

Environmental mining licence framework | Guidance on replacement licences

This fact sheet outlines the requirements for transitioning from a **deemed mining licence** (DML) to an **environmental mining licence** (EML) under the *Environment Protection Act 2019* (EP Act).

Background

From 1 July 2024, an approved Mining Management Plan (MMP) and related Authorisation granted under the former *Mining Management Act 2001* (MMA) together constitute a DML under Part 15 of the EP Act. All DMLs will remain in effect **until 30 June 2028**, unless the DML has been revoked (by the Minister), cancelled (by the Operator), or is subject to a replacement licence process.

Operators holding a DML for an exploration, extractive operation or mining Project that is intended to continue beyond 30 June 2028 (including those in care and maintenance or undergoing rehabilitation) are encouraged to apply to replace their licence as soon as practicable.

Operators whose Projects will be completed (including rehabilitation) prior to 30 June 2028 are encouraged to apply (using the [approved form](#)) to cancel their DML and to seek the return of the security as soon as practicable.

DMLs cannot be:

- transferred (i.e. ownership change requires a new EML); or
- varied to include a new activity or to 'substantially alter' the environmental impacts, risks, location or extent of the authorised activity (i.e. to do so the DML must first be replaced and then varied).

Replacement licence process

The replacement licence (RL) process may be initiated either by an Operator (by submitting an application), or by the Minister (after notifying the Operator). Under either process, the Minister must grant an RL in accordance with s312(5) of the EP Act.

There is no statutory timeframe for granting an RL. However, the DML will remain in effect until an RL is issued, providing the process is commenced prior to 30 June 2028.

Licence types

Under the EP Act, a DML may be replaced with one of three types of EML listed below. It is anticipated that the majority of exploration and extractive operations licences will qualify for a standard or modified condition licence

- A **standard condition licence** may be granted, subject to operator consent, where the Project (i.e. mining activity) meets all the applicable risk criteria and standard conditions.
- A **modified condition licence** may be granted, subject to operator consent, where the Project meets all the applicable risk criteria but cannot meet all the standard conditions (which must be modified).
- A **tailored condition licence** may be granted where the Project cannot meet all the applicable risk criteria, or applicable risk criteria do not exist. In this instance an EML will be granted on substantially the same

terms and conditions as the DML. (Note: the licence conditions will likely include both the conditions from the Authorisation certificate and the commitments from the MMP).

Application types



Replacement only

To convert a DML directly to an RL (i.e. without variation), apply using one of the following forms. Note: the application will not be subject to public exhibition as the Project has previously been assessed and approved.

Mining activity	Approved form	QR code
Exploration activities	Approved Form 12 - Exploration - replacement	
Extractive operations	Approved Form 15 - Extractive operations - replacement	
Mining operations	Contact the Mining Division (08) 8951 8105	

Replacement and variation

To convert a DML into an RL and concurrently apply to vary the Project, apply using one of the following forms. Variation may include the addition of mineral interests. Note: the proposed variation will be subject to assessment and may trigger public exhibition if deemed to constitute a 'substantial alteration'.

Mining activity	Approved form	QR code
Exploration activities	Approved Form 13 - Exploration - concurrent replace and vary	
Extractive operations	Approved Form 16 - Extractive operations - concurrent replace and vary	
Mining operations	Contact the Mining Division (08) 8951 8105	

Further information

Contact the Mining Division | mineralinfo.dlpe@nt.gov.au | (08) 8999 6528 |

[Apply for an environmental \(mining\) licence | NT.GOV.AU](https://www.nt.gov.au/mining/)