



NORTHERN TERRITORY OF AUSTRALIA

No. 17 of 1982

AN ACT

To amend the Mining Act 1980

[Assented to 15 April 1982]

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 Act 1980 Amendment Act (No. 2) 1981.

2. PRINCIPAL ACT

The Mining Act 1980 is in this Act referred to as the Principal Act.

3. REPEAL

The Mining Act 1980 Amendment Act 1981 is repealed.

4. INTERPRETATION

Section 4(1) of the Principal Act is amended by omitting from the definition of "Crown land" the words ", including land held by the Commonwealth,".

5. NO NEGOTIATIONS WITHOUT CONSENT OF MINISTER

Section 137 of the Principal Act is amended by omitting sub-sections (2) and (3) and substituting the following:

"(2) As soon as practicable after he receives an application referred to in sub-section (1), the Minister shall, unless he has already consented to another applicant entering into negotiations with it in respect of the same land, give written notice to the relevant Land Council that the application has been received.

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"(3) Where the Minister consents to an applicant referred to in sub-section (1) entering into negotiations referred to in that sub-section, the Minister shall not consent to any other applicant entering into negotiations referred to in that sub-section, unless he is satisfied that -

- (a) negotiations between the first-mentioned applicant and the Land Council and the Commonwealth Minister primarily responsible for the administration of the Aboriginal Land Rights (Northern Territory) Act 1976 of the Commonwealth have taken place;
- (b) the consent of that Land Council or the Commonwealth Minister to the grant has been reasonably withheld; and
- (c) a period of 12 months has elapsed since the consent of the Land Council or the Commonwealth Minister was first withheld.

"(4) Nothing in this section shall be construed as requiring the Minister to give his consent under sub-section (1) to the applicant who first lodged with the Minister an application for the grant to him of an exploration licence in respect of the land."

6. GENERAL CONDITIONS

Section 166(1)(g) of the Principal Act is amended by omitting "in respect of" and all words after "the Crown" and substituting "subject to section 175(3), in respect of" and "(or, where he is not liable to pay the royalties, ensure that the royalties are paid by or on behalf of the person who is so liable) at such times, at such rates, in such manner and subject to such conditions, as are from time to time prescribed by or under this or any other law of the Territory," respectively.

7. PRESCRIBED SUBSTANCES UNDER ATOMIC ENERGY ACT

Section 175 of the Principal Act is amended -

- (a) by omitting from sub-section (1) "contained in this Act" and substituting "contained in this Act (other than sub-section (3))"; and
- (b) by adding at the end the following:

"(3) In respect of a mineral lease granted in respect of a prescribed substance referred to in sub-section (1), the lessee is liable to pay royalty to the Commonwealth on the value of that prescribed substance obtained from land comprised in the lease at such rate, on such amount, and calculated in such manner, as is specified in the lease."

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8. SAVINGS AND TRANSITIONAL

Section 191 of the Principal Act is amended -

- (a) by omitting from sub-section (7) "An application" and substituting "Subject to section 191A, an application"; and
- (b) by omitting sub-section (15) and substituting the following:

"(15) An application for a special mineral lease made under the repealed Act that had not been processed before the commencement of this Act shall, on and from that commencement, but subject to sub-sections (15A) and (15B), be treated as an application for a mineral lease made on the commencement of this Act but, in relation to that application, sections 54(2), 55, 56(1) (so far as it relates to the use of the land for associated purposes), 57, 58, 59, 162 and 163 shall not apply and the Minister may, in his discretion, under section 60, grant the mineral lease notwithstanding that he has not considered a recommendation of a warden in relation to the application.

"(15A) Notwithstanding section 164, an application referred to in sub-section (15) shall have, in relation to all other applications for a special mineral lease in respect of the same land made before the commencement of this Act, the same priority for consideration as it had under the repealed Act.

"(15B) A mineral lease granted in pursuance of sub-section (15) may be granted for such term, not exceeding the term for which the special mineral lease could have been granted under the repealed Act, as the Minister thinks fit."

9. NEW SECTIONS

The Principal Act is amended by inserting after section 191 the following:

"191A. SAVING OF SPECIFIC APPLICATIONS

"(1) Notwithstanding the repeals effected by section 3, where the holder of an exploration licence under the Mining Act as then in force applied before 4 June 1976 for a lease or other interest (other than an exploration licence) under that Act in respect of land consisting wholly or in part of Aboriginal land, and the lease or interest had not, before the commencement of this Act, been granted, the provisions of the repealed Act shall continue to apply to and in relation to that application and, subject to sub-section (2) and to section 191(15) and (15B), to and in relation to a lease or interest subsequently granted in respect of that application, as though this Act had not come into operation.

"(2) The holder of a lease or other interest granted in respect of an application referred to in sub-section (1) shall, subject to section 175(3), in respect of minerals obtained from the relevant area, pay royalties to the Crown at such times, at such rates, in such

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manner and subject to such conditions, as are from time to time prescribed by or under this or any other law in force in the Territory in relation to minerals obtained from a mining lease.

"191B. ROYALTY PAYMENTS

"Notwithstanding the repeals effected by section 3, until provisions are made under this Act, or by or under another law of the Territory, in relation to the payment of royalties in respect of minerals or extractive minerals obtained from a mineral lease area, extractive mineral lease area or extractive mineral permit area, the provisions of the repealed Act shall apply to and in relation to the assessment and payment of royalties in respect of minerals obtained as though this Act had not come into operation."

10. REGULATIONS

Section 192(2)(n) of the Principal Act is amended by omitting "the royalties to be paid" and substituting "subject to section 175(3), the royalties to be paid".
