

**NORTHERN TERRITORY OF AUSTRALIA**

**MINERALS (ACQUISITION) ACT 1953**

As in force at 21 September 2011

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**ENDNOTES**



# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 21 September 2011

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## MINERALS (ACQUISITION) ACT 1953

### An Act to provide for the acquisition by the Crown of certain minerals, and for other purposes

#### 1 Short title

This Act may be cited as the *Minerals (Acquisition) Act 1953*.

#### 2 Definition

In this Act, **minerals** includes all mineral substances, gold, silver, copper, tin and other metals, ores or other substances containing metals or minerals, and gems, precious stones, coal, shale, mineral oils and valuable earths and substances.

#### 3 Acquisition of certain minerals

All minerals existing in their natural condition, or in a deposit of waste material obtained from any underground or surface working, on or below the surface of any land in the Territory, not being minerals, which, immediately before the commencement of this Act, were the property of the Crown or of the Commonwealth, are, by force of this Act, acquired by, and vested absolutely in, the Crown in right of the Commonwealth.

#### 4 Compensation for acquisition of minerals

- (1) Subject to this section, the Commonwealth is liable to pay to a person who had a right, title or interest in any minerals acquired by section 3 such compensation as is agreed on between the Commonwealth and that person or is determined by action by that person against the Commonwealth in the Supreme Court.
- (2) A person is not entitled to compensation under this section in respect of minerals of any nature on or below the surface of any land unless, on or before 31 December 1954, he lodges with the Administrator a claim in writing for compensation in respect of minerals of that nature on or below the surface of that land, specifying the land in relation to which the claim is made, the nature of the minerals in respect of which compensation is claimed, the nature of his right, title or interest in the minerals, the amount of compensation claimed, and his address in the Territory for service.

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- (3) If, at any time after a person has lodged a claim under this section, the Administrator serves on that person a notice in writing that he is satisfied that no agreement, or no further agreement, can be reached in respect of the claim, an action by that person against the Commonwealth under this section for compensation in respect of any minerals of a nature specified in the claim, on or below the surface of the land referred to in the claim, shall not be instituted later than one month after service of that notice.
  - (4) Where an action has been instituted under this section in the Supreme Court, and, upon application by the Commonwealth for an order under this subsection, the Court is not satisfied that the person claiming compensation is diligently prosecuting the action, the Court may dismiss the action for want of prosecution.
  - (5) Where an action brought by a person in relation to minerals of any nature on or below the surface of any land is dismissed under subsection (4), no further action by that person under this section lies in relation to minerals of that nature on or below the surface of that land.
  - (6) No appeal lies from the decision of the Supreme Court in an action under this section.
  - (7) A notice by the Administrator for the purposes of this section may be served on the claimant by post at his address in the Territory for service set out in the claim lodged with the Administrator.

## **5 Power to authorize entry on land the subject of a claim**

- (1) Where a claim for compensation has been lodged under section 4 in relation to minerals on or below the surface of any land, the Administrator may, for the purpose of ascertaining the existence, nature and extent of any such minerals, by writing under his hand, authorize a person to:
  - (a) enter on the land;
  - (b) make observations and tests, or carry on experimental mining operations; and
  - (c) extract and remove samples of minerals.
- (2) A person shall not obstruct or hinder a person in the exercise of powers conferred by an authority under this section.

Maximum penalty: 8 penalty units.
- (3) The Commonwealth is liable to pay to a person who suffers loss or damage by reason of the exercise of powers under this section

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such compensation as is agreed on between the Commonwealth and that person or is determined by action by that person against the Commonwealth in a court of competent jurisdiction.

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**ENDNOTES**
**1 KEY**

Key to abbreviations

<b>amd = amended</b>	<b>od = order</b>
<b>app = appendix</b>	<b>om = omitted</b>
<b>bl = by-law</b>	<b>pt = Part</b>
<b>ch = Chapter</b>	<b>r = regulation/rule</b>
<b>cl = clause</b>	<b>rem = remainder</b>
<b>div = Division</b>	<b>renum = renumbered</b>
<b>exp = expires/expired</b>	<b>rep = repealed</b>
<b>f = forms</b>	<b>s = section</b>
<b>Gaz = Gazette</b>	<b>sch = Schedule</b>
<b>hdg = heading</b>	<b>sdiv = Subdivision</b>
<b>ins = inserted</b>	<b>SL = Subordinate Legislation</b>
<b>lt = long title</b>	<b>sub = substituted</b>
<b>nc = not commenced</b>	

**2 LIST OF LEGISLATION*****Minerals (Acquisition) Ordinance 1953 (Act No. 5, 1953)***

Assent date	22 April 1953
Commenced	22 April 1953

***Minerals (Acquisition) Ordinance 1954 (Act No. 9, 1954)***

Assent date	8 December 1954
Commenced	23 April 1953 (s 2)

***Ordinances Revision Ordinance 1973 (Act No. 87, 1973)***

Assent date	11 December 1973
Commenced	11 December 1973 (s 12(2))

**Amending Legislation*****Ordinances Revision Ordinance 1974 (Act No. 34, 1974)***

Assent date	26 August 1974
Commenced	11 December 1973 (s 3(2))

***Ordinances Revision Ordinance (No. 2) 1974 (Act No. 69, 1974)***

Assent date	24 October 1974
Commenced	11 December 1973 (s 3)

***Ordinances Revision Ordinance 1976 (Act No. 27, 1976)***

Assent date	28 June 1976
Commenced	ss 1, 2 and 6: 28 June 1976 (s 6(2)); ss 3 and 4: 11 December 1973; s 5: 24 October 1974

***Statute Law Revision Act (No. 3) 1981 (Act No. 91, 1981)***

Assent date	21 September 1981
Commenced	21 September 1981

***Penalties Amendment (Children and Families, Health and Primary Industry, Fisheries and Resources) Act 2011 (Act No. 28, 2011)***

Assent date                      31 August 2011  
Commenced                      21 September 2011 (*Gaz* G38, 21 September 2011, p 4)

**3                                      GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: s 1.

**4                                      LIST OF AMENDMENTS**

It	amd No. 91, 1981, s 2
ss 1 – 3	amd No. 91, 1981, s 2
s 4	amd No. 9, 1954, s 3; No. 87, 1973, s 3; No. 91, 1981, s 2
s 5	amd No. 87, 1973, s 5; No. 91, 1981, s 2; No. 28, 2011, s 5