only process, store or remove extractive minerals that have been mined from that location. It does not allow for extractive minerals to be moved from one EML to another granted EML in order to process, store and ultimately remove the material.

To enable the Territory to respond to the emerging needs of extractive operators and support large scale operations, it is proposed to allow extractive minerals from one extractive mineral title (either EMP or EML), to be transported to another granted EML for processing, storing and removal.

Furthermore, the very broad interpretation of the Act has led to concrete recycling activities being undertaken on granted extractive mineral titles, based on the belief that it is permitted under legislation. After careful consideration, it is appropriate to find a compromise that supports both the extractive industry and the Northern Territory Government's NT Circular Economy Strategy 2022-2027[1].

It is proposed to provide a power for the Minister to allow for the storage and processing of clean concrete that is not contaminated with other materials, as prescribed by regulation. It is proposed that a definition of clean concrete will be provided for in the Regulations. Clean concrete may include concrete rubble from demolished structures, leftover concrete slurry and concrete blocks. Reinforced concrete containing steel may also be considered as clean concrete.

This provision would need to be explicit in that the processing of concrete must be part of a primary extractive activity and not the primary activity. It is not proposed to allow for the stockpiling, storage or sorting of building and demolition waste on a title area.

[1] The NT Circular Economy Strategy 2022-2027 is the NT Government's plan to reduce, reuse and recycle waste into a value resource.

Improving our mineral titles management

10. Improving our mineral titles management

10.1. Applications relating to same land or existing title area or existing proposed title area (s.65)

Under Section 65 of the Act, a person cannot apply for an EL until 30 days after the EL ceases (without reference to the mining notice's publication under Regulation 70). This has caused issues in practice as the department's database is unable to reconcile and reflect the updated information in a timely manner, disadvantaging potential applicants who are unaware that an area has become available.

Posting mining notices on the department's website and encouraging applicants to apply as soon as possible would increase equity and transparency for applicants. The intention of the proposed change is not to quicken the process but to ensure that all applicants have an equal opportunity to apply for an EL once it ceases and becomes available.

It is proposed to amend this provision to make it clear that a person cannot apply for the grant of an EL for land that was previously an EL, until 30 days have passed after the date on which a mining notice (published in accordance with Regulation 70) on the department's website indicates that the EL has ceased.

10.2. Application for acceptance of surrender (s.103)

Section 103 provides capacity for a mineral title holder to seek to surrender all or part of a mineral title. It sets conditions for the surrender of various types of titles.

Currently, Section 103(2) restricts the number of blocks that a title holder may surrender by requiring that the surrender leave the title area with no more than three separate areas of land, each comprising of at least four adjoining blocks.

Considering the proposed amendments to Section 27, which provide that an EL holder can hold a minimum of one block, there shouldn't be any restrictions on the number of blocks an EL holder may wish to surrender. For that reason, it is proposed to remove the restriction on the number of blocks that can be surrendered under Section 103(2).

In addition, it is proposed to include that documentation is required to demonstrate the level of rehabilitation the title holder (or operator) has undertaken in accordance with the closure criteria specified in the mining plan, which must be accompanied by an application to surrender all or part of a mineral title.

10.3. Cancellation or partial cancellation of mineral title (s.105)

The introduction of the Act provided the Minister with the capacity to cancel part of an EL, where the EL holder has not met the expenditure condition for two consecutive years. This was never clearly defined under Section 105 and is only covered by Section 105(2)(a) where the Minister, before making a decision to cancel, must be satisfied the title holder 'has contravened a condition of the mineral title'. The process has also not been clearly defined in the Regulations.

The partial cancellation penalty has been commonly referred to as the 'loss of blocks penalty' by the department and industry. For administration purposes, it would be beneficial to provide clarity around this penalty.

It is proposed to include a new provision that pertains to an EL only in cases where the expenditure condition has not been met for a period of two consecutive years. In addition to giving the EL holder an opportunity to comment on the proposed partial cancellation, the Minister would have to notify the title holder of their decision to apply a 'loss of blocks penalty'. Despite this proposed provision, the Minister should have the discretion to waive all or part of the penalty upon application by the title holder.

The formula for calculating this penalty is based on a 'rolling cumulative expenditure' formula, which allows underspends to be made up in the following year or overspends can offset an underspend in the following year and so on. The inclusion of the formula in the Regulations would provide greater transparency for the title holder and industry.

It is proposed that a description of the 'loss of blocks penalty' formula is included in Regulation 69 'cancellation of EL for part of title area'.

It is proposed to extend the 'loss of block penalty' over the entire life of the EL, as it currently only applies to the initial grant period.

a) Total proposed expenditure ÷ Number of blocks = Amount to be spent per block

   Example: $35,000 ÷ 250 = $140

b) Total proposed expenditure – Actual expenditure = Underspend

   Example: $35,000 - $30,000 = $5,000

c) Underspend x 50% ÷ Amount to be spent per block = Loss of block

   Example: $5,000 x 50% = $2,500 ÷ $140 = 17.85 blocks

d) Penalty rounded up or down = Number of blocks subject to penalty

   Example: Penalty of 18 blocks applies

10.4. General reserved land – limited or no activities (s.113)

Section 113 gives the Minister power to reserve areas of land from all types of exploration and mining for any period of time. The Minister can specify what types of activity, if any, may be allowed in the reserve area. The Minister may revoke such reservations in the Territory's interests upon review of the reason for the reserve.

Where the reserved land (RL) allows for the grant of mineral authorities (MAs) that correspond to an EL, the Act does not address what happens to these titles in the event that the RL is revoked and the title holder wishes to retain the titles. In cases where this has occurred, the department has converted the MAs to ELs.

Section 113(4) allows the Minister to vary or revoke the reservation of a RL. However, it is unclear as to what constitutes a 'variation' or 'revocation'. It would be beneficial, if as a result of a partial revocation, the remaining RL could consist of more than one part.

It is proposed the following changes are made:

- amend Section 113(4) to make clear as to what constitutes a 'variation' or 'revocation'

- include a power for the Minister to convert a MA that corresponds to an EL to a valid EL, in the event that the RL covering the title area is revoked
- include the capacity for an RL, following a partial revocation, to comprise of more than one part.

10.5. Registration of devolution of mineral rights interest (s.124)

When the holder of a mineral rights interest dies, those interests may be devolved to another person. This section is difficult to administer as it does not provide the Minister with the power to cancel the mineral rights interest, in the event that, after a dedicated effort to find a relative, executor, or potential beneficiary to any will, no one is found.

It is proposed that a direction and power is given to the Minister to publish a notice in a newspaper that is circulated in the deceased's last known jurisdiction. This notice must appear at least three times, with intervals of no less than 7 days. If no response is received after three months of the final notice, the Minister may cancel the mineral rights interest. This provision would not be used until all efforts to locate a relative, executor, or potential beneficiary to any will have been exhausted.

10.6. Amalgamation of title areas (r.63)

Section 102(1) provides that the Minister may decide to amalgamate all or part of two or more adjoining title areas (the original title areas) if the mineral titles relating to those areas (the original titles) are held by the same person and authorise substantially the same activities. Regulation 63 outlines the requirements for amalgamating original title areas with the exception of EMELs.

In the case where ELs are amalgamated, the department would consider the replacement EL to be in renewal, if the combined age of the ELs to be amalgamated are greater than six years. For example, where EL A in is year 4 and EL B is in year 3, the combined age is 7 years.

It is proposed to include a provision that states that the replacement title for amalgamated ELs, where their combined age is greater than six years, will be deemed to be in renewal for rent purposes and issued for a period not exceeding the initial grant period.

It is also proposed to give the Minister the power to request ad hoc reports that cover a specified period, or to include a requirement for an annual and expenditure report to be lodged for the period from the date of last lodgement until the date of amalgamation.

The intention is to provide a report detailing the activities undertaken on the title, or part of the title, from the last report date until the date the title is amalgamated. That is, until such time at which the title or a part of the title ceases to exist. The report will be required 60 days after the date of amalgamation, which is consistent with other reporting.

Late lodgement fees will apply where applicable. Currently, late lodgement fees are $135 per week, or a part of that amount. The Minister will have the discretion to waive the late fee if satisfied that the person has a reasonable excuse for not lodging on time.

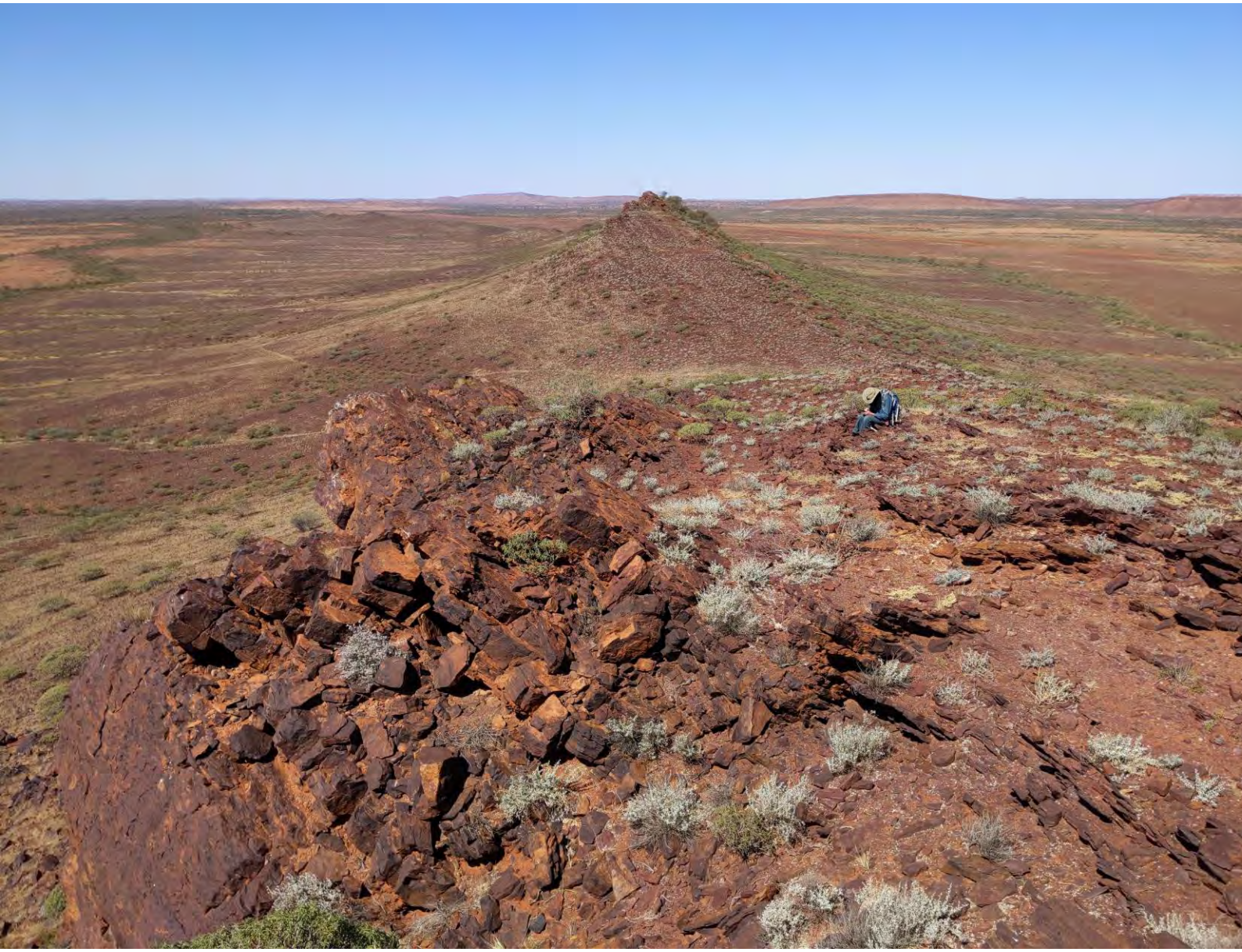
10.7. Title slivers

Section 16A of the repealed Mining Act had allowed for the space or 'sliver' of land created between two ELs, as a result of the shift in geographic coordinates over time (i.e. from Australian Geodetic Datum to GDA), to be applied for by the title holder of the EL granted first. Currently, the Act as it stands makes no provision on how to deal with these 'slivers'.

The intention is to also allow an EL application to partially overlap the title area of another granted EL, where that overlap has occurred due to a datum shift. The holder of the EL granted first has right of access to the overlap area. In the event that the first EL ceases to exist, the second EL holder shall have right of access to the overlap area.

It is proposed to include a provision similar to that of Section 16A of the repealed Mining Act. Over time, this will eventually remove all slivers. The change only pertains to ELs and is proposed to take effect upon commencement of the Act's amendments.

Regulating activities and conditions on mineral titles



11. Regulating activities and conditions on mineral titles

11.1. Right to enter and use land outside title area (s.84)

Section 84 provides the holder of a mineral title the right to enter land outside the title area (the relevant land) to construct, maintain and use infrastructure associated with conducting authorised activities, if they hold an access authority for that area of land. It also requires the title holder to give written notice of the intention to apply for an access authority to a title holder of a mineral title in force for the relevant land.

An access authority is a right of access and not a grant of title, which can only be applied for if associated with granted tenure. The access authority ends when the relevant title ceases and this needs to be made specifically clear in the Act.

It is proposed to amend Section (3)(a)(ii) to specify that this subsection to *'give written notice of the intention to apply for an access authority to a title holder of a mineral title in force for the relevant land'*, applies explicitly to ELs, ELRs (exploration licence in retention) and EMELs.

Section 84(3)(c) requires that the holder of mineral title *'obtain the consent of owners of classes of relevant land, as prescribed by regulation, to enter the land for the purposes mentioned in subsection (1)'*. It is proposed to expand this section to include holders of a ML, EML or EMP.

Lastly, a provision to require the holder of a mineral title to surrender their access authority is proposed.

11.2. Drill cores, cuttings and other geological samples (s.93)

This section requires a holder of an EL, ELR or EMEL to give the Minister notice of the recovery of a drill core, cutting or other geological sample, if they are of significant value to NTGS. However, soil, sand, gravel, rock or peat are examples of extractive minerals that are explored with an EMEL, and samples of these extractive minerals are not considered to be of high value or required by NTGS.

Furthermore, an EMEL holder is not required to lodge an annual report that includes exploration information such as the details of geological samples. For that reason, it is proposed that EMEL holders should not be required to comply with Section 93 of the Act. Nevertheless, a geological sample may still be requested at any time during the term of the title under Regulation 127. It is also proposed that since ML holders are allowed to conduct mineral exploration in their title area, they should be bound by Section 93 provisions.

Currently, if the geological samples have not been disposed of (with the prior consent of the Minister), the relevant title holder is required to give each geological sample recovered to the Minister as soon as practicable after ceasing activities. It is common for the department to have an oversupply of samples for a particular area, in which the department does not want. Instead, it would be more practical for the samples to be 'offered' to the Minister for selection rather than 'given'.

Considering these changes, it is proposed the following changes are made:

- to remove reference to an EMEL and to include a ML under Section 93 (this may also consequently require an amendment to Regulation 128)
- to require that the title holder gives notice that the core is available and that the Minister has the discretion to accept it.

11.3. Notice of changes (s.98)

Section 98 requires the holder of a mineral title to notify the Minister of certain changes, within 14 days after its occurrence. It also provides under Section 98(3) that a person who is appointed as an administrator, liquidator or controller under the *Corporations Act 2001* for the holder of a mineral title must, as soon as practicable after the appointment, give notice to the Minister about the appointment.

Currently, a mineral title holder is not required to notify the Minister if they file for bankruptcy. Similarly, an executor, or other suitable person, is also not required to notify the Minister if the mineral title holder passes away. For administrative purposes, it would be beneficial to include a requirement to notify the Minister of these events.

It is proposed the following changes are made:

- to include a provision that requires the title holder to notify the Minister if they file for bankruptcy
- to include a provision that requires an executor, or other suitable person, to notify the Minister if a person who made an application under the Act passes away. An executor of an estate must notify the Minister, as soon as practicable, on the death of a title holder
- to include a provision that states if the Minister receives a notice that a person has declared bankruptcy or a company has been placed into liquidation, that any outstanding applications for the grant of a mineral title solely in the person's name are automatically denied.

11.4. Variation of conditions of mineral title (s.100)

Under this section, the Minister may vary the conditions of a mineral title by taking one or more of the following actions:

- amending a condition
- suspending a condition for a specified period
- removing a condition.

Currently, there are two types of variation to a condition relating to expenditure utilised by the department. One is a 'retrospective variation' for the reporting period that has just ended, and the other is to vary the expenditure for the current reporting period.

To reduce the practice of not complying with the expenditure criteria and then requesting a variation to that condition, it is proposed to remove the requirement to apply for a 'retrospective variation' for the reporting year that has just ended. It is proposed that upon commencement of these changes, only a variation of condition for the current reporting period would be required.

It is proposed that any requests to vary an expenditure condition must be submitted within the first six months of each reporting period, and that any variation to conditions submitted after this time will not be accepted. Should the expenditure not be met for two consecutive years, the Minister may take action under Section 105 to cancel a part of the EL title area - 'loss of block penalty'.

Growing our fossicking potential

12. Growing our fossicking potential

Fossicking is a popular recreational activity involving the small scale search for, extraction and removal of rocks, minerals and crystals. Fossicking offers an opportunity for Territorians and interstate visitors alike to discover the Territory's scenic outback landscapes and diversity of minerals present in the Territory.

Fossicking is a lawful activity in the Northern Territory and is permitted under the Act on all land, provided that the necessary notices or consents are obtained prior to commencing fossicking activities.

12.1. New mineral lease for tourist fossicking

The purpose of a proposed mineral lease for tourist fossicking (MLTF) would be to allow a title holder of a MLTF to conduct general fossicking activities for tourists and to charge people to participate in those activities. Title holders of a MLTF may use mechanical means to ‘push back’ topsoil to a maximum depth of 1 metre to facilitate fossicking.

When applying for a MLTF, the applicant would need to provide evidence they are a registered tour operator or be able to demonstrate that the registration process is underway at the time of application. Alternatively, they could also provide evidence of a written agreement with a registered tour operator who intends to conduct tourist fossicking tours on the mineral lease.

Applications would be made on an approved form and include a description of the land in the proposed title area (to a maximum of 40 hectares) and a summary of the proposed tourist fossicking activities planned to be conducted.

A MLTF would be available for a maximum grant period of 5 years, but could be renewed more than once, for periods not exceeding 5 years. There would be limited reporting requirements on tourist fossicking activities, however a requirement to notify the Minister if a mineral resource of economic interest is discovered would be included. The title holder would have the exclusive right to apply for a ML for small scale mining should a mineral resource of economic interest be discovered.

It is proposed to limit the number of MLTFs that can be granted to a person, or an associated entity (body corporate or individual) could hold at any time. The Minister would retain the discretion to determine the number of MLTFs that can be granted in any particular area at any one time.

With the creation of this new mineral lease category, it is proposed to remove the reference to tourist fossicking from Section 40. Should the holder of a ML, granted for mining, wish to undertake tourist fossicking, this remains permissible by virtue of Section 44(2)(b).

12.2. New mineral lease for fossicking

The purpose of a proposed mineral lease for fossicking (MLF) would be to allow the holder to conduct general fossicking activities, outside of the scope of Part 8, but not to the extent permitted under the proposed MLTF, in relation to conducting paid tours. The title holder would be allowed to use mechanical means to ‘push back’ topsoil to a maximum depth of 1 metre to facilitate fossicking.

Similar to the new MLTF proposed, applications for an MLF would be made on an approved form and include a description of the land in the proposed title area (to a maximum of 20 hectares) and a summary of the proposed fossicking activities.

A MLF would be available for a grant period maximum of 5 years, but could be renewed more than once, for periods not exceeding 5 years. There would be limited reporting requirements on fossicking activities, however a requirement to notify the Minister if a mineral resource of economic interest is discovered would be included.

To avoid 'nuisance pegging', it is proposed to limit the number of MLFs that can be granted to a person, or an associated entity (body corporate or individual) and to also limit the number that can be granted in any particular area. The Minister would retain the discretion to determine the number of MLFs that can be granted in any particular area at any one time.

12.3. New permit for fossicking

To better facilitate the growing interest and tourist potential of recreational fossicking in the Northern Territory, it is proposed to introduce a new 'fossicking permit' available to individuals, family groups, clubs and commercial fossicking tour operators for a fee. A permit would not be required for the holder of a MLTF or any person attending a tour conducted on an MLTF. An 'NT resident permit' is also proposed to be introduced at a reduced cost.

To reinforce the new permit, a financial penalty would be implemented for fossicking without a permit. These changes would require fees to be specified in the Regulations including accommodating for replacement permits.

Prior to the issue of a fossicking permit, the Minister may consider available information about the individual applying, such as whether the individual has been the subject of complaints relating to alleged fossicking offences in the past or has been/is the subject of legal proceedings relating to fossicking offences.

12.4. Fossicking area

Part 8 of the Act allows the Minister to gazette a declared fossicking area. Typically, these areas do not contain any granted mineral titles, however over the years a small number of mineral titles have been granted within a declared fossicking area. This has led to issues for fossickers as it diminishes the purpose of having a dedicated fossicking area and requires the consent of the mineral title holder to fossick in their title area.

For this reason, a provision should be included to prohibit the grant of any type of mineral title within a gazetted fossicking area.

12.5. Authorised fossicking (s.135)

Section 135 sets out the requirements for a person to enter land in the Territory to fossick. Currently, a person may fossick for minerals, except for those specified at Section 135(5).

Extractive minerals such as sand, gravel and rock have previously been excluded from fossicking provisions since there has been little to no interest in these extractive minerals. However, the extractive mineral zebra rock is the one exception to this rule.

A declared fossicking area was gazetted under the repealed Mining Act on 2 December 1987 to allow for fossicking to be undertaken, however, this only applied to minerals and not extractive minerals. The fossicking area is renowned for zebra rock and this has become the only reason people fossick in that area. Currently, the Act does not provide for this activity to occur for an extractive mineral.

It is proposed to include extractive minerals prescribed by regulation under Section 135 to allow for the legal fossicking of zebra rock.

Further, to clarify what constitutes fossicking and to avoid confusion for fossickers, it is proposed that the definition is expanded to include 'what is not considered fossicking'. For example, picking up a specimen of minerals or extractive mineral by chance while engaged in other activities, does not qualify as fossicking.

12.6. Fossicking area declarations (s.136)

Under Section 136(2), the inclusion of the word 'vacant' with 'Crown land' caused unintended consequences that has led to difficulties with the declaration of new fossicking areas.

Access to Crown land should not require written consent. Rather, when there is an interest in Crown land, such as a pastoral lease, a notification and consultation process should be undertaken. This was the former process under the repealed Mining Act.

It is proposed to amend Section 136(2) to remove the word 'vacant' from 'vacant Crown land' and to clarify that the Minister must give a pastoral landowner written notice of their intention to declare a fossicking area. The Minister must take into consideration any comments the pastoral landowner may have submitted to the Minister within 30 days of receiving the notice.

12.7. When consent required (s.138)

Section 138 outlines the consent requirements for fossickers and describes who is required to provide the written consent to fossickers to access these areas.

Currently, it is unclear if fossickers seeking to enter Aboriginal land must go through the ALRA consent process to enter Aboriginal land. Should this be the case, it would impose the same restrictions on fossickers as it does on persons applying for the grant of a mineral title which defeats the purpose of facilitating fossicking as a recreational activity.

ALRA allows for agreements with Traditional Owners to provide access to land for fossicking without the need for 'written consent'. This would mean that any prospective fossicker would have to apply to the relevant Land Council for a permit to access the land.

It is proposed to clarify in Section 138 that consent, as it pertains to Aboriginal land, does not include consent for the purposes of Section 41 of ALRA. Rather, consent to enter and remain on Aboriginal land for the purposes of Part II of the *Aboriginal Land Act 1978*.

12.8. Requirements for title area of EL (s.140)

Section 140 and 141 outline the consent requirements for fossickers who intend to conduct fossicking activities on mineral title areas.

Currently, ELRs are not covered under section 140 or 141 meaning that a fossicker does not need to seek consent from the relevant title holder to fossick, although they should for safety reasons. As ELRs are closely aligned with ELs, it would be appropriate to include them in Section 140 rather than Section 141 with MLs, EMPs and EMLs.

To ensure that fossickers obtain the title holder's consent before fossicking in the title area where relevant, it is proposed that ELRs are included under Section 140. Should this proposed change commence, Part 9 Division 1 of the Regulations would also need to be amended to reflect this change.

12.9. Requirement to give notice of intention to fossick (r.100)

Regulation 100 applies to a person who intends to fossick on relevant land and must give notice to the landowner before entering the area to fossick.

The regulations currently specify what must be included in this notice, however they do not require the person to provide vehicle details or the number of people that intend to fossick. Additionally, prior to entering the land, it does not require the fossicker to disclose the measures they will take to minimise the spread of weeds. These have primarily been included in the notification form used to provide notice to landowners, however, it would be beneficial to include them in the Regulations.

It is proposed that the following is included in a fossicking notice under Regulation 100(3):

- registration details of any vehicles including caravans, trailers, motorbikes
- the number of people in the fossicking party
- the length of time proposed to remain on the property
- details of measures that will be taken to minimise the spread of weeds.

12.10. Offences relating to entry onto or remaining on relevant land requiring consent (r.107)

Regulation 107 outlines various offences that a person intending to fossick may commit, when entering or remaining on relevant land requiring consent. The offences include events in which the landowner has:

- withdrawn consent of the person's fossicking request
- given the fossicker a notice of refusal
- given the fossicker consent to enter the land, however the fossicker has entered the land earlier that the date specified in the request
- not responded to the person's fossicking request (and the fossicker has entered the land).

Currently, there is no offence for entering land requiring consent where no request for consent has been sent to the landowner. A comparable provision is provided at Regulation 106(1), which states that a person commits an offence if they fossick on land without giving the landowner notice to fossick.

It is proposed to include a maximum penalty of 80 penalty units for entering land requiring consent, when the landowner has not been sent a request for consent.

12.11. Meaning of relevant land (r.98)

The current wording under Regulation 98(2) has caused some confusion for fossickers. The sub-regulation outlines the relevant land for a 'fossicking request', which actually means relevant land where consent to fossick is required.

To resolve this issue, it is proposed to change the wording under Regulation 92(2) from 'request' to 'consent.'

12.12. No extraction of more than the prescribed amount (r.109)

Fossicking is defined as searching for minerals by hand or by any handheld instrument (e.g. metal detector) to a depth not exceeding one metre below the line of the natural surface of the land. The prescribed amount of mineral a person can fossick in the Territory is outlined in Regulation 109, however, it does not specify the maximum amount that can be removed.

For the benefit of fossickers and to make fossicking activities attractive to tourists and visitors visiting the Territory, it is important to clarify this regulation. The intention is to prescribe a maximum amount that can be extracted at any one time, as the current regulation does not specify a time limit (i.e. whether the maximum amount can be extracted daily, per trip, per person etc.).

It is proposed that the regulation is amended to allow a fossicker to extract and remove the daily prescribed amount of mineral specified under Regulation 109. This would clarify to fossickers that they can extract and remove more than the prescribed amount over the course of their trip to the Territory.

12.13. Obligations to occupier or landowner (r.110)

Regulation 110(1) provides that a fossicker must comply with the reasonable conditions or requests of the occupier or landowner of the land on which they are fossicking.

Currently, a number of pastoralists have complained about the duration in which some fossickers state they plan to camp on their pastoral property. In some instances, the department has received reports that fossickers have remained there for at least six weeks and will camp in areas where they have been directed by the pastoralist to avoid. Currently, the regulations do not provide for an agreement between the fossicker and occupier or landowner or provide a specific timeframe in which a fossicker is allowed to remain on the land.

It is proposed the following changes are made:

- to include a provision to establish a reasonable period of time that a fossicker can remain on the land. For example, a two week maximum period may be considered appropriate, and by setting a maximum period it gives the occupier or landowner the opportunity to move them on, if required
- to include a provision that if the landowner or occupier consents, the fossicker may remain on the land for a longer period
- to include a provision to allow an occupier or landowner to direct a person to leave, should they refuse to leave or camp in areas not approved by the landowner or occupier

The two new mineral leases MLTF and MLF are specifically designed to provide for coordinated tourist fossicking and independent fossicking activities. These activities will be administered outside of the existing fossicking provisions under Part 8 of the Act.

Administration

13. Administration

13.1. Scientific geological investigations

The Northern Territory Geological Survey (NTGS) undertakes geoscience research targeted towards a better understanding of the Territory's geological structure and resource potential. The work undertaken by NTGS consists mostly of non-ground disturbing research projects.

Workers and contractors of NTGS need access to the land, irrespective of whether or not a mineral title exists, to conduct scientific geological studies such as geological mapping, sampling, airborne and ground-based geophysical surveys. Although this is not a novel approach, it is intended to formalise this process so that it is in line with other jurisdictions.

For the benefit of NTGS staff performing their work, it would be beneficial to include a new provision that provides authority to carry out 'geological investigations'. The NTGS's Aboriginal Engagement and Land Access Unit will continue to notify and negotiate the terms of access with landowners, including route, dates and times.

It is proposed a provision be included to allow authorised persons to access land in order to carry out geological investigations. The intended authority and arrangement of this provision should be similar to those found in Section 15(1) to (3) under the *Mining Act 1971 (SA)*[2].

Furthermore, it is intended to have a maximum penalty of 40 penalty units for interfering with the exercise of these powers. It may also be necessary to define 'NTGS' in the Act.

The intention of this provision is to allow NTGS staff to enter and remain on land by notice rather than formal agreements. NTGS would need to demonstrate that access is essential and required for carrying out official duties. It is proposed that notification requirements could follow the process that already exists in Part 2 of the Act for preliminary exploration.

13.2. Examination and analysis of geological samples (r.128)

Under Regulation 128, geological samples recovered from an EL or ELR can be released for examination by any person. However, it is unclear whether the analysis of the geological sample included in the annual report can be released for examination.

It is proposed to make the following changes in relation to the examination of geological samples:

- in cases where Regulation 125 authorises the Minister to release or publish information contained in the relevant annual report, it is recommended that a portion of the geological sample recovered from an EL or ELR can be released for examination
- remove Regulation 128(5) and (6) so that a person cannot apply to the Minister to remove part of a geological sample for analysis
- amend Section 93 to include geological samples recovered from exploration activities on a ML.

[2] *Mining Act 1971 (SA)*

Transition and non-compliant existing interests

14. Transition and non-compliant existing interests (s.204)

Non-compliant existing interests (NCEIs) are historical titles granted under the *Mining Ordinance 1939-1979* (authorised holdings) or the *Mining Act 1982* (mineral claims). Upon commencement of the Act on 7 November 2011, there were 146 authorised holdings and 571 granted mineral claims.

Provisions were made under Section 204(3) of the Act to recognise these titles and provide a mechanism for the Minister to take various actions in relation to a NCEI. These included:

- converting them to a mineral title under the Act as considered appropriate
- converting them to another interest in relation to the land to which it relates (e.g. licence under *Crown Lands Act 1992)*
- accepting its surrender
- cancelling it.

These provisions have enabled the department to effectively manage the conversion of approximately 525 mineral claims to a mineral title under the Act and a further 89 authorised holdings that have been either surrendered or cancelled. However, the department has not been able to give effect to Section 204(3) for the remaining titles.

While the MTA provides that the Minister has the authority to cancel NCEIs, further clarification of this power is required in the legislation. Amendments can be made to Section 150 'Cancellation or partial cancellation of mineral title' to make clear that the Minister has the power to cancel a NCEI. In addition, a new provision could be included in Section 105 to ensure that the Minister must be satisfied before cancelling the NCEI (e.g. criteria is met in searching for a beneficiary of the title, and no one is found).

It is proposed to introduce a new provision to permit the conversion of these titles and enable them to come under the purview of the Act so that they can be managed in a similar manner to all other mineral titles. This would effectively remove long standing legacy issues and provide a level of certainty to the holders of these titles.

Improving our reporting requirements

15. Improving our reporting requirements

Reporting and forecasting are necessary and critical elements of holding and maintaining a mineral title as they provide an opportunity to assess potential and actual activity as well provide important information on resource exploration, development and production.

The Act provides that a mineral title holder must provide the Minister with a report on activities conducted in the title area in accordance with the Act or Regulations. This section outlines a number of reports to be provided by the holder of a mineral title including expenditure, production, mineral reserves, work performed and rehabilitation.

The Northern Territory Government is exploring avenues to ensure that reporting is robust and beneficial to the overall development of the Territory, while also streamlining where possible, the process for legitimate operators and reducing the opportunities for 'banking' resource development potential.

Many of the proposed changes are designed to align with current practices, change existing report names and lodgement due dates, or to provide the Minister with the ability to conduct an audit on amounts claimed as expenditure.

15.1. Annual reports (r. 78 and 79)

With the MMA set to be repealed on 1 July 2024, it is proposed to remove Regulation 79 since the requirement to obtain the Minister's approval to provide the annual report on the same day as one or more reports that are required under the MMA is no longer required.

15.2. Expenditure reports (r.80)

To improve efficiency in reporting expenditure, it is proposed to include a provision to allow related bodies and corporations to apply for an expenditure project area, as they can for amalgamated reporting. The intention is to provide consistency in the application of the legislation to particular title holders. That is, those who are permitted to apply for amalgamated reporting can also apply for an expenditure project area.

It is proposed to provide the Minister with the capacity to conduct an audit and request justification and/or clarification for amounts claimed as expenditure in the expenditure report. It is also proposed to amend the lodgement date of an expenditure report to 60 days after the end of each operational year, to coincide with the lodgement of the annual report.

15.3. Reserves reports (r. 83 and 84)

It is proposed to amend the term 'reserves report' to 'resource report', to better reflect the actual contents of the report and to amend the lodgement date of a reserves report to 60 days after the end of each operational year, to coincide with the lodgement of the annual and expenditure report.

The alignment of lodgement dates with the annual and expenditure report may also allow for the capacity to accept a reserves report within the annual report, particularly for ELs. Confidentiality and ensuring the Minister has the relevant authority to determine how reports would be submitted are factors that would need to be considered.

The ability to combine a production and reserves report into one document is also proposed to be removed, as these reports are will now have two separate reporting deadlines.

Other additional changes would include introducing a late lodgement fee for reserves reports at the Minister's discretion and to include a new provision that ELs must now also provide a reserves report.

15.4. Production reports (r. 84 and 85)

It is proposed to include a new provision so that mineral claims converted to MLs do not have to provide a production report. This provision would also extend to the two mineral lease categories: MLTF and MLF.

Additional changes would also include introducing a late lodgement fee for production reports at the Minister's discretion.

15.5. Final reports (r.86)

It is proposed to redefine the use a 'final report', which is to apply when all of a title area ceases. A 'partial relinquishment report' would apply when only part of a title area ceases. An additional amendment would allow for 'final reports' to be lodged as an 'amalgamated report', where the titles are already part of an approved amalgamated reporting.

15.6. Amalgamated reports (r.87)

It proposed to amend the term 'amalgamated reporting to 'group reporting', to avoid any confusion with the management of amalgamated titles under Regulation 63.

For the purposes of reporting, all mineral titles subject to amalgamated reporting would have a lodgement date calculated based on a reporting period and not an operational year. It is proposed to provide the Minister with discretion to add or remove titles from the approved amalgamated reporting to reduce administrative burden and to also extend this discretion to title holders.

Further, it is proposed that an application for 'approved amalgamated reporting' must include both annual reports and expenditure reports, and to remove the requirement that title areas must be no more than five blocks apart to apply for amalgamated reporting. Instead, the Minister should be given the authority to decide for each application on a case-by-case basis.

Rent, fees and charges

16. Rent, fees and charges

16.1. Rent and administration fee (r.77)

Considering the proposal to remove the reduction requirements for ELs in the initial grant period, it would be necessary to amend the current rent structure.

Currently, the rent is tiered to encourage reductions every two years by doubling the number of revenue units. If the reductions are undertaken (50%) then the actual amount of rent paid remains the same, however this will not apply into the future.

It is proposed to total the current six year rent revenue units and then divide by six to achieve a set amount per block, per year, for the entire initial grant period. This would result in a fee per block of 175 revenue units. The proposed renewal rent would include:

Renewal period	Proposed renewal rent
Initial renewal period up to a maximum of six years	175 revenue units per block
Second renewal period up to a maximum of two years	225 revenue units per block
Each subsequent renewal period	275 revenue units per block

Annual rent is also required to accommodate the new mineral and extractive mineral lease categories. The proposed fees include:

Mineral title	Proposed annual rent
Mineral lease for tourist fossicking	54 revenue units per hectare
Mineral lease for fossicking	
Extractive mineral lease for tourist fossicking	
Extractive mineral lease for ancillary purposes	

Other proposed amendments include the introduction of a new rent structure for authorised holdings and mineral claims. The rent is to be the equivalent of a mineral lease, currently 18 revenue units per hectare.

It is also proposed to provide the Minister with the power to apply a pro rata rent at grant of an ancillary mineral lease, where it is appropriate to do so.

16.2. Application fees

It is proposed that a fee schedule is introduced to partially offset the costs of the administrative work required for the following applications:

Applications	Proposed application fees
• Expenditure project area • Variation of an expenditure project area • Division of title area into separate parts • Amalgamation of mineral titles, where requested by the title holder	A small application fee between 100 and 200 revenue units is currently being considered.

Applications	Proposed application fees
• Bulk sample approval • Amalgamated reporting (expenditure and annual reports) • Variation to amalgamated reporting	

An application fee is also required to accommodate the new mineral lease categories. The proposed application fees include:

Mineral title	Proposed application fees
Mineral lease for tourist fossicking	500 revenue units
Mineral lease for fossicking	500 revenue units
Mineral lease for small scale mining	750 revenue units

16.3. Administration fees for mineral titles

With the introduction of new mineral lease categories, including proposed changes to the management of authorised holdings and mineral claims, it is proposed that several new administration fees be introduced. The proposed administration fees include:

Mineral title or NCEI	Proposed administration fees
Mineral lease for tourist fossicking	200 revenue units
Mineral lease for fossicking	200 revenue units
Mineral lease for small scale mining	200 revenue units
Mineral claim	50 revenue units
Authorised holdings	50 revenue units

16.4. Fossicking permit fees

In light of the proposed new fees for fossicking permits, the following fees are proposed:

Fossicking permit	Proposed fossicking permit fees
NT residents	
• Individual permit	30 revenue units per year
• Family permit	50 revenue units per year
Non-NT residents	
• Individual permit	50 revenue units per year
• Family permit	70 revenue units per year
Other fossicking permits	
• Club permit	100 revenue units per year
• Commercial tour operator permit	250 revenue units per year

It is also proposed that a replacement fee of 15 revenue units be charged in the event the fossicking permit is lost or damaged (e.g. the permit becomes illegible).