

NORTHERN TERRITORY OF AUSTRALIA
MINERAL ROYALTY AMENDMENT ACT 1998

No. 76 of 1998

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NORTHERN TERRITORY OF AUSTRALIA

No. 76 of 1998

AN ACT

to amend the *Mineral Royalty Act*

[Assented to 15 October 1998]

BE 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 *Mineral Royalty Amendment Act 1998*.

2. PRINCIPAL ACT

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

3. REPEAL AND SUBSTITUTION

Section 4E of the Principal Act is repealed and the following substituted:

"4E. GUIDELINES

"(1) The Secretary may issue written guidelines about any act, matter or thing under this Act.

"(2) A guideline may be of general or specific application.

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"(3) An act, matter or thing, to the extent that it complies with a guideline in force under this section, is to be taken to comply with this Act.

"(4) A guideline does not affect —

- (a) the exercise by the Secretary of a power under this Act; or
- (b) the right of a person to have the Secretary exercise a power under this Act."

4. EXPLORATION EXPENDITURE CERTIFICATES

Section 7 of the Principal Act is amended —

- (a) by omitting from subsection (1) "3 months" and substituting "6 months";
- (b) by omitting from subsection (2) "him" and "his" and substituting "him or her" and "his or her", respectively;
- (c) by omitting from subsection (3) "he" and substituting "the Secretary"; and
- (d) by adding at the end the following:

"(5) The Secretary may, before or after the period expires, extend the period for making an application under subsection (1) for a further specified period (not exceeding 3 months) if satisfied that in all the circumstances it is reasonable to grant the extension."

5. REPEAL AND SUBSTITUTION

Section 50 of the Principal Act is repealed and the following substituted:

"49A. DELEGATION

"(1) The Minister or the Secretary may, by instrument, delegate to a specified person or to a person for the time being holding, acting in or performing the duties of a specified office, designation or position any of his or her functions or powers under this Act, other than this power of delegation.

"(2) A function performed or a power exercised in pursuance of a delegation under subsection (1) is to be taken to have been performed or exercised by the Minister or the Secretary.

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"(3) A delegation under subsection (1) does not prevent the Minister or the Secretary performing a function or exercising a power.

"50. SECRECY

"(1) Subject to subsection (2), a person who is or has been —

- (a) the Secretary;
- (b) a Territory employee;
- (c) contracted by the Territory to provide a service in connection with the administration of this Act; or
- (d) an employee of a person referred to in paragraph (c),

must not, directly or indirectly, other than for the purposes of this Act or the contract —

- (e) make a record of, or communicate to a person, information concerning the affairs of another person acquired by him or her under this Act because of that office, employment or contract; or
- (f) produce to a person, or permit a person to have access to, a document furnished to him or her for the purposes of this Act.

Penalty: \$500 or 6 months imprisonment.

"(2) Subsection (1) does not apply to the communication of information or the production of a document by —

- (a) the Secretary or a person authorised by the Secretary to a Territory employee performing a function under this Act for the purpose of enabling the Territory employee to carry out that function;
- (b) the Secretary or a person authorised by the Secretary to the Auditor-General performing a function or exercising of a power under the Audit Act or another Act in relation to an audit relating to the Agency responsible for this Act;
- (c) a Territory employee performing a function under this Act to a Territory employee performing a function under an Act administered

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by the Commissioner of Taxes for the purpose of enabling the second-mentioned Territory employee to carry out the second-mentioned function; or

- (d) a Territory employee performing a function under this Act to a Territory employee performing a function under the *Mining Act* or the *Petroleum Act*, where the communication or production is necessary for the efficient administration of this Act.

"(3) Nothing in this section prevents the Auditor-General from disclosing information or publishing a document that he or she has acquired under subsection (2)(b) if the disclosure or publication does not directly or indirectly divulge information identifying the affairs of a particular person.

"(4) Nothing in this section prevents a Territory employee from disclosing information or publishing a document that he or she has acquired under subsection (2)(d) if the disclosure or publication -

- (a) is in the performance by the employee of a function under the *Mining Act* or the *Petroleum Act*; and
- (b) does not directly or indirectly divulge information identifying the affairs of a particular person.

"(5) In this section, 'Territory employee' means an employee as defined in the *Public Sector Employment and Management Act*."

6. FORMAL AMENDMENTS

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

7. SAVING

A guideline under section 4E of the Principal Act relating to exploration expenditure certificates that was in force immediately before the commencement of this Act is to be taken to be a guideline under section 4E of the Principal Act as amended by this Act.

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SCHEDULE

Section 6

Provision	Amendment	
	omit	substitute
Sections 3(6) and 4F(1)	"his"	"his or her"
Section 4F(2)	"he"	"he or she"
	"his"	"his or her"
Section 4G(4)	"his"	"his or her"
Section 5(1)	"his so determining"	"the determination being made"
Section 5(2)	"he"	"the Secretary"
Section 8(1)	"him" (first occurring)	"the Secretary"
	"him" (last occurring)	"the royalty payer"
Section 11(1)(a)	"his"	"his or her"
Section 12(5) and (6)	"him"	"him or her"
Section 12(7) and (8)	"his"	"his or her"
Section 13	"by writing signed by him"	"in writing"
Section 14(1)	"he" (first occurring)	"he or she"

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Section 14(1)(b)	"his"	"his or her"
Section 14(1)(c)	"he"	"he or she"
Section 14(1)(g)	"him" (first occurring)	"the authorized person"
	"him" (last occurring)	"the person"
Section 14(1A)	"him" (wherever occurring)	"the person"
Section 14(2)	"him"	"him or her"
Section 14(3)	"his" (first and second occurring)	"his or her"
Section 14(3)(c)	"his" (wherever occurring)	"his or her"
Section 15(1) and (2)	"him" (wherever occurring)	"him or her"
Section 15(3)	"him" (first and second occurring)	"the person"
	"his" (first occurring)	"the person's"
	"him" (last occurring)	"the person"
	"his" (second and last occurring)	"the person's"
Section 16(1)	"him"	"him or her"
Section 16(2)	"he"	"the person"
	"him"	"him or her"
	"his"	"his or her"

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Sections 18 and 19(1)	"his"	"his or her"
Section 26(2)	"Chairman"	"Chairperson"
	"he"	"the Minister"
Section 27	"Chairman" (first occurring)	"Chairperson"
	"him"	"him or her"
	"his"	"his or her"
	"Chairman" (last occurring)	"Chairperson"
Section 28(1)	"him"	"him or her"
	"he"	"the royalty payer"
Section 28(2)	"he"	"he or she"
Section 28(4)	"him"	"him or her"
	"his"	"his or her"
Section 28(5)	"his"	"his or her"
Section 28(6)	"he"	"he or she"
	"him"	"him or her"
Section 29	"him"	"him or her"
	"his"	"his or her"
Section 30(2)	"him"	"the Secretary"
Section 31	"him"	"him or her"
	"Chairman"	"Chairperson"

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Section 40(1)(a)	"him"	"the royalty payer"
Section 40(3)	"he is"	
	"his so doing"	"remission"
Section 41	"he"	"he or she"
Section 43(1)	"his"	"his or her"
Section 43(4)	"he"	"the person"
Section 44(2)	"he" (first occurring)	"the Minister"
Section 44(2)(a)	"his" (wherever occurring)	"the"
Section 44(2)(b)	"he"	"he or she"
Section 44(2)(c)	"him"	"the Minister"
Section 45(1)	"his" (wherever occurring)	"his or her"
Section 45(1)(a)	"he is"	
	"he" (last occurring)	"the Secretary"
Section 49	"him"	"the person"
