PETROLEUM EXPLORATION PERMIT APPLICATION AND CONDITIONS

A guideline in relation to Section 21E of the Petroleum Act
(Effective 5 February 2016)

For further information, please contact:

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By e-mail energy.permits@nt.gov.au
Introduction

The purpose of these guidelines is to assist and inform industry of the statutory obligations, processes and expectations in relation to petroleum exploration permits (*permit*) under the Northern Territory *Petroleum Act* (the Act) that applicants will need to observe when preparing an application for a permit through the acreage release regime.

Whilst the guidelines have been provided to assist applicants in their compliance with the Act, it is incumbent on each applicant to acquaint themselves with the provisions of the Act and all other laws of the Northern Territory (NT) as are applicable. Although these guidelines are here to assist you, in all cases the legislation prevails.

The Department's over-arching objective is to manage the NT's petroleum resources and acreage in a manner consistent with the long-term viability of the industry and best return for the Territory.

Within that framework, the basic objective in awarding a permit is to enable the efficient discovery and evaluation of any petroleum resources in the area, for eventual production under licence. Consistent with the Act, applications for a permit will be dealt with on their merits.

[The guidelines will be amended from time to time to reflect current practices and or legislation and are available online at www.minerals.nt.gov.au]

Purpose of Title

A permit, while it remains in force, gives the holder, subject to the Act and in accordance with the conditions to which the permit is subject and the directions, if any, the exclusive right to explore for petroleum, and to carry on such operations and execute such works as are necessary within the permit area; i.e. drill, survey for, but not produce, hydrocarbons.

Pre-requisites

The common essential pre-requisites for an application are:

- that a realistic exploration strategy and program is proposed; and
- that the applicant
  - has the financial and technical capacity to undertake their proposed program; and
  - has complied with the Act in respect of making a valid application.

Other Legislation

The Commonwealth *Aboriginal Land Rights (Northern Territory) Act 1976* (ALRA) will apply for exploration permit applications over Aboriginal Freehold Land. [Appendix A].

If an application attracts the Right to Negotiate process under the Commonwealth *Native Title Act 1993*, (NTA) the relevant procedures under that Act must be complied with. [Appendix B].
Exploration Permit Application Process

**Proposed Land Release**
DME seeks comments from Stakeholders

**DME notifies Stakeholder/Landholder/Manager of Release of Vacant Area**

**Release of Vacant Area**
Area opens for application – 3/6 months

Application period for Vacant Area closes
Assessment and evaluation of application
Notification of successful/unsuccessful applicants

**No**

**Yes**

Application is refused and applicant is advised

Land access arrangements may apply
Applicant required to notify the Landholder/Manager within 14 days of the acceptance of offer to proceed through application process

**Application is on Aboriginal Freehold Land**
(Appendix A)

DME advertises application
NT News/NT General Gazette
s18 & s19 Petroleum Act
[2 month objection period applies]

**No**

**Yes**

Application is on Native Title Affected Land
(Pastoral Land)
(Appendix B)

DME advertises application
NT News/Koori Mail/NT General Gazette
s18 & s19 Petroleum Act
s29 Native Title Act (Cwlth)
[4 month notification process]

Objection received
s19 Petroleum Act

**No**

**Yes**

Objection upheld

Application cleared to proceed to Grant

Consent to Negotiate Process
s13 Petroleum Act
Part IV Aboriginal Land Rights (NT) Act 1976 (Cwlth)

Consent to Negotiate process completed
Federal Minister approves consent to grant
Application cleared to proceed to Grant

Native Title Claimants
Progress through Right to Negotiate Process
s31 Native Title Act

Agreement reached/Tripartite Deed executed
Right to Negotiate process completed
Application cleared to proceed to Grant

No Native Title Claimants
Application cleared to proceed to Grant

Final legislative/administrative compliance review

Permit offer

**Permit Granted**

**Under current Land access arrangements on acceptance of grant Permittee is required to notify Landholder/Manager**
Land Status

There are three main categories of land tenure in the NT, which determines the grant process of an application:

- Aboriginal Freehold Land
- Freehold land
- Native Title affected land.

**Aboriginal Freehold Land**

Sections 12 and 13 of the Act govern the procedures for application, negotiation and grant of a permit over Aboriginal land. [Appendix A]

*Aboriginal land* is defined in Section 5(1) of the Act by reference to the *Aboriginal Land Rights (Northern Territory) Act 1976* (ALRA) of the Commonwealth, which defines it as:

- land held by a Land Trust for an estate in fee simple; or
- land the subject of a deed of grant held in escrow by a Land Council.

Land Councils (established under Section 21 of ALRA) are responsible for assisting the Aboriginal people living within their area boundary.

**Freehold Land**

Freehold title, sometimes referred to as a Grant in Fee Simple or Estate in Fee Simple, means that the Crown (or Government) has passed all interest in the land, other than resources, onto the owner. An example of freehold land is the average house block in a city or town.

**Native Title Affected Land**

An application for a permit on Pastoral Lease land may be subject to the Native Title Act (NTA). Applications are advertised under the NTA *Right to Negotiate Procedure* (RTN). The RTN process is used for all petroleum negotiations on Native Title affected land. [Appendix B]

The RTN public notification period of four months allows the Native Title Claimants to register and if required, to lodge an objection with the National Native Title Tribunal (NNTT).

The NT Government, through the Department of Mines and Energy, Energy Directorate and Mines Directorate, case manage applications through the RTN procedure.

The NTA requires that negotiations be carried out “in good faith”. The Department of Mines and Energy has an expectation that negotiations to reach an agreement take place within firm timeframes. (*Refer ‘Timeframes for the Right to Negotiate Process for Title Applications on Native Title Affected Land’*).

**Telecommunication Sites and Defence Facilities**

It is the practice of the Department to exclude telecommunication sites or Commonwealth land from the grant of a permit.

**Land Availability**

**Current Title Maps**

Public access to online titles information is available through STRIKE. This online query system provides information on all release areas, applications and granted exploration and production energy titles, pipelines and geothermal tenure by way of an interactive map of the Territory. It provides clients with current publicly available spatial (geographical location), textual (ownership/transactions) and cadastral (land status) data associated with all titles.
By searching underlying land tenure on the cadastral layer, users can obtain details of land status and download spatial data files of current applications and granted titles. Users can access STRIKE at www.minerals.nt.gov.au

Application for a Permit

Applicants need to refer to Section 16(3) of the Act and the Notice of Invitation for Petroleum Exploration Permit Application when making application for a permit. (Please note that all applicants are required to identify themselves).

Applications must be compliant with the Act and also meet the minimum expectations of the NT Government, as outlined in this guideline.

Applicants may submit any other relevant information they wish to have considered. Once an application is submitted, the composition and timing of the proposed work program may not be amended through the submission of further information and any other changes will not be accepted.

An application must be accompanied by the fee, through an Australian bank cheque made payable to ‘Receiver of Territory Monies – Northern Territory of Australia’ (RTM) or by electronic funds transfer. Applicants wishing to pay by credit card will need to email energy.permits@nt.gov.au. The amount of the fee is prescribed in the schedule of the Petroleum Regulations. Evidence of an electronic fund transfer must be provided with the application.

If paying by electronic funds transfer, please make payment to the following account:

<table>
<thead>
<tr>
<th>Bank Name</th>
<th>NAB</th>
</tr>
</thead>
<tbody>
<tr>
<td>Account Name</td>
<td>NT Government</td>
</tr>
<tr>
<td>ABN</td>
<td>84 085 734 992</td>
</tr>
<tr>
<td>BSB</td>
<td>085-461</td>
</tr>
<tr>
<td>Account Number</td>
<td>931610009</td>
</tr>
<tr>
<td>Swift</td>
<td>NATAAU3303M (if overseas account)</td>
</tr>
</tbody>
</table>

1.1 Particulars of applicant(s)
- Full name of applicant/s - In case of individuals, please state full name of each person. In the case of corporations, state name of each corporation as shown on their latest Certificate of Incorporation.
- Australian Company Number (ACN or the ARBN where the applicant is a foreign company). This is the number described on the Certificate of Incorporation issued by the Australian Securities and Investment Commission (ASIC).
- Principal or residential address - Please state each applicant’s principal or residential address. This is the physical address at which documents will be served on each applicant.
- Postal Address - Please state postal address of each applicant.
- Interest - Where the application is made by two or more persons the proposed sharing arrangements between the applicants.

1.2 Particulars of Release Area
- Schedule of blocks being described by reference to the name/s of a map sheet/s (e.g. Darwin SD52) of the 1:1 000 000 Series and the number of graticular sections shown thereon.
- A map clearly delineating the application (release) area and boundaries of existing permit or licence areas in the immediate vicinity of the application area.

1.3 Assessment of Release Area
- Applicant’s assessment of the petroleum potential of area, including a geological and geophysical review and technical assessment, including concepts underlying the proposed exploration program.
1.4 Work Program

- Proposed technical works program for exploration of the blocks during each year of the term of the proposed permit and must show an accelerated exploration program.
- Proposed work program activities must be stated precisely to avoid ambiguity.
- Work programs are divided into a ‘primary’ and ‘secondary’ term.
- The first two-years of a work program are referred to as the primary term. The minimum work requirements must commence and be completed within the end of year two.
- Once awarded, the primary term becomes guaranteed and cannot be reduced. Work activities that cannot be guaranteed should not be included in the primary term.
- Permit years 3, 4 and 5 are referred to as the secondary term. Each year becomes guaranteed upon entry and the minimum work requirements must commence and be completed within the permit year.

An example of a five-year work program should include (but not be limited to) the following:

<table>
<thead>
<tr>
<th>Year</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Geophysical and geological surveys, Field Geological Surveys, Desktop Geophysical and geological studies, 2D/3D Seismic Surveys* (should be detailed, e.g. Biochemistry, Geochemistry or standard prospect evaluation etc.)</td>
</tr>
<tr>
<td>2</td>
<td>More Geophysical and geological surveys, data processing and interpretation or drilling of wells*.</td>
</tr>
<tr>
<td>3</td>
<td>Drilling one or more wells and Geophysical and geological studies or surveys.</td>
</tr>
<tr>
<td>4</td>
<td>Analysis of data acquired and interpretation of the results to identify prospective areas of the permit for retention, production, renewal or relinquishment, Continue further testing, Reservoir and Geological studies</td>
</tr>
</tbody>
</table>

* Depends on the maturity of the basin

- The proposed work program must be consistent with the exploration strategy and underpinned by the technical evaluation of the release area.
- The proposed work program must be regarded as advancing the exploration effort.
- The early elements of the proposed work program should be sufficient to enable the later elements to proceed and be aligned with the exploration strategy. This includes the need for the number and type of wells to be justifiable and be supported by the number and maturity of plays, prospects and/or leads identified i.e. the work program should be pursuable on a dry hole basis.
- Proposed work program activities should only include work that will be undertaken within the permit area. Any work, studies or reprocessing proposed outside the permit area, must be clearly differentiated.
- Work intended to appraise a known petroleum accumulation in an area may form part of the proposed work program. However, appraisal activities must be clearly differentiated from exploration activities.
- Work associated with a known petroleum accumulation will only be considered as exploration work if the activity is assessed to include a significant exploration component.
- The minimum acceptable work program for an area will vary depending on the size of the area, its perceived prospectivity and its location. At a minimum, it is expected the proposed work program will contain:
  - New activities such as, data acquisition and/or well/s drilling. The type of activities will depend on whether the area is lightly-explored or frontier in nature.
  - Reprocessing and/or geophysical and geological studies to enable a play, lead or prospect to be identified and progressed toward maturing a drillable target.
Where an area is fully covered by 2D seismic data, reprocessing a majority of this data may form part of the proposed work program and can be undertaken instead of acquiring new seismic data. The reprocessing would normally be expected to be from raw data or the quality controlled traces and to utilise techniques not previously undertaken on seismic data within the permit area.

It is expected that at least one exploration well will be proposed during the initial five-year permit term for well-explored areas with good data coverage; the well should not be in Year 5.

The description of the proposed work program should include:

- Indicative expenditure in Australian dollars for each activity at current market value.
  - Operational activities: calculations detailing how the cost of the activities has been estimated should be provided.
- The number of line kilometres of 2D and proposed line spacing and/or square kilometres of 2D seismic data that will be acquired and processed within the permit area, including:
  - Full fold numbers within the permit area.
  - A map showing the indicative location of the 2D lines outline. All existing seismic surveys should be identified on this map.
  - If known, the parameters and methodology of the seismic acquisition and processing that will be undertaken.
- The amount, type and details of the applicable dataset of any new reprocessing the applicant proposes to undertake, including:
  - The number of line kilometres of 2D seismic data that will be reprocessed within the permit area clearly stated.
  - A map showing the indicative location of the 2D lines survey outline. All existing seismic surveys should be identified on this map.
  - If known, the parameters and methodology of the reprocessing that will be undertaken.
- The number of exploration wells proposed, including indicative plays and target play levels.
- The nature, scope and objectives of any studies.
- The licensing or use of any existing exclusive or non-exclusive datasets and, if applicable, how these are proposed to be used in conjunction with any reprocessing or geophysical studies proposed in the work program.
- Descriptions and the conceptual locations/targets/purpose of other operational activity or surveying proposed.

1.5 Technical and Financial Capacity

- Evidence of the technical and financial capacity of the applicant/s to carry out the proposed technical works program and to comply with the requirements of the Act.
  - Applicants should list the professional staff proposed to be used in the program, together with a short resume of their past record of proven technical experience.
  - Normally, applicants are expected to have at least sufficient net current assets to complete the first two years' program and to provide reasonable assurance that further funds will be forthcoming. If the applicant is a publicly listed company the last issued annual company report or the relevant sections thereof and the last issued quarterly report to the Stock Exchange should be included.
  - If the applicant is not a public company, a report should be furnished giving the same information as would be furnished in the annual report of a public company, and in the latest quarterly stock exchange report.

In either case a statement of financial commitments other than those proposed in the application, and any additional source of finance should be included. This statement should include a list of interests in petroleum tenements in other states of Australia.

1.6 Operator

- The name of the designated operator and evidence of the technical capacity of the operator to carry out the proposed technical works program and a single address for service of notices in respect of the application.
1.7 Other Information

• Past performance of the applicant/s.

• Technical evaluation
  o The technical evaluation should summarise the applicant's understanding of the geology and petroleum potential of the release area. It should include the concepts underlying the proposed work program, with sufficient detail to support that program. A sound technical evaluation would include an assessment of relevant data and support the amount of seismic surveying and the number and conceptual targets of wells to be drilled, if applicable.
  o The technical evaluation should include, but is not limited to, a description of:
    ▪ The applicant’s assessment of the release area, including potential petroleum systems, and plays within the release area.
    ▪ Any prospects and leads mapped within the release area, including supporting material such as images, interpreted seismic sections and horizon maps.
    ▪ The data and/or studies the technical evaluation is based on.
    ▪ Any geological and geophysical studies, seismic interpretation, mapping or any other work that has been undertaken as part of the technical evaluation.
    ▪ How the applicant proposes to utilise any existing data over the release area, including how this data is to be utilised in the proposed work program.

• Exploration strategy
  o The overall exploration strategy should link the technical evaluation with the proposed work program.
  o Applicants should propose an exploration strategy that has the potential to significantly advance the assessment and understanding of the petroleum potential of the release area. The exploration strategy should support the applicant’s technical evaluation of the release area and the proposed work program for the five year permit term.
  o The exploration strategy should explain how the release area will be explored over the permit term, including how the different work program elements will investigate the plays, prospects and leads identified in the technical evaluation of the area.

• Such other information in support of the application as the applicant thinks fit.

An application form is available online at the Department’s website. One electronic copy, in a text search supported format and one hard copy is to be submitted. [Appendix C]

Post Application Requirements

Advertising
The Department will, as soon as practicable after the assessment of an application/s, arrange to have a notice of the successful application published in the applicable newspaper/s and Gazette at the expense of the applicant/s. An invoice will be forwarded to the applicant/s following advertising. The advertising requirements are subject to the Act and the underlying tenure of the application area, i.e. Pastoral Lease or Aboriginal Freehold Land.

Stakeholder Engagement - Land Access

The Northern Territory Government has a new process for land access agreements between the mining, petroleum and agriculture industries.

The new process strikes a balance between the rights of resource companies to explore and the rights of pastoralists to be advised, informed and consulted before exploration begins and includes:

• The establishment of a land access agreement for those exploration activities considered to create more disturbance and requires the lodgement of a Mining Management Plan or Petroleum Environment Plan;
• If agreement over conditions for land access cannot be reached within 60 days by mutual consent, the matter will be referred to an arbitration panel to be made up of high level government and industry representatives;
• The arbitration panel will arbitrate between the parties for a successful agreement within 21 days of the formation of the panel;

• Once agreement has been reached, the Department of Mines and Energy may approve the Mining Management Plan or Petroleum Environment Plan

Please see:
- Appendix D - Stakeholder Engagement Guidelines and Land Access
- Appendix E – Land Access Agreement Flowchart
- Appendix F – Land Access Agreements Notification of Application Form

## Permit Conditions

After consideration of a permit application, the Minister may grant the permit over all or part of the area sought and subject to such conditions as he sees fit. The proposed conditions will be discussed with the applicant prior to the formal offer.

Although requests for permit variation will be considered, permittees will be expected to complete the committed work programs lodged at time of application. The first two years are less negotiable.

Applicants should note that summary work programs relating to a permit will be publicly available once the title is granted.

If a permit is required to go to the NNNTT for an arbitral body determination, then the grant may also be subject to certain conditions to be complied by any of the parties.

## Security

Before granting a permit the Minister will require a security to be lodged for compliance with the Act and to secure the applicant’s compliance with the conditions to which the grant is made (Section 79). This security is currently set at $10,000 per permit.

Security payments can be in the form of cash, credit card, cheque, money order, letter of Credit or Bank Guarantee. Bank guarantees must be made out in favour of the Minister for Mines and Energy, money orders and cheques are to be made payable to the RTM and may be lodged by mail. Direct Debit may be made by contacting the Energy Titles Unit on +61 8 8999 5263.

Other types of securities may be lodged over the Counter from 8:00 am to 4:00 pm Monday to Friday, 4th Floor Centrepoint Building, Smith Street Mall, Darwin.

## Northern Territory Legislation

Northern Territory legislation is available for perusal at:

## Disclaimer

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### TABLE OF REVISIONS

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<th>Date</th>
<th>Version</th>
<th>Purpose</th>
<th>Section</th>
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<td>4 December 2013</td>
<td>1</td>
<td>To establish guidelines for a Petroleum Exploration Permit Application and Conditions</td>
<td>21(E)</td>
</tr>
<tr>
<td>5 February 2016</td>
<td>2</td>
<td>Updated to reflect new land access arrangements</td>
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## Appendix A - Consent to Negotiate Process

Read in conjunction with the “Exploration on the Aboriginal Freehold Land” Fact sheet & the *Aboriginal Land Rights (Northern Territory) Act 1976 (ALRA)*

### Exploration Licence or Permit Application
Lodged with the Department (Petroleum following assessment and awarding of Permit)

- **Consent to Negotiate**
  NT Minister for Mines and Energy may issue consent to negotiate s41 ALRA

- **Consent Issued (3 months)**

- **“Exploration 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 s41(6) ALRA

- **Application accepted by Land Council**

### Standard Negotiation Period (22 months)
- Parties consult to progress negotiations to reach an agreement and to the consent to the grant of the Exploration Licence or permit;
- 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 as required by s42 ALRA;
- There is a provision for mutually agreed extensions.

### Outcomes of s42 Meeting

- **Refuse consent to the grant**
  Refusal of further negotiations

- **Consent to further negotiations**

- **Moratorium**
  Exploration Licence or permit application is placed in moratorium for five (5) years. s48 ALRA

- **Negotiations Re-commence**
  Traditional Owners may recommence negotiations through their representative body at any time during this five (5) year period.

- **End of Moratorium**
  The applicant must lodge a new exploration application with the relevant Land Council within 30 days of the moratorium end date.

- **Consent to Negotiate for the Grant**
  Traditional Owners consent to further negotiations to formalise an agreement with the applicant. The relevant Land Council approves consent to grant

- **Federal Minister Approves consent to grant**
  Consent to grant given by Federal Minister for Indigenous Affairs within the Department of the Prime Minister and Cabinet

- **Agreement/Deed**
  Agreement/Deed provided to Department to progress Exploration Licence or permit Application to grant

- **Grant**
  Department grants exploration licence or permit in accordance with the *Mineral Titles Act (2010)* or *Petroleum Act*
Appendix A - Exploration on Aboriginal Freehold Land

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.

The Mineral Titles Act (MTA) / Petroleum Act (PA) Process

Exploration Licence and Exploration Permit applications (and subsequent mining leases (MTA)) on ABF are required to comply with the MTA or PA.

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 EPAs through the Energy Directorate, Department of Mines and Energy. 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 Mines and Energy, 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.

Negotiating Timeframes

Under ALRA, negotiation towards agreement is to be carried out within prescribed timeframes.

The standard negotiation period of 22 months commences when the “exploration application” outlining exploration activities is accepted by the respective Land Council. The standard negotiation period expiry is calculated as ending 22 months from 1 January following the date of receipt of the “exploration application”. If an agreement is not reached within the initial standard negotiating period (22 months), there is provision for an extension by mutual agreement.

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 Mines and Energy to progress the ELA or EPA to grant. Upon grant of the ELA or EPA the Department of Mines and Energy administers the title in accordance with the MTA or PA.
Native Title and 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 queries about the process, the “exploration application” or any other requirements 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
Web: www.minerals.nt.gov.au
STRIKE: www.minerals.nt.gov.au/tis

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

Read in conjunction with the ALRA Flowchart and Aboriginal Land Rights (Northern Territory) Act 1976 (ALRA)
Appendix B - Timeframes for Right to Negotiate Process for Title Applications on Native Title Affected Land

- Notifications are published in the NT News, NT Government General Gazette, Centralian Advocate (relevant to region) and Koori Mail, where appropriate, notifying affected parties.
- Native Title claimants have a 4 month period to register and/or lodge an objection to the activity.
- Representative Bodies negotiate Agreements on behalf of the Registered Native Title Claimants.

**Notification of Application**
(Advertised / public notification)
(Affected parties notified)

**Registered Native Title Claimants**
(Following 4 month notification process)

- Yes
  - Title can be granted
  - Decision not to grant title
  - Agreement reached and Tripartite Deed executed
  - Commonwealth Minister can overrule this decision

- No
  - Notifications are published in the NT News, NT Government General Gazette, Centralian Advocate (relevant to region) and Koori Mail, where appropriate, notifying affected parties.
  - Native Title claimants have a 4 month period to register and/or lodge an objection to the activity.
  - Representative Bodies negotiate Agreements on behalf of the Registered Native Title Claimants.

**“Negotiate in Good Faith” to reach an agreement**
(8 months)

**Agreement reached & Tripartite Deed executed**

- Yes
  - Title can be granted
  - Decision not to grant title

- No
  - Refer matter to Mediation with the National Native Title Tribunal (NNTT).
    (4 months) - (Costs to be incurred by Applicant)
  
  - Refer matter to Arbitration with the NNTT for determination.
    (Costs to be incurred by Applicant)

**Agreement reached and Tripartite Deed executed**

- Yes
  - Title can be granted
  - Decision not to grant title

- No
  - Refer matter to Mediation with the National Native Title Tribunal (NNTT).
    (4 months) - (Costs to be incurred by Applicant)
  
  - Refer matter to Arbitration with the NNTT for determination.
    (Costs to be incurred by Applicant)

**The Arbitral Body makes a determination:**
That the Act **must not** be done  OR  That the Act **can be done** with or without conditions

- Commonwealth Minister can overrule this decision

**Progressive Timeframes**
- 4 months
- 12 months
- 16 months
- 24 months

**NOTE:** All legislative requirements must be achieved prior to the grant of an application.
The above timeframes are indicative, although all parties are to “negotiate in good faith” to progress applications to grant. A representative body can negotiate an agreement on behalf of native title holders before a Native Title claim is lodged which may preclude the need for a claim and avoid the Right to Negotiate process.
Appendix B – Exploration and Mining on Native Title Affected Land

Introduction
The two main categories of land tenure in the Northern Territory, excluding townships, are Aboriginal Freehold (ABF) and Pastoral Lease.
Applications for exploration and/or mining on Pastoral Lease land may be subject to the Native Title Act 1993 (NTA).
Applications are advertised under the NTA;
- Expedited Procedure; or
- Right to Negotiate Procedure.

NB: all petroleum applications are advertised under the Right to Negotiate Procedure.

Expedited Procedure
Exploration licence applications (ELA) advertised under the expedited procedure will be subject to conditions to protect the rights and interests of the Native Title Parties pursuant to NTA s. 237.
The Department ensures legislative compliance and that the public notification processes for each application are met.
Following public notification, a period of 4 months is allowed for registered Native Title Claimants to lodge an objection to the expedited process with the National Native Title Tribunal (NNTT).
The NNTT is the arbitral body responsible for conducting hearings, mediations and arbitration matters in the Northern Territory.
Where NO objections are lodged the exploration licence application is granted.
Where objections are lodged, a hearing is facilitated by the NNTT. The applicant and the registered Native Title Claimants are required to negotiate an agreement. It is a requirement of the NTA that negotiations be carried out "in good faith".
Agreements between the parties may be reached at any stage during the expedited procedure resulting in the withdrawal of the objection.
When an objection is dismissed by the NNTT the exploration licence application is granted.
When an objection is upheld by the NNTT the exploration licence application proceeds through the Right to Negotiate process.
When negotiations stall or no agreement is reached in mediation the matter may progressed to arbitration.

Right to Negotiate Procedure (RTN)
The RTN process is used for high impact mining ventures and all petroleum negotiations on Native Title affected land.
The RTN public notification period of 4 months allows the Native Title Claimants to register and if required, to lodge an objection with the NNTT.
The registered Native Title Claimants, the applicant, the Northern Territory Government and the relevant Land Council execute a Tripartite Deed, prior to the grant of the application.
The Tripartite Deed has an underlying Ancillary Agreement between the Land Council representing the registered Native Title Claimants and the applicant.
The Northern Territory Government, through the Department of Mines and Energy, Mineral Titles Division, case manages applications through the RTN procedure.
The Native Title Act requires that negotiations be carried out “in good faith”. The Department of Mines and Energy has an expectation that negotiations to reach an agreement take place within firm timeframes. (Refer ‘Timeframes for the Right to Negotiate Process for Title Applications on Native Title Affected Land’)
If substantial progress has not been achieved, if negotiations have stalled and/or no agreement is reached within these expected timeframes the matter will be placed in mediation and if required, progressed to arbitration with the NNTT.
Indigenous Land Use Agreements (ILUA)
Applications for exploration and mining tenure may also be granted where the applicant and the Native Title Representative Body enters into an ILUA.
These are flexible agreements that can provide for various activities including exploration and mining activities, suitable for small exploration or large mining projects.

Contact Details
Native Title & Aboriginal Land Rights Unit

Tel: +61 8 8999 5322
Fax: +61 8 8981 7106
Email: NTALRUnit@nt.gov.au
Web: www.minerals.nt.gov.au/ntalr
STRIKE: www.strike.nt.gov.au

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

Read this document in conjunction with:
• the Native Title Expedited Flowchart;
• the Native Title RTN Flowchart; and
• the Native Title Act 1993
### NORTHERN TERRITORY OF AUSTRALIA

#### APPLICATION FOR A PETROLEUM EXPLORATION PERMIT

Section 16(3) - PETROLEUM ACT

<table>
<thead>
<tr>
<th>Release Area/s</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(Insert Release Area Number and Name of Map Sheet)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant/s</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>[Individual]</td>
<td>[Company]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
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<th>ACN / ABN / ARBN</th>
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<tbody>
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<tr>
<td>3</td>
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<tr>
<td>4</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Address of each applicant</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>(If Company, registered office and principal place of business required)</td>
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<p>| | |</p>
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<tr>
<td>3</td>
<td></td>
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<tr>
<td>4</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact information for applicant/s</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Contact Person:</td>
<td></td>
</tr>
<tr>
<td>Phone:</td>
<td>Fax:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Postal Address</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Nominate Address from above</td>
<td>1</td>
</tr>
</tbody>
</table>

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
</table>
## Summary of proposed technical works program during each year of the term of the exploration permit

<table>
<thead>
<tr>
<th>Year</th>
<th>Work Program Details*</th>
<th>Indicative Expenditure $A</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
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<td>4</td>
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<tr>
<td>5</td>
<td></td>
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</tr>
</tbody>
</table>

*Attach detailed technical works program to application

### Signatures of applicant/s

Print Name  Date  Print Name  Date

Print Name  Date  Print Name  Date

Print Name  Date  Print Name  Date

### Authorised Agent

Evidence of Appointment must be attached and comply with section 126 of the Corporations Act

Print Name  Signature  Date

Contact information
Appendix D - Petroleum Exploration – Landholder Two Way Communication Consultation Process

### Permitting and Approvals Process

<table>
<thead>
<tr>
<th>Determine Area for Release</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stakeholder Consultation</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Release of Vacant Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notification to Stakeholders/Landholders</td>
</tr>
<tr>
<td>Letter to Stakeholders/Landholders</td>
</tr>
<tr>
<td>Advertise Acreage Release Area</td>
</tr>
<tr>
<td>Petroleum Act (PA) s16(1)</td>
</tr>
<tr>
<td>Area opens for application - 3/6 months</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Acreage Release application period closes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment and Evaluation of Applications</td>
</tr>
<tr>
<td>Notification of successful/unsuccessful applicants</td>
</tr>
</tbody>
</table>

### Consultation Process

<table>
<thead>
<tr>
<th>Stakeholder Consultation</th>
</tr>
</thead>
<tbody>
<tr>
<td>DME seeks comments from Stakeholders regarding Acreage Release Area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Selection of Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant accepts offer and notifies Landholder/Manager within 14 days of the acceptance of offer to proceed through the application process.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Application process</th>
</tr>
</thead>
<tbody>
<tr>
<td>DME advertises application in the NT Gazette, NT News, Koori Mail and publishes on the DME Website.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Exploration activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permittee applies to conduct exploration activity</td>
</tr>
</tbody>
</table>

Permittee applies to conduct exploration activity

There is an expectation on the Permittee and Landholder/Manager that dialogue will continue throughout the term of the permit

### Section A and/or B of the Notice of Application for the Grant of a Petroleum Exploration Permit.

Reconnaissance activities are surveys, inspections and other activities that do not involve any disturbance to the land or vegetation and are undertaken before the commencement of an exploration program.

Once the Permittee notifies the Landholder/Manager of its intention to commence negotiations, the parties have 60 days to reach a land access agreement and associated conditions. See the Stakeholder Engagement Guidelines Land Access for further details about agreement and arbitration processes.

A group of activities (other than reconnaissance activities) forming an exploration program requiring approval by DME.

30/11/15
NOTICE OF APPLICATION FOR THE GRANT OF A PETROLEUM EXPLORATION PERMIT

As per the Land Release Process the successful applicant for a Petroleum Exploration Permit application is required to notify the Landholder and Land Manager within 14 days of acceptance of the offer to proceed through the application process.

To streamline the notification process the Department of Mines and Energy has produced this template in lieu of a letter or other form of advice.

Completion of Section A should be completed by the applicant and sent to each landholder identified as being affected by the application. Landholder postal details can be obtained through a search of the Land Titles Register using the Integrated Land Information System (ILIS) administered by the Department of Lands, Planning and the Environment.

Where an application is within all or part of a pastoral lease, the applicant will be required to notify the pastoral lease Station/Land Manager. Complete Section A and Section B. Email Section B notice to the Department of Primary Industry and Fisheries for re-direction to the relevant Station/Land Manager. The email address for the service of this notice is:

Tania.Moloney@nt.gov.au
Copy to Energy.Permits@nt.gov.au

No later than 14 days after sending the notification (Section A/Section B), the applicant is required to provide proof of service to the Department of Mines and Energy. This information can be provided by post or email as follows to:

Department of Mines and Energy – Energy Directorate
Address: 4th Floor Centrepoint Building, 48-50 Smith Street, DARWIN NT 0800
Postal Address: GPO Box 4550, DARWIN NT 0801
Phone: 08 8999 5263 Fax: 08 8999 5191
Email: energy.permits@nt.gov.au
Website: www.minerals.nt.gov.au

The notification form provides the pastoralist and station/land manager with the opportunity to acknowledge receipt of the notice and to commence meaningful and mutual communication with prospective explorers.

In some instances the landholder and the station/land manager will be the same person and may receive two separate notifications (Section A and Section B). If this is the case only one acknowledgement of receipt is required. The landholder and station/land manager should return the form within 14 days directly to the applicant. Receipt of notice is deemed to have occurred after this period of time.

The applicant is required to forward the notices and any acknowledgements received from the pastoralist or station/land manager to the Department of Mines and Energy as evidence of the start of two way communications. Additional notification following the grant of the petroleum exploration permit will be required by the permit holder in line with Environment Plan approvals prior to any exploration activity.

It is important to note that this initial notification does not provide the opportunity to object or make a submission in relation to the proposed grant of the petroleum exploration permit. The objection or submission provision is contained within s18(1) of the Petroleum Act and applies after the application has been advertised in NT News, the Koori Mail, on the department’s website and in the NT General Gazette.
## SECTION A
### LANDHOLDER NOTIFICATION OF APPLICATION FOR THE GRANT OF A PETROLEUM EXPLORATION PERMIT

<table>
<thead>
<tr>
<th>LANDHOLDER DETAILS</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Name</td>
</tr>
<tr>
<td>*Postal Address</td>
</tr>
<tr>
<td>*NT Portion Number</td>
</tr>
<tr>
<td>*Pastoral Lease Number</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>APPLICANT DETAILS</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Exploration Permit No</td>
</tr>
<tr>
<td>*Name</td>
</tr>
<tr>
<td>*Postal Address</td>
</tr>
<tr>
<td>*Email</td>
</tr>
<tr>
<td>*Telephone Number</td>
</tr>
<tr>
<td>*Proposed Work Program</td>
</tr>
<tr>
<td>*Map of Proposed Application Area</td>
</tr>
</tbody>
</table>

All fields marked with an asterisk (*) are mandatory.

### ACKNOWLEDGMENT OF NOTICE

To be completed by specified person (i.e. Landholder)

<table>
<thead>
<tr>
<th>Landholder Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Postal Address</td>
</tr>
<tr>
<td>Email</td>
</tr>
<tr>
<td>Telephone Number</td>
</tr>
</tbody>
</table>

Signature

If you are also the Station Manager please tick: ☐

Please sign and return this page to the applicant within 14 days of receipt

It is important to note that this initial notification does not provide the opportunity to object or make a submission in relation to the proposed grant of the petroleum exploration permit. The objection or submission provision is contained within s18(1) of the *Petroleum Act* and applies after the application has been advertised in NT News, the Koori Mail, on the department's website and in the NT General Gazette.
**SECTION B**

**STATION/LAND MANAGER NOTIFICATION OF APPLICATION FOR THE GRANT OF A PETROLEUM EXPLORATION PERMIT**

<table>
<thead>
<tr>
<th>STATION MANAGER DETAILS</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Station Manager Name</td>
</tr>
<tr>
<td><em>(If known)</em></td>
</tr>
<tr>
<td>*Pastoral Lease Number</td>
</tr>
<tr>
<td>*Pastoral Lease Name</td>
</tr>
<tr>
<td>*NT Portion Number</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>APPLICANT DETAILS</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Exploration Permit No</td>
</tr>
<tr>
<td>*Name</td>
</tr>
<tr>
<td>*Postal Address</td>
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<tr>
<td>*Email</td>
</tr>
<tr>
<td>*Telephone Number</td>
</tr>
<tr>
<td>*Proposed Work Program</td>
</tr>
<tr>
<td>*Map of Proposed Application Area</td>
</tr>
</tbody>
</table>

All fields marked with an asterisk (*) are mandatory.

<table>
<thead>
<tr>
<th>ACKNOWLEDGMENT OF NOTICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>To be completed by specified person (i.e. Station Manager)</td>
</tr>
<tr>
<td>Landholder Name</td>
</tr>
<tr>
<td>Postal Address</td>
</tr>
<tr>
<td>Email</td>
</tr>
<tr>
<td>Telephone Number</td>
</tr>
<tr>
<td>Signature</td>
</tr>
</tbody>
</table>

If you are also the pastoralist/landholder please tick: ☐

Please sign and return this page to the applicant within 14 days of receipt

It is important to note that this initial notification does not provide the opportunity to object or make a submission in relation to the proposed grant of the petroleum exploration permit. The objection or submission provision is contained within s18(1) of the Petroleum Act and applies after the application has been advertised in NT News, the Koori Mail, on the department’s website and in the NT General Gazette.