

NORTHERN TERRITORY OF AUSTRALIA

MINING AMENDMENT ACT 1989

No. 10 of 1989

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# NORTHERN TERRITORY OF AUSTRALIA

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No. 10 of 1989

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## AN ACT

to amend the *Mining Act*

[Assented to 5 April 1989]

**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 1989*.

### 2. PRINCIPAL ACT

The *Mining Act* is in this Act referred to as the Principal Act.

### 3. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

### 4. INTERPRETATION

Section 4(1) of the Principal Act is amended -

(a) by omitting from the definition of "Crown land" -

(i) "mining tenement" in paragraph (d) and substituting "mining tenement or exploration retention licence"; and

(ii) "under a law in force in the Territory" in paragraph (f);

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## *Mining Amendment*

- (b) by omitting the definition of "exploration retention lease" and substituting the following:

"'exploration retention licence' means an exploration retention licence granted under Part V;";

- (c) by omitting the definition of "extractive mineral" and substituting the following:

"'extractive mineral' means -

- (a) soil; or
  - (b) sand, gravel, clay or stone for use in the manufacture of ceramics or in construction, building or road works;";
- (d) by omitting the definition of "fossick" and substituting the following:

"'fossick' means, in respect of a mineral which a miner may fossick for under this Act, to search for or extract the mineral -

- (a) by digging by hand or hand-held instrument; or
  - (b) by using a hand-held instrument,
- but does not include the use of explosives or any mechanical device other than a hand held metal-detecting device;";
- (e) by omitting from the definition of "mining tenement" -
- (i) "extractive mineral lease, extractive mineral permit or exploration retention lease" and substituting "extractive mineral lease or extractive mineral permit"; and
  - (ii) "section 61(2)" and substituting "section 61(2) or 104(2)"; and
- (f) by omitting from the definition of "warden" the figures "5(1)" and substituting "5(1A)".

### 5. APPOINTMENT OF OFFICERS

Section 5 of the Principal Act is amended -

- (a) by omitting from subsection (1) ", a mining registrar or a warden" and substituting "or a mining registrar";
- (b) by inserting after subsection (1) the following:

## *Mining Amendment*

"(1A) The Minister may appoint a person to be a warden for the purposes of this Act."; and

- (c) by omitting from subsections (2) and (3) "subsection (1)" and substituting "subsection (1) or (1A)".

### 6. POWERS OF HOLDER OF MINER'S RIGHT

Section 11 of the Principal Act is amended -

- (a) by omitting from subsection (1)(a) "mining tenement" and substituting "mining tenement, exploration retention licence";

- (b) by omitting subsection (1)(b) and substituting the following:

"(b) subject to subsection (3), to enter on any Crown land -

- (i) not comprised in an exploration licence area held by any other person; or

- (ii) not the subject of an application for an exploration retention licence or mining tenement by any other person,

and carry out exploration for minerals or extractive minerals on that land;";

- (c) by omitting subsection (1)(d) and substituting the following:

"(d) to enter private land in accordance with an approval granted under section 83(3) for the purpose of taking possession of and marking out that land, in the prescribed manner;";

- (d) by omitting from subsection (1)(e) "for gold, or gemstones or semi-precious stones" and substituting "for gemstones or semi-precious stones,"; and

- (e) by adding at the end the following:

"(3) Subsection (1)(b) does not authorize the carrying out of exploration by -

- (a) means of explosives;

- (b) means of a mechanical device, other than a hand-held metal detecting device; or

- (c) such other means as may, from time to time, be prescribed."

## *Mining Amendment*

### 7. RESERVATION OF BLOCKS

Section 15(2) of the Principal Act is amended by omitting "an exploration licence shall not be granted in respect of that block" and substituting "an application for an exploration licence shall not be made in respect of that block".

### 8. MINISTER MAY GRANT EXPLORATION LICENCE

Section 16(3)(c) of the Principal Act is amended -

- (a) by omitting "if the effect of granting it" and substituting "unless approved by the Minister, if the effect of granting it"; and
- (b) by omitting all words after "would exceed 5,000 blocks".

### 9. APPLICATIONS

Section 17 of the Principal Act is amended -

- (a) by inserting after subsection (2) the following:

"(2A) In addition to subsection (2), the Secretary may, by notice in writing, require an applicant for an exploration licence to serve notice of the making of the application on such persons, and within such time, as the Secretary thinks fit and specifies in the notice."; and

- (b) by omitting from subsection (3) "after the notice referred to in subsection (2) is served" and substituting ", or such further time as the Secretary allows, after the notice referred to in subsection (2) or (2A) is served".

### 10. LICENCE NOT TO BE GRANTED OVER LICENCE AREAS

Section 18 of the Principal Act is amended by omitting all words after "no force or effect" and substituting the following:

"in respect of land which -

- (a) is the subject of an exploration licence; or
- (b) was the subject of an exploration licence, if lodged before the expiration of 30 days after the date of publication of a notice under section 169 indicating that the land has ceased, or is to cease, to be so subject."

### 11. OBJECTIONS TO BE CONSIDERED

Section 20 of the Principal Act is amended by omitting ", or refuse to grant,".

*Mining Amendment*

12. OCCUPATION OF LAND PENDING DETERMINATION OF APPLICATION

Section 21(2) of the Principal Act is amended -

- (a) by omitting from paragraph (b) "first-mentioned mining tenement; or" and substituting "first-mentioned mining tenement;"
- (b) by omitting from paragraph (c) "first-mentioned mining tenement." and substituting the following:  
  
"first-mentioned mining tenement; or
- (d) a miner from lodging an application for the grant of a mining tenement or exploration retention licence in respect of land the subject of an application for an exploration licence where the land was taken possession of and marked out in the prescribed manner on or before the date on which the application for the exploration licence was lodged."

13. GRANT OF LICENCE

Section 22 of the Principal Act is amended by omitting subsection (3) and substituting the following:

"(3) Where, by the application of this Act, land is excluded from the grant of an exploration licence, that land shall become part of the licence area, except where the land was excluded by reason of it being the subject of another exploration licence if, during the currency of the licence, the reason for the land being excluded no longer applies to or in relation to that land, and the land is within the blocks at that time comprising the licence area."

14. OTHER MINING INTERESTS OVER LICENCE AREA

Section 25 of the Principal Act is amended -

- (a) by omitting from paragraph (c) "with the written approval of the licensee" and substituting "subject to section 83(2)"; and
- (b) by omitting from paragraph (d) "gold,".

15. REDUCTION OF LICENCE AREA

Section 26 of the Principal Act is amended -

- (a) by omitting from subsection (1) -
  - (i) "an exploration licence" and substituting "an exploration licence or the first 12 months of an exploration licence granted under section 31A"; and



## *Mining Amendment*

- (ii) ", but so that a licence area shall not consist of less than one whole block"; and
- (b) by omitting from subsection (2) "shall be reduced by" and substituting "shall be increased by".

### 16. LICENSEE TO NOMINATE BLOCKS TO BE RETAINED

Section 27(1) of the Principal Act is amended by omitting "one month" and substituting "one month, or such other time as the Secretary may approve,".

### 17. REDUCTION MAY BE DEFERRED

Section 28 of the Principal Act is amended by omitting "or such longer period" and substituting "or such shorter period".

### 18. NEW SECTION

The Principal Act is amended by inserting after section 31 the following:

#### "31A. SUBSTITUTION OF LICENCE

"(1) Nothing in this Act prevents -

- (a) the holder of 2 or more exploration licences, the licence areas of which have a common side or point; or
- (b) the holder of an exploration licence, with the consent in writing of the holder of another exploration licence, the licence areas of which have a common side or point,

applying for the grant of, and the Minister granting, an exploration licence in substitution for those exploration licences.

"(2) An application under subsection (1) shall be in a form approved by the Minister and accompanied by the prescribed fee.

"(3) On receipt of an application under subsection (1) the Minister may grant the exploration licence.

"(4) An exploration licence granted under this section -

- (a) may be granted in respect of all or part of the licence areas to which the application under subsection (1) relates; and
- (b) shall remain in force for a term not exceeding 4 years,

as is specified in the licence.

## *Mining Amendment*

"(5) On the grant of an exploration licence under this section the exploration licences to which the application under subsection (1) relates are, notwithstanding that the grant may be in respect of part only of those licence areas, automatically cancelled."

### 19. REPORT ON CEASING TO HOLD LICENCE AREA

Section 32 of the Principal Act is amended -

- (a) by omitting from subsection (1)(c) "he ceases to hold the exploration licence" and substituting "the cessation of the exploration licence"; and
- (b) by omitting from subsection (2) "shall include" and substituting "shall include details of total expenditure on exploration activities and".

### 20. ANNUAL REPORTS

Section 34 of the Principal Act is amended -

- (a) by omitting from subsection (2) "shall include" and substituting "shall include details of total expenditure on exploration activities and"; and
- (b) by adding at the end the following:

"(3) A licensee shall lodge with each report under subsection (1) an estimate, in a form satisfactory to the Secretary, of proposed expenditure on exploration activities for the 12 month period of the exploration licence following that to which the report relates."

### 21. APPLICATION FOR LICENCE

Section 38 of the Principal Act is amended -

- (a) by omitting from subsection (1) "may apply to the Minister to be granted an exploration retention lease" and substituting "may apply under this section to the Minister to be granted an exploration retention licence"; and
- (b) by omitting subsections (2) and (3) and substituting the following:

"(2) The area of land in respect of which an application for an exploration retention licence may be made under this Part shall not exceed a discrete area of 4,000 hectares.

"(3) Except with the prior written approval of the Minister, a miner shall not apply for or be granted an exploration retention licence if the effect of the grant of the licence would be that the total area of land held by the miner under exploration retention licences and mining tenements would be more than 4,000 hectares of the area originally granted under the exploration licence."

## *Mining Amendment*

### 22. FORM OF APPLICATION

Section 39 of the Principal Act is amended -

- (a) by omitting from subsections (1) and (2) "exploration retention lease" and substituting "exploration retention licence";
- (b) by omitting from subsections (1) and (2) "proposed lease" (wherever occurring) and substituting "proposed licence"; and
- (c) by omitting from subsection (1)(c) "shall contain" and substituting "where the application is made under section 38(1), shall contain".

### 23. REPEAL AND SUBSTITUTION

Section 40 of the Principal Act is repealed and the following substituted:

#### "40. ORE BODY TO BE PRESENT

"A miner shall not make an application under section 38(1) for an exploration retention licence unless the miner has a bona fide belief that there exists on the proposed licence area an ore body or anomalous zone of possible economic potential.".

### 24. GRANT OF LICENCE

Section 41 of the Principal Act is amended -

- (a) by omitting "there exists on the proposed lease area" and substituting "where the application is made under section 38(1), there exists on the proposed licence area";
- (b) by omitting "an exploration retention lease over the land" and substituting "an exploration retention licence over the land or part of the land";
- (c) by omitting from subsections (2), (3), (4) and (5) "An exploration retention lease" and substituting "An exploration retention licence";
- (d) by omitting from subsections (2) and (3) "the lease" and substituting "the licence";
- (e) by omitting from subsection (4) "the lessee" and substituting "the licensee"; and
- (f) by omitting from subsection (5) all words after and including "the exploration licence" and substituting "the land the subject of the application has ceased to be the subject of an exploration licence.".

## *Mining Amendment*

### 25. NEW SECTION

The Principal Act is amended by inserting after section 41 the following:

#### "41A. EXPLORATION RETENTION LICENCE FOR ANCILLARY PURPOSES

"(1) Subject to this section, where a miner has -

(a) applied to be granted an exploration retention licence under section 38(1); or

(b) been granted an exploration retention licence,

the miner may apply under this section for the grant of another exploration retention licence for such purpose as the miner specifies in the application.

"(2) An application under subsection (1) shall not be made in respect of any land that is not the subject of an exploration licence held by the miner.

"(3) The Minister shall not grant an exploration retention licence in respect of an application under subsection (1) -

(a) if, where the application is under subsection (1)(a), the Minister refuses to grant an exploration retention licence in respect of the application made under section 38(1);

(b) unless the Minister is satisfied that the purpose for which the exploration retention licence is sought will assist in evaluating, either directly or indirectly, the development potential of any ore body or anomalous zone of possible economic potential on land the subject of the exploration retention licence granted in respect of an application made under section 38(1); or

(c) for a term longer than that specified in the exploration retention licence granted in respect of an application made under section 38(1)."

### 26. EFFECT OF APPLICATION OR REFUSAL ON EXPLORATION LICENCE

Section 42 of the Principal Act is amended by omitting "exploration retention lease" and "a lease" and substituting "exploration retention licence" and "a licence" respectively.

### 27. POWER OF LICENSEE

Section 43 of the Principal Act is amended -

(a) by omitting "an exploration retention lease" and substituting "an exploration retention licence";

## *Mining Amendment*

- (b) by omitting "the lease" (wherever occurring) and substituting "the licence";
- (c) by omitting "any mineral ore body" and substituting "any ore body";
- (d) by omitting "the lessee" and substituting "the licensee"; and
- (e) by omitting "of a mineral lease" and substituting "of a mineral lease or mineral claim".

### 28. RENT

Section 44 of the Principal Act is amended by omitting "an exploration retention lease" and substituting "an exploration retention licence".

### 29. CONDITIONS OF LICENCE

Section 45 of the Principal Act is amended -

- (a) by omitting "exploration retention lease" (twice occurring) and substituting "exploration retention licence";
- (b) by omitting "the lessee" and substituting "the licensee"; and
- (c) by omitting "the lease" (wherever occurring) and substituting "the licence".

### 30. APPLICATION FOR RENEWAL

Section 46 of the Principal Act is amended -

- (a) by omitting "A lessee" and substituting "A licensee";
- (b) by omitting "an exploration retention lease" and substituting "an exploration retention licence";
- (c) by omitting "the lease" (wherever occurring) and substituting "the licence";
- (d) by omitting "renewed lease" and substituting "renewed licence"; and
- (e) by omitting "a mineral lease" and substituting "a mineral lease or mineral claim".

### 31. NOTICE TO APPLY FOR MINERAL LEASE OR MINERAL CLAIM

Section 47 of the Principal Act is amended -

- (a) by omitting "exploration retention lease" (twice occurring) and substituting "exploration retention licence";

## *Mining Amendment*

- (b) by omitting "the lease" (wherever occurring) and substituting "the licence";
- (c) by omitting "lessee" (wherever occurring) and substituting "licensee";
- (d) by omitting "mineral lease" (wherever occurring) and substituting "mineral lease or mineral claim"; and
- (e) by omitting "a lessee's" and substituting "a licensee's".

### 32. REPORT ON CESSATION OF LICENCE

Section 49 of the Principal Act is amended -

- (a) by omitting from subsection (1) "an exploration retention lease" and substituting "an exploration retention licence";
- (b) by omitting from subsection (1) "after he ceases to be the lessee" and substituting "after the cessation of the licence";
- (c) by omitting from subsection (1) "the lease" (twice occurring) and substituting "the licence";
- (d) by omitting from subsection (2) "shall include" and substituting "shall include details of annual expenditure on exploration activities,"; and
- (e) by omitting from subsection (2) "the lessee" and substituting "the licensee".

### 33. FORM OF REPORT

Section 50 of the Principal Act is amended -

- (a) by omitting "exploration retention lease" (wherever occurring) and substituting "exploration retention licence";
- (b) by omitting "a lessee" and substituting "a licensee";
- (c) by omitting "mineral lease" (wherever occurring) and substituting "mineral lease or mineral claim"; and
- (d) by omitting "the lease" (wherever occurring) and substituting "the licence".

## *Mining Amendment*

### 34. ANNUAL REPORTS

Section 51 of the Principal Act is amended -

- (a) by omitting "lessee" (twice occurring) and substituting "licensee";
- (b) by omitting "lease" (wherever occurring) and substituting "licence";
- (c) by omitting "shall include" and substituting "shall include details of total expenditure on exploration activities and"; and
- (d) by adding at the end the following:

"(3) A licensee shall lodge with each report under subsection (1) an estimate, in a form satisfactory to the Secretary, of proposed expenditure on exploration activities for the 12 month period of the exploration retention licence following that to which the report relates."

### 35. INSPECTION OF REPORTS

Section 52 of the Principal Act is amended -

- (a) by omitting from subsection (2) -
  - (i) "mineral lease" and substituting "mineral lease or mineral claim"; and
  - (ii) "that lease" and substituting "that lease or claim"; and
- (b) by omitting from subsection (3) "the lessee" and "the lease" and substituting "the licensee" and "the licence" respectively.

### 36. CORE SAMPLES TO BE LODGED

Section 53 of the Principal Act is amended -

- (a) by omitting "the lease" (wherever occurring) and substituting "the licence";
- (b) by omitting "lessee" (wherever occurring) and substituting "licensee";
- (c) by omitting "a lease" (wherever occurring) and substituting "a licence";
- (d) by omitting "of a mineral lease" (wherever occurring) and substituting "of a mineral lease or mineral claim"; and
- (e) by omitting "or a mineral lease area" and substituting ", a mineral lease area or a mineral claim area".

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37. WARDEN'S RECOMMENDATION TO MINISTER

Section 59 of the Principal Act is amended -

- (a) by omitting "other documents" and substituting "other documents and studies"; and
- (b) by omitting all words after and including "or the imposing of conditions".

38. GRANT OF LEASE

Section 60 of the Principal Act is amended -

- (a) by omitting from subsection (1) "including the removal from" and substituting "including the removal from the lease area"; and
- (b) by inserting after subsection (2) the following:

"(2A) The granting of a mineral lease for the purpose specified in subsection (1)(a), in addition to authorizing the lessee to mine and use extractive minerals under subsection (1)(f), authorizes the lessee to mine extractive minerals where such mining is directly associated with, or reasonably incidental to, the mining of the mineral or minerals specified in the lease document.

"(2B) The granting of a mineral lease for a purpose specified in subsection (1)(a) authorizes the lessee to explore for minerals on the lease area."

39. SURVEY OF LEASE AREA

Section 61(2) of the Principal Act is amended by omitting "the purpose for which the lease is sought" and substituting "the purpose for which the lease will be granted".

40. APPLICATION FOR RENEWAL

Section 68(1) of the Principal Act is amended by omitting "6 months" and substituting "3 months".

41. REPEAL OF DIVISION 4 OF PART VI

Division 4 of Part VI of the Principal Act is repealed.

42. REPORT ON CESSATION OF LEASE

Section 80 of the Principal Act is amended -

- (a) by omitting "after he ceases to be the lessee" and substituting "after the cessation of the lease"; and



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- (b) by omitting "during the period" and substituting "during the 12 months immediately preceeding the cessation".

43. APPLICATION FOR CLAIM

Section 82 of the Principal Act is amended -

- (a) by omitting from subsection (1) "any Crown land" and substituting "any land"; and
- (b) by omitting from subsection (2) "20 hectares" and substituting "40 hectares".

44. FORM OF APPLICATION

Section 83 of the Principal Act is amended -

- (a) by omitting "An application" and substituting "(1) An application"; and
- (b) by adding at the end the following:

"(2) An application under subsection (1) shall not be made in respect of land the subject of an exploration licence unless the holder of the exploration licence has consented in writing to the application being made.

"(3) An application under subsection (1) shall not be made in respect of private land unless the applicant has, prior to making the application, obtained the approval of a warden to enter the land the subject of the proposed application for the purpose of taking possession of and marking out that land in the prescribed manner.

"(4) An approval under subsection (3) shall be in the prescribed form and may be subject to such conditions, if any, as the warden thinks fit and specifies in the approval.

"(5) A person who contravenes or fails to comply with -

- (a) this section; or
- (b) an approval granted under subsection (3),

is guilty of an offence.

Penalty: \$5,000."

45. NEW SECTION

The Principal Act is amended by inserting after section 84 the following:

## *Mining Amendment*

### "84A. OCCUPATION OF LAND PENDING DETERMINATION OF APPLICATION

"(1) Where an application for a mineral claim has been lodged, the applicant shall not carry out or continue to carry out any exploration or mining on the land to which the application relates, or use it for any associated purpose, until the application is granted.

Penalty: \$10,000.

Default Penalty: \$1,000.

"(2) Where land the subject of an application referred to in subsection (1) -

- (a) is, or is part of, a mineral claim area; or
- (b) is held by the applicant under an exploration licence or an exploration retention licence,

nothing in that subsection prevents the applicant from carrying out any exploration or mining, in accordance with the terms and conditions of the mineral claim, exploration licence, or exploration retention licence, as the case may be, on the land to which the application relates, or the applicant using that land for associated purposes."

### 46. GRANT OF MINERAL CLAIM

Section 86 of the Principal Act is amended -

- (a) by omitting "Subject to sections 25(c) and 161" and substituting "Subject to this Act"; and
- (b) by omitting "in respect of the land" and substituting "in respect of all or part of the land".

### 47. POWER OF HOLDER

Section 87 of the Principal Act is amended -

- (a) by omitting from paragraph (a) -
  - (i) "exploration for minerals" and substituting "exploration for minerals or extractive minerals"; and
  - (ii) "the removal from and treatment of tailings on the claim area" and substituting "the removal from the claim area and the treatment of tailings or other mining material the property of the Crown on the claim area"; and

## *Mining Amendment*

- (b) by omitting from paragraph (b) "necessary for that purpose; and" and substituting the following:

"necessary for that purpose;

- (ba) in carrying out mining for minerals under paragraph (b), carry out mining for extractive minerals when that mining is directly associated with or reasonably incidental to the mining of minerals, and such operations and works as are reasonably necessary for that purpose; and".

### 48. APPLICATION FOR RENEWAL OR FURTHER RENEWAL

Section 90(1) of the Principal Act is amended by omitting "6 months" and substituting "3 months".

### 49. REPORT ON CESSATION OF MINERAL CLAIM

Section 94 of the Principal Act is amended by omitting "after he ceases to hold that claim" and substituting "after the cessation of that claim".

### 50. APPLICATION FOR EXTRACTIVE MINERAL LEASE

Section 96(3) of the Principal Act is amended by omitting "unless the applicant has first obtained from the owner thereof his consent" and substituting "unless the applicant has first obtained from the owner and occupier thereof their consent".

### 51. GRANT OF LEASE

Section 101(1) of the Principal Act is amended by omitting "a term of 10 years" and substituting "a term not exceeding 10 years".

### 52. APPLICATION FOR RENEWAL

Section 103(1) of the Principal Act is amended by omitting "6 months" and substituting "3 months".

### 53. SURVEY OF LEASE AREA

Section 104(2) of the Principal Act is amended by omitting "the purpose for which the lease is sought" and substituting "the purpose for which the lease will be granted".

### 54. REPEAL

Section 106 of the Principal Act is repealed.

### 55. APPLICATION FOR EXTRACTIVE MINERAL PERMIT

Section 107 of the Principal Act is amended by adding at the end the following:

## Mining Amendment

"(3) An application for an extractive mineral permit shall not be made in respect of private land unless the applicant has first obtained from the owner and occupier thereof their consent in writing to the application being made.".

### 56. FORM OF APPLICATION

Section 108 of the Principal Act is amended -

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

"(ca) where it is proposed to store, treat, process or refine an extractive mineral or extractive minerals on the proposed permit area, state the extractive mineral or extractive minerals, and the amount of that extractive mineral or those extractive minerals, intended to be stored, treated, processed or refined;" and

(b) by omitting from paragraph (g) "to be extracted from" and substituting "to be extracted from or to be stored, treated, processed or refined on".

### 57. OBJECTIONS TO BE CONSIDERED

Section 111 of the Principal Act is amended by omitting ", or refuse to grant,".

### 58. GRANT OF PERMIT

Section 112(1) of the Principal Act is amended by omitting "not exceeding 12 months" and substituting "not exceeding 2 years".

### 59. POWER OF PERMIT HOLDER

Section 114 of the Principal Act is amended -

(a) by omitting "authorizes the holder" and substituting "authorizes, as is specified in the permit, the holder"; and

(b) by omitting all words after and including "to which it is subject" and substituting the following:

"to which it is subject -

(a) to mine on the permit area deposits of; or

(b) to store, treat, refine or process on the permit area,

an extractive mineral or extractive minerals specified in the permit.".

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60. APPLICATION FOR RENEWAL

Section 115 of the Principal Act is amended -

- (a) by omitting from subsection (1) "for the renewal of the permit" and substituting "for the renewal of the permit in respect of all or part of the permit area";
- (b) by omitting from subsection (3) "not exceeding 12 months" and substituting "not exceeding 2 years".

61. REPEAL OF SECTION 116

Section 116 of the Principal Act is repealed.

62. REPEAL OF PART IX

Part IX of the Principal Act is repealed.

63. FOSSICKING AREAS

Section 131(2) of the Principal Act is omitted and the following substituted:

"(2) A fossicking area shall be subject to such conditions, if any, as the Minister thinks fit and publishes in the notice of declaration, or as are from time to time determined by the Minister and notified in the *Gazette*."

64. REPEAL AND SUBSTITUTION OF SECTION 132

Section 132 of the Principal Act is repealed and the following substituted:

"132. EXPLORATION LICENCE OVER FOSSICKING AREA

"Where an exploration licence is granted in respect of land declared to be a fossicking area, a miner may, notwithstanding the grant of that licence, enter on and have access over the land comprised in the exploration licence area for the purposes of searching for and removing from the fossicking area gold, gemstones or semi-precious stones in accordance with section 133."

65. FOSSICKING

Section 133 of the Principal Act is amended by omitting "search for" and substituting "fossick for".

66. NO NEGOTIATIONS WITHOUT CONSENT OF MINISTER

Section 137 of the Principal Act is amended -

- (a) by omitting from subsection (3) all words after and including "unless he is satisfied" and substituting "unless the Minister is satisfied that the first-mentioned applicant is, under the

*Mining Amendment*

*Aboriginal Land Rights (Northern Territory) Act 1976 of the Commonwealth, no longer entitled to enter into or to continue those negotiations.";*  
and

(b) by omitting subsection (5).

67. APPLICANT FOR MINERAL LEASE TO HOLD EXPLORATION LICENCE, &c.

Section 139(1) of the Principal Act is amended by omitting all words after "exploration licence" and substituting "or exploration retention licence or had made an application for the grant of an exploration retention licence in respect of that land."

68. NOTICE TO LAND COUNCIL

Section 140(1) of the Principal Act is amended by omitting "under Division 1 of Part VIII for an extractive mineral lease" and substituting "for an extractive mineral lease or an extractive mineral permit".

69. NEW DIVISION HEADING

The Principal Act is amended by inserting in Part XIII before section 160 the following:

*"Division 1 - General".*

70. NEW SECTION

The Principal Act is amended by inserting after section 162 the following:

"162A. REFUSAL OF APPLICATION

"(1) Notwithstanding any other provision in this Act, an application for the grant of an exploration licence or a mining tenement (other than a mineral lease) may be refused by the Minister or, in the case of an extractive mineral permit, a mining registrar, any time after the application is received in accordance with this Act and before publication of a notice under section 163.

"(2) Where an application for an exploration licence or mining tenement (other than a mineral lease) is refused under subsection (1) the Minister or, in the case of an application for an extractive mineral permit, the mining registrar, shall -

(a) notify the applicant, in writing, of the refusal of the application and the reasons for that refusal; and

(b) notwithstanding section 170, refund to the applicant the prescribed fee which accompanied the application."

71. NOTICE OF APPLICATION

Section 163 of the Principal Act is amended by omitting from subsections (1)(f) and (4) "30 days" and substituting "21 days".

72. PRIORITY IN CONSIDERING APPLICATIONS

Section 164 of the Principal Act is amended -

- (a) by omitting from subsection (1) "Subject to subsection (2), where" and substituting "Where";
- (b) by omitting from subsection (2) "Where 2 or more applications" and substituting "Where 2 or more applications for the grant of an exploration licence"; and
- (c) by adding at the end the following:

"(3) For the purposes of subsection (1), an application for a mining tenement, other than a mineral lease, shall be deemed to be lodged at the time when the area of land which is the subject of the application is taken possession of and marked out in accordance with the Regulations."

73. NEW SECTION

The Principal Act is amended by inserting after section 164 the following:

"164A. SUBSTANTIAL COMPLIANCE

"(1) Notwithstanding any other provision of this Act, the Minister may grant an exploration licence, exploration retention licence or mining tenement, and a mining registrar may grant an extractive mineral permit, notwithstanding that the applicant for the licence, tenement or permit may not have complied in all respects with the provisions of this Act or the Regulations.

"(2) Except in the case of fraud, the grant or renewal of an exploration licence, exploration retention licence or mining tenement shall not be impeached by reason or on account of an informality or irregularity in the application or in any proceedings previous to the grant or renewal of the application for the licence or tenement."

74. GENERAL CONDITIONS

Section 166(1) of the Principal Act is amended by omitting paragraph (b) and substituting the following:

- "(b) allow a member of the Police Force, an inspector, or a person authorized in writing for that purpose by the Secretary, on production of

## *Mining Amendment*

that authorization, to enter a licence area or mining tenement area at any time and examine the activities of the holder thereon;

"(ba) notify the Secretary in writing of any change in an address referred to in section 162(1)(b) and (c) within 14 days of any such change;".

### 75. REPEAL AND SUBSTITUTION

Section 168 of the Principal Act is repealed and the following substituted:

#### "168. EXCHANGE OF MINING TENEMENT

"(1) Nothing in this Act prevents the holder of a mining tenement applying for the grant of a mining tenement of the same or a different kind in substitution for that first-mentioned mining tenement.

"(2) Where a mining tenement is granted in substitution for a mining tenement, the original mining tenement is automatically cancelled by the granting of the substituted mining tenement."

### 76. CANCELLATION, &c.

Section 171 of the Principal Act is amended -

- (a) by omitting from subsection (1) "may cancel an exploration licence" and substituting "may cancel an exploration licence or exploration retention licence";
- (b) by omitting from subsection (1)(b) "by the Secretary" and substituting "by the Minister or the Secretary";
- (c) by omitting from subsection (2) "The Minister shall not cancel or forfeit an exploration licence" and substituting "Except as provided in subsection (2A), the Minister shall not cancel or forfeit an exploration licence, exploration retention licence"; and
- (d) by inserting after subsection (2) the following:

"(2A) The Minister may cancel an exploration licence or exploration retention licence or forfeit a mining tenement under subsection (1) if satisfied that -

- (a) the holder of the exploration licence, exploration retention licence or mining tenement has contravened or failed to comply with a provision of -
  - (i) this Act or the Regulations relating to the payment of rent; or



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(ii) this Act or the *Mineral Royalty Act* relating to the payment of royalties,

in respect of the exploration licence, exploration retention licence or mining tenement; and

(b) the contravention or non-compliance has continued for not less than 30 days after service on the holder of a notice notifying the holder of the contravention or non-compliance.".

77. DEALINGS WITH INTEREST

Section 173 of the Principal Act is amended -

(a) by omitting from subsection (1)(a) "disposed of; and" and substituting "disposed of;";

(b) by omitting from subsection (1)(b) "disposed of." and substituting the following:

"disposed of; and

(c) an exploration retention licence, or an interest in such an exploration retention licence, may be sold, transferred, mortgaged or otherwise encumbered or disposed of; and

(d) an extractive mineral permit may be sold or transferred.";

(c) by omitting subsection (2) and substituting the following:

"(2) Subject to this section, a legal or equitable interest in or affecting an exploration licence, exploration retention licence or mining tenement is not capable of being created, assigned or dealt with, whether directly or indirectly -

(a) except -

(i) by an instrument in writing signed by the person creating, assigning or otherwise dealing with the interest lodged for registration, and accompanied by the prescribed registration fee; and

(ii) with the Minister's approval of the instrument referred to in paragraph (a); and

(b) until registered in the appropriate register kept under this Act.";

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- (d) by omitting from subsection (3) "or of a mining tenement (other than an extractive mineral permit)" and substituting ", exploration retention licence or mining tenement";
- (e) by omitting from subsection (4) -
  - (i) "or of a mining tenement (other than an extractive mineral permit)" and substituting ", exploration retention licence or mining tenement"; and
  - (ii) "or mining tenement" and substituting ", exploration retention licence or mining tenement";
- (f) by omitting from subsections (5), (6) and (7) "or a mining tenement (other than an extractive mineral permit)" and substituting ", exploration retention licence or mining tenement";
- (g) by omitting from subsection (8) -
  - (i) "of a mining tenement" and substituting "of an exploration retention licence or a mining tenement"; and
  - (ii) "the tenement area" and substituting "the licence area or tenement area"; and
- (h) by omitting from subsection (10) "or mining tenement" and substituting ", exploration retention licence or mining tenement".

### 78. CAVEATS

Section 174(1)(b) of the Principal Act is amended by omitting "the prescribed mining registrar's office" and substituting "any prescribed mining registrar's office".

### 79. NEW DIVISION

Part XIII of the Principal Act is amended by adding at the end the following:

#### *"Division 2 - Mining Tenements on Private Land*

##### "174A. CONSENT OF OWNER REQUIRED

"A mining tenement shall not be granted in respect of private land within a distance of 50 metres of a residence except with the consent in writing of the owner or the trustee or a person otherwise in lawful occupation or control thereof, as the case may be.

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### "174B. COMPENSATION PAYABLE

"(1) The owner and occupier of private land comprised in a mining tenement shall be paid, on account of their respective interests in the land, compensation for -

- (a) being deprived of the use of the surface or part of the surface of the land;
- (b) damage to the surface of the land through mining activities conducted thereon;
- (c) being deprived of the use of improvements on the land;
- (d) the severance of the land from other land owned or occupied by them; and
- (e) all other damage to the land or improvements on the land arising out of mining or other work under the mining tenement.

"(2) In determining the amount payable under subsection (1), no account shall be taken of minerals known or supposed to be on or under the land.

### "174C. MINISTER TO BE SATISFIED WITH ARRANGEMENTS

"(1) Subject to this section, a mining tenement shall not be granted in respect of land comprised of private land or partly of private land unless the Minister is satisfied that negotiations have been conducted between the applicant for the mining tenement and the owner and occupier of that land for the payment of compensation under section 174B and that payment has been made or an enforceable agreement for making the payment has been entered into.

"(2) Where an applicant for a mining tenement and the owner and occupier of private land comprised in the proposed mining tenement area have not been able to agree on the amount of compensation payable under section 174B, the Minister shall, either at the request of the owner or occupier or the applicant, direct that the matter be referred to a warden, who shall determine what, in his opinion, is the appropriate compensation to be paid, and the amount so determined shall be payable accordingly on the grant of the mining tenement.

"(3) Where, in respect of private land, the Minister is satisfied that, for the purposes of this section, an applicant for a mining tenement has been unable to locate the owner or occupier of that land, the Minister may grant, or approve the grant of, as the case may be, a mining tenement to the applicant comprised of that land, or partly of that land, upon such terms and conditions as the Minister thinks fit in respect of the payment under section 174B of compensation to the owner or occupier if the owner or occupier is located after that grant.

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### "174D. COMPENSATION IN RESPECT OF ADJOINING LAND

"(1) Where land adjoining or in the vicinity of a mining tenement area comprised of private land is injured or depreciated in value by or as a result of mining or work carried out on the tenement area, the owner and occupier of that land shall be entitled to be paid compensation by the holder of the mining tenement for their respective loss or damage thereby sustained.

"(2) Where the holder of the mining tenement and the owner and occupier of the land referred to in subsection (1) cannot agree on the amount of compensation payable under that subsection, the holder or the owner or occupier, as the case may be, may refer the question to a warden, who shall determine the amount so payable.

"(3) In determining an amount to be paid under subsection (1), any amount of compensation already paid by the holder of the mining tenement in respect of the injury or depreciation in value shall be taken into account.

### "174E. INSPECTION OF UNDERGROUND WORKINGS

"The owner and occupier of private land under or adjoining which mining is authorized by or under this Act may, with the consent of the Secretary, inspect and survey the underground workings of the holder of the mining tenement, and shall be given reasonable access by the holder, at all reasonable times, so to do.

### "174F. CONSENT TO USE OF WATER

"The holder of a mining tenement area comprised of private land or partly of private land shall not on that private land, without the consent of the owner or occupier, use water artificially conserved by the owner or occupier or, except in connection with mining operations, fell trees, strip back or cut timber on the tenement area or remove any earth or rock therefrom.

### "174G. STOCK ON TENEMENT AREA

"Nothing in this Act gives the holder of a mining tenement comprised of private land or partly of private land the right to impound any stock or other animals belonging to, or being in the custody or under the control of, the owner or occupier of that land or of any land adjoining that mining tenement area, or to disturb or molest any such stock or other animals in any way whatever, or to prevent any such stock or other animals from depasturing on or over the mining tenement area, unless that mining tenement area or relevant part thereof is fenced."

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### 80. RESERVATION OF LAND FROM OCCUPATION

Section 178 of the Principal Act is amended -

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

"(1A) An application for an exploration licence, exploration retention licence or mining tenement shall not be made in respect of any land reserved from occupation under subsection (1)."; and

(b) by omitting from subsection (4) "of any land" and substituting "of any land which is a park or reserve or".

### 81. ERECTION OF WORKS, &c.

Section 181 of the Principal Act is amended -

(a) by omitting from subsection (1) -

(i) "any mining tenement area" and substituting "any exploration retention licence area, mining tenement area or land in respect of which a notice under section 178(1) is in force"; and

(ii) "that mining tenement area for that purpose" and substituting "that area or land for that purpose and for the purpose of using,"; and

(b) by omitting from subsection (3) -

(i) "in force in the Territory" and substituting "in force in the Territory,";

(ii) "the holder of a mining tenement, who enters on a mining tenement area" and substituting "the holder of an exploration retention licence or mining tenement, as the case may be, who enters an exploration retention licence area, mining tenement area or land in respect of which a notice under section 178(1) is in force";

(iii) "or constructs" (wherever occurring) and substituting ", constructs or uses"; and

(iv) "or constructed" (wherever occurring) and substituting ", constructed or used".

### 82. REPEAL AND SUBSTITUTION

Sections 182 and 183 of the Principal Act are repealed and the following substituted:

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"182. CONSTRUCTION OF WORKS, &c., ON CERTAIN LAND

"(1) In this section 'mining tenement' includes an exploration licence and exploration retention licence.

"(2) Subject to this section, the Minister may, on the written application of a miner, authorize that miner to enter on -

- (a) a mining tenement area;
- (b) Crown land; or
- (c) land to which a notice under section 178(1) is in force,

for the purpose of -

- (d) constructing or laying on, under or across that area or land a road or railway;
- (e) constructing or laying on, under or across that area or land a drain or a water, gas, oil, slurry or tailings pipe; or
- (f) subject to the *Control of Waters Act*, sinking or constructing on that area or land a well or water bore,

and the authorization of the Minister so given shall empower that miner to do all that is reasonably necessary on that area or land for that purpose and for the purpose of using, repairing, altering and maintaining that road, railway, drain, pipe, well or water bore so constructed, laid or sunk.

"(3) The Minister shall not grant an authorization under subsection (1) in respect of a mining tenement area or land comprising a pastoral lease or pastoral homestead lease under the *Crown Lands Act* unless the Minister is satisfied that, not later than 14 days before the application for the authorization, the applicant had given written notice to the holder of the mining tenement or the lessee, as the case may be, of the applicant's intention to apply and has published a notice of that intention in a newspaper circulating in the area in which the mining tenement or lease is situated.

"(4) The Minister shall not grant an authorization under subsection (1) if the purpose for which it is sought is not related to mining.

"(5) A person, not being authorized by or under this Act or any other law in force in the Territory or, as the case may be, by the holder of a mining tenement, where land is the subject of a mining tenement, or by a lessee of a pastoral lease or pastoral homestead lease under the *Crown Lands Act*, where land is the subject of a pastoral lease or pastoral homestead lease, who enters a mining tenement area, Crown land or land to which a notice under

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section 178(1) is in force, who constructs, lays or sinks, or causes to be constructed, laid or sunk, a road, railway, drain, water, gas, oil, slurry or tailings pipe, well or water bore otherwise than in accordance with the provisions of any law or authority under which the person purports to act, is guilty of an offence.

Penalty: \$5,000.

Default penalty: \$500.

### "183. COMPENSATION FOR WORKS

"The holder of an exploration licence, exploration retention licence or mining tenement or the lessee of a pastoral lease or pastoral homestead lease under the *Crown Lands Act* who suffers damage, injury or loss as a result of a person taking an action under an authorization granted under section 181 or 182 is entitled to receive from that person such compensation in respect of that damage, injury or loss as is determined by the Minister, and on such a determination being made, the amount so determined may be recovered by the holder or lessee as a debt due and payable from that person."

### 83. SERVICE OF DOCUMENTS

Section 188 of the Principal Act is amended -

(a) by omitting from subsection (1) "Subject to subsection (2)" and substituting "Subject to this section"; and

(b) by adding at the end the following:

"(3) Notwithstanding subsection (2), where a document is required by or under this Act to be served on the holder of an exploration licence, exploration retention licence or a mining tenement and service cannot be effected in the manner permitted in subsection (1)(a), (b) or (c), the document may be served by displaying it on a notice board at the office of the Secretary, and service shall be deemed to be effected 7 days after the date on which the document is first displayed."

### 84. NO EXPLORATION, &c., EXCEPT IN ACCORDANCE WITH LAW

Section 190 of the Principal Act is amended -

(a) by omitting from subsection (1) "\$10,000" and substituting "\$40,000 or imprisonment for 12 months"; and

(b) by adding at the end the following:

"(3) An offence against this Act may be prosecuted by summary proceedings before the Court of Summary Jurisdiction."

85. NEW SECTION

The Principal Act is amended by inserting after section 190 the following:

"190A. SEARCH AND SEIZURE

"(1) Where a member of the Police Force, an inspector or a person authorized by the Secretary for the purposes of this section is satisfied that there are reasonable grounds for suspecting that an offence against this Act has been, is being or is about to be committed, the member, inspector or authorized person may, without warrant, and with such assistance as the member, inspector or authorized person thinks necessary -

- (a) enter, with such force as is reasonably necessary, at any time, any premises, vehicle, vessel, aircraft or place and, for that purpose, stop and detain any vehicle, vessel or aircraft;
- (b) search the premises, vehicle, vessel, aircraft or place and any person found in or on them or it and any person who the member, inspector or authorized person reasonably believes to be about to enter or to have recently left the premises, vehicle, vessel, aircraft or place;
- (c) break open and search any cupboard, drawer, chest, trunk, box, cage, package or other receptacle, whether a fixture or not, in or on the premises, vehicle, vessel, aircraft or place;
- (d) seize, take, detain, remove and secure any vehicle, vessel or aircraft and any plant, motor, appliance, fitting, gear or equipment, whether in, on or attached to the premises, vehicle, vessel or aircraft, or any thing that the member, inspector or authorized person finds on any premises, vehicle, vessel, aircraft or place or on any person searched, if the member, inspector or authorized person has reasonable grounds for believing that it is evidence of or otherwise relates to any offence that has been, is being or is about to be committed against this Act;
- (e) inspect, take extracts from or copies of any documents in the premises, vehicle, vessel, aircraft or place;
- (f) inspect, take extracts from or copies of any register, report or document kept under this Act or any authority, claim, lease, licence, permit or right granted under this Act;
- (g) stop, detain and search any person upon whom the member, inspector or authorized person believes, on reasonable grounds, that there is something



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that is evidence of or otherwise relates to an offence that has been, is being or is about to be committed against this Act; and

- (h) take such action as is reasonably necessary to prevent the commission of an offence against this Act.

"(2) Before commencing a search under subsection (1), if there is a person who is or appears to be in charge of the premises, vehicle, vessel, aircraft or place, an inspector shall produce proof of the inspector's appointment, or, in the case of a person authorized under this section, of the authorization, to that person and to any other person about to be searched.

"(3) A female shall not be searched under this section except by a female.

"(4) The power conferred by subsection (1) to enter premises without a warrant does not include power to enter a room used solely for domestic purposes.

"(5) A vehicle, vessel, aircraft or any plant, motor, appliance, fitting, gear or equipment seized under subsection (1) shall be delivered into the custody of the Secretary or to a person authorized by the Secretary in that behalf and may be retained by the Secretary or that authorized person for 30 days after the date of the seizure or, if a prosecution for an offence against this Act in the commission of which it may have been used or otherwise involved is instituted within that period, until the prosecution is completed.

"(6) The Secretary, a person authorized under subsection (5) or the Territory shall not be liable, subject to reasonable care being taken, for any deterioration or damage to a vehicle, vessel, aircraft or any plant, motor, appliance, fitting, gear or equipment seized under subsection (1).

### "190B. FORFEITURE AND OTHER ORDERS ON CONVICTION

"(1) Where a court convicts a person of an offence against section 190, the court may order -

- (a) the forfeiture to the Territory of any vehicle, vessel or aircraft or any plant, motor, appliance, fitting, gear, equipment or thing used in or in respect of the offence, whether or not it has been seized under section 190A(1)(d);
- (b) the person to pay to the Territory the cost of restoring, removing or repairing any damage done (including to the environment) by that person in the commission of the offence; or

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- (c) the person to pay to the Territory an amount representing the value of any minerals or extractive minerals mined in the commission of the offence and not otherwise recovered by the Territory.

"(2) An order of the court under subsection (1) shall be in addition to, and not in substitution for, any other penalty which may be imposed by this Act.

"(3) Where the court makes an order under subsection (1)(b) or (c), the amount so ordered to be paid shall be recoverable as a judgment debt due to the Territory in a court of competent jurisdiction.

"(4) Any property forfeited to the Territory under subsection (1)(a) may be sold or otherwise disposed of as the Minister thinks fit."

### 86. FURTHER AMENDMENTS

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

### 87. SAVINGS AND TRANSITIONAL

(1) Where an application for an exploration retention lease had been made under the Principal Act and had not been processed before the commencement of this Act, the application shall, on and from that commencement, be treated as an application for an exploration retention licence made under the Principal Act as amended by this Act, and, in respect of the consideration of the application, shall have such priority under section 164 of the Principal Act as if the application had been considered before the commencement of this Act.

(2) An exploration retention lease which is in force immediately before the commencement of this Act shall, on the commencement of this Act, continue in force as though it were an exploration retention licence granted under the Principal Act as amended by this Act.

(3) An application for a tailings licence made under the Principal Act and not processed before the commencement of this Act shall, notwithstanding that commencement, be processed under, and any tailings licence granted in respect of such an application shall be subject to, the Principal Act as if this Act had not come into operation.

(4) A tailings licence granted under the Principal Act and in force immediately before the commencement of this Act shall, notwithstanding that commencement, continue in force as though this Act had not come into operation.

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SCHEDULE

Section 86

AMENDMENTS

Provision	Amendment	
	omit	substitute
Sections 17(1), 39(1), 55, 83 and 97	"An application"	"In addition to the requirements of section 162, an application"
Sections 21(1) and (2), 22(2) and (3), 25(b) and (e), 33(a), (b), (c) and (d), 36(1) and (2), 37(3) and (5), 148(j) and (k), 172(1) and (2) and 180(1) and (2)	"mining tenement" (wherever occurring)	"mining tenement or exploration retention licence"
Sections 21(2)(c) and 25(e)	"the tenement" (wherever occurring)	"the tenement or licence"
Sections 23(e), 56(2)(b), 62(1), and (2), 65(1) and (2)(a), 138, 171(5), 174(1)(a), 176(2) and (3), 176A(2), (3), (5) and (6), 191(2)(b) and 192(1)(g)	"exploration retention lease" (wherever occurring)	"exploration retention licence"
Sections 24, 45, 66 and 89	"subject to the condition"	"subject to the conditions imposed by or under section 166 and to the condition"
Heading to Part V	"EXPLORATION RETENTION LEASES"	"EXPLORATION RETENTION LICENCES"
Section 102	"subject to such conditions"	"subject to the conditions imposed by or under section 166 and to such other conditions"
Sections 131(1), 166(1), 167 and 172(3)	"or mining tenement" (wherever occurring)	", exploration retention licence or mining tenement"

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
Part XI	"AND MINING TENEMENTS"	", EXPLORATION RETENTION LICENCES AND MINING TENEMENTS"
Sections 135 and 145(e) and (f)	"or mining tenements" (wherever occurring)	", exploration retention licences or mining tenements"
Sections 145(a) and (b) and 192(2)(v)	"and mining tenements" (wherever occurring)	", exploration retention licences and mining tenements"
Section 145(d) and (j) and 160	"mining tenements" (wherever occurring)	"exploration retention licences or mining tenements"
Section 160	"exploration licences, mining tenements and tailings licences"	"exploration licences, exploration retention licences and mining tenements"
Sections 161, 162(1) and (3), 163(1)(d) and (f), (2) and (3), 164(1), 179(2) and 186(1)	"exploration licence, mining tenement or tailings licence" (wherever occurring)	"exploration licence, exploration retention licence or mining tenement"
Sections 162(2), 169, 170(1) and (2), 172(1), 174(2), (5), (6), (7) and (8), 178(1), 185(1), (2) and (6) and 192(2)(m)(iv), (vi) and (vii)	"exploration licence or" (wherever occurring)	"exploration licence, exploration retention licence or"
Section 163(1)	"an exploration licence, a mining tenement (other than an exploration retention lease) or tailings licence"	"an exploration licence or a mining tenement"
Section 165	"tailings licence or mining tenement"	"exploration retention licence or mining tenement"
Section 166	"and mining tenements"	", exploration retention licences and mining tenements"

# *Mining Amendment*

## SCHEDULE - continued

Provision	Amendment	
	omit	substitute
	"or particular mining tenements"	", exploration retention licences or particular mining tenements"
	"or mining tenement" (wherever occurring)	", exploration retention licence or mining tenement"
	"or a mining tenement"	", exploration retention licence or a mining tenement"
Section 169(a)	"relevant exploration licence, former exploration licence, mining tenement or former mining tenement"	"relevant exploration licence, exploration retention licence or mining tenement or former exploration licence, exploration retention licence or mining tenement"
Section 174(5)	"by registered letter"	"by notice in writing"
	"subsection (3)"	"section 162(1)(b)"
Section 174(8)	"subsection (6)" (wherever occurring)	"subsection (7)"
Section 179(1)	"exploration licence, mining tenement or a tailings licence"	"exploration licence, exploration retention licence or a mining tenement"
Section 184(1)	"exploration licence, mining tenement (other than a mineral lease in respect of private land), or licence granted under section 125(1)"	"an exploration licence, exploration retention licence or mining tenement (other than a mineral lease in respect of private land)"
	"a mining tenement or a licence granted under section 125(1)"	"a mining tenement or exploration retention licence"

# *Mining Amendment*

## SCHEDULE - continued

Provision	Amendment
omit	substitute
"mining tenement or licence"	"mining tenement or exploration retention licence"
"exploration licence, mining tenement or licence granted under section 125(1)"	"exploration licence, mining tenement or exploration retention licence"
Section 184(2)(e)	"an exploration licence, mining tenement or licence referred to in that subsection" "the exploration licence, mining tenement or exploration retention licence"
Section 184(4)	"exploration licence, mining tenement or licence granted under section 125(1)" "exploration licence, mining tenement or exploration retention licence"
Section 192(2)(a)	"and of tailings licences" "and of exploration retention licences"
Section 192(2)(b)	"or a tailings licence" "or an exploration retention licence"
Section 192(2)(d)	"or tailings licences" "or exploration retention licences"
Section 192(2)(f)	"and mining tenement" ", mining tenement or an exploration retention licence"
Section 192(2)(j)	"exploration licence" "exploration licence or exploration retention licence"
Section 192(2)(m) (iii)	the whole subparagraph