

NORTHERN TERRITORY OF AUSTRALIA

MINING AMENDMENT ACT 2001

No. 44 of 2001

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NORTHERN TERRITORY OF AUSTRALIA

No. 44 of 2001

AN ACT

to amend the *Mining Act*

[Assented to 19 July 2001]
[Second reading 1 March 2001]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Mining Amendment Act 2001*.

2. Commencement

This Act comes into operation on the commencement of the *Mining Management Act 2001*.

3. Principal Act

The *Mining Act* is in this Act referred to as the Principal Act.

4. Interpretation

Section 4 of the Principal Act is amended –

- (a) by omitting from subsection (1) the definition of "inspector";
- (b) by inserting after the definition of "mining interest" in subsection (1) the following:

" 'mining officer' has the same meaning as in the *Mining Management Act*"; and

- (c) by inserting after the definition of "Regulations" in subsection (1) the following:

" 'relevant Authorisation', in relation to a mining interest or mining tenement, means the Authorisation granted by the Minister under Division 2 of Part 4 of the *Mining Management Act* that relates to the exploration or mining activities carried out on the area of land held under the mining interest or mining tenement;"

5. Form of application for mineral lease

Section 55 of the Principal Act is amended –

- (a) by omitting from paragraph (f)(iv) "be;" and substituting "be; and"; and
- (b) by omitting paragraphs (g) and (h).

6. Grant of mineral lease

Section 60 of the Principal Act is amended –

- (a) by omitting from subsection (1)(a) "area;" and substituting "area, and for other purposes in connection with the mining of that mineral or those minerals that the Minister thinks fit and specifies in the lease document; or";
- (b) by omitting subsection (1)(b), (c), (d), (e), (f) and (g) and substituting the following:
 - "(b) for other purposes in connection with the mining or processing on a mineral lease of a specified mineral or minerals that the Minister thinks fit and specifies in the lease document."; and
- (c) by omitting subsections (2), (2A), (2B), (2C), (3) and (4) and substituting the following:

"(2) The granting of a mineral lease for the purposes of subsection (1)(a) authorizes the lessee –

- (a) to explore for minerals on the lease area;
- (b) to mine and use extractive minerals for or in connection with a purpose specified in the lease document; and
- (c) to mine extractive minerals where the mining is directly associated with, or reasonably incidental to, the mining of the mineral or minerals specified in the lease document.

"(3) The granting of a mineral lease for the purposes of subsection (1)(b) authorizes the lessee to mine and use extractive minerals for or in connection with any of the purposes specified in the lease document.

"(4) Subject to Parts XIA and XIB as applicable, the Minister may grant a mineral lease for the purposes of subsection (1)(b) –

- (a) only if the applicant for the mineral lease is already the holder of a mineral lease for the purposes of subsection (1)(a); and
- (b) only for a term that does not exceed the term for which the mineral lease referred to in paragraph (a) is granted.

"(5) The granting of a mineral lease over land reserved under section 178(1) from occupation cancels the reservation under that section of so much of the land as is comprised in the mineral lease."

7. Application for renewal of mineral lease

Section 68 of the Principal Act is amended by omitting subsection (2) and substituting the following:

"(2) An application under subsection (1) is to be in writing and lodged with the Department accompanied by –

- (a) the prescribed rent for the first 12 months of the proposed renewed lease; and
- (b) the prescribed fee."

8. Repeal and substitution

Section 79 of the Principal Act is repealed and the following substituted:

"79. Reports to be lodged

"(1) A lessee of a mineral lease must –

- (a) within 3 months immediately after the end of each 12 months of the lease; and
- (b) at other times as the Minister directs in writing,

lodge with the Department a report on the exploration activities carried out on the lease area during the 12 months of the lease referred to in paragraph (a) or during the period specified in the direction under paragraph (b), as applicable.

"(2) A report lodged under this section is to be in a form satisfactory to the Secretary and is to include –

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- (a) details of total expenditure on exploration activities carried out on the lease area;
- (b) all geological, geochemical and geophysical survey reports, and all drilling and other reports, completed by or available to the lessee in relation to the mining activities on the lease area; and
- (c) all data, maps, logs and records associated with or necessary to interpret the reports referred to in paragraph (b).

"(3) A lessee must lodge with each report –

- (a) an estimate, in a form satisfactory to the Secretary, of proposed expenditure on exploration for the 12 month period of the mineral lease following the period to which the report relates; and
- (b) any other prescribed information."

9. Conditions of claim

Section 89 of the Principal Act is amended –

- (a) by omitting from paragraph (b) "area;" and substituting "area; and"; and
- (b) by omitting paragraphs (c), (d), (e), (f) and (g).

10. Repeal and substitution

Section 93 of the Principal Act is repealed and the following substituted:

"93. Reports to be lodged

"(1) A lessee of a mineral claim must –

- (a) within 3 months immediately after the end of each 12 months of the claim; and
- (b) at other times as the Minister directs in writing,

lodge with the Department a report on the exploration activities carried out on the claim area during the 12 months of the mineral claim referred to in paragraph (a) or during the period specified in the direction under paragraph (b), as applicable.

"(2) A report lodged under this section is to be in a form satisfactory to the Secretary and is to include –

- (a) details of total expenditure on exploration activities carried out on the claim area;

- (b) all geological, geochemical and geophysical survey reports, and all drilling and other reports, completed by or available to the lessee in relation to the mining activities on the claim area; and
 - (c) all data, maps, logs and records associated with or necessary to interpret the reports referred to in paragraph (b).
- "(3) A lessee must lodge with each report –
- (a) an estimate, in a form satisfactory to the Secretary, of proposed expenditure on exploration for the 12 month period of the mineral claim following the period to which the report relates; and
 - (b) any other prescribed information."

11. Form of application for extractive mineral lease

Section 97 of the Principal Act is amended –

- (a) by omitting from paragraph (e) "divided;" and substituting "divided; and"; and
- (b) by omitting paragraphs (f) and (g).

12. Repeal and substitution

Section 101 of the Principal Act is repealed and the following substituted:

"101. Grant of extractive mineral lease

"(1) The Minister may grant an extractive mineral lease, for the term the Minister thinks fit –

- (a) for the extraction and removal of the extractive mineral, clay or stone specified in the lease document; and
- (b) subject to subsection (2), for purposes in connection with the extraction, removal or processing on the extractive mineral lease of the extractive mineral, clay or stone that the Minister thinks fit and specifies in the lease document.

"(2) Subject to Parts XIA and XIB as applicable, the Minister may grant an extractive mineral lease for the purposes of subsection (1)(b) –

- (a) only if the applicant for the extractive mineral lease is already the holder of an extractive mineral lease for the purposes of subsection (1)(a); and
- (b) only for a term that does not exceed the term for which the extractive mineral lease referred to in paragraph (a) is granted."

13. General conditions

Section 166 of the Principal Act is amended –

- (a) by omitting subsection (1)(a);
- (b) by omitting from subsection 1(b) "an inspector" and substituting "a mining officer"; and
- (c) by inserting after subsection (1) the following:

"(1A) All exploration licences are granted subject to the condition that the holder of the licence or the holder's agent must also hold the relevant Authorisation before carrying out on the licence area any exploration, operations or works involving substantial disturbance.

"(1B) All exploration retention licences and mining tenements are granted subject to the condition that the holder of the licence or tenement or the holder's agent must also hold the relevant Authorisation before carrying out on the licence area or mining tenement area any exploration or mining activity."

14. Further amendments

The Principal Act is amended as set out in Schedule 1.

15. Savings and transitional

The savings and transitional provisions set out in Schedule 2 have effect.

SCHEDULE 1

Section 14

Provision	Amendment	
	omit	substitute
Section 24 (e), (f) and (g)	the whole paragraph	
Section 31(1)	"Part"	"Part and the relevant Authorisation (if applicable)"
Section 45(b), (c) and (f)	the whole paragraph	

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Section 48(1)	"Part"	"Part and the relevant Authorisation"
Section 66(c), (d), (e), (f) and (h)	the whole paragraph	
Section 70(1)	"Division"	"Part and the relevant Authorisation"
Section 92(1)	"Division"	"Part and the relevant Authorisation"
Section 108(f)	the whole paragraph	
Section 162(1)(d)(ii)	"the location"	"in the case of a mining tenement only – the location"
Section 190A(1)	"an inspector"	"a mining officer"
	"inspector" (second occurring)	"mining officer"
Section 190A(1)(b)	"inspector"	"mining officer"
Section 190A(1A)	"an inspector"	"a mining officer"
Section 190A(1A)(c)	"inspector"	"mining officer"
Section 190A(2)	"an inspector shall produce proof of the inspector's"	"a mining officer must produce proof of his or her"
Section 192(2)(s)	"inspectors"	"mining officers"

SCHEDULE 2

Section 15

SAVINGS AND TRANSITIONAL

1. Definitions

In this Schedule –

"Authorisation" has the same meaning as in the *Mining Management Act*;

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"commencement date" means the date on which this Act comes into operation;

"exploration licence" means an exploration licence under which exploration, operations or works involving substantial disturbance are being carried out on the licence area;

"holder", in relation to an exploration licence, exploration retention licence or mining tenement, includes the agent of the holder of the exploration licence, exploration retention licence or mining tenement.

2. Conditions of licence or tenement continue in force

(1) Subject to this clause, on and after the commencement date, the conditions of each exploration licence, exploration retention licence and mining tenement in force immediately before the commencement date continue to have effect as if this Act had not come into operation.

(2) Subject to this clause, on and after the commencement date —

- (a) section 24 of the Principal Act continues to apply in relation to an exploration licence in force immediately before the commencement date;
- (b) section 45 of the Principal Act continues to apply in relation to an exploration retention licence in force immediately before the commencement date;
- (c) sections 60 and 66 of the Principal Act continue to apply in relation to a mineral lease in force immediately before the commencement date;
- (d) section 89 of the Principal Act continues to apply in relation to a mineral claim in force immediately before the commencement date;
- (e) section 101 of the Principal Act continues to apply in relation to an extractive mineral lease in force immediately before the commencement date; and
- (f) section 166 of the Principal Act continues to apply in relation to an exploration licence, exploration retention licence or mining tenement in force immediately before the commencement date,

as if this Act had not come into operation.

(3) Subclauses (1) and (2) apply in relation to an exploration licence, exploration retention licence or mining tenement only until the Minister grants an

Authorisation in respect of the exploration, operation or works being carried out on the licence area or mining tenement area.

(4) Subclause (1) does not prevent the Minister from expressly waiving, varying or suspending, in writing, a condition of an exploration licence, exploration retention licence or mining tenement before the Minister grants an Authorisation in respect of the exploration, operation or works being carried out on the licence area or mining tenement area.

3. Application for Authorisation

(1) The holder of an exploration licence in force immediately before the commencement date must apply for an Authorisation in respect of the exploration, operations or works involving substantial disturbance being carried out on the licence area.

(2) The holder of an exploration retention licence or mining tenement in force immediately before the commencement date must apply for an Authorisation in respect of the exploration or mining activities being carried out on the licence area or mining tenement area.

(3) An application for an Authorisation is to be made under Division 2 of Part 4 of the *Mining Management Act* not later than 6 months after the commencement date.

(4) Despite subclause (3), not later than 5 months after the commencement date, a person may lodge with the Minister a written request for an extension of time in which to apply for an Authorisation, stating the reasons for the request.

(5) If the Minister is satisfied that an extension of time requested under subclause (4) is justified in the circumstances, the Minister may grant the extension.

(6) The grant of an extension of time is to be by written notice specifying the period of the extension and may be subject to the conditions (if any) specified in the notice.