

NORTHERN TERRITORY OF AUSTRALIA

MINING AMENDMENT ACT 2002

Act No. 30 of 2002

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 30 of 2002

AN ACT

to amend the *Mining Act*

*[Assented to 16 July 2002]
[Second reading 23 May 2002]*

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Mining Amendment Act 2002*.

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. Surrender may be requested

Section 30 of the Principal Act is amended by omitting from subsection (4) "in the *Gazette*" and substituting "on the Department's internet website for mining titles information".

5. Annual reports

Section 34 of the Principal Act is amended –

- (a) by inserting after subsection (1) the following:

"(1A) Despite any other provision of this Act, a licensee may lodge a report under subsection (1) relating to 2 or more licence areas –

- (a) if the licence areas are substantially contiguous and relate to the same geological entity; and
- (b) subject to the conditions (if any) agreed between the licensee and the Minister.";
- (b) by omitting from subsection (2) "the licence area" and substituting "the licence area or areas"; and
- (c) by omitting from subsection (3) "the exploration licence" and substituting "the exploration licence or licences".

6. Form of application for exploration retention licence

Section 39 of the Principal Act is amended –

- (a) by inserting after subsection (1)(b) the following:
 - "(ba) is to contain a list of owners and occupiers of land whose land will be, or is reasonably likely to be, affected by the activities of the applicant if the licence is granted;"
- (b) by omitting from subsection (1)(c) "section 38(1)" and substituting "section 38(1)(a)"; and
- (c) by inserting after subsection (1) the following:

"(1A) Where an application for an exploration retention licence is lodged –

- (a) within 14 days after lodgement or the further time allowed in writing by the Secretary, the applicant must serve written notice of the making of the application on the persons specified in the list referred to in subsection (1)(ba); and
- (b) if Part XIA or XIB applies – the relevant registered native title claimants, registered native title bodies corporate and representative Aboriginal/Torres Strait Islander bodies are to be served with notice of the application in accordance with that Part.

"(1B) Within 14 days, or such further time as the Secretary allows, after the notice referred to in subsection (1A) is served, the applicant for the exploration retention licence must provide to the Secretary such evidence of the notice having been served and the method by which the service was effected as the Secretary may require."

7. Grant of exploration retention licence

Section 41 of the Principal Act is amended by omitting from subsection (1)(b) "section 38(1)" and substituting "section 38(1)(a)".

8. Exploration retention licence for ancillary purposes

Section 41A of the Principal Act is amended by omitting from subsections (1)(a) and (3)(a), (b) and (c) "section 38(1)" and substituting "section 38(1)(a)".

9. Application for renewal of exploration retention licence

Section 46 of the Principal Act is amended –

- (a) by omitting from subsection (1) "6 months" and substituting "3 months"; and
- (b) by adding at the end the following:

"(4) If an application for the renewal of an exploration retention licence has been made in accordance with this section, the licence is taken to continue in force until that renewal is granted or refused, as the case may be."

10. New section

The Principal Act is amended by inserting after section 59 in Part VI, Division 1 the following:

"59A. Adjournments sine die

"(1) If –

- (a) a warden has adjourned sine die the hearing of an application for the grant of a mineral lease; and
- (b) the application is not re-listed for hearing within 5 years after the date of the adjournment,

the Minister may in writing direct the applicant to re-list the application within 30 days of the date of the direction.

"(2) If an application is not re-listed in accordance with a direction under subsection (1), the Minister may refuse to grant the mineral lease.

"(3) If an application is re-listed in accordance with a direction under subsection (1), the warden must complete the hearing and the application cannot be adjourned sine die again.

"(4) To avoid doubt, this section applies in relation to an application for the grant of a mineral lease whether the hearing of the application was adjourned sine die before or after the commencement of this section."

11. Consideration by warden

Section 85 of the Principal Act is amended by omitting "sections 58 and 59" and substituting "sections 58, 59 and 59A".

12. Notification of grant

Section 165 of the Principal Act is amended by omitting "in the *Gazette*" and substituting "on the Department's internet website for mining titles information".

13. Notification of land ceasing to be mining tenement area etc.

Section 169 of the Principal Act is amended by omitting "in the *Gazette*" and substituting "on the Department's internet website for mining titles information".

14. Repeal

Section 174B of the Principal Act is repealed.

15. Reservation of land from occupation

Section 178 of the Principal Act is amended –

(a) by omitting subsection (2)(d) and substituting the following:

"(d) mining (other than extracting extractive minerals);";

(b) by omitting from subsection (2)(e) "or extractive minerals";

(c) by inserting after subsection (2) the following:

"(2A) Subject to subsections (4) and (5) and to Parts XIA and XIB as applicable, the Minister may, in respect of any land reserved from occupation under subsection (1), authorize a person to occupy and use that land or part of that land for extracting, removing, storing or processing the extractive mineral or extractive minerals specified in the authorization ('an extractive mineral authorization') for the period (not exceeding 2 years) and subject to the conditions that the Minister thinks fit and a person so authorized may occupy that land accordingly.

"(2B) The holder of an extractive mineral authorization may, at any time before the expiration of the authorization, apply to the Minister for the renewal of the authorization.

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"(2C) The Minister may renew an extractive mineral authorization for the period (not exceeding 2 years) and subject to the conditions (which may be in addition to or vary from those to which the authorization is already subject) that the Minister thinks fit.

"(2D) If an application for the renewal of an extractive mineral authorization has been made in accordance with subsection (2B), the authorization is taken to continue in force until that renewal is granted or refused, as the case may be.

"(2E) Section 173 applies (with the necessary changes) in relation to an extractive mineral authorization as if the authorization is an extractive mineral permit."; and

- (d) by omitting from subsections (3), (4) and (5)(b) "subsection (2)" and substituting "this section".
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