

NORTHERN TERRITORY OF AUSTRALIA

MINING AMENDMENT ACT 1993

No. 25 of 1993

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NORTHERN TERRITORY OF AUSTRALIA

No. 25 of 1993

AN ACT

to amend the *Mining Act*

[Assented to 24 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 *Mining Amendment Act* 1993.

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. INTERPRETATION

Section 4 of the Principal Act is amended by adding at the end the following:

"(5) For the purpose of the definition of 'private land' in subsection (1), a reference to land leased for pastoral purposes includes a lease of the land from the Crown for any other purpose granted over the land after the commencement of the *Mining Amendment Act* 1993 and, where the land is subdivided after that commencement, includes a lease of the land from the Crown that has an area greater than 150 square kilometres."

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5. APPLICATION FOR MINER'S RIGHT

Section 9 of the Principal Act is amended -

(a) by omitting "A corporation" and substituting "(1) A corporation"; and

(b) by adding at the end the following:

"(2) An applicant under subsection (1) shall, on being requested to do so by the person to whom the application under that subsection is made, provide the applicant's full name and address.".

6. FORM OF APPLICATION

Section 39 (1) of the Principal Act is amended -

(a) by omitting from paragraph (c) "area; and " and substituting "area;";

(b) by omitting from paragraph (d) "area." and substituting "area; and"; and

(c) by inserting after paragraph (d) the following:

"(e) shall be accompanied by a statement specifying the estimated amount of money proposed to be expended on exploration during the first year of the licence, if granted.".

7. CONDITIONS OF LICENCE

Section 45 of the Principal Act is amended by inserting after paragraph (a) the following:

"(aa) expend not less than the minimum amount of expenditure specified in the licence in carrying out exploration activities on the licence area;".

8. REPEAL AND SUBSTITUTION

Section 57 of the Principal Act is repealed and the following substituted:

"57. NOTICE TO BE GIVEN TO LANDHOLDERS

"(1) Within 14 days after the lodging of an application for a mineral lease, or such further time as the mining registrar allows, the applicant shall serve written notice of the making of the application on the persons referred to in section 55(j).

"(2) In addition to subsection (1), the mining registrar may, by written notice, require an applicant for a mineral lease to serve written notice of the making of

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the application on such persons, and within such time, as the mining registrar thinks fit and specifies in the notice.

"(3) Within 14 days, or such further time as the mining registrar allows, after the notice referred to in subsection (1) or (2) is served, the applicant for the mineral lease shall provide to the mining registrar such evidence of the notice having been served and the method by which the service was effected as the mining registrar may require.".

9. GRANT OF LEASE

Section 60 of the Principal Act is amended -

(a) by inserting in subsection (1), after "not exceeding 25 years", the words "calculated from the first day of January preceding that grant"; and

(b) by adding at the end the following:

"(4) The Minister shall not grant a mineral lease for a purpose other than that specified in subsection (1)(a) -

(a) unless the applicant for the mineral lease is already the holder of a mineral lease for the purpose specified in subsection (1)(a) ; or

(b) for a period longer than the mineral lease referred to in paragraph (a) is granted.".

10. FORM OF APPLICATION

Section 83 of the Principal Act is amended by omitting subsection (2) and substituting the following:

"(2) An application under subsection (1) shall not be made in respect of land the subject of an exploration licence, nor shall a person enter the land for the purpose of taking possession of and marking out the land in the prescribed manner before the application is made, unless the holder of the exploration licence has consented in writing to the application being made.".

11. REPEAL AND SUBSTITUTION

Section 84 of the Principal Act is repealed and the following substituted:

"84. NOTICE TO BE GIVEN TO LANDHOLDERS

"(1) Within 14 days after the lodging of an application for a mineral claim, or such further time as the mining registrar allows, the applicant shall serve

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written notice of the making of the application on the persons referred to in section 83(1)(d).

"(2) In addition to subsection (1), the mining registrar may, by written notice, require an applicant for a mineral claim to serve written notice of the making of the application on such persons, and within such time, as the mining registrar thinks fit and specifies in the notice.

"(3) Within 14 days, or such further time as the mining registrar allows, after the notice referred to in subsection (1) or (2) is served, the applicant for the mineral claim shall provide to the mining registrar such evidence of the notice having been served and the method by which the service was effected as the mining registrar may require.".

12. GRANT OF MINERAL CLAIM

Section 86 of the Principal Act is amended by omitting all words after "for such term," and substituting "not exceeding 10 years calculated from the first day of January preceding that grant, as the Minister thinks fit, a mineral claim in respect of all or part of the land as marked out under this Act.".

13. POWER OF HOLDER

Section 87 of the Principal Act is amended -

- (a) by omitting "thereof to" and substituting "thereof, subject to the law in force in the Territory, and in accordance with the conditions to which the mineral claim is subject, to";
- (b) by omitting from paragraph (b) "reasonably necessary for" and substituting "reasonably necessary for or associated with";
- (c) by omitting from paragraph (ba) "reasonably necessary for that purpose; and" and substituting "reasonably necessary for or associated with that purpose;";
- (d) by inserting after paragraph (ba) the following:
 - "(bb) carry out such other operations and works for the purpose of exploring for minerals or extractive minerals or mining for minerals on the claim area as the Minister thinks fit and specifies when granting the mineral claim; and";
 - and
- (e) by omitting from paragraph (c) "mineral lease" and substituting "mineral lease, extractive mineral lease or extractive mineral permit".

14. REPEAL AND SUBSTITUTION

Section 99 of the Principal Act is repealed and the following substituted:

"99. NOTICE TO BE GIVEN TO LANDHOLDERS

"(1) Within 14 days after the lodging of an application for an extractive mineral lease, or such further time as the mining registrar allows, the applicant shall serve written notice of the making of the application on the persons referred to in section 97(h).

"(2) In addition to subsection (1), the mining registrar may, by written notice, require an applicant for an extractive mineral lease to serve written notice of the making of the application on such persons, and within such time, as the mining registrar thinks fit and specifies in the notice.

"(3) Within 14 days, or such further time as the mining registrar allows, after the notice referred to in subsection (1) or (2) is served, the applicant for the extractive mineral lease shall provide to the mining registrar such evidence of the notice having been served and the method by which the service was effected as the mining registrar may require."

15. GRANT OF LEASE

Section 101 of the Principal Act is amended by adding at the end the following:

"(4) The Minister shall not grant an extractive mineral lease for a purpose other than that specified in subsection (1)(a) -

- (a) unless the applicant for the extractive mineral lease is already the holder of an extractive mineral lease for the purpose specified in subsection (1)(a); or
- (b) for a period longer than the extractive mineral lease referred to in paragraph (a) is granted."

16. REPEAL AND SUBSTITUTION

Section 110 of the Principal Act is repealed and the following substituted:

"110. NOTICE TO BE GIVEN TO LANDHOLDERS

"(1) Within 14 days after the lodging of an application for an extractive mineral permit, or such further time as the mining registrar allows, the applicant shall serve written notice of the making of the application on the persons referred to in section 108(j).

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"(2) In addition to subsection (1), the Secretary may, by written notice, require an applicant for an extractive mineral permit to serve written notice of the making of the application on such persons, and within such time, as the mining registrar thinks fit and specifies in the notice.

"(3) Within 14 days, or such further time as the mining registrar allows, after the notice referred to in subsection (1) or (2) is served, the applicant for the extractive mineral permit shall provide to the mining registrar such evidence of the notice having been served and the method by which the service was effected as the mining registrar may require.".

17. DEALING WITH INTEREST

Section 173 of the Principal Act is amended by inserting after subsection (8) the following:

"(8A) Where a mortgagee sells an exploration retention licence or mining tenement (other than an extractive mineral permit) under a power contained or implied in a mortgage secured over the exploration retention licence or mining tenement, the mortgagee may, as if the mortgagee were the holder of the exploration retention licence or mining tenement, execute a transfer of the exploration retention licence or mining tenement, and the transfer so executed may be lodged and registered under this section as if it had been executed by the holder of the exploration retention licence or mining tenement.".

18. CAVEAT

Section 174 of the Principal Act is amended -

- (a) by inserting in subsection (2), after "that licence or tenement", the words "that is lodged for registration";
- (b) by omitting from subsection (6) "a warden", "the warden" (twice occurring) and "as he" and substituting "a warden's court", "the court" and "as it" respectively; and
- (c) by omitting from subsection (7) "shall be registered" and substituting "that is lodged for registration after a caveat is lodged shall be registered".

19. SAVINGS AND TRANSITIONAL

Section 191 of the Principal Act is amended by inserting after subsection (5) the following:

"(5A) Notwithstanding subsection (5), the holder of a mining lease referred to in that subsection, deemed under the subsection to be a mineral lease, shall maintain

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boundary marks erected and maintained in respect of the lease area under the repealed Act throughout the term for which the lease remains in force under this Act."

20. FURTHER AMENDMENTS

The Principal Act is further amended as set out in the Schedule.

SCHEDULE

Section 20

AMENDMENTS

Provision	Amendment	
	omit	substitute
Section 17(2)	"notice"	"written notice"
Section 17(2A)	"notice in writing"	"written notice"
	"serve notice"	"serve written notice"
Section 17(3)	"evidence"	"such evidence"
	"effected"	"effected as the Secretary may require"
Section 24(e)	"before carrying"	"not carry"
	", advise the Secretary, in writing, of that programme"	"without the written approval of the Secretary"
Section 28	"as he thinks fit,"	"as he thinks fit, or waive for a period of 12 months"
Sections 31(2), 48(2), 70(2), 92(2), 105(2) and 119(2)	"after the day"	
Sections 41(2) and 167(a)	"shares" (wherever occurring)	"percentages"
Section 45(b)	"before carrying"	"not carry"
	", advise the Secretary, in writing, of the proposed programme"	"without the written approval of the Secretary"

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Provision	Amendment	
	omit	substitute
Section 48(1)	"lessee"	"licensee"
	"lease" (wherever occurring)	"licence"
Sections 55(d), 83(e) and 97(e)	"number of shares"	"percentages "
Section 58(1)	" , being not later than 60 days after the expiration of that period,"	
Sections 64, 86A, 101A and 113	"granting"	"granting or renewing"
Section 89(c)	"before carrying"	"not carry"
	" , advise the Secretary, in writing of that proposed programme"	"without the written approval of the Secretary"
Section 108(c) and (ca)	" , and the amount of that extractive mineral or those extractive minerals,"	
Sections 120 and 138	the whole section	
Section 139	subsection (3)	
Section 140	subsection (2)	
Section 161	"in respect of"	"in respect of an existing exploration retention licence area or"
Section 162(1)(b)	"in the Territory"	
Section 162(1)	paragraph (c)	
Section 162(1)(g)	"share"	"percentage"
Sections 162(1)(d), 163(1)(e) and 169(b)	"clearly"	

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Provision	Amendment	
	omit	substitute
Section 166(1)(ba)	"and (c)"	
Section 171(5)	"or lease"	
Section 172(1)	"or exploration retention licence (other than an extractive mineral permit)"	
	"or exploration retention licence"	
	"to the Minister"	"to the Minister, or, in the case of an extractive mineral permit, to a mining registrar"
Section 172(2)	"exploration licence"	"exploration licence or exploration retention licence"
	"or exploration retention licence"	
Section 172(3)	"the Minister" (twice occurring)	"the Minister or mining registrar"
Section 173(1)(d)	"permit"	"permit, or an interest in an extractive mineral permit,"
Section 174(5)	"under section 162(1)(b)"	
Section 174AA(2)	"subsection (3)"	"subsection (1)"
Section 178(2)(b)	all words after "the Territory"	
Section 181(1)	"on or across that mining tenement area overhead electricity lines or constructing a tramway"	"or constructing on or across that area overhead electricity lines, a tramway, railway, road or pipeline"

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Provision	Amendment	
	omit	substitute
	"or that tramway"	"or that tramway, railway, road or pipeline"
Section 182(3) and (4)	"subsection (1)"	"subsection (2)"
Section 188(1)(b)	"post"	"post to the person's usual or last-known place of abode or business"
Section 192(2)(d)	" , any share" "tailings licence, share"	
Section 192(2)(m) (iv)	"share or"	