

NORTHERN TERRITORY OF AUSTRALIA

MINING AMENDMENT ACT 2010

Act No. 3 of 2010

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 3 of 2010

An Act to amend the *Mining Act*

[Assented to 17 March 2010]
[Second reading 26 November 2009]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Mining Amendment Act 2010*.

2 Commencement

This Act commences on the date fixed by the Administrator by *Gazette* notice.

3 Act amended

This Act amends the *Mining Act*.

4 Repeal and substitution of section 175

Section 175

repeal, substitute

175 Prescribed substances under the Atomic Energy Act

- (1) This section applies despite any other provision of this Act or the Regulations.

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- (2) In relation to a prescribed substance, the Minister:
- (a) must exercise the Minister's powers in accordance with, and give effect to, the advice of the Commonwealth Minister; and
 - (b) must not exercise the Minister's powers otherwise than in accordance with the advice of the Commonwealth Minister.
- (3) However, subsection (2) does not prevent the Minister from acting without the advice of the Commonwealth Minister, or require the Minister to take or give effect to the advice of the Commonwealth Minister, in relation to:
- (a) a matter mentioned in Part IV; or
 - (b) the exercise of a power under an arrangement in force under section 7 of the Uranium Royalty Act, unless the arrangement requires compliance with subsection (2).
- (4) A person specified in an authority under section 41 of the Atomic Energy Act (a **specified person**) who carries on operations for mining or otherwise recovering a prescribed substance in the Ranger Project Area is liable to pay a royalty in respect of the prescribed substance in accordance with an agreement between the specified person and the Commonwealth.
- (5) The lessee of a mineral lease granted in respect of a prescribed substance is liable to pay a royalty to the Crown on behalf of the Commonwealth, in respect of the prescribed substance obtained from the lease area, in accordance with the applied law.
- (6) If, because of section 17(2) of the Uranium Royalty Act, the Territory must pay to the Commonwealth an amount equal to the whole or part of a received amount that has been refunded under the applied law:
- (a) the amount must be paid from the public moneys of the Territory; and
 - (b) the appropriation for that purpose is established or increased to the extent necessary.
- (7) In this section:

applied law, see section 4 of the Uranium Royalty Act.

Atomic Energy Act means the *Atomic Energy Act 1953* (Cth).

Commonwealth Minister means:

- (a) in relation to a prescribed substance in the Ranger Project Area – the Minister for the Commonwealth for the time being administering section 41 of the Atomic Energy Act; or
- (b) in relation to a prescribed substance in any other area of land – the Minister for the Commonwealth for the time being given the power under a law of the Commonwealth to authorise persons to carry out operations relating to the exploration for or mining of the prescribed substance.

exercise, a power, includes perform a function.

prescribed substance, see section 5(1) of the Atomic Energy Act.

Ranger Project Area, see section 4 of the Uranium Royalty Act.

received amount, see section 17(1) of the Uranium Royalty Act.

Uranium Royalty Act means the *Uranium Royalty (Northern Territory) Act 2009* (Cth).

5 Further amendments

The Schedule has effect.

Schedule Further amendments

section 5

Provision	Amendment	
	<i>omit</i>	<i>substitute</i>
sections 166(1)(g) and 192(2)(n)	175(3)	175(4) and (5)
