

NORTHERN TERRITORY OF AUSTRALIA  
MCARTHUR RIVER PROJECT AMENDMENT (RATIFICATION OF  
MINING AUTHORITIES) ACT 2007

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Act No. 6 of 2007

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. 6 of 2007

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## AN ACT

to amend the *McArthur River Project Agreement Ratification Act*

[Assented to 4 May 2007]

[Second reading 2 May 2007]

**The Legislative Assembly of the Northern Territory enacts as follows:**

**1. Short title**

This Act may be cited as the *McArthur River Project Amendment (Ratification of Mining Authorities) Act 2007*.

**2. Act amended**

This Act amends the *McArthur River Project Agreement Ratification Act*.

**3. New section 4AB**

After section 4A

*insert*

**4AB. Ratification of certain instruments**

- (1) Despite any law to the contrary, the Authorisation:
  - (a) is valid and effective; and
  - (b) authorises mining activity of any kind (including the conversion of the Mine from an underground into an open-cut mine).

- (2) Despite any law to the contrary, the Mining Management Plan:
  - (a) is valid and effective; and
  - (b) was validly approved by the Minister for Mines and Energy on 13 October 2006.
- (3) This section operates retrospectively and prospectively as follows:
  - (a) subsection (1) operates on each of the constituent authorisations from the date on which it was purportedly made; and
  - (b) subsection (2) operates from 13 October 2006.
- (4) In this section:

"Authorisation" means the constituent authorisations;

"constituent authorisations" means:

- (a) the authorisation under section 36 of the *Mining Management Act* dated 21 January 2003 and numbered 0059-01; and
- (b) the further authorisation under section 36 of the *Mining Management Act*, varying that authorisation, dated 13 October 2006, and numbered 0059-02;

"Mine" means the mine that forms part of the McArthur River Project;

"mining activity", see the *Mining Management Act*;

"Mining Management Plan" means the mining management plan related to the Mine and purportedly approved by the Minister for Mines and Energy on 13 October 2006.

#### **4. Amendment of section 4B (Compensation)**

- (1) Section 4B(1) and (2)

*omit, substitute*

(1) To the extent that a relevant legislative or administrative act results in the acquisition of property on terms that would not (apart from this section) be just, the Territory is liable to pay compensation sufficient to remedy the injustice.

(1A) The compensation is to be determined by agreement between the person from whom the property was acquired and the Territory or, in default of agreement, by the Supreme Court.

(2) A person is not entitled to compensation under this section unless, within 3 years after the acquisition, the person lodges a claim with the Administrator setting out:

- (a) the person's name and an address for service in the Territory; and
- (b) the nature of the property acquired; and
- (c) the amount of compensation claimed.

(2) Section 4B(6)

*insert (in alphabetical order)*

"relevant legislative or administrative act" means:

- (a) a grant effected by section 4A; or
- (b) a validation effected by section 3 of the *McArthur River Project Agreement Ratification Amendment Act 1993*; or
- (c) the enactment of section 4AB; or
- (d) anything done under this Act.