

Introduction

The two main categories of land tenure in the Northern Territory (NT), excluding townships, are Aboriginal Freehold (ABF) and Pastoral Lease.

When exploring on a Pastoral Lease, exploration licence (ELA) (Mineral Titles Act (2010)) or exploration permit (EPA) (Petroleum Act) applications may be subject to the Native Title Act 1993 (Cwlth). When exploring on ABF, ELA’s and EPA’s are subject to the Aboriginal Land Rights (Northern Territory) Act 1976 (ALRA) process.

Under ALRA, Land Councils represent the traditional owners. There are four Land Councils in the NT; Northern Land Council, Central Land Council, Tiwi Land Council and the Anindilyakwa Land Council.

Below is a summary of the legislative frameworks and processes for ELA’s and EPA’s on ABF.

A requirement of ALRA is that an applicant seeking to explore on ABF must initially apply for an Exploration Permit or Exploration Licence.

ELA’s must be made through the Mineral Titles Division and EPA’s through the Energy Directorate, Department of Primary Industry and Resources. Guidelines and application forms are available on the Department’s internet site.

Following receipt of an ELA or EPA the Department ensures legislative compliance, and a public notification process is undertaken.

On completion of this process the NT Minister for Primary Industry and Resources, may issue consent to negotiate. This consent then activates processes under Part IV of ALRA.

The ALRA Process

Within three months of the date of consent to negotiate, being issued, the applicant is required to lodge an “exploration application” with the relevant Land Council. “Exploration applications” must contain details of proposed exploration activities, methods of extraction and treatment of any commodity that may be discovered, as required by s41(6) ALRA.
Guidelines on preparing “exploration applications” are available from the relevant Land Councils.

When the “exploration application” is received and accepted by the Land Council, the parties consult to progress negotiations in order to reach an agreement and to consent to the grant of the ELA or EPA.

During this process the Land Council and the applicant will attend meetings with the traditional owners for the purpose of explaining and discussing the proposed exploration activities under s42 of ALRA.

Reaching Agreement

Once agreement is reached between the Land Council and the applicant, it is also a requirement of ALRA that consent to grant be given by the responsible Federal Minister. Following this consent, the application is submitted to the Department of Primary Industry and Resources to progress the ELA or EPA to grant. Upon grant of the ELA or EPA the Department of Primary Industry and Resources administers the title in accordance with the MTA or PA.

Native Title & Aboriginal Land Rights Unit

Members of the Department’s Native Title and Aboriginal Land Rights Unit (NTALR Unit) attend (s42) meetings and are available to provide guidance on how best to present your “exploration application” at an on-country meeting.

If you have any questions about the process, the “exploration application” or any other queries contact the NTALR Unit for assistance.

Contact Details

Native Title and Aboriginal Land Rights Unit
Tel: +61 8 8999 5322
Fax: +61 8 8981 7106
Email: ntalrunit@nt.gov.au

Address
5th Floor, Centrepoint Building
48-50 Smith St, Darwin NT 0800
Postal: GPO Box 4550, Darwin NT 0801, Australia

Read in conjunction with ALRA Flowchart and Aboriginal Land Rights (Northern Territory) Act 1976 (ALRA)