

Freehold Landowners and the Exploration Licence Application Process

The *Mineral Titles Act* is administered by the Mineral Titles Division of the Department of Primary Industry and Resources (the Department) and is responsible to the Minister for Primary Industry and Resources.

1 Exploration Licences

An application for an exploration licence may be made over any land in the Northern Territory by following procedures set out in the *Mineral Titles Act* and Regulations. Different land tenure has different processes for granting exploration licences. This paper briefly outlines landowners' and occupiers' rights to lodge an objection or submission to an exploration licence application over NT Freehold Land.

Exploration licence's may be granted for an initial period of up to 6 years and allow the holder to explore for all minerals. (It is important to note that minerals are the property of the Crown and the Northern Territory has a right to benefit from those minerals.) However, the grant of an exploration licence is not automatic and the *Mineral Titles Act* provides an opportunity for affected landowners and occupiers to lodge objections or submissions to the proposed grant of an exploration licence.

It is also important to understand that an exploration licence does not allow the holder to develop a mine or mine for minerals. In fact there is only a small chance that exploration will be successful to the extent that an economic mineral resource is discovered. If a company wishes to mine, a separate mineral lease is required and the landowners or affected parties again have the opportunity to lodge an objection or submission to the grant of the mineral lease.

2 Landowner Notification of the Exploration Licence Application

The Mineral Titles Act has a number of provisions designed to protect the rights of landowners while allowing legitimate explorers access to land. The applicant must notify the affected landowners or occupiers within 14 days of lodging an application for an exploration licence, using details obtained from the land register, administered by the Land Titles Office (LTO). Addresses are also obtained from this register and the applicant is not required to ensure that the details contained in the register are up to date. This remains the responsibility of the landowner,

Communication between the landowners / occupiers and the applicant is encouraged at this stage, and in practice is an opportunity for both parties to discuss and understand respective activities and concerns.

Note that a "landowner", in relation to land, means a person who has an interest in that land and that interest is recorded in the land register.

3 Objections and Submissions

It is a requirement under the *Mineral Titles Act* that an exploration licence application is advertised in a newspaper circulating within the application area. The newspaper used in all instances is the NT News with an additional notice placed in the Centralian if the application is located in the Central Land Council area. These advertisements appear fortnightly on a Wednesday and Friday respectively. The landowners / occupiers then have 30 days to lodge an objection or submission to that application with the Department. Objections and submissions must be in writing, detailing the grounds on which they are made.

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If an objection or submission is received within the 30 day period, the Department will forward a copy to the applicant, allowing 21 days for them to respond. Again, communication is encouraged between parties to resolve any issues. All objections and submissions (including responses from the applicant) are then considered by the Minister or a Delegated Officer to decide to either grant, partially grant, or refuse the application. The Department will then advise all parties of the outcome.

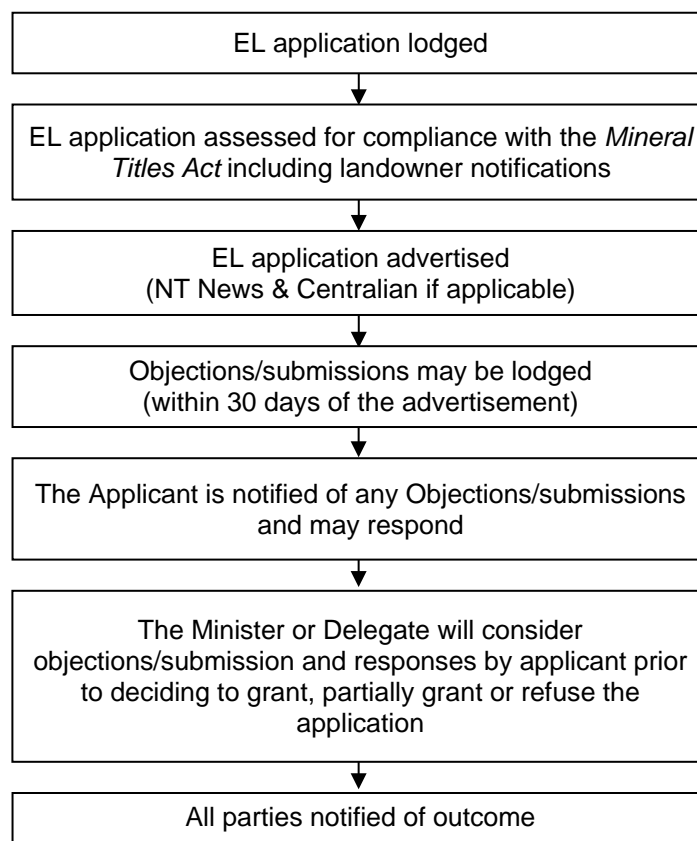
4 If an Exploration Licence is Granted

If an exploration licence is granted, there are a number of measures in place to ensure that the exploration is conducted in accordance with best practice.

Depending on the exploration program, impact on the area can vary, however exploration evaluation of the land does not necessarily involve immediate access or disturbance to the land; it may take place in the explorer's office, using computer based models or on the land using non-intrusive techniques.

If the exploration program is considered by the Department to be more substantial such as drilling, then the explorer must first obtain authorisation under the Mining Management Act (MMA). The MMA requires the explorer to lodge a management plan which details the environmental management and monitoring programs for the exploration licence and submit a financial security for the rehabilitation of disturbances created by the exploration activities. The Department monitors compliance of the rehabilitation requirements.

5 Exploration Licence (EI) Application Process



More Information

An Information Bulletin explaining the rights and obligations of both the Landowner and Title Holder, once an Exploration Licence is granted, is available on the Departments website.

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