

NORTHERN TERRITORY OF AUSTRALIA  
MINING AMENDMENT ACT (No. 3) 1998

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**No. 97 of 1998**

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# NORTHERN TERRITORY OF AUSTRALIA

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No. 97 of 1998

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## AN ACT

to amend the *Mining Act*

[Assented to 29 December 1998]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Mining Amendment Act (No. 3) 1998*.

2. COMMENCEMENT

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

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 "prescribed mining registrar's office"; and

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(b) by inserting after the definition of "Crown land" from subsection (1) the following:

"'Department' means the Agency responsible for administering this Act;"

5. ESTABLISHMENT OF COURTS

Section 141 of the Principal Act is amended by omitting subsection (1) and substituting the following:

"(1) There is established a warden's court at each prescribed place in the Territory."

6. PRIORITY IN CONSIDERING APPLICATIONS

Section 164 of the Principal Act is amended -

(a) by omitting from subsection (4) all words after "that is received" and substituting "by the Department after close of business on a particular day is to be taken to be lodged on the next day the Department is open for business."; and

(b) by omitting from subsection (5) "an office of the Secretary or a mining registrar is" and substituting "offices of the Department are".

7. CAVEAT

Section 174 of the Principal Act is amended -

(a) by omitting subsection (1);

(b) by omitting from subsection (2) "in the prescribed form at the prescribed office, a caveat" and substituting "with the Department a caveat in the prescribed form";

(c) by omitting from subsection (3) "in the Territory";

(d) by omitting from subsection (4) all words after "is received" and substituting "by the Department.";

(e) by omitting from subsection (5) "or mining registrar, as the case may be," and substituting "or his or her delegate";

(f) by omitting subsection (8) and substituting the following:

"(8) Where a notice under subsection (7) has been served on a caveator, he or she may, on payment of the prescribed fee, lodge with the Department in the prescribed form a notice of continuation of the caveat and the caveat remains in force in respect of all purported dealings with the exploration licence, exploration retention licence or mining tenement, as the case may be, except that in respect of which the notice under subsection (7) was given, and the Secretary or his or her delegate must record the notice of continuation accordingly."; and

(g) omitting from subsection (9) "at the prescribed office," and substituting "with the Department,".

#### 8. SERVICE OF DOCUMENTS

Section 188 of the Principal Act is amended by omitting from subsection (3) "at the office of the Secretary," and substituting "used for notices to the public at the Department,".

#### 9. REGULATIONS

Section 192 of the Principal Act is amended by omitting from subsection (2)(g) "procedure and practice" and substituting "location, procedure and practice".

#### 10. FURTHER AMENDMENTS

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

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SCHEDULE

Section 10

Provision	Amendment	
	omit	substitute
Sections 17(1) (a) and 29A(2) (b)	"at the office of the Secretary or a mining registrar"	"with the Department"
Sections 31(1) and 34(1)	"at the office of the Secretary"	"with the Department"
Sections 35 and 36(1)	"at the office of the Secretary by any person during normal office hours"	"by any person during normal office hours at a place that the Department advises"
Section 37(4)	"at the office of the Secretary, or such place as the Secretary thinks fit, during normal office hours"	"during normal office hours at a place that the Department advises"
Section 39(1) (a)	"at the office of the Secretary or a mining registrar"	"with the Department"
Section 46(2)	"at the office of the Secretary or a mining registrar"	"with the Department"
Sections 48(1), 49(1) and 51(1)	"at the office of the Secretary"	"with the Department"
Section 52(1)	"at the office of the Secretary during normal office hours."	"during normal office hours at a place that the Department advises."
Section 52(2)	"at the office of the Secretary by any person during normal office hours."	"by any person during normal office hours at a place that the Department advises."

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Section 53(4)	"at the office of the Secretary, or such other place as the Secretary thinks fit, during normal office hours."	"during normal office hours at a place that the Department advises."
Section 55(a)	"at the prescribed mining registrar's office;"	"with the Department;"
Sections 68(2) and 70(1)	"at the prescribed mining registrar's office"	"with the Department"
Section 79	"at the office of the Secretary"	"with the Department"
Section 80	"at the office of the Secretary "	"with the Department"
Section 81(1) and (2)	"at the office of the Secretary by any person during normal office hours"	"by any person during normal office hours at a place that the Department advises"
Section 83(1) (a)	"at the prescribed mining registrar's office"	"with the Department"
Sections 90(2) and 92(1)	"at the prescribed mining registrar's office"	"with the Department"
Sections 93 and 94	"at the office of the Secretary"	"with the Department"
Section 95(1) and (2)	"at the office of the Secretary by any person during normal office hours"	"by any person during normal office hours at a place that the Department advises"
Section 97(a)	"at the prescribed mining registrar's office"	"with the Department"
Section 99(1)	"mining registrar"	"Department"

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Section 99(4)	"mining registrar" (twice occurring)	"Department"
Sections 103(2) and 105(1)	"at the prescribed mining registrar's office"	"with the Department"
Section 108(a)	"at the office of the Secretary"	"with the Department"
Section 110(1)	"mining registrar"	"Department"
Section 110(4)	"mining registrar" (twice occurring)	"Department"
Section 115(2)	"at the office of the Secretary"	"with the Department"
Section 119(1)	"at the office of the Minister"	"with the Department"
Section 130D	"Conservation Commission"	"Parks and Wildlife Commission"
Section 140E(3) (a)	"at the office of the Secretary"	"with the Department"
Section 140S(3) (a) and (b) and (3A)	"at the office of the Secretary"	"with the Department"
Section 162(3)	"A person in whose office an application for the grant of an exploration licence, exploration retention licence or mining tenement may be lodged"	"The Secretary or a mining registrar"
Section 163(1) (f)	"at the office of the Secretary"	"with the Department"
Section 163(2A)	"at the office of the Secretary"	"with the Department"



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Section "Secretary" "Secretary or the  
163(3) principal registrar"

Sections "Minister" "Department"  
166B(1) (second occurring)  
and  
166C(1)

Section "Secretary in respect of an exploration  
172(2) licence or exploration retention licence, or  
at the prescribed mining registrar's  
office in respect of a mining tenement," "Department"

Section "at the prescribed "with the Department"  
173(5) registrar's office"

Section "Conservation" "Parks and Wildlife"  
176A(4)

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