Aboriginal Land Rights process – exploration licence or exploration permit

(Read this in conjunction with the Aboriginal Land Rights (Northern Territory) Act 1976 (ALRA) and exploration on Aboriginal freehold land)

Application for exploration Licence (EL) or exploration permit (EP)
Lodged with the Department of Primary Industry and Resources (petroleum following assessment and awarding of permit).

Consent to negotiate
NT Minister for Primary Industry and Resources may issue consent to negotiate in accordance with Section 62 of the Mineral Titles Act 2010 (MTA) or Section 13 of the Petroleum Act 1984 (PA).

Section 41 (6) ALRA application
Lodge an application with the relevant land council within three months of the date the consent to negotiate was issued - application to comply with Section 41(6) of the ALRA.

Standard negotiating period (approximately 22 months)
Once the ALRA application has been lodged with the relevant land council, the standard negotiating period may commence.

- Parties consult to progress negotiations to reach an agreement and to the consent to the grant of the EL or EP;
- During this period the land council and the applicant will attend meetings with the Traditional Owners for the purpose of explaining and discussing the proposed exploration activities as required by Section 42 of the ALRA;
- The land council and the applicant can mutually agree to extend the negotiating period.

Outcome of Section 42 meeting

Refuse consent to the grant
Traditional Owners say no to further negotiations.

Consent to further negotiations
Traditional Owners say yes to further negotiations to formalise an agreement with the applicant.

Moratorium
Exploration licence or permit application is placed in moratorium for five years under Section 48 of the ALRA.

At any time during the five year period, the Traditional Owners through their representative body can apply to the Federal Minister to recommence negotiations under Section 48(3) of the ALRA

End of Moratorium
The applicant may lodge a further application under Section 41 of the ALRA with the relevant land council within 30 days of the moratorium end date.

Consent to the grant
Consent to grant given by Traditional Owners.

Federal Minister consent to the grant
Approval to grant given by Federal Minister for Indigenous Affairs, Department of the Prime Minister and Cabinet.

Agreement
Agreement reached. An extract of the signed agreement provided to the department to progress the EL or EP application to grant.

Grant
EL or EP in accordance with the MTA or the PA.
Aboriginal Land Rights process – exploration licence or exploration permit flowchart description

1. **Application for exploration licence (EL) or exploration permit (EP)**
   Lodged with the Department of Primary Industry and Resources (petroleum following assessment and awarding of permit).

2. **Consent to negotiate**
   NT Minister for Primary Industry and Resources may issue consent to negotiate in accordance with Section 62 of the Mineral Titles Act 2010 (MTA) or Section 13 of the Petroleum Act 1984 (PA).

3. **Section 41 (6) ALRA application**
   The applicant must lodge an application with the relevant land council within three months of the date the consent to negotiate was issued. The application to comply with Section 41(6) of the ALRA.

4. **Standard negotiation period (approximately 22 months)**
   - Once the ALRA application has been lodged with the relevant land council, the standard negotiating period may commence.
   - Parties consult to progress negotiations to reach an agreement and to the consent to the grant of the EL or EP.
   - During this period, the land council and the applicant will attend meetings with the Traditional Owners for the purpose of explaining and discussing the proposed exploration activities as required by Section 42 of the ALRA.
   - The land council and the applicant can mutually agree to extend the negotiating period.

5. **Outcome of Section 42 meeting**
   a. Consent to further negotiations - the Traditional Owners consent to further negotiations to formalise an agreement with the applicant (go to step 8).
   b. Refuse consent to the grant - the Traditional Owners say no to further negotiations (go to step 6).

6. **Moratorium**
   Exploration licence or permit application is placed into moratorium for five years under Section 48 of the ALRA, unless the Traditional Owners through their representative body (land council) applies to the Federal Minister to recommence negotiations under Section 48(3) of the ALRA.

7. **End of moratorium**
   The applicant may lodge a further application under Section 41 of the ALRA with the relevant land council within 30 days of the moratorium end date (go to step 4).

8. **Consent to the grant**
   Consent to grant given by Traditional Owners.

9. **Federal Minister consent to the grant**
   Approval to grant given by Federal Minister for Indigenous Australians.

10. **Agreement**
    Agreement reached. An extract (evidence) of the signed agreement provided to the department to progress the EL or EP to grant.
11. Grant

EL or EP can be granted in accordance with the MTA or the PA.