

# Guide to mineral exploration in the Northern Territory



<b>Document title</b>	Guide to mineral exploration in the Northern Territory
<b>Contact details</b>	Department of Industry, Tourism and Trade

Version	Date	Author	Changes made
1	July 2021	Department of Industry, Tourism and Trade	First version
2	February 2022	Department of Industry, Tourism and Trade	Second version
3	July 2024	Department of Industry, Tourism and Trade	Third version Updated to reflect commencement of the mining environmental reforms

Abbreviations	Full form
ALRA	<i>Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)</i>
EL	Exploration licence
EMEL	Extractive mineral exploration licence
EP Act	<i>Environment Protection Act 2019 (NT)</i>
MTA	<i>Mineral Titles Act 2010 (NT)</i>
MTR	<i>Mineral Titles Regulations 2011 (NT)</i>
NTA	<i>Native Title Act 1993 (Cth)</i>
NT	Northern Territory
NTCAT	Northern Territory Civil and Administrative Tribunal
PE	Preliminary exploration

This publication has been compiled by Mineral Titles, Mines Branch, Department of Industry, Tourism and Trade, Northern Territory Government.

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## Definitions

In this guide the following definitions apply.	
Aboriginal land	Means: <ul style="list-style-type: none"> <li>• Land held by a Land Trust for an estate in fee simple; or</li> <li>• Land the subject of a deed of grant held in escrow by a Land Council.</li> </ul>
Authorised activities	Means the rights to conduct authorised activities mentioned in the relevant section of the <i>Mineral Titles Act 2010</i> (NT) for that specific mineral title type.
Department of Industry, Tourism and Trade	The regulator responsible for the <i>Mineral Titles Act 2010</i> (NT)
Department of Environment, Parks and Water Security	The regulator responsible for the <i>Environment Protection Act 2019</i> (NT)
Environmental (mining licence)	Means a licence granted under Part 5A, Division 4, Subdivision 3 or Subdivision 7 or section 313 of the <i>Environment Protection Act 2019</i> (NT) that is required before an operator can carry out mining activities on a mining site
Extractive mineral	Means sand, soil, gravel, rock or peat.
Improvements on the land	Means any of the following: <ul style="list-style-type: none"> <li>• a building used as a residence, or for a business or an agricultural purpose, and any other building or structure</li> <li>• a road constructed by or for the landowner of the land</li> <li>• a yard, fence, wall and any other barrier (for example, a gate)</li> <li>• a pipe, tank, trough, pump and any other thing for storing or raising water or another liquid</li> <li>• a garden, orchard, plantation or any other similar land use.</li> </ul>
Interest in land	For the purposes of entitlement to compensation, a person has an interest in land if the person: <ul style="list-style-type: none"> <li>• is recorded in the land register as a registered owner or registered proprietor of the land;</li> <li>• holds a licence granted under Part 7 of the <i>Crown Lands Act 1992</i> or,</li> <li>• in relation to land in a park or reserve, the landowner.</li> </ul>
Land of the Territory	Includes all land, water on the land and the coastal waters of the Territory. Does not include Commonwealth land.
Landowner	For the purposes of the <i>Mineral Titles Act 2010</i> (NT) means one of the following persons: <p>(a) A person recorded in the land register, as defined in section 4 of the <i>Land Title Act 2000</i>, as a person entitled to:</p> <ol style="list-style-type: none"> <li>(i) the fee simple interest in land</li> <li>(ii) a lease from the Crown under the <i>Crown Lands Act 1992</i>, <i>Pastoral Land Act 1992</i> or <i>Special Purposes Leases Act 1953</i>.</li> </ol> <p>(b) If the land is native title affected land, the holder of the native title. This means there has been a determination of native title.</p>



In this guide the following definitions apply.	
Marking boundaries	Means pegging or marking out a proposed mineral title area.
Mining activity	Includes exploration for minerals, processing of minerals, tailings and operations and works in connection with those activities. See full definition in section 13A of the <i>Environment Protection Act 2019</i> (NT)
Mining interest	Means: <ul style="list-style-type: none"> <li>• a mineral title as defined in subsection 11(1) or</li> <li>• a non-compliant existing interest as defined in subsection 204(1) <i>Mineral Titles Act 2010</i> (NT).</li> </ul>
Mining Operator	For a mining site means: <ul style="list-style-type: none"> <li>• a mining operator for the mining site appointed by the title holder under section 124D of the <i>Environment Protection Act 2019</i> (NT)</li> <li>• if the title holder is a mining operator for the mining site under section 124D of the <i>Environment Protection Act 2019</i> (NT)– the title holder</li> </ul>
Mining site	Means an area of land: <ul style="list-style-type: none"> <li>•</li> <li>• In respect of which a person holds a mineral interest and on which a mining activity mentioned in section 13A(1) of the <i>Environment Protection Act 2019</i> (NT) has been or will be carried out; or</li> <li>• In respect of which a person holds an access authority; or</li> <li>• On which an associated activity is being or will be carried out; or</li> <li>• That is declared by the Minister, by Gazette notice, to be a mining site for the <i>Environment Protection Act 2019</i> (NT)</li> </ul>
Native title land	Means land for which, under the <i>Native Title Act 1993</i> (Cth), there is an approved determination of native title that native title exists in the land.
Occupier of the land	Means a person who is in occupation or control of the property, for example, a station manager in relation to a pastoral lease.
Original jurisdiction	The power to hear a case for the first time.
Pastoral land	Means land held under a lease as defined in section 3 of the <i>Pastoral Land Act 1992</i> (NT).
Person	Includes an individual, body politic and a body corporate.
Private land	Means land in relation to which a person is entitled to: <ul style="list-style-type: none"> <li>• the fee simple interest in land; or</li> <li>• a lease from the Crown under the <i>Crown Lands Act 1992</i> (NT) or <i>Special Purposes Leases Act 1953</i> (NT).</li> </ul>
Shortest practicable route	Means the most sensible route, after taking into account geographical, environmental or man-made obstacles.
Substantial disturbance	Includes land clearing, earthworks, aboveground works, underground works and stockpiling. See full description at subsection 233R of the <i>Environment Protection Act 2019</i> (NT)
Title holder	The holder of a granted mineral title.



## Introduction

This guide was developed by the Department of Industry, Tourism and Trade. It is designed to provide explorers with a straightforward overview of legislative requirements in the Northern Territory (NT) and other key considerations that need to be taken into account, firstly when applying for an exploration licence and then for operational requirements after grant.

The guide will complement the 'Code of Conduct for mineral explorers in the Northern Territory' and it is envisaged that these non-statutory documents, together with the relevant legislation, will provide a sound basis for explorers to undertake their activities, whilst having regard for the landowner's rights.

The NT Government is committed to, and promotes Shared Land Use through legislation which assists in developing and fostering economic growth in the NT, including the mining and exploration industry, through supporting exploration and mining of minerals on all land tenures, including pastoral land.



All minerals are the property of the NT Government (Crown) and the *Mineral Titles Act 2010 (NT) (MTA)*, *Mineral Titles Regulations 2011 (MTR)* and *Environment Protection Act 2019 (NT) (EP Act)* provide the legislative basis for industry to carry out appropriate mineral resource exploration and mining.

Mineral exploration licence applications are granted under the MTA, which operates in conjunction with the EP Act. The EP Act deals with the environmental management of the exploration, extraction and processing of minerals.

These Acts are administered by the Department of Industry, Tourism and Trade (DITT) for the MTA and Department of Environment, Parks and Water Security (DEPWS) for the EP Act.

The MTA allows a person to apply for the grant of a mineral exploration licence (EL) over any land of the NT, subject to approval from the Minister or delegate of the department. Land of the Territory does not include Commonwealth land, such as Kakadu National Park.

To obtain a valid grant of an EL, each application must be processed in accordance with the relevant requirements of the *Native Title Act 1993 (Cth) (NTA)* or the *Aboriginal Land Rights (NT) Act 1976 (Cth) (ALRA)*.

An EL is the principal title issued for exploration in the Northern Territory and authorises the title holder, subject to the MTA, regulations and conditions of the EL, to explore for all minerals, other than an extractive mineral.

Exploration for extractive minerals is undertaken on an extractive mineral exploration licence (EMEL).

The grant of an EL conveys to the title holder extensive rights to use and occupy the title area for the purpose of conducting authorised activities; however, prior to exercising those rights, all relevant notifications must be undertaken and approvals obtained.

The holder of an EL must comply with the conditions attached to the EL during the initial term and any subsequent renewal period.

It is essential that all parties understand their rights, obligations and their mutual responsibility in complying with relevant legislative requirements in the NT.



# 1. Land tenure in the Northern Territory

## 1.1. Types of land tenure

There are three main types of land tenure in the NT:

- NT freehold
- Aboriginal land
- Pastoral leasehold

Most of the land in the NT, outside of townships, is either Aboriginal land (approximately 49%) or pastoral leasehold (approximately 50%). These two land tenures are the most relevant to mineral exploration and development. Native title rights can exist over pastoral leasehold and co-exist over Aboriginal land, however where the latter occurs, the land is considered to be Aboriginal land for the purposes of land tenure.

## 1.2. Aboriginal land

Aboriginal land came into being in 1976 when the ALRA was passed. This converted former Aboriginal reserves and provided for Aboriginal land claims which converted land title into inalienable freehold Aboriginal land. The land is formally held by an Aboriginal land trust.

To explore for minerals on Aboriginal land, the application must follow the process under Part IV of the ALRA. This process includes meetings between the Land Council, Traditional Aboriginal Owners (TOs) and the EL applicant.

The relevant Land Council will provide an estimate of costs associated with these meetings and all costs are borne by the EL applicant.

An EL can only be granted if consent to the grant is given by TOs, through consultations facilitated by their respective land council, and an agreement is reached by all parties.

Under the ALRA, if consent is not given by TOs exercising their right of veto in relation to EL applications, access to the land is not granted and the land is placed into moratorium for a period of five years.

Negotiations can recommence at the completion of the moratorium period.

In all instances, the TOs are represented by their relevant land council in negotiations with an applicant.

A flowchart of the ALRA process can be viewed at [Aboriginal Land Rights process – exploration licence or exploration permit](#). A flowchart of the EL application process, including ALRA process, can be viewed at page 21 of this guide.

## 1.3. Pastoral leasehold

A pastoral lease is granted by the NT Government over Crown land under the *Pastoral Land Act 1992* (NT) (PLA). Pastoral purposes primarily refers to the grazing of stock for sustainable commercial use, however, ancillary uses are also allowed.

All pastoral leases are subject to reservations (minerals, timber and traditional Aboriginal access) and conditions relating to land management, meaning the lessees are required to take all reasonable measures to conserve and protect features of environmental, cultural, heritage or ecological significance.

The PLA does not provide a pastoral lessee with a right to refuse access to the land.

All pastoral land is subject to native title, so to explore for minerals on pastoral land, the application must follow the relevant process under the NTA.

In the NT, an application for an EL will generally follow the expedited procedure under the NTA, meaning that the provisions of section 237 of the NTA, being an act attracting the expedited procedure, applies to the proposed grant of an EL.

Under the NTA, the application of the expedited procedure affords native title parties the right to object to the use of this procedure; however, the NTA does not provide a right of veto to the grant of an EL. Should a native title party lodge an objection with the National Native Title Tribunal (NNTT), the NNTT will consider the objection and make a decision as to whether the expedited procedure applies or not.

Should the NNTT determine the expedited procedure applies the EL will continue towards grant, if it is determined the expedited procedure does not apply this means the right to negotiate procedure in the NTA comes into force and the EL applicant will be required to negotiate an agreement with the native title parties.

The Land Councils are the Native Title Representative Bodies in the NT. Should an agreement be required the Land Councils will represent the relevant native title parties during negotiations with the applicant.

A flowchart of the expedited procedure process can be viewed at [Expedited procedure – grant of exploration licences on native title affected land](#). A flowchart of the EL application process, including expedited procedure, can be viewed at page 22 of this guide.

## 1.4. Land Councils

There are four Land Councils in the Northern Territory.

- Northern Land Council
- Central Land Council
- Tiwi Land Council
- Anindilyakwa Land Council (Groote Eylandt)

For contact details visit:

- [Northern Land Council \(nlc.org.au\)](http://nlc.org.au)
- [Home - Central Land Council \(clc.org.au\)](http://clc.org.au)
- [Tiwi Land Council](#)
- [Anindilyakwa Land Council](#)

## 2. Preliminary exploration of land prior to grant of mineral title

### 2.1. Introduction to preliminary exploration

The purpose of preliminary exploration (PE) is to give the explorer the opportunity to assess the potential of the area for future exploration for minerals or extractive minerals either before making an application for an EL or EMEL, or after application but prior to the grant of an EL or EMEL.

PE is a low-level, non-invasive exploration that does not involve substantial disturbance and may include the following activities:

- examining geological characteristics by walking the area or driving along an existing track in the area
- conducting an airborne geoscientific survey (approval of the Minister required)
- removing small samples of minerals or extractive minerals, soil or water for analysis
- marking boundaries for a proposed or existing application for a mineral title (survey or pegging).

### 2.2. Application for airborne geoscientific survey

Approval must be obtained before commencing a preliminary airborne geoscientific survey and there is an approved form, available from [Preliminary exploration without a title](#) that has been created for this purpose. There are no fees for making this application.

Results must be reported to DITT within 12 months of receiving approval.

### 2.3. Requirements for notices, consent and entry onto land

All PE activities will require some form of landowner, occupier and/or existing title holder notifications. In some instances there may be multiple notifications required.

To undertake PE for extractive minerals on a granted EL, no consent is required from the holder of that EL; however, you must notify the holder.

Consent is also not required to enter pastoral land or native title land to undertake PE, however the following notifications must be undertaken.

- If the land is pastoral land or native title land, the occupier must be notified. If there is no occupier, then the landowner must be notified.
- If the land is vacant Crown Land and a licence has been granted under Part 7 of the *Crown Lands Act 1992* (NT), the holder of that licence must be notified.

If unsure, liaise with DITT to ensure all relevant notices are given.

The information required in a notice is the same as for conducting authorised activities under an EL. Refer to section 4.4 *Information that must be included in notice*.

Consent is required from the landowner to enter private land, Aboriginal land, Aboriginal community living area or a park or reserve. Consent is also required from the holder of any granted EL, if the PE relates to minerals.

If consent of the landowner or EL holder is required, additional information should be included in the notice, such as:

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- a request that the landowner of EL holder provide written consent for entry onto the land to conduct PE
- a statement about the constructive consent provisions of the MTA in relation to private land or a park or reserve. Constructive consent means that if a notice has been given and no response received within two months of sending the notice, the landowner is taken to have given consent.

**NOTE: Constructive consent does not apply to Aboriginal land.**

In relation to Aboriginal land, you must seek consent to enter the land from the relevant Aboriginal Land Trust and the Land Council for that area. You may also need a permit from the Land Council.

See section 4.5 - Where to find landowner and existing title holder details, for assistance in identifying the relevant parties.

## 3. Rights and conditions of a granted mineral exploration licence

### 3.1. General rights of the holder

The grant of an EL gives the title holder certain rights. These include:

- the exclusive right to conduct authorised activities under the MTA
- the right to occupy the title area specified in the EL. This right extends to other people, vehicles and equipment required for conducting authorised activities
- the right to use water—other than water artificially stored by the landowner and to sink a bore. These rights are subject to the *Water Act 1992* (NT)
- the right of access to the title area

Rights of access to a title area include:

- entry by the shortest practicable route from a council or NT Government road, railway line or airstrip, or by the sea or waterway
- entry onto land to construct or maintain a road, or do other work, to enable access to the title area.

If it is necessary to construct a road or track to provide access from a council or NT Government road, the title holder must ensure they liaise with the relevant council or government agency prior to construction, particularly relating to entry or exit through the road corridor.

There is no requirement in the MTA to hold an access authority under section 84 prior to exercising this right to construct a road or track specifically for access.

The title holder should also consult with the landowner about the proposed route to ensure it does not unduly impact any current or proposed land use activities or disturb improvements on the land.

These rights may be exercised only while the EL is granted and in accordance with the MTA and the conditions of the EL.

### 3.2. Exercising occupation right on overlapping land held under another mineral title

In the NT different types of mineral titles can be granted over the top of other granted mineral titles or applications for the grant of a mineral title. Where this occurs, occupation rights will apply.

In the case of a granted EL that overlaps an exploration licence in retention (ELR), mineral lease (ML), extractive mineral lease (EML) or extractive mineral permit (EMP), the holder of the EL cannot undertake any activities within that area until the application is withdrawn or the granted title ceases.

These rights apply in recognition of the hierarchy of mineral titles in the NT, meaning an ELR or development title, such as a ML, EML or EMP hold higher occupation rights than that of an EL.

### 3.3. Authorised activities under an EL

An EL gives the title holder the right to conduct authorised activities in the title area in connection with exploration for minerals. These activities include:

- digging pits, trenches and holes, and sinking bores and tunnels
- activities for ascertaining the quality, quantity or extent of ore or other material by drilling or other methods
- the extraction and removal of samples of ore and other substances in amounts reasonably necessary for the evaluation of the potential for mining.

Larger samples of ore and other substances may be removed if the Minister, or delegate is satisfied it is appropriate to do so and has authorised this activity. This is commonly known as a bulk sample and requires an application to be made prior to any work being undertaken. An environmental (mining) licence under the EP Act will also be required. Please refer to section 6 of this document.

Please contact Mineral Titles on 08 8999 5322 or email [titles.info@nt.gov.au](mailto:titles.info@nt.gov.au) for more details on the bulk sample process.

### 3.4. Conducting authorised activities

Each mineral title type has a list of authorised activities that can be carried out on that title. In the case of an EL, authorised activities in connection with exploration that may be conducted in the title area are listed at 3.3 above.

It is a condition of grant that a mineral title holder must actively conduct authorised activities in the title area. This should be done substantially in accordance with the technical work program for the EL and the expenditure requirements specified in the EL.

An annual report about these authorised activities and a report about the expenditure for conducting these activities must be provided to the department within the agreed timeframes.

It is important to remember that before carrying out any exploration activities or works involving substantial disturbance on the EL, the title holder must hold a valid environmental (mining) licence issued under the EP Act.

The title holder must also ensure that they obtain a certified risk management plan, as required under Chapter 10 of the *Work Health and Safety (National Uniform Legislation) Act 2011* before conducting any exploration activities, regardless of the requirement to obtain an authorisation. For further information go to [Mining | NT WorkSafe](#)

The title holder must also comply with any other legislation operating in the NT, in particular the *Northern Territory Aboriginal Sacred Sites Act 1989*.

No authorised activities are to be conducted on pastoral land within 200m of a building not enclosed by a fence or within 50m of a fence that encloses a building.

### 3.5. Conditions of granted EL

All EL's are granted with a variety of conditions attached to them. An EL can be cancelled if the holder contravenes one or more of these conditions specified in the grant documents.

These conditions will vary, depending on the location of the EL or the underlying land tenure. Upon grant of an EL the titleholder will be provided with documents that outline the relevant conditions for that specific EL.

These may include:

- general conditions (issued for all ELs)
- conditions relating to native title rights and interests, consultations with native title parties and sacred site protection. These conditions relate to native title affected land only
- additional general conditions for exploration on parks and reserves

The grant documents also contain other relevant information regarding compliance, such as:

- The titleholder must comply with any requirement under a law in force in the Territory in relation to the use of land or natural resources, in the title area, including the *Northern Territory Aboriginal Sacred Sites Act 1989* (NT)
- The existence of Aboriginal community living areas or pipelines in the title area
- Dealing with road or railway corridors that may traverse the title area

Failure to lodge reports or non-payment of rent and other fees required by the MTA are the most common reasons an EL will be cancelled.

DITT issues annual reminder notices two months prior to the anniversary of grant, outlining the requirements that must be met. It is the title holder's responsibility to ensure these requirements are met.

Rents are fees are linked to the Darwin CPI figures and can change annually, as at 1 July. The minimum annual increase is 3%. Details of current fees and charges are available from [Mineral title fees and rents](#).

## 4. Notification requirements

Under the MTA, the EL holder must provide the landowner or occupier with at least 14 days' notice prior to their intention to enter the land to commence the documented plan of authorised activities for exploration, regardless of whether those activities relate to substantial disturbance or not.

In relation to native title land, the notification requirements contain an additional step, based on the second schedule conditions attached to the grant of all EL's on native title land.

These conditions require consultation with native title parties (registered native title claimants and holders) prior to the commencement of any exploration activities, other than reconnaissance. This consultation is to be by way of a meeting on the EL title area, or the nearest convenient location.

The notice must be in writing and sent to the native title parties care of the relevant land council not less than 17 days before the meeting. The notice must nominate the date, time and place of the meeting.

Although the MTA requires notification of entry, it does not prescribe the frequency, particularly if the title holder intends to enter the land more than once during a fieldwork season. It is generally accepted that a notice given prior to commencement of each fieldwork season, or when proposed activities change, is



sufficient; however, the title holder should discuss notice requirements with the landowner or occupier before commencing any activities.

It is important to include as much information as possible in the notice to ensure the landowner or occupier is fully aware of the intended activities and when it is intended to commence those activities.

It is also a condition of grant that once the title holder has entered the land they must take all reasonable steps to advise the occupiers of the land of their arrival before starting any authorised activities.

However, if the title holder has taken these steps and has not been able to locate the occupier of the land they may commence the activities.

In relation to Aboriginal land the titleholder must refer to the requirements of the agreement entered into with the relevant Aboriginal Land Trust and the Land Council, during the EL grant process.

## 4.1. Information that must be included in the notice

The notice must include:

- the name and contact details of the title holder
- the name and contact details of the person who will be in charge of conducting the authorised activities
- the nature of the exploration to be conducted on the land
- the intended start date, and an estimate of the duration of the exploration
- a map of the land on which the exploration is to be conducted, clearly indicating its location and boundaries, in relation to the specific pastoral property
- details of the proposed place of entry onto the land. If the planned exit route is different then details of this must also be included.

## 4.2. Consent requirements to enter land

The EL holder does not require consent to enter pastoral land, native title land or private land to undertake authorised activities on a granted EL, however landowner or occupier notifications must be undertaken in all instances.

To enter Aboriginal land, the EL holder must refer to the agreement entered into with the relevant Aboriginal land trust and land council to determine whether consent by way of a permit under the *Aboriginal Land Act 1978* is also required.

## 4.3. What happens if the landowner prevents access

In relation to pastoral land and native title land, providing the EL holder has followed the notification requirements under the MTA and the second schedule grant conditions, a landowner or occupier cannot legally prevent access by the holder of an EL to the title area to undertake authorised activities.

If access to a title area is refused, and efforts to communicate with the landowner or occupier have failed, the department should be notified, in writing.

The MTA and regulations contain provisions to resolve the matter through:

- use of the dispute resolution process via the Northern Territory Civil and Administrative Tribunal (NTCAT)

- investigation powers
- penalty provisions in relation to a person interfering with authorised activities or rights to enter land.

## 4.4. Where to find landowner and existing title holder details

DITT's public spatial database, STRIKE, has the relevant title holder details and also the underlying land tenure details necessary to obtain a search of that parcel of land through the Integrated Land Information System (ILIS). This search will provide the name and last known address of the current landowner.

Details of native title determinations, registered native title claims and relevant land council information can also be located in STRIKE.

In some cases, the title holder may be required to notify multiple landowners or occupiers, particularly if the land is also a park or reserve, or is an Aboriginal community living area.

Contact Mineral Titles on 08 8999 5322 or [titles.info@nt.gov.au](mailto:titles.info@nt.gov.au) for any assistance in relation to STRIKE or in determining the appropriate notification requirements for the proposed activity.

## 5. Rights of landowners

After an application for an EL has been lodged with DITT, landowners have the right to be notified that the application has been made.

The Minister may also require the EL applicant to notify another person. If the land is pastoral land, this person is the station manager.

The EL applicant is responsible for notifying the relevant parties within 14 days of making the application.

Once the EL application is advertised in a newspaper circulating throughout the NT, the landowner has the right to lodge an objection to the proposed grant of the EL. This must be lodged with DITT within 30 days from the notification date that appears on the bottom of the newspaper advertisement.

Any other person may lodge a submission about the EL application within the 30 day notification period.

After grant of an EL, the landowner has the right to be notified 14 days prior to entry onto land to commence conducting authorised activities.

## 6. Environmental (mining) licence

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### 6. When an environmental (mining) licence is required

In relation to an EL, an environmental (mining) licence is required for any exploration that is likely to cause substantial disturbance.

Substantial disturbance may include:

- Land clearing
- Earthworks such as excavating or trenching
- Building access tracks

- Exploration works involving seismic lines, drill pads, drill holes – including vacuum, auger and rotary air blast (RAB), costeans and camp establishment
- Drilling

If your proposed work program involves one or more of these actions, you must apply for an environmental (mining licence) under the EP Act.

The environmental (mining) licence framework establishes a tiered, risk based, licencing scheme. There are three licence categories with each category of licence commensurate with the risk of impact of the mining activity to the environment. The three licence categories are:

- standard condition licence
- modified condition licence
- tailored condition licence

The Department of Environment Parks and Water Security (DEPWS) is responsible for the administration of the EP Act. Information about applying for an environmental (mining) licence is available on the DEPWS website [at https://depws.nt.gov.au/environment-information](https://depws.nt.gov.au/environment-information)

Once the environmental (mining) licence is granted, work can only commence once the required amount of security has been paid.

## 6.1. Security

The security is a requirement under the EP Act for disturbance at mines sites. It is designed to cover costs where the NT Government is required to take action to complete rehabilitation of a site, or prevent, minimise or rectify environmental harm, if the operator fails to comply with their legal environmental requirements.

Security is calculated using a spreadsheet-based tool and is based on the project type, such as exploration operations. To understand how securities are calculated you should read the relevant guide at [Security and levy](#).

A security can be paid by cheque, direct debit, credit card or bank guarantee.

## 7. Compensation

The MTA contains provisions for compensation to a person who has an interest in the land for unreasonable damage that may result from activities being conducted on a mineral title. These provisions relate to the person's right to compensation should damage occur and is limited to actual damage or loss that has occurred as a result of exploration or mining activities.

However, in relation to damage caused to pastoral land by exploration activities, a person is only entitled to compensation if damage is in excess of what is reasonably necessary to conduct those activities.

No compensation is payable for minerals or extractive minerals known, or thought to be, on or under the land.

The MTA outlines the general entitlement to compensation, how to claim, making an agreement about compensation and the dispute resolution process, should the parties be unable to reach agreement in relation to compensation.

As an explorer, it is important to be aware of the compensation provisions in the MTA. This also applies to any person engaged to undertake authorised activities.

It is also important to highlight that, as the holder of a granted mineral title, compensation may be payable to you by the holder of an access authority located within your granted title.

If damage or loss is suffered due to the authority holder's entry into the granted title area, or actions taken by them, then compensation may become payable.

## 7.1. Claiming compensation – notice of claim

If a person believes that a title holder has become liable to pay compensation under the MTA they may give the title holder a notice of claim.

A notice of claim must be given within three years after the damage or loss occurred. If a notice is issued to a person, every genuine effort to reach agreement about payment of compensation must be made.

## 7.2. Payment of compensation

Payment of compensation does not have to be in the form of money. The parties may agree on a different method, such as the provision of goods and services.

If payment is requested in this manner it must be considered and, if it is reasonable and practical to do so, compensation should be paid in the manner requested.

## 7.3. If no agreement can be reached

If the person, or the title holder in the case of an access authority, reasonably believes no agreement can be reached in relation to the payment of compensation, they may apply to NTCAT for a decision.

Any application to NTCAT must be made within twelve months after a notice of claim has been given to the title holder or the holder of an access authority.

# 8. Northern Territory Civil and Administrative Tribunal

The law that establishes NTCAT and governs its operations is the *Northern Territory Civil and Administrative Tribunal Act 2014* (NT). NTCAT commenced on 6 October 2014 and replaced the Lands, Planning and Mining Tribunal.

NTCAT is the NT's main forum for resolving smaller legal disputes and reconsidering government decisions with the majority being between parties who are self-represented; however, applicants may be represented by a lawyer if preferred.

NTCAT proceedings are informal and aim to be user-friendly and cost-effective. For this reason, there is one application form to commence most proceedings in NTCAT.

In most matters, NTCAT will attempt to assist the parties to reach a negotiated resolution of their dispute at what is called a compulsory conference. Where parties are unable to reach agreement, the matter will proceed as soon as possible to a hearing.

NTCAT has original jurisdiction over several sections of the MTA. A person may apply to NTCAT for a decision about a dispute relating to preliminary exploration, a mineral title, a title area, a proposed title area or fossicking.

Refer to regulation 116 of the *Mineral Titles Regulations 2011* for a list of matters that can be referred.

The operations of NTCAT are administered by the Department of the Attorney General and Justice. Detailed information including how to make an application, lodgements and fees can be obtained from [NTCAT](#)

## 9. Dealings in mineral titles and applications for mineral titles

Mineral titles, including applications, in the NT can be transferred or devolved, from the existing owner to a new owner. The title must be in good standing before this can take place.

It is also possible to register an agreement or a mortgage against a mineral title.

These transactions are commonly referred to as dealings.

There are application forms and fees that apply to each of these transactions. These can be obtained from [Dealings in mineral titles and applications for mineral titles](#)

Further information on the process is also available via the above link.

## 10. Geoscience data and maps

There is an extensive amount of information available online that is provided by the Northern Territory Geological Survey.

You can access industry exploration reports, mining and geoscience information, view drill core online and a wide range of other products.

Go to [Geoscience data and maps](#) for further information.

## 11. Role of the Department of Industry, Tourism and Trade

All minerals in the NT are vested in the Crown by virtue of the *Minerals (Acquisition) Act 1953*. The NT Government may grant appropriate licences, permits or leases to provide for effective exploitation of these minerals.

The relevant Act and Regulations for the application and grant of these licences, permits or leases are:

- *Mineral Titles Act 2010*
- Mineral Titles Regulations 2011.

The Mineral Titles team, part of the department's Mines Branch, administers the Act and Regulations.

DITT assesses all mineral title applications under the MTA. Grant can only take place once all statutory requirements have been completed, including under any relevant Commonwealth legislation, such as the *Native Title Act 1993 (Cth)* and *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)*.

The MTA also administers after-grant statutory rights and conditions, including annual reporting requirements for EL's. The Northern Territory Geological Survey have responsibility for the assessment of these reports and releasing the information in accordance with the MTA.

As of 1 July 2024 the monitoring of mining activities falls under the EP Act which is administered by DEPWS. The EP Act operates in conjunction with the MTA and provides for the licencing and monitoring of mining activities, after grant of a mineral title.

Any issues in relation to accessing land to undertake PE, or an authorised activity under a granted mineral title, should be communicated to DITT.

## 12. General Information

### 12.1. Relevant legislation

- *Mineral Titles Act 2010 (NT)*
- *Mineral Titles Regulations 2011 (NT)*
- *Legacy Mines Remediation Act 2023 (NT)*
- *Environment Protection Act 2019 (NT)*
- *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)*
- *Native Title Act 1993 (Cth)*
- *Heritage Act 2011 (NT)*
- *NT Aboriginal Sacred Sites Act 1989*
- *Water Act 1992 (NT)*
- *Work Health and Safety (National Uniform Legislation) Act 2011 (NT)*

The EP Act operates in conjunction with the MTA and deals with the authorisation and management of exploration for, and extraction and processing of, minerals and extractive minerals to ensure the protection of the environment.

### 12.2. Department of Industry, Tourism and Trade contacts

All enquiries:

<p>Mineral Titles Phone 08 8999 5322 Email <a href="mailto:titles.info@nt.gov.au">titles.info@nt.gov.au</a></p> <p>Northern Territory Geological Survey Minerals and Energy InfoCentre Phone 08 8999 6443 Email <a href="mailto:geoscience.info@nt.gov.au">geoscience.info@nt.gov.au</a></p>	<p>Mining Phone 08 8999 6528 Email <a href="mailto:mineral.info@nt.gov.au">mineral.info@nt.gov.au</a></p>
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## 13. Progressing a project to mining

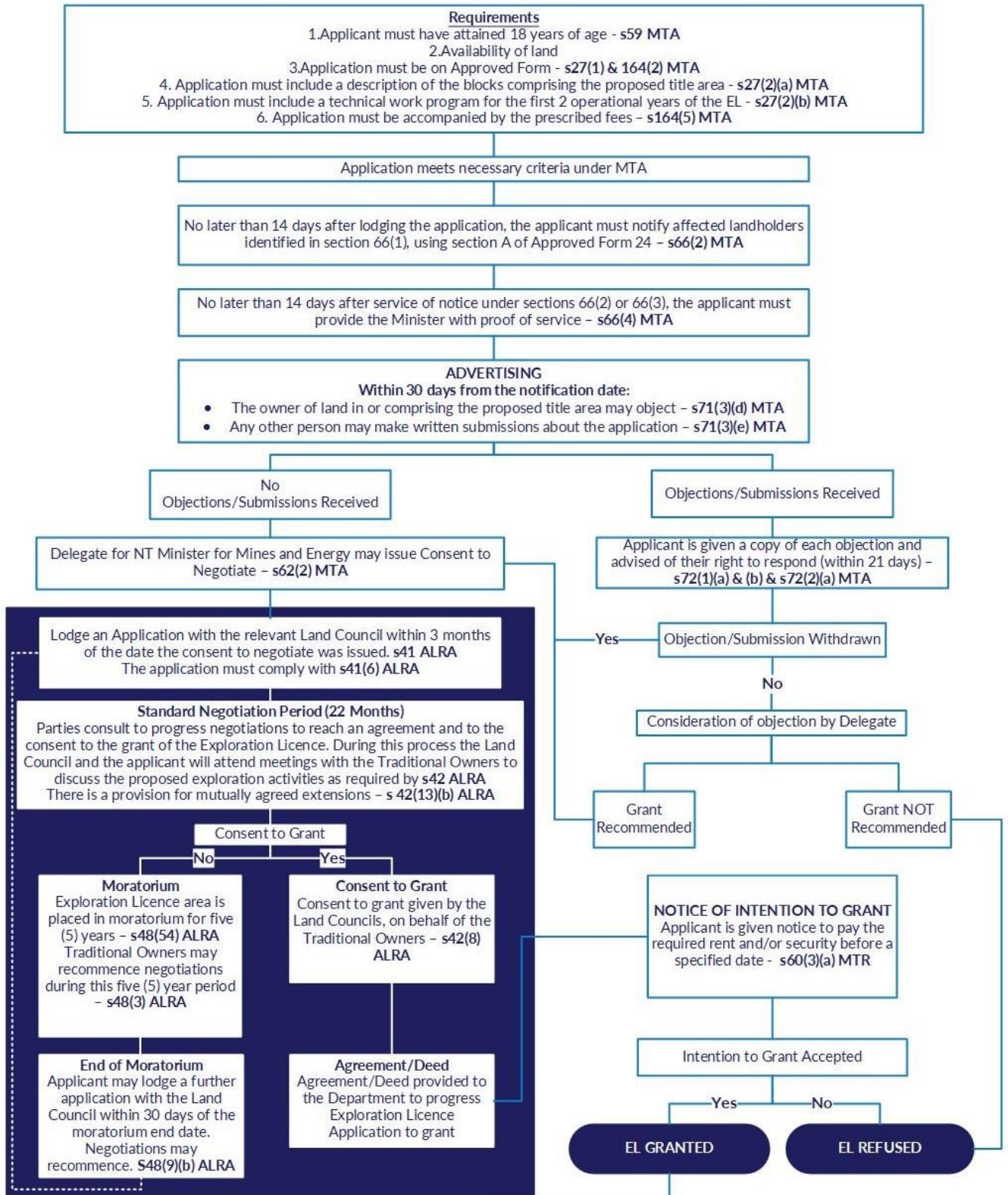
For advice and information on how to progress or develop an advanced exploration project towards mining, please contact the Director Project Facilitation and Development on 08 89995372 or [geoscience.info@nt.gov.au](mailto:geoscience.info@nt.gov.au) in the first instance.





# 14. Application for the Grant of an Exploration Licence over Aboriginal Land

Relevant Legislation: *Mineral Titles Act 2010 (MTA)*, *Mineral Titles Regulations 2011 (MTR)* and *Aboriginal Land Rights (Northern Territory) Act 1976 (ALRA)*.



Titleholder must apply for an environmental (mining) licence under the *Environment Protection Act 2019* prior to commencing activities (substantial disturbance). Refer to the Department of Environment, Parks and Water Security website for more information regarding requirements under the *Environment Protection Act 2019*.

# 15. Application for the Grant of an Exploration Licence over Native Title affected land (e.g. Pastoral Lease)

Relevant Legislation: *Mineral Titles Act 2010 (MTA)*, *Mineral Titles Regulations 2011 (MTR)* and *Native Title Act 1993 (NTA)*

**Requirements**

1. Applicant must have attained 18 years of age - s59 MTA
2. Availability of land
3. Application must be on Approved Form - s27(1)& 164(2) MTA
4. Application must include a description of the blocks comprising the proposed title area - s27(2)(a) MTA
5. Application must include a technical work program for the first 2 operational years of the EL - s27(2)(b) MTA
6. Application must be accompanied by the prescribed fees - s164(5) MTA

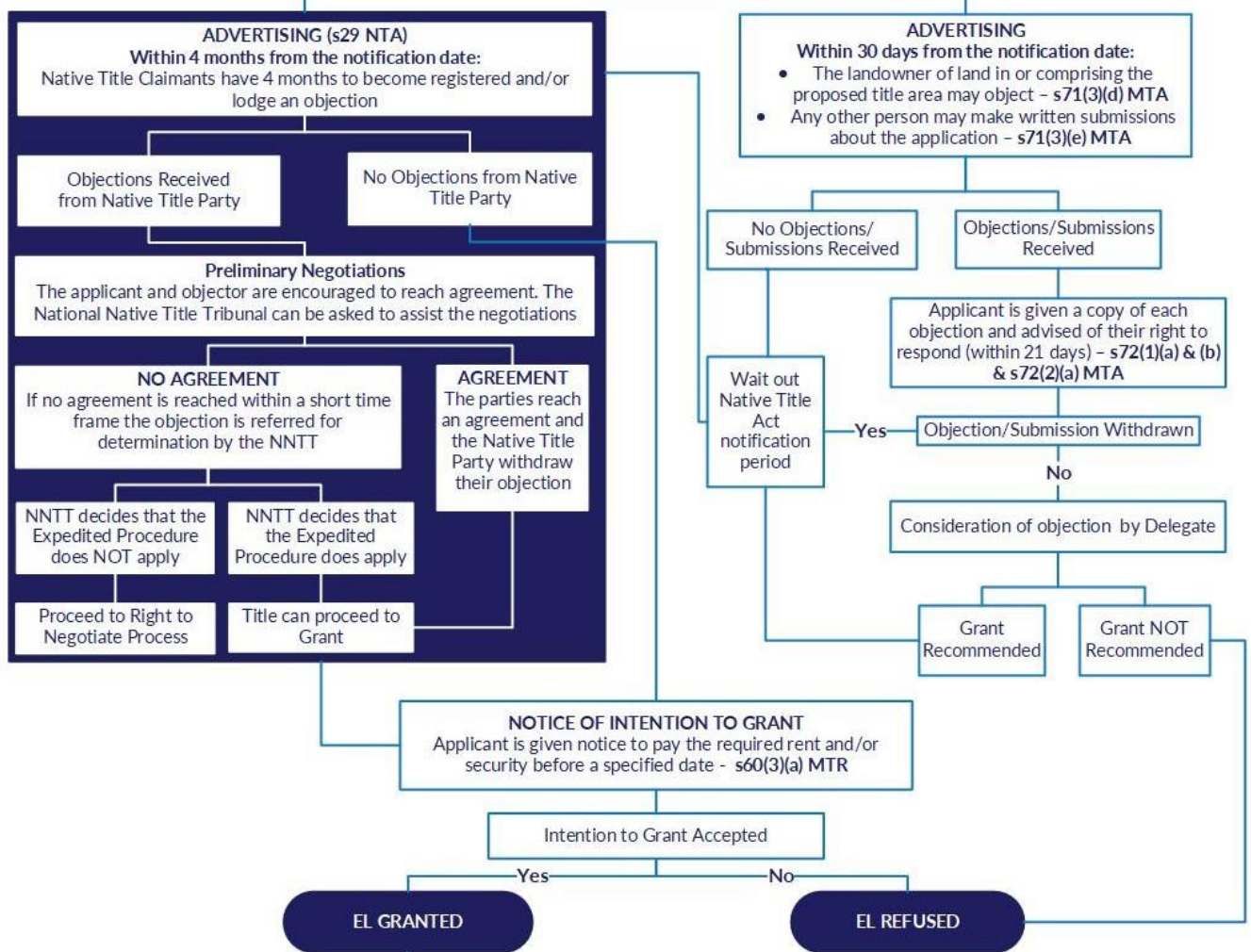
Application meets necessary criteria under MTA

No later than 14 days after lodging the application, the applicant must notify affected landholders identified in section 66(1), using section A of Approved form 24 - s66(2) MTA  
 Applicant may also be required to serve notice of the application on other specified persons including the Station/Land Manager within a specified time, using section B of Approved Form 24 - s66(3) MTA

No later than 14 days after service of notice under sections 66(2) or 66(3), the applicant must provide the Minister with proof of service - s66(4) MTA

**ADVERTISING**  
 s29 NTA and s71 MTA

Advertising process runs concurrently



**NOTICE OF INTENTION TO GRANT**  
 Applicant is given notice to pay the required rent and/or security before a specified date - s60(3)(a) MTR

Intention to Grant Accepted

Yes  
**EL GRANTED**

No  
**EL REFUSED**

Titleholder must apply for an environmental (mining) licence under the *Environment Protection Act 2019* prior to commencing activities (substantial disturbance). Refer to the Department of Environment, Parks and Water Security website for more information regarding requirements under the *Environment Protection Act 2019*.