# Streamlining exploration and mining on Aboriginal land

On 1 December 2021, the Australian Parliament passed the Aboriginal Land Rights (Northern Territory) Amendment (Economic Empowerment) Bill 2021. The Australian Government worked with the four Northern Territory (NT) Land Councils to agree a package of generational reforms to the iconic *Aboriginal Land Rights (Northern Territory) Act 1976* (ALRA). Traditional owners have the right to free, prior and informed consent to land use and development proposals through the veto power. Having the right regulatory settings and ensuring traditional owners can take advantage of opportunities on their land is critical to economic development and self-determination.

Amendments to the ALRA support Aboriginal Territorians to activate the economic potential of Aboriginal land by streamlining arrangements for exploration and mining on that land, while protecting the interests of traditional owners. The amendments also build confidence and create clarity for industry and investors.

The reforms follow from an independent review in 2013, and agreement of a working group comprising the Australian and NT Governments and the four NT Land Councils which has consulted resource sector peak bodies.

## Streamline the application and consent process for granting exploration licences

The amendments reduce the time and cost of processing licence applications over Aboriginal land to increase clarity, certainty, and confidence for all stakeholders. The amendments:

* Enable exploration licence applicants to amend their original applications in certain circumstances without being required to recommence the application process, saving a minimum of three months, and potentially up to two years.
* Give Land Councils greater flexibility to determine how traditional Aboriginal owners are consulted, with the agreement of the applicant in each case. This will support greater efficiency and cost savings, while retaining both the significant consultative and representative functions of Land Councils under the ALRA and traditional owners’ veto power.

## Reduce red tape while maintaining important Ministerial oversight

These reforms simplify key steps in the approvals process by removing the requirement for the consent of the Minister for Indigenous Australians for standard exploration licences that have been approved by traditional owners, while maintaining Ministerial consent for significant proposals.

* Repealing the Minister’s role in giving consent to the grant of exploration licences by the NT Minister in most instances will make processing exploration licences more efficient by leaving consent with the Land Council and NT Minister, saving up to thirty days.
* Importantly, the Minister will retain a consent role in relation to high value exploration licences, determining national interest issues associated with proposed mining interests, cancellation of exploration licences and mining interests in certain circumstances, and the grant of mineral leases if an explorer wants to proceed to production.
* Clarification of the Minister’s powers to cancel exploration and mining interests granted by the NT Mining Minister in certain circumstances so that these powers cannot be delegated to the NT Mining Minister.

## Better align the ALRA with related NT legislation

Minor amendments have updated some definitions in the ALRA to accurately reflect contemporary forms of resource titles under related NT legislation. For example, the amendments repeal section 75 as it relates to miner’s rights which are a form of title that no longer exists under the NT *Mineral Titles Act 2010*.