

# Mineral Exploration and the Rights of Freehold Landholders

## 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 *Mining Act* and Regulations. Different land tenure has different processes for granting exploration licences. This paper briefly outlines landholders' and occupiers' rights to comment on or object to an exploration licence application over NT Freehold Land.

The *Mining Act* is administered by the Minerals and Energy Group of the Department of Primary Industry, Fisheries and Mines (the Department) and is responsible to the Minister for Mines and Energy.

Exploration licences 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 *Mining Act* provides an opportunity for affected landholders and occupiers to comment on or object to the proposed 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 landholders or affected parties again have the opportunity to comment or lodge an objection to the grant of the mineral lease.

## LANDHOLDER NOTIFICATION OF THE EXPLORATION LICENCE APPLICATION

The *Mining Act* has a number of provisions designed to protect the rights of landholders while allowing legitimate explorers access to land. The Applicant must notify the affected landholders or occupiers within 14 days of lodging an application for an exploration licence. Communication between the landholders / 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. The Applicant identifies registered landholders / occupiers through a search of the Land Titles Office Register. Note that an "occupier", in relation to land, means a person who has a registered interest in that land.

## COMMENTS OR OBJECTIONS

It is a requirement under the *Mining Act* that an exploration licence application is advertised in the newspaper (the NT News). The landholders / occupiers then have 2 months to lodge a comment about or an objection to that application, with the Department. Comments or objections must be in writing, detailing the grounds on which they are made.

If a comment or objection is received within the 2 month 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 comments and objections (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.

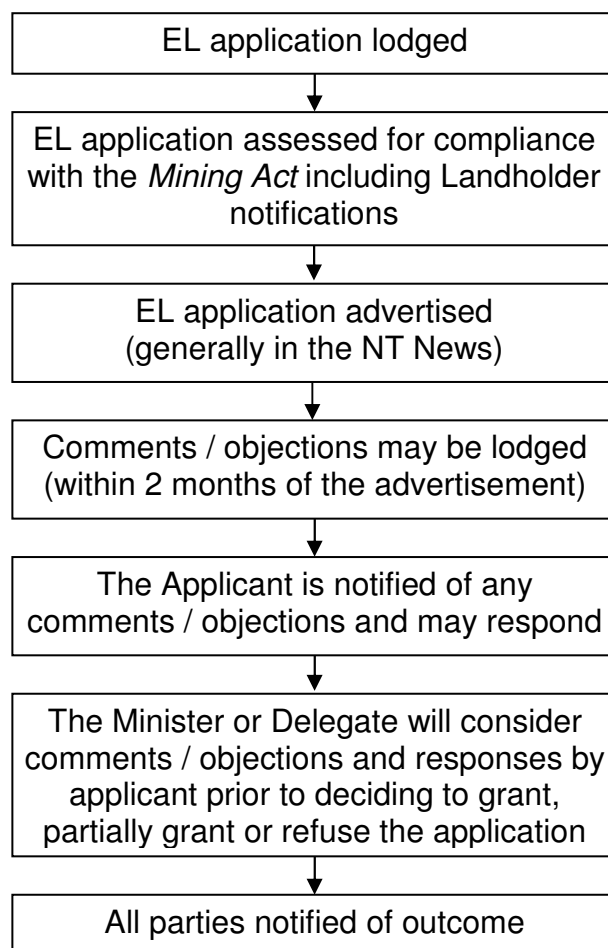
## IF AN EXPLORATION LICENCE IS GRANTED

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. All explorers must adhere to a Code of Conduct. A copy of this code is available on the Northern Territory Mineral Council's website: <http://www.ntminerals.org.au/>

Depending on the exploration program, impact to the area can vary, however in all cases the explorer is required to lodge a security with the Department in the event of damage to property (i.e. fencing, roads, etc). 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, then the explorer must gain 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 rehabilitation of disturbances created by the exploration activities. The Department monitors compliance of the rehabilitation requirements.

## EXPLORATION LICENCE (EL) APPLICATION PROCESS



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