

NORTHERN TERRITORY OF AUSTRALIA

MINING AMENDMENT ACT 1994

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**No.1 of 1994**

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TABLE OF PROVISIONS

Section

1. Short title
2. Commencement
3. Principal Act
4. New section:  
  
"29A. APPLICATION FOR RENEWAL - EXPLORATION  
LICENCE"
5. Substantial compliance
6. Refund of rent
7. Reservation of land from occupation
8. Regulations





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## AN ACT

to amend the *Mining Act*

[Assented to 10 March 1994]

**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 1994*.

2. COMMENCEMENT

This Act shall come into operation on a date to be 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. NEW SECTION

The Principal Act is amended by inserting after section 29 the following:

"29A. APPLICATION FOR RENEWAL - EXPLORATION LICENCE

"(1) Subject to this section, the holder of an exploration licence may, at any time before 3 months before the expiration of the licence or such later time, being not later than that expiration, as the Minister allows, apply to the Minister for the renewal or further renewal of the licence.

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*Mining Amendment*

- "(2) An application under subsection (1) shall -
- (a) be in writing;
  - (b) be lodged at the office of the Secretary or a mining registrar;
  - (c) be accompanied by the prescribed application fee and the prescribed rent;
  - (d) include comprehensive details of the exploration activities carried out on the licence area during the term of the exploration licence;
  - (e) include the applicant's proposals for work and expenditure during the term of the renewal of the exploration licence; and
  - (f) include a statement of the applicant's reasons for seeking the renewal of the exploration licence.

"(3) The Minister, on receiving an application under subsection (1), may require the applicant to provide the Minister with such additional information relating to the application as the Minister directs, and the Minister may defer considering the application until such time as the information is provided.

"(4) An application under this section cannot be made in respect of an exploration licence that has been renewed under this section on 2 previous occasions.

"(5) Subject to this section, the Minister may, at his discretion, grant or refuse to grant an application made under this section.

"(6) Where the Minister grants an application under this section, the exploration licence -

- (a) subject to this Act, remains in force for 2 years from the date on which the licence would have expired; and
- (b) may be renewed in respect of all or a part of the licence area to which the licence applied at the date of the application for renewal.

"(7) The Minister may grant an application under this section subject to such conditions, in addition to or varying those to which the exploration licence is already subject, as the Minister thinks fit.

*Mining Amendment*

"(8) Where an application for the renewal of an exploration licence has been made in accordance with this section, the licence -

- (a) shall be deemed to continue in force until the application is granted or refused, as the case may be; and
- (b) remains in force, if renewed, for 2 years from the date on which the licence would have expired but for this subsection.

"(9) Sections 26, 27, 28 and 29 do not apply to or in relation to an exploration licence renewed under this section."

5. SUBSTANTIAL COMPLIANCE

Section 164A(1) of the Principal Act is amended by omitting "grant" (twice occurring) and substituting "grant or renew".

6. REFUND OF RENT

Section 170(2) of the Principal Act is amended -

- (a) by omitting "granted" (twice occurring) and substituting "granted or renewed"; and
- (b) by omitting "the first 12 months rent" and substituting "the amount of rent required by this Act to be paid".

7. RESERVATION OF LAND FROM OCCUPATION

Section 178 of the Principal Act is amended by inserting after subsection (1B) the following:

"(1C) Notwithstanding subsection (1), the Minister may, by notice in the *Gazette*, in relation to land that is occupied under an exploration licence, give notice of his intention to reserve the land from occupation under this Act to take effect when the land ceases to be occupied under the exploration licence.

"(1D) Where a notice under subsection (1C) is published in the *Gazette*, the land that is occupied under the exploration licence shall, immediately on it ceasing to be so occupied, be reserved from occupation for such period, and subject to such conditions as the Minister thinks fit, as if a notice had been published in the *Gazette* under subsection (1).

## *Mining Amendment*

"(1E) Where, at the time that land referred to in a notice under subsection (1C) is reserved from occupation, an application for the renewal of the exploration licence referred to in the notice had been made under section 29A and has not been determined, the application remains in force and may be determined and, where the application is granted, the reservation of the land from occupation is, on and from the granting of the application, revoked in relation to the land in respect of which the application is granted.

"(1F) Nothing in subsection (1A) prevents a miner, who is invited by the Minister in writing to do so, from applying for an exploration licence over all or a part of the land referred to in a notice published under subsection (1C), and the application may be made notwithstanding anything in this Act which would prevent the application being made.

"(1G) Where an application for an exploration licence is made by a miner following the invitation of the Minister under subsection (1F) to do so, an exploration licence may be granted by the Minister notwithstanding anything in this Act which would prevent the licence being granted and, where an exploration licence is granted, the reservation of the land from occupation is, on and from the granting of the exploration licence, revoked in relation to the land in respect of which the licence is granted.

"(1H) Notwithstanding subsection (1G), an exploration licence referred to in that subsection shall not be granted while the exploration licence referred to in the notice published under subsection (1C) continues in force."

### 8. REGULATIONS

Section 192(2)(j) of the Principal Act is amended by omitting "grant" and substituting "grant or renewal".

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