



NORTHERN TERRITORY OF AUSTRALIA

No. 27 of 1993

AN ACT

to amend the *McArthur River Project Agreement Ratification Act*

[Assented to 30 June 1993]

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 *McArthur River Project Agreement Ratification Amendment Act 1993*.

2. PRINCIPAL ACT

The *McArthur River Project Agreement Ratification Act* is in this Act referred to as the Principal Act.

3. VALIDATION OF PRINCIPAL ACT

The Principal Act is, and all actions taken or purported to have been taken, or things done or purported to have been done, under, in pursuance of or in accordance with the Principal Act before the commencement of this Act are, hereby validated.

4. NEW SECTION

The Principal Act is amended by inserting after section 3 the following:

"3A. INCORPORATION OF WORDS OF MINING ACT

"(1) For the purposes of this Act and the Agreement, the words used in the *Mining Act* as in force or purporting to be in force immediately before the commencement of this

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section, with the necessary changes, are incorporated in and, subject to section 4A(3) and (4) and clause 4(2) and (6) of the Agreement, shall be read and applied as provisions of this Act.

"(2) A reference in the Agreement or this Act to the *Mining Act* includes a reference to the words incorporated in this Act by subsection (1)."

5. AGREEMENT RATIFIED

Section 4 of the Principal Act is amended -

- (a) by omitting from subsection (3) "The provisions" and substituting "Subject to section 4A, the provisions"; and
- (b) by omitting from subsection (5) "An Act" and substituting "Subject to section 4A, an Act".

6. NEW SECTION

The Principal Act is amended by inserting after section 4 the following:

"4A. REGRANTING OF MINING INTERESTS

"(1) Notwithstanding the granting or purported granting of the mineral leases and the exploration licence specified in Schedule 2, there is hereby granted to the Company in respect of each area of land that was, immediately before the commencement of this section -

- (a) comprised in the respective mineral leases or purported mineral leases; or
- (b) subject to the exploration licence or purported exploration licence,

specified in Schedule 2, a mineral lease or an exploration licence, as the case may be, under this Act.

"(2) Notwithstanding anything in the Agreement or the *Mining Act* -

- (a) a mineral lease granted by subsection (1) is granted for a period of 50 years from the commencement of this section; and
- (b) subject to paragraph (a), in respect of a mineral lease or exploration licence granted by subsection (1), time shall be calculated as if it were granted on 5 January 1993.

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"(3) Subject to subsection (2), a mineral lease or exploration licence validated by section 3 of the *McArthur River Project Agreement Ratification Amendment Act 1993* or granted by subsection (1) of this section has the same force and effect, and is subject to the same terms and conditions, as applied or purported to apply to the mineral lease or exploration licence, as the case may be, in respect of the relevant area of land, granted or purported to have been granted before the commencement of this section under the *Mining Act* in pursuance of the Agreement and, subject to subsection (4), a reference in the *Mining Act* (other than sections 17, 19, 20, 22(1), 55(j), 57, 58, 59 and 163 of the Act) or the Agreement to -

- (a) a mineral lease (or, in general terms, to a mining tenement); or
- (b) an exploration licence (including the renewal of an exploration licence),

includes a reference to a mineral lease or exploration licence granted by subsection (1) or so validated.

"(4) For the avoidance of doubt and notwithstanding any other law in force in the Territory, a mineral lease or exploration licence is validly and effectively granted by subsection (1) notwithstanding that an application has not been made nor any action that would be required before an equivalent lease or licence could be granted under the *Mining Act* (including the giving of any notices and a hearing by and recommendation of the Warden) has not been taken.

"4B. COMPENSATION

"(1) To the extent that a grant effected by section 4A, a validation effected by section 3 of the *McArthur River Project Agreement Ratification Amendment Act 1993* or anything done or action taken under or in pursuance of this Act before or after the commencement of this section, results or resulted in the acquisition of property otherwise than on just terms, the Territory is liable to pay or provide such compensation as is agreed on between the Territory and the person from whom the property was acquired or, if agreement cannot be reached, compensation on just terms determined in an action by the person against the Territory in the Supreme Court.

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"(2) A person is not entitled to compensation under this section unless, within 3 years after the commencement of this section, the person lodges with the Administrator a claim in writing for compensation in respect of the property acquired, specifying the land in relation to which the claim is made, the nature of the right claimed in respect of the property, the amount of compensation claimed, and the person's address in the Territory for service.

"(3) If, at any time after a person has lodged a claim under this section, the Administrator serves on the person a notice in writing that the Administrator is satisfied, on reasonable grounds, that no agreement, or no further agreement, can be reached in respect of the claim, an action by the person against the Territory under this section for compensation shall not be instituted later than 6 months after service of the notice.

"(4) Where an action has been instituted under this section in the Supreme Court and, on application by the Territory for an order under this subsection, the Court is satisfied that the person claiming compensation is not diligently prosecuting the action, the Court may dismiss the action for want of prosecution.

"(5) A notice by the Administrator for the purposes of this section may be served by post on the claimant at the claimant's address in the Territory for service set out in the claim lodged with the Administrator.

"(6) In this section -

'acquisition of property' includes -

- (a) the extinguishment or diminution of an interest in or right in relation to land; and
- (b) any effect on such an interest or right, being an effect of a kind referred to in section 174B or 174D of the *Mining Act* in relation to private land;

'compensation' may include -

- (a) facilities or services agreed on between the claimant and the Territory provided or to be provided to the claimant or as the claimant directs; and
- (b) property in substitution for property acquired."

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7. NEW SCHEDULE

The Principal Act is amended by adding after the Schedule the following:

"SCHEDULE 2

Section 4A(1)

McARTHUR RIVER PROJECT AREA

ML N1121	372.40 Hct	
ML N1122	3348.00 Hct	
ML N1123	3884.00 Hct	
ML N1124	3283.00 Hct	
ML N1125	656.80 Hct	
ML N1126	900.00 Hct	
EL 8078	6 blocks	".
