



NORTHERN TERRITORY OF AUSTRALIA

No. 64 of 1985

AN ACT

To amend the *Coal Act*

[Assented to 24 December 1985]

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 *Coal Amendment Act 1985*.

2. COMMENCEMENT

This Act shall come into operation on the commencement of the *Mining Amendment Act 1985*.

3. PRINCIPAL ACT

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

4. DEFINITIONS

Section 3 of the Principal Act is amended -

(a) by inserting after the definition of "Land Council" the following:

"'park or reserve' means a park or reserve within the meaning of the *Territory Parks and Wildlife Conservation Act* or land declared under section 9(4) of that Act to be a park or reserve for the purposes of this Act;"; and

(b) by inserting after the definition of "Warden" the following:

"'wilderness zone' means a wilderness zone declared under section 12 of the *Territory Parks and Wildlife Conservation Act*."

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5. EFFECT OF LICENCE TO SEARCH FOR COAL

Section 4 of the Principal Act is amended by omitting subsection (3) and substituting the following:

"(2) Licences under this Act are subject to such conditions as are -

- (a) prescribed by the Regulations; or
- (b) imposed under section 5(3A) by the Minister and endorsed on the licence document.

"(3) Where a condition prescribed by the Regulations is inconsistent with a condition imposed under section 5(3A) by the Minister and endorsed on the licence document or a direction given under section 13A, the first-mentioned condition is, to the extent of that inconsistency, of no force or effect."

6. APPLICATION FOR LICENCES TO SEARCH FOR COAL

Section 5 of the Principal Act is amended -

- (a) by omitting from subsection (3) "Upon" and substituting "Subject to this section, upon"; and
- (b) by inserting after subsection (3) the following:

"(3A) Where the Minister grants a licence in respect of land comprising the whole or a part of a park or reserve that is not a wilderness zone, he may grant the licence subject to such conditions, if any, as he thinks fit and endorses on the licence document, after having considered the opinion, if any, of the minister administering the *Territory Parks and Wildlife Conservation Act* in relation to the proposed grant.

"(3B) The Minister shall not grant a licence in respect of land comprising the whole or part of a wilderness zone except in accordance with the conditions, if any, specified by the minister administering the *Territory Parks and Wildlife Conservation Act*."

7. NEW SECTION

The Principal Act is amended by inserting after section 13 the following:

"13A. DIRECTIONS RELATING TO PROTECTION OF ENVIRONMENT

"(1) The holder of a licence shall not carry out exploration, or any other activity, which may cause significant disturbance to the surface of land comprising the whole or a part of a park or reserve unless he has advised the Minister, in writing, of the proposed

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exploration or activity and he carries it out in accordance with such directions, if any, as the Minister thinks fit, or which are required under subsection (2) to be given, to protect the environment in or in the vicinity of the park or reserve.

"(2) The minister administering the *Territory Parks and Wildlife Conservation Act* may require the Minister to give as directions under subsection (1) such directions in relation to the protection of the environment in the park or reserve as the minister thinks fit, and the Minister shall give those directions accordingly.

"(3) The failure of a licensee to comply with subsection (1) or a direction given under that subsection shall be deemed to be a breach of a condition to which the licence is subject."

8. COAL LEASES

Section 19 of the Principal Act is amended by inserting after subsection (1) the following:

"(1A) The Minister shall not grant a coal lease of land comprising the whole or a part of a park or reserve except in accordance with the conditions, if any, specified by the minister administering the *Territory Parks and Wildlife Conservation Act*."

9. RIGHTS OF LICENSEE OR LESSEE TO TAKE TIMBER AND WATER

Section 28 of the Principal Act is amended by omitting "A licensee" and substituting "Subject to a condition referred to in section 5(3A) or 19(1A) or a direction under section 13A(1), a licensee".

10. LEASE COVENANTS

Section 29 of the Principal Act is amended by omitting "as the Minister thinks fit." and substituting "as the Minister thinks fit or which are required, pursuant to section 19(1A), to be contained."





