



## NORTHERN TERRITORY OF AUSTRALIA

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No. 63 of 1985

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### AN ACT

To amend the *Mining Act*

[Assented to 24 December 1985]

**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 1985*.

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(1) of the Principal Act is amended -

- (a) by omitting from the definition of "park or reserve" the words "a national park established by the *Aboriginal Land and National Parks Act*" and substituting "the sanctuary as defined in section 3 of the *Cobourg Peninsula Aboriginal Land and Sanctuary Act*"; and
- (b) by omitting from the definition of "private land" the words ", other than Aboriginal land," and substituting "(other than Aboriginal land and land held for an estate in fee simple, or on lease from the Crown, by the Conservation Land Corporation established by section 27 of the *Conservation Commission Act*)".

*Mining Amendment*

5. REPEAL AND SUBSTITUTION

Section 176 of the Principal Act is repealed and the following substituted:

"176. LAND IN CERTAIN PARKS AND RESERVES

"(1) In this section 'park or reserve' does not include a park or reserve within the meaning of the *Territory Parks and Wildlife Conservation Act*.

"(2) The Minister shall not grant an exploration licence, exploration retention lease or mineral lease in respect of land comprising the whole or part of a park or reserve unless -

- (a) the proposed exploration or mining activity is in accordance with a plan of management required or permitted by a law in force in the Territory to be prepared relating to that park or reserve;
- (b) in the case of a park or reserve within the meaning of the *National Parks and Wildlife Conservation Act 1975* of the Commonwealth - the written approval of the Minister of the Commonwealth for the time being charged with the administration of that Act, or of the trustees or other persons in whose control and management the land is vested, has first been obtained;
- (c) in the case of the sanctuary as defined in section 3 of the *Cobourgh Peninsula Aboriginal Land and Sanctuary Act* - the written approval of the Board, within the meaning of that Act, has first been obtained; and
- (d) the Administrator has approved of the proposed grant and the terms and conditions subject to which it is to be granted.

"(3) Where an exploration licence, exploration retention lease or mineral lease is granted under this Act in respect of any land referred to in subsection (2), a condition referred to in section 11(7) of the *National Parks and Wildlife Conservation Act 1975* of the Commonwealth or to which approval in pursuance of section 33 of the *Cobourgh Peninsula Aboriginal Land and Sanctuary Act* is expressed to be subject, whichever is applicable, shall be deemed to be a condition of the licence or lease.

*Mining Amendment*

"176A. ENVIRONMENTAL CONSIDERATION RELATING TO CERTAIN  
PARKS AND RESERVES

"(1) In this section -

'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 section;

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

"(2) In respect of land comprising the whole or a part of a park or reserve, the Minister shall not grant -

- (a) subject to subsection (3), an exploration licence or an exploration retention lease, unless he has considered the opinion of the minister administering the *Territory Parks and Wildlife Conservation Act* in relation to the proposed grant; or
- (b) a mineral lease or an extractive mineral lease, except in accordance with the conditions, if any, specified by the minister administering the *Territory Parks and Wildlife Conservation Act*.

"(3) Notwithstanding subsection (2)(a), the Minister shall not grant an exploration licence or exploration retention lease 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*.

"(4) The mining registrar shall not grant an extractive mineral permit in respect of land comprising the whole or a part of a park or reserve except in accordance with the conditions, if any, specified by the Director within the meaning of the *Conservation Commission Act*.

"(5) The holder of an exploration licence or exploration retention lease 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 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 (7) to be given, to protect the environment in or in the vicinity of the park or reserve.

## *Mining Amendment*

"(6) Subject to subsection (8), an exploration licence, exploration retention lease, mineral lease, extractive mineral lease or extractive mineral permit in respect of which a condition referred to in subsection (2)(b), (3) or (4) is specified is, in addition to the conditions imposed in pursuance of a power contained elsewhere in this Act, subject to that condition so specified, notwithstanding that the Minister or mining registrar, as the case may be, would not have the power, otherwise than under this section, to impose that condition.

"(7) The minister administering the *Territory Parks and Wildlife Conservation Act* may require the Minister to give as directions under subsection (5) 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.

"(8) Where a condition imposed by or under this Act is inconsistent with a condition referred to in subsection (2)(b), (3) or (4) or a direction given under subsection (7), the first-mentioned condition, to the extent of that inconsistency, has no force or effect."

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