

MT4: Extractive mineral titles

Purpose

To outline the proposed changes for extractive mineral titles under the *Mineral Titles Act 2010* (the Act) and *Mineral Titles Regulations 2011* (the Regulations).

Overview

The extractive mineral industry plays a key role in the development of critical infrastructure in the Northern Territory.

Under the Act, an extractive mineral is defined as soil, sand, gravel, rock or peat. The following extractive mineral titles can be applied for in exploration and mining:

Extractive mineral titles	
Extractive mineral exploration licence (EMEL)	An EMEL title holder has the right to occupy the title area and explore for extractive minerals using methods that are reasonably necessary for exploration.
Extractive mineral permit (EMP)	An EMP title holder has the right to occupy the title area as well as exclusive rights to take extractive minerals from the natural surface of the land.
Extractive mineral lease (EML)	An EML titleholder has the right to occupy the title area as well as exclusive rights to mine extractive minerals in the lease area.

Improving our extractive minerals industry

To enable the NT Government to be more responsive to the ongoing and emerging needs of our extractive minerals industry, several amendments have been proposed that would allow for more flexibility in activities that can be conducted on an extractive mineral title.

Extractive mineral exploration licence

Current arrangements	Proposed arrangements
The Minister may grant an EMEL for a maximum period of two years.	Under the proposed changes, the Minister would be able to provide a longer grant period for a maximum period of three years.
A maximum of four block limits can be applied for when submitting an EMEL application.	To promote the efficient turnover of land, it is proposed that EMEL applications are limited to one block. However, an EMEL holder would only be able to hold a maximum of eight granted blocks at any one time.

Current arrangements	Proposed arrangements
Unlike mineral exploration licences (ELs), the Act does not provide for a 30 day moratorium on EMEL applications after an EMEL expires.	It is proposed a 30 day moratorium on EMEL applications is introduced, which would increase competition during the application process.

Extractive mineral permit

Current arrangements	Proposed arrangements
<p>The Act currently allows for EMP conditions to be amended at renewal. However, it does not allow for the purpose of an EMP to be amended upon renewal of the extractive mineral title.</p> <p>For example, if rehabilitation rent has been approved, it would be appropriate to remove from the EMP's purpose the right to extract and remove extractive minerals.</p>	It is proposed to allow the Minister to be able to change the EMP's purpose upon renewal of the EMP.
<p>The Act currently does not provide a specific exclusion on processing extractive minerals using non-mechanical means for an EMP.</p> <p>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 <i>Native Title Act 1993 (Cth)</i>.</p>	It is proposed to include a specific exclusion on EMP authorised activities, where processing using non-mechanical means is prohibited. Where non-mechanical processing is required, the appropriate title to seek would be an EML.
The Act currently does not allow for extractive minerals to be moved from one EMP to another EMP for processing, storage and ultimately removal of the material.	In responding to the emerging needs of extractive operators and to 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.

Extractive mineral lease

Current arrangements	Proposed arrangements
<p>The Act currently does not allow for an EML to be granted for ancillary purposes that are directly related to or reasonably ancillary to the mining of extractive minerals.</p> <p>For example, stockpiling, construction of a camp or pipeline, processing, storing or operating a site office.</p>	Under the proposed changes, an existing EML holder would be permitted to apply for another EML to conduct ancillary extractive mining activities in the title area.

Current arrangements	Proposed arrangements
Unlike mineral leases (MLs), the Act currently does not allow for an EML to be granted for ancillary purposes such as tourist fossicking for extractive minerals (e.g. zebra rock).	Under the proposed changes, a person would be able to apply for an EML for tourist fossicking purposes which would be subject to the same conditions as an ancillary ML for tourist fossicking.
The Act currently does not allow for extractive minerals to be moved from one EML to another EML for processing, storage and ultimately removal of the material.	It is proposed to allow extractive minerals from one extractive mineral title (either an EMP or EML) to be transported to another EML for processing, storing and removal.

Concrete recycling activities

The Act does not provide for the storage and processing of clean concrete¹. Currently, the broad interpretation of the Act has led to concrete recycling activities being undertaken on extractive mineral titles, based on the belief that it is permitted under the Act.

To provide greater clarification to industry, it is proposed to:

- provide the Minister with the authority to allow for storage and processing of clean concrete on granted extractive mineral titles
- provide a definition of clean concrete recycling activities in the Regulations
- clarify that the processing of concrete must be part of a primary extractive activity.

¹ 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.