

NORTHERN TERRITORY OF AUSTRALIA

MINING ACT
No. 15 of 1982
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THE NORTHERN TERRITORY OF AUSTRALIA

No. 15 of 1982

AN ACT

Relating to mining

[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:

PART I - PRELIMINARY

1. SHORT TITLE

This Act may be cited as the Mining Act 1980.

2. COMMENCEMENT

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

3. REPEAL

The Acts specified in the Schedule are repealed.

4. INTERPRETATION

(1) In this Act, unless the contrary intention appears -

"Aboriginal land" has the same meaning as in the Aboriginal Land Rights (Northern Territory) Act 1976 of the Commonwealth;

"Crown land" means all land in the Territory, including land held by the Commonwealth, other than -

- (a) a reserve or park;
- (b) private land;
- (c) Aboriginal land;
- (d) land the subject of a mining tenement;

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(e) land reserved from occupation under section 178 of this Act; and

(f) land reserved for or dedicated to a public purpose under a law in force in the Territory;

"environment" means the physical factors existing in an area, including -

(a) the land and the coastal waters and sea-bed adjacent thereto;

(b) the sub-soil of the land and that sea-bed;

(c) water;

(d) air;

(e) sound;

(f) tastes;

(g) odours; and

(h) radiation,

and includes the social factor of aesthetics and all factors affecting flora and fauna;

"exploration" means all modes of searching for or evaluating deposits of minerals or extractive minerals, but does not include fossicking;

"exploration licence" means an exploration licence granted under Part IV or continued in force by virtue of section 191;

"exploration retention lease" means an exploration retention lease granted under Part V;

"extractive mineral lease" means an extractive mineral lease granted under Division 1 of Part VIII;

"extractive mineral permit" means an extractive mineral permit granted under Division 2 of Part VIII;

"extractive mineral" means -

(a) soil;

(b) sand, gravel or clay; or

(c) stone,

being sand, gravel, clay or stone that is suitable for use in construction or building works;

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"fossick" includes to search for or extract gold, or gemstones or semi-precious stones within the meaning of Part X, by digging by hand or hand held implements, but does not include the use of explosives or mechanical devices other than hand held metal detecting devices;

"improvements" means any -

- (a) house, store, stable, hut or other building;
- (b) fence;
- (c) well, dam, tank, trough, pump or other apparatus for raising or storing water; or
- (d) garden, plantation or cultivation;

"inspector" has the same meaning as in the Mines Regulation Act or the Mines Safety Control Act;

"Land Council" means an Aboriginal Land Council established by or under the Aboriginal Land Rights (Northern Territory) Act 1976 of the Commonwealth;

"miner" means the holder of a miner's right and, in relation to an application which by virtue of section 191(15) or (18), is to be processed as though it were an application for a mineral lease or mineral claim, as the case may be, includes the person to be treated as the applicant;

"mineral" means any -

- (a) naturally occurring -
 - (i) inorganic element or compound, including an inorganic carbonate compound; or
 - (ii) organic carbonate compound,
 - obtained or obtainable from land by mining, whether carried out under or on the surface of land;
- (b) coal and lignite; or
- (c) other substance from time to time prescribed as a mineral,
 - but does not include an extractive mineral;

"mineral claim" means a mineral claim granted under Part VII or continued in force by virtue of section 191;

"mineral field" means an area of the Territory prescribed under section 8;

"mineral lease" means a mineral lease granted under Division 2 of Part VI or a mineral lease or gold mining lease continued in force by virtue of section 191;

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"miner's right" means a miner's right granted under Part III or continued in force by virtue of section 191;

"mining" means all modes of extracting minerals or extractive minerals by underground, surface or open-cut workings;

"mining registrar" means a person appointed as a mining registrar under section 5(1), and includes the principal registrar;

"mining tenement" means a mineral lease, mineral claim, extractive mineral lease, extractive mineral permit or exploration retention lease and includes an area of land the right to occupation of which is continued by section 191(19) or (20);

"owner" and "occupier" in relation to land does not include a person whose interest, or claimed interest, in the land cannot be identified by or as a result of an examination of the Register Book kept by the Registrar-General under Part V of The Real Property Act;

"park or reserve" means a park or reserve within the meaning of the National Parks and Wildlife Conservation Act 1975 of the Commonwealth or the Territory Parks and Wildlife Conservation Act, and includes a national park established by the Aboriginal Land and National Parks Act;

"prescribed mining registrar's office", in relation to a matter affecting land in a mineral field, means the principal office of the mining registrar for that mineral field;

"principal registrar" means the person appointed as principal registrar under section 5(1) and includes a person acting as the principal registrar;

"private land" means land, other than Aboriginal land, that is alienated from the Crown for an estate of freehold or is the subject of a conditional purchase agreement or of a lease or concession, with or without a right of acquiring the fee simple thereof, other than a lease or concession for pastoral or timber purposes, but does not include land held or occupied for mining purposes under the provisions of this Act or the repealed Act;

"Regulations" means the Regulations made under this Act;

"repealed Act" means the Acts repealed by section 3, as in force immediately before that repeal;

"Secretary" means the departmental head of the Department for the time being principally responsible under the Minister for the administration of this Act;

"tailings and other mining material" means any rejected material resulting from the processing of ore, or any stack or accumulation of material resulting from mining or mining activities; and

"warden" means a magistrate or a person appointed as a warden under section 5(1).

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(2) A reference in this Act to a lease area, licence area, claim area, tenement area, mining tenement area or permit area is a reference to the area of land held under the lease, claim, licence, tenement, mining tenement or permit, as the case may be, in relation to which the reference is made.

(3) Where in this Act the expression "Default penalty" appears in or at the foot of a section, or sub-section of a section, being a section or sub-section that provides that a person is guilty of an offence against this Act, a person who has been convicted of that offence is guilty of a further offence against this Act if the offence continues after he has been so convicted, and is punishable, upon conviction for the further offence, by a penalty not exceeding the amount of the default penalty specified after that expression for each day during which the offence continues.

(4) Where an offence is committed by a person by reason of his failure to comply with the provision of this Act by or under which he is required to do any thing within a particular period, that person commits the further offence referred to in sub-section (3) while the failure to do that thing continues, notwithstanding that that period has expired.

PART II - ADMINISTRATION

5. APPOINTMENT OF OFFICERS

(1) The Minister may appoint persons who are employees within the meaning of the Public Service Act to be the principal registrar, a mining registrar or a warden for the purposes of this Act, and a person so appointed shall hold office, subject to sub-section (3), while he remains an employee.

(2) The Minister shall, as soon as practicable after appointing a person under sub-section (1), cause a notice of the appointment to be published in the Gazette.

(3) The Minister may, by notice in the Gazette, cancel the appointment of a person referred to in sub-section (1).

6. ACTING APPOINTMENTS

Where a person appointed under section 5(1) is or is expected to be absent from duty or from the Territory, the Minister may appoint an employee within the meaning of the Public Service Act to act in the office of that person during the absence.

7. DELEGATION

(1) The Minister, Secretary or principal registrar may, either generally or as otherwise provided by an instrument of delegation, by writing signed by him, delegate all or any of his powers and functions under this Act, except this power of delegation.

(2) A power or function delegated under sub-section (1) may be exercised or performed by the delegate in accordance with the instrument of delegation.

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(3) A delegation under this section is revocable at will and does not prevent the exercise of a power, or the performance of a function, by the Minister, Secretary or principal registrar, as the case may be.

8. MINERAL FIELDS

(1) Subject to sub-section (2), the Regulations may prescribe areas of the Territory as mineral fields for the purposes of this Act and, in respect of each mineral field so prescribed, the principal office of the mining registrar in that mineral field.

(2) The Minister may, from time to time, by notice in the Gazette, vary the boundaries of a mineral field, or the location of the principal office of the mining registrar, prescribed under sub-section (1).

PART III - MINER'S RIGHTS

9. APPLICATION FOR MINER'S RIGHT

A corporation, or a person who has attained the age of 15 years, may apply to -

- (a) the Minister;
- (b) a warden;
- (c) a mining registrar; or
- (d) a person authorized in writing for that purpose by the Minister, a warden or mining registrar,

for the grant of a miner's right to that corporation or person.

10. GRANT OF MINER'S RIGHT

The person to whom an application under section 9 is made shall grant that application and issue to the applicant a miner's right in the prescribed form on the payment by the applicant of the prescribed fee.

11. POWERS OF HOLDER OF MINER'S RIGHT

(1) A miner's right authorizes the holder thereof, subject to the Control of Waters Act and the Soil Conservation and Land Utilization Act, and in accordance with the provisions of this Act -

- (a) to obtain an area of land under a mining tenement or an exploration licence;
- (b) to enter on any Crown land not comprised in an exploration licence area held by any other person and carry out exploration for minerals or extractive minerals on that land;

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- (c) subject to sub-section (2), to exercise as prescribed a right to take, use and dispose of water on any Crown land for a purpose connected with mining or his own domestic use, and take possession of, occupy and use that Crown land for that purpose;
- (d) to take possession of any tailings or other mining material, the property of the Crown, on Crown land;
- (e) to fossick for gold, or gemstones or semi-precious stones within the meaning of Part X, on or within one metre of the surface of any Crown land; and
- (f) to have a right of access over any Crown land for any of the purposes referred to in paragraphs (a) to (e) inclusive.

(2) The holder of a miner's right does not have the right to take, use and dispose of water on Crown land that has been artificially conserved on that land by or on behalf of a person who was at the time of construction of the means by which it is artificially conserved, in lawful occupation of that land.

12. DUPLICATE MINER'S RIGHT

Where the holder of a miner's right satisfies the mining registrar that the miner's right issued to him has been lost or has been destroyed, the mining registrar may issue a replacement miner's right, endorsed with the date of the grant of the original, on the payment of the prescribed fee by the holder.

PART IV - EXPLORATION LICENCES

Division 1 - Preliminary

13. INTERPRETATION

In this Part, unless the contrary intention appears -

"block" means so much of a graticular section as is within the land area of the Territory;

"graticular section" means a section referred to in section 14(1);

"land area of the Territory" means the Northern Territory as defined in the Northern Territory Acceptance Act 1910 of the Commonwealth, and includes the internal waters.

14. GRATICULAR SECTIONS

(1) For the purposes of this Part, the land area of the Territory shall be divided -

- (a) by the meridian of longitude 129 degrees east and by meridians that are east of that meridian at increasing distances from that meridian of one minute of longitude; and

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- (b) by the parallel of latitude 26 degrees south, and by parallels of latitude that are north of that parallel of latitude at increasing distances from that parallel of latitude of one minute of latitude,

into sections, each of which is bounded -

- (c) by portions of 2 of those meridians that are at a distance from each other of one minute of longitude; and
 - (d) by portions of 2 of those parallels of latitude that are at a distance from each other of one minute of latitude.
- (2) For the purposes of this Part -
- (a) a graticular section that is wholly within the land area of the Territory constitutes a block; and
 - (b) if part only of a graticular section is, or parts only of a graticular section are, within the land area of the Territory, the area of that part, or of those parts together, constitutes a block.

15. RESERVATION OF BLOCKS

(1) The Minister may, by notice in the Gazette, declare that a block specified in the notice (not being a block in respect of any part of which an exploration licence is in force) shall not be the subject of an exploration licence.

(2) While a declaration under sub-section (1) remains in force in respect of a block, an exploration licence shall not be granted in respect of that block.

Division 2 - Exploration Licences

16. MINISTER MAY GRANT EXPLORATION LICENCE

(1) Subject to this Act, the Minister may, on the application of a miner, grant to that miner an exploration licence in respect of land specified in the licence for a term not exceeding 6 years.

(2) The area of land in respect of which an exploration licence may be granted shall be contained in a single licence area not exceeding 500 blocks.

(3) An exploration licence shall not be granted -

- (a) in respect of land the subject of another exploration licence;
- (b) in respect of land that is or includes private land or a park or reserve, unless the applicant first lodges with the Minister such security as the Minister considers sufficient for the payment of compensation that, under this Act, the licensee may become liable to pay; or

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- (c) if the effect of granting it would be that the total area under exploration licences controlled by any one person, whether or not the control is enforceable, and whether the control is achieved by interests in various companies, by moral or other influence, by partnership or other agreements, by collusion, by means of related companies or by any other means however indirect, would exceed 5,000 blocks, unless the Minister has, prior to the application for the grant of the exploration licence being made, approved of the application being made.

17. APPLICATIONS

- (1) An application for an exploration licence -
 - (a) shall be lodged at the office of the Secretary or a mining registrar;
 - (b) shall specify the blocks in respect of which the application is made;
 - (c) shall contain a list of owners and occupiers of land whose land will be, or is reasonably likely to be, affected by the activities of the applicant if the licence is granted; and
 - (d) shall be accompanied by a statement specifying -
 - (i) the details of the programme of work proposed to be carried out in the proposed licence area;
 - (ii) the estimated amount of money proposed to be expended on exploration during each year of the licence, if granted; and
 - (iii) the technical and financial resources available to the applicant to carry out the programme of work.
- (2) Within 14 days after the lodging of an application for an exploration licence, or such further time as the Secretary allows, the applicant shall serve notice of the making of the application on the persons specified in the list referred to in sub-section (1)(c).
- (3) Within 14 days after the notice referred to in sub-section (2) is served, the applicant for the exploration licence shall provide to the Secretary evidence of the notice having been served and the method by which the service was effected.

18. LICENCE NOT TO BE GRANTED OVER LICENCE AREAS

An application for an exploration licence shall be of no force or effect in respect of land that is, or was at any time during the immediately preceding 30 days, the subject of an exploration licence.

19. MINISTER TO RECEIVE APPLICATIONS, OBJECTIONS, &c.

The Secretary shall forward to the Minister, together with the application for the exploration licence, all notices of objection lodged in accordance with this Act against the grant of the exploration licence and the answers to those objections.

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20. OBJECTIONS TO BE CONSIDERED

The Minister shall not grant, or refuse to grant, an exploration licence until he has considered all objections lodged in accordance with this Act against the grant of the exploration licence, and the answers to those objections.

21. OCCUPATION OF LAND PENDING DETERMINATION OF APPLICATION

(1) Subject to sub-section (2), where a miner has applied to the Minister for the grant to that miner of an exploration licence, no miner, including the applicant, may subsequently lodge an application for the grant of a mining tenement in respect of the land or any part of it while the Minister has not granted or refused the grant of the exploration licence applied for.

(2) Sub-section (1) does not prevent -

- (a) a miner from obtaining an extractive mineral permit or extractive mineral lease in respect of land the subject of an application for an exploration licence;
- (b) the holder of a mining tenement from obtaining water rights or other ancillary mining tenement over the land for the purposes of working that first-mentioned mining tenement; or
- (c) the holder of a mining tenement from surrendering the tenement in exchange for another mining tenement over all or any part of the land held under the first-mentioned mining tenement.

22. GRANT OF LICENCE

(1) The Minister may, at his discretion, grant an exploration licence in respect of all or part of the land in respect of which an application under this Part is made.

(2) Subject to sub-section (3), a licence granted under this Part shall exclude all land that is the subject of -

- (a) a mining tenement; or
- (b) an application for a mining tenement made before the application for the grant of the licence,

that is within the blocks otherwise comprising the licence area.

(3) Where a mining tenement referred to in sub-section (2)(a) ceases to be a mining tenement, or the Minister refuses to grant an application for a mining tenement referred to in sub-section (2)(b), the land the subject of that mining tenement or application, as the case may be, that is within the blocks comprising the licence area shall, by virtue of that cessation or refusal, become part of the licence area.

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23. POWER OF LICENSEE

An exploration licence authorizes the holder thereof, subject to the law in force in the Territory, and in accordance with the conditions to which the licence is subject -

- (a) to enter and re-enter the licence area with such agents, employees, vehicles, vessels, machinery and equipment as may be necessary or expedient for the purpose of exploring for minerals in, on or under the licence area;
- (b) to explore for minerals and to carry out such operations and works as are necessary for that purpose on the licence area including digging pits, trenches and holes, and sinking bores and tunnels in, on or under the licence area and ascertaining the quality, quantity or extent of ore or other material by drilling or other methods;
- (c) to extract and remove from the licence area for sampling and testing an amount of ore, material or other substance reasonably necessary to determine its mineral bearing quality, or such greater amount as the Secretary, in writing, approves;
- (d) subject to the directions of the Minister, to take or divert water from any natural spring, lake, pool or stream situated on or flowing through the licence area and to sink a well or bore on the licence area and take water therefrom and to use the water so taken or diverted for his domestic use and for any purpose in connection with exploring for minerals on the licence area; and
- (e) subject to Parts V, VI and VII, to obtain an exploration retention lease, mineral lease or mineral claim in respect of the licence area or any part of it.

24. CONDITIONS OF LICENCE

Every exploration licence shall, unless expressly waived, varied or suspended in writing by the Minister, be granted subject to the condition that the licensee will -

- (a) for the purposes of exploring for minerals, carry out geological, geochemical or geophysical surveys or any combination of those surveys, on the licence area;
- (b) not extract or remove from the licence area any amount of ore, material or other substance other than amounts for sampling purposes authorized by or under section 23(c);
- (c) expend not less than the minimum amount of expenditure specified in the licence in carrying out exploration activities on the licence area;
- (d) within 28 days after confirmation of their discovery, report in writing to the Secretary all minerals of possible economic or scientific interest discovered on the licence area;

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- (e) before carrying out any programme involving substantial disturbance of the surface of the licence area, advise the Secretary, in writing, of that programme, and comply with such directions as the Secretary considers appropriate for the protection of the environment in the carrying out of that programme;
- (f) advise the Secretary, in writing, of the proposed location of any base camp on the licence area and the proposed method to be used in disposing of waste from that camp, and comply with such directions as the Secretary considers appropriate in relation to the disposal of that waste;
- (g) not erect any permanent building or facility on the licence area except with the approval in writing of the Secretary;
- (h) obtain and send to the Secretary such water samples and data on underground water encountered during exploratory drilling as the Secretary, in writing, directs;
- (j) conduct his exploration programmes and other activities in such a way as not to interfere with existing roads, railways, telephone or telegraph lines, power lines and cables, water pipelines or dams or reservoirs or gas, oil, slurry or tailings pipelines or storage containers, situated on the licence area, or the lawful activities or rights of any person on or in relation to land adjacent to the licence area; and
- (k) not interfere with any historical site or object, or any Aboriginal sacred site or object, declared as such under a law in force in the Territory, otherwise than in accordance with that law.

25. OTHER MINING INTERESTS OVER LICENCE AREA

An exploration licence does not, in respect of the licence area, prevent -

- (a) the granting to a miner of an extractive mineral permit or extractive mineral lease and the extraction of extractive minerals in accordance with that permit or lease, as the case may be;
- (b) the holder of another mining tenement -
 - (i) from obtaining water rights over the land for the purposes of working that other mining tenement; or
 - (ii) from being granted any other mining tenement for the purposes of or ancillary to the working of that first-mentioned mining tenement;
- (c) with the written approval of the licensee, any miner from being granted a mineral claim;
- (d) any miner from fossicking for gold, gemstones or semi-precious stones within the meaning of Part X, to the extent that that activity does not interfere with the lawful activities of the licensee; or

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- (e) the holder of a mining tenement from surrendering the tenement in exchange for another mining tenement over all or any part of the land held under the first-mentioned mining tenement.

26. REDUCTION OF LICENCE AREA

(1) Subject to this section and to section 28, at the conclusion of the first 24 months of an exploration licence and each succeeding period of 12 months after that date, the licence area shall be reduced so that the number of blocks to be retained in the licence area for the ensuing 12 months is not more than half the number of blocks contained in the licence area at the commencement of the first 24 months period or subsequent 12 months period, as the case may be, immediately concluded, but so that a licence area shall not consist of less than one whole block.

(2) Where the number of blocks in a licence area at the beginning of the first 24 months period or subsequent 12 months period, as the case may be, before the relevant date referred to in sub-section (1) is not divisible by 2, in calculating under sub-section (1) the number of blocks to be retained for the ensuing 12 months, the number of blocks at the commencement of the relevant period shall be reduced by one then divided by 2.

27. LICENSEE TO NOMINATE BLOCKS TO BE RETAINED

(1) Not later than one month before the expiration of the relevant period referred to in section 26(1), a licensee shall, in writing, nominate to the Secretary the blocks the licensee wishes to retain in the licence area for the ensuing 12 months of the exploration licence and, subject to sub-section (2), those blocks shall, accordingly, constitute the licence area for that ensuing period.

(2) A licensee shall not nominate the blocks to be retained in the licence area if the effect of that nomination would be that more than 2 separate areas are created.

(3) For the purposes of sub-section (2), a separate area shall consist of -

- (a) a group of blocks each of which has a common side or point with another block in the separate area; or
- (b) a single block.

28. REDUCTION MAY BE DEFERRED

The Minister may, on the written request of a licensee, defer for a period of 12 months, or such longer period as he thinks fit, the reduction under section 26 of a licence area.

29. RENT FOR RETAINED BLOCKS

The holder of an exploration licence shall, in respect of the blocks to be retained in the licence area for the ensuing 12 months in accordance with the provisions of this Part, within one month before the expiration of each period of the licence, pay to the Minister the prescribed rent for the ensuing 12 months of the licence.

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30. SURRENDER MAY BE REQUESTED

(1) The Minister may, by notice in writing served on a licensee, request that the licensee consent to the surrender of any part of the land comprised in the licence area for the use of that land for -

- (a) public recreation or amusement;
- (b) the protection of scenic areas;
- (c) the preservation and protection of places of historic interest;
- (d) national or public parks or gardens;
- (e) the protection of flora and fauna;
- (f) the protection of coastal foreshores;
- (g) water conservation purposes;
- (h) the construction or maintenance of railways, roads, drains or pipelines; or
- (j) forestry or re-afforestation purposes.

(2) If a licensee consents or is deemed to have consented to a request referred to in sub-section (1), the Minister may vary the licence by removing from its application the land to which that consent relates.

(3) If a licensee does not, within 60 days after a notice referred to in sub-section (1) is served on him, reply to the Minister's request contained in that notice, the licensee shall be deemed to have consented to the surrender of the land to which that request relates.

(4) Where a licensee surrenders or is deemed to have surrendered part of a licence area in pursuance of this section, the variation of the licence area occasioned by that surrender has effect on and from the date on which the relevant notice referred to in section 169 is published in the Gazette.

(5) Where a licensee surrenders or is deemed to have surrendered land in accordance with this section, the Minister shall refund to him the unexpired portion of the rent for the current period of the licence calculated in respect of the land surrendered or deemed to have been surrendered.

31. SURRENDER

(1) Subject to this Part, a licensee may, at any time, surrender an exploration licence or part of a licence area by lodging at the office of the Secretary a notice in writing indicating the licence or the land, as the case may be, to be surrendered.

(2) A surrender under sub-section (1) is effective on and from the day after the day on which the notice referred to in that sub-section is lodged in accordance with that sub-section.

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(3) A licensee shall not, under this section, surrender land if the effect of that surrender would mean that a licence area consists of more than 2 separate areas of blocks the blocks in each of which has a common side or point with one other block in that separate area, or consists of a single block.

32. REPORT ON CEASING TO HOLD LICENCE

(1) A person who was the holder of an exploration licence shall, within 3 months immediately after he ceases to hold that licence, or such longer period as the Secretary allows, lodge at the office of the Secretary a comprehensive report in accordance with this section on the exploration activities carried out on the licence area, as comprised from time to time, during the period of the licence.

Penalty: \$1,000.

Default penalty: \$500.

(2) Subject to section 33, the report referred to in sub-section (1) shall include all geological, geochemical and geophysical survey reports, and all drilling and other reports completed by or becoming available to the licensee, and all data, maps, logs and records associated with or necessary to interpret those reports.

33. FORM OF REPORT

Where, during the term of his exploration licence, a licensee -

- (a) had been granted a mining tenement in respect of any part of the licence area and continued, on ceasing to hold the exploration licence, to hold that mining tenement; or
- (b) had applied for the grant to him of a mining tenement in respect of any part of the licence area and, on ceasing to hold the exploration licence, the mining tenement had not been granted to him and his application had not been refused,

the report required by section 32 to be lodged shall be in 2 parts, namely -

- (c) one dealing with the licence area that is not the subject of the continuing or applied for mining tenement; and
- (d) one dealing with the land that is, or is proposed to be, retained under the mining tenement.

34. ANNUAL REPORTS

(1) A licensee shall, within one month after the expiration of each period of 12 months of his licence or such longer period as the Secretary allows, lodge at the office of the Secretary a report in a form satisfactory to the Secretary on the exploration activities carried out on the licence area during that period.

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(2) The report referred to in sub-section (1) shall include all geological, geochemical and geophysical survey reports, and all drilling and other reports, completed by or becoming available to the licensee in relation to his exploration activities on the licence area, and all data, maps, logs and records associated with or necessary to interpret those reports.

35. INSPECTION OF REPORTS

Subject to sub-section 36(2), a report required to be lodged under section 32 or 34, other than a report referred to in section 33(d), may be examined at the office of the Secretary by any person during normal office hours.

36. CONFIDENTIALITY OF CERTAIN INFORMATION

(1) A report referred to in section 33(d) shall be confidential while the mining tenement or application in respect of the land to which it relates remains in force or is neither granted or refused, but on that tenement or licence ceasing to be in force or that application being refused, the report shall be available for examination at the office of the Secretary by any person during normal office hours.

(2) A report required to be lodged under section 34 shall, unless disclosed with and in accordance with the written permission of the licensee, be confidential while the land or any part of the land to which it relates remains under the exploration licence or a mining tenement.

37. CORE SAMPLES TO BE LODGED

(1) As soon as practicable after he recovers a drill core or cutting from the licence area, a licensee shall, in writing, notify the Secretary that the core or cutting has been recovered and identify, to the satisfaction of the Secretary, the place on the licence area from which the core or cutting was taken.

(2) Subject to sub-section (3), a drill core or cutting referred to in sub-section (1) shall not be disposed of by the licensee except with and in accordance with the written directions of the Secretary.

(3) As soon as practicable after land from which a drill core or cutting referred to in sub-section (1) ceases to be in a licence area or area of a mining tenement, or on land the subject of an application for the grant of a mining tenement, the person who was the licensee shall deposit with the Secretary that core or cutting, unless it has previously been disposed of in accordance with sub-section (2).

(4) A drill core or cutting deposited under sub-section (3) with the Secretary may be examined by any person on request at the office of the Secretary, or such other place as the Secretary thinks fit, during normal office hours.

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(5) A drill core or cutting deposited with the Secretary or a person to be held on behalf of the Secretary, in accordance with a direction under sub-section (2) may, while the land from which it was taken remains a licence area or mining tenement area, or the subject of an application for the grant of a mining tenement, be examined by a person only with the approval in writing of the licensee or the holder of, or applicant for, the mining tenement, as the case may be.

PART V - EXPLORATION RETENTION LEASES

38. APPLICATION FOR LEASE

- (1) Subject to this Act, a miner -
 - (a) who is the holder of an exploration licence may, at any time before relinquishing or surrendering all or any part of a licence area in which an ore body or anomalous zone of possible economic potential has been discovered; or
 - (b) who was the holder of an exploration licence under the repealed Act and had applied, before the commencement of this Act for a mineral lease, gold mining lease or special mineral lease in respect of all or any part of the land held under that exploration licence and the application had not been processed before the commencement of this Act,

may apply to the Minister to be granted an exploration retention lease in respect of any part of that land.

(2) The area of land in respect of which an application for an exploration retention lease may be made shall not exceed a discrete area of 200 hectares.

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

39. FORM OF APPLICATION

- (1) An application for an exploration retention lease -
 - (a) shall be lodged at the office of the Secretary or a mining registrar;
 - (b) shall include a description of the land in respect of which the application is made;
 - (c) shall contain a full description and technical particulars of the ore body or anomalous zone occurring on the proposed lease area; and
 - (d) shall include concise particulars of the applicant's proposals for initial work and expenditure on the proposed lease area.

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(2) An applicant for an exploration retention lease may, notwithstanding that his exploration licence in respect of the area of the proposed lease has expired, continue to carry out exploration activities on the land until the expiration of 14 days after the date he is notified that the Minister has refused to grant his application.

40. ORE BODY TO BE PRESENT

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

Penalty: \$10,000.

(2) In addition to a penalty imposed under sub-section (1), a person convicted of an offence against that sub-section shall, by virtue of that conviction, forfeit the exploration retention lease, or where the lease had not yet been granted, the exploration licence in respect of the land to which the offence relates.

41. GRANT OF LEASE

(1) Subject to this Part, the Minister, on being satisfied that -

- (a) an application is made in accordance with the provisions of this Part; and
- (b) there exists on the proposed lease area an ore body or anomalous zone of possible economic potential,

shall grant to the applicant an exploration retention lease over the land in respect of which the application is made for a term of 5 years.

(2) An exploration retention lease granted under this Part shall be granted in the name or names of the holder or holders of the exploration licence from which the lease area derived, but when it is granted to 2 or more persons it shall, at the request of the applicants, be granted in different shares than the shares in which the exploration licence was held.

(3) Where the Minister refuses to grant an exploration retention lease to an applicant he shall, as soon as practicable after making his decision, notify the applicant in writing of his reasons for refusing to grant the lease.

(4) An exploration retention lease shall not be granted in respect of land that is or includes private land or a park or reserve, unless the applicant first lodges with the Minister such security as the Minister considers sufficient for the payment of compensation that, under this Act, the lessee may become liable to pay.

(5) An exploration retention lease may be granted notwithstanding that, since the date of the application, the exploration licence in respect of the land has expired.

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42. EFFECT OF APPLICATION OR REFUSAL ON EXPLORATION LICENCE

An application for an exploration retention lease or a refusal under section 41 to grant a lease does not, by itself, have the effect of terminating the exploration licence in respect of the land the subject of the application.

43. POWER OF LESSEE

Subject to this Part, an exploration retention lease authorizes the holder thereof, subject to the law in force in the Territory, and in accordance with the conditions to which the lease is subject -

- (a) to carry out on or in respect of the lease area such geological, geophysical and geochemical programmes and other operations and works as are reasonably necessary to evaluate the development potential of any mineral ore body or anomalous zone of possible economic potential occurring in or on the land, including the carrying out of -
 - (i) mining feasibility studies;
 - (ii) metallurgical testing;
 - (iii) environmental studies;
 - (iv) marketing studies; and
 - (v) engineering and design studies; and
- (b) to surrender the lease at any time conditional on the grant to the lessee of a mineral lease over all or part of the lease area.

44. RENT

The rent payable for an exploration retention lease and the times and manner of its payment shall be as prescribed.

45. CONDITIONS OF LEASE

Every exploration retention lease is, unless expressly waived, varied or suspended in writing by the Minister, subject to the condition that the lessee will, on or in relation to the lease area -

- (a) carry out progressive programmes of work for the purpose of testing the extent and value of the ore body or anomalous zone;
- (b) before carrying out any programme involving substantial disturbance of the surface of the lease area, advise the Secretary, in writing, of the proposed programme, and comply with such directions as the Secretary considers appropriate for the protection of the environment or other aspect of or in relation to the land in carrying out that programme;

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- (c) advise the Secretary, in writing, of the proposed location of any base camp the location of, and method of disposal of waste from, which has not already been approved under the conditions of the exploration licence from which the exploration retention lease is derived, and the proposed method to be used in disposing of waste from that camp, and comply with such directions as the Secretary considers appropriate in relation to the disposal of that waste;
- (d) not sell any mineral obtained from the lease area;
- (e) except with the prior approval, in writing, of the Secretary, not remove from the lease area any mineral other than that reasonably required for sampling or testing purposes;
- (f) not erect any permanent building or facility except with the approval in writing of the Secretary;
- (g) obtain and send to the Secretary such water samples and data on underground water encountered during exploration drilling as the Secretary, in writing, directs; and
- (h) conduct his programmes and other activities in such a way as not to interfere with existing roads, railways, telephone or telegraph lines, power lines and cables, water pipelines or dams or reservoirs, or gas, oil, slurry or tailings pipelines or storage containers, situated on the lease area, or the lawful activities or rights of any person on or in relation to land adjacent to the lease area.

46. APPLICATION FOR RENEWAL

(1) A lessee may, at any time before 6 months before the expiration of an exploration retention lease, or such later time, not being later than that expiration, as the Minister allows, apply to the Minister for the renewal or further renewal of the lease.

(2) An application referred to in sub-section (1) shall be in writing and shall be lodged at the office of the Secretary or a mining registrar and be accompanied by -

- (a) the prescribed rent for the first 12 months of the proposed renewed lease;
- (b) an analysis of the work and expenditure undertaken during the term of the lease to the date of the application, and the results, if any, obtained;
- (c) the applicant's proposals for work and expenditure during the proposed renewed term; and
- (d) the applicant's reasons for seeking a renewal of the lease rather than applying for a mineral lease.

(3) Subject to section 47, the Minister may grant an application under this section for a term of 5 years, and subject to such conditions in addition to those to which the lease was subject, as he thinks fit.

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47. NOTICE TO APPLY FOR MINERAL LEASE

(1) Where, after considering an application referred to in section 46, or at any time during the currency of an exploration retention lease, the Minister is of the opinion that actual mining operations should commence on the lease area, he shall give to the lessee written notice directing him to show cause, within the time specified in the notice, why the lessee should not apply for a mineral lease in respect of the lease area or any part of it.

(2) If a lessee to whom a notice under sub-section (1) has been given does not, within the time specified in the notice, or such longer time as the Minister in writing before the expiration of that time allows, reply to the notice, or the Minister, on considering a lessee's reply, is not satisfied that the lessee should not apply for a mineral lease, the Minister shall give the lessee a further written notice directing him, within the time specified in the notice, to apply for a mineral lease in respect of the lease area or any part of it.

(3) Where the lessee to whom a notice of direction is given under sub-section (2) does not apply for a mineral lease in respect of the lease area or any part of it within the time specified in the notice, the Minister may, in his discretion, cancel the exploration retention lease.

48. SURRENDER

(1) Subject to this Part, a lessee may, at any time, having complied with all the conditions to which the lease is subject, surrender an exploration retention lease or part of the lease area by lodging at the office of the Secretary a written notice indicating the lease or the area, as the case may be, to be surrendered.

(2) A surrender under sub-section (1) is effective on and from the day after the day on which the notice referred to in that sub-section is lodged in accordance with that sub-section.

49. REPORT ON CEASING TO HOLD

(1) A person who was the holder of an exploration retention lease shall, within 3 months immediately after he ceases to be the lessee, or such longer period as the Secretary allows, lodge at the office of the Secretary a comprehensive report in accordance with this section on the activities carried out on the lease area during the period of the lease.

Penalty: \$1,000.

Default penalty: \$500.

(2) Subject to section 50, the report referred to in sub-section (1) shall include all geological, geochemical and geophysical survey reports, and all drilling and other reports, completed by or becoming available to the lessee, and all data, maps, logs and records associated with or necessary to interpret those reports.

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50. FORM OF REPORT

Where, during the term of his exploration retention lease, a lessee-

- (a) had been granted a mineral lease in respect of any part of the lease area and continued, on ceasing to hold the exploration retention lease, to hold that mineral lease; or
- (b) had applied for the grant to him of a mineral lease in respect of any part of the lease area and, on ceasing to hold the exploration retention lease, the mineral lease had not been granted to him and his application had not been refused,

the report required by section 49 to be lodged shall be in 2 parts, namely -

- (c) one dealing with the lease area that is not the subject of the mineral lease or the mineral lease applied for; and
- (d) one dealing with the land that is, or is proposed to be, retained under the mineral lease.

51. ANNUAL REPORTS

(1) A lessee shall, within one month after the expiration of each period of 12 months of his lease, or such longer period as the Secretary allows, lodge at the office of the Secretary a report, in a form satisfactory to the Secretary, on the exploration activities carried out on the lease area during that period.

(2) The report referred to in sub-section (1) shall include all geological, geochemical and geophysical survey reports, and all drilling and other reports, completed by or becoming available to the lessee in relation to his exploration activities on the lease area, and all data, maps, logs and records associated with or necessary to interpret those reports.

52. INSPECTION OF REPORTS

(1) Subject to sub-section (3), a report required to be lodged under section 49 or 51, other than a report referred to in section 50(d), may be examined by any person at the office of the Secretary during normal office hours.

(2) A report referred to in section 50(d) shall be confidential while the mineral lease or application in respect of the land to which it relates remains in force, but on that lease ceasing to be in force or that application being refused, the report shall be available for examination at the office of the Secretary by any person during normal office hours.

(3) A report required to be lodged under section 51 shall, unless disclosed with and in accordance with the written permission of the lessee, be confidential while the land to which it relates remains in the lease area or under a mining tenement.

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53. CORE SAMPLES TO BE LODGED

(1) As soon as practicable after he recovers a drill core or cutting from the lease area, a lessee shall, in writing, notify the Secretary that the core or cutting has been recovered and identify, to the satisfaction of the Secretary, the place on the lease area from which the core or cutting was taken.

(2) Subject to sub-section (3), a drill core or cutting referred to in sub-section (1) shall not be disposed of by the lessee except with and in accordance with the written directions of the Secretary.

(3) As soon as practicable after land from which a drill core or cutting referred to in sub-section (1) ceases to be in a lease area or area of a mineral lease, or on land the subject of an application for the grant of a mineral lease, the person who was the lessee shall deposit with the Secretary that core or cutting, unless it has previously been disposed of in accordance with sub-section (2).

(4) A drill core or cutting deposited under sub-section (3) with the Secretary may be examined by any person, on request, at the office of the Secretary, or such other place as the Secretary thinks fit, during normal office hours.

(5) A drill core or cutting deposited with the Secretary or a person to be held on behalf of the Secretary, in accordance with a direction under sub-section (2) may, while the land from which it was taken remains a lease area or mineral lease area, or the subject of an application for the grant of a mineral lease, be examined by a person only with approval in writing of the lessee or the holder of, or applicant for, the mineral lease, as the case may be.

PART VI - MINERAL LEASES

Division 1 - Applications

54. APPLICATION FOR MINERAL LEASE

(1) Subject to this Act, a miner may, at any time, apply to the Minister to be granted a mineral lease over an area of land for the purpose of, or in connection with, the mining of a particular mineral or particular minerals.

(2) The area of land in respect of which an application for a mineral lease may be made shall not exceed 4,000 hectares.

55. FORM OF APPLICATION

An application for a mineral lease -

- (a) shall be lodged at the prescribed mining registrar's office;
- (b) shall include a description of the land to which the application relates;
- (c) shall indicate the mineral or minerals proposed to be mined on the proposed lease area, or the associated purpose for which the lease is sought;

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- (d) shall state the number of shares into which the proposed lease is to be divided;
- (e) shall state the name by which it is proposed the lease shall be known;
- (f) shall be accompanied by particulars of -
 - (i) the technical qualifications of the applicant and his employees who will be associated with the initial mining development on the lease area;
 - (ii) the technical advice available to the applicant;
 - (iii) the financial resources of the applicant;
 - (iv) the applicant's proposals for developing the mineral deposits on the proposed lease area, or the alternative use proposed for the land in conjunction with the mining of minerals, as the case may be;
- (g) shall be accompanied by particulars of the applicant's proposals for progressive and final rehabilitation of the proposed lease area;
- (h) shall be accompanied by particulars of the applicant's proposals for protecting the environment on, and in the vicinity of, the proposed lease area; and
- (j) shall state the names and addresses of the owners and occupiers of land that will be, or is likely to be, affected by the grant of the proposed lease.

56. OCCUPATION OF LAND PENDING DETERMINATION OF APPLICATION

(1) Subject to section 61, where an application for a mineral lease has been lodged, the applicant shall not carry out or continue to carry out any mining operation 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) Nothing in sub-section (1) prevents an applicant from carrying out mining operations on the land to which the application relates, or his using the land for associated purposes, where -

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

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57. NOTICE TO BE GIVEN TO LAND-HOLDERS

The mining registrar shall serve written notice on the persons referred to in section 55(j) and such other persons (including the holders of exploration licences) as he thinks may be affected by the grant of a mineral lease, that an application has been made.

58. HEARING OF APPLICATION

(1) As soon as practicable after the period provided in Part XIII for the answering by an applicant of objections under that Part against his application for the grant to him of a mineral lease, the mining registrar shall fix a date, being not later than 60 days after the expiration of that period, for consideration by a warden of the application and the hearing in open court of objections to the proposed grant.

(2) The hearing referred to in sub-section (1) shall be held in the warden's court for the mineral field in which the proposed mineral lease is situated, or such other warden's court as the mining registrar, with the consent of the applicant, determines.

(3) At a hearing referred to in sub-section (1), the warden shall take such evidence, shall hear such persons and inform himself in such manner, as he considers appropriate in order to determine the relative merits of the application and objections and, subject to this Act, shall determine his own procedures in connection with the hearing.

(4) The applicant and all persons lodging objections in accordance with Part XIII shall be advised of, and may be heard at, a hearing referred to in sub-section (1) and may be represented by counsel.

(5) The warden may, from time to time, adjourn a hearing referred to in sub-section (1) and direct an inspection of the land concerned and a report to be made to him, by a person appointed by him.

(6) The warden may, at any time, in connection with a hearing referred to in sub-section (1), indicate that in order that he may be in a position to recommend the grant of the mineral lease or the refusal of the grant on the basis of an objection, the applicant or the objector, as the case may be, should arrange for a particular study or a study of a particular kind to be carried out in connection with the likely or possible effects of proposed mining operations on any part of the environment on or in the vicinity of the proposed lease area, and may adjourn the hearing to enable the study to be carried out and a report on the results of the study to be prepared.

(7) In requiring a study to be carried out under sub-section (6), the warden may, in respect of all or a specific element of the environment, require that the report contain -

(a) a statement of the objectives of the applicant;

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- (b) a full description of the mining operations proposed to be carried out on the land and all associated works and other uses proposed;
- (c) the details of all feasible alternatives to the preferred mining proposal or other use;
- (d) a description of the aspects of the environment likely to be affected by the mining proposal and other feasible alternatives;
- (e) an assessment of the potential benefits and detrimental effects on the environment of the proposed mining or other use and other feasible alternatives;
- (f) a description of specific safeguards and environmental management proposals which could be incorporated as conditions of the lease to avoid, minimise or ameliorate adverse environmental effects; and
- (g) estimates of the cost of carrying out the proposals or specific actions for the amelioration of the effect of the proposed mining or other use.

(8) Where there are no objections lodged under Part XIII to an application for the grant of a mineral lease, the warden may dispense with the hearing referred to in sub-section (1).

59. WARDEN'S RECOMMENDATION TO MINISTER

As soon as practicable after the completion of a hearing referred to in section 58(1) or where, under section 58(8) he is not required to hold a hearing, as soon as practicable after he has considered the matters before him under that section, the warden shall transmit to the Minister all documents and notices of objection considered by him, together with such notes of evidence and plans and other documents prepared for or in connection with the hearing, and his report recommending the grant or refusal of the mineral lease or the imposing of conditions on the proposed lease that, in the opinion of the warden, will ensure the greatest amount of protection to the environment reasonably consistent with the mining activity to be carried out on the proposed mineral lease area.

Division 2 - Grant of Mineral Lease

60. GRANT OF LEASE

(1) Subject to this Act, after considering the recommendation under section 59 of the warden, the Minister may, in his discretion, grant to an applicant, for a term of 25 years, a mineral lease -

- (a) for the mining of the mineral or minerals specified in the lease document, including the removal from and treatment of tailings the property of the Crown on the lease area;
- (b) for the erection of machinery, conveyor apparatus, plant, buildings or other structures to be used for or in connection with the -

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- (i) mining;
- (ii) transporting;
- (iii) treatment, processing or refining;
- (iv) impounding and retaining of waste resulting from the mining, treatment, processing or refining; and
- (v) stacking or storage,
of specified minerals or a mineral or substance containing those minerals or that mineral;
- (c) for the erection and use of residential premises or recreational facilities for persons engaged in or connected with the mining or processing on a mineral lease of specified minerals or a mineral;
- (d) for the cutting and construction of water races, drains, dams and roads to be used in connection with the mining or processing on a mineral lease of specified minerals or a mineral;
- (e) for the boring or sinking for, pumping or raising of, water to be used for or in connection with the mining or processing on a mineral lease of specified minerals or a mineral; or
- (f) for such other purposes in connection with the mining or processing on a mineral lease of specified minerals or a mineral as the Minister thinks fit and specifies in the lease document.

(2) The granting of a mineral lease for the purpose specified in sub-section (1)(a) authorizes the lessee to do on the lease area all or any of the things specified in sub-section (1)(b), (c), (d) and (e) in connection with the minerals or mineral specified in the lease document.

(3) A mineral lease may be granted for any one or more of the purposes specified in or under sub-section (1) (b) to (f) inclusive.

61. SURVEY OF LEASE AREA

(1) The Minister shall not grant a mineral lease until the area of the proposed lease has been surveyed in the prescribed manner by a licensed surveyor within the meaning of the Licensed Surveyors Act and the lessee has provided the Minister with a copy of the Surveyor-General's certificate of survey issued under that Act.

(2) Where land the subject of an application for a mineral lease is Crown land, the Minister may, by written notice to an applicant, indicate that the Minister intends to grant a mineral lease to him when the land has been surveyed in accordance with sub-section (1) and, subject to such conditions as the Minister endorses on the notice, that notice is sufficient authority for the applicant to occupy the land and commence using it for the purpose for which the lease is sought as though that lease had already been granted to him.

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(3) The Minister may, at any time, withdraw the authority referred to in sub-section (2) and, upon his so doing, the applicant shall forthwith cease to carry out the activities being carried out by him in reliance on that authority.

62. GRANT OVER RETENTION LEASE

(1) Where an application for a mineral lease is in respect of any part of an exploration retention lease area held by the applicant, the Minister shall not refuse to grant the mineral lease except with the approval of the Administrator.

(2) Where a mineral lease is granted in respect of land that formed all or part of an exploration retention lease area, the exploration retention lease is in respect of the whole or that part of the lease area, as the case may be, automatically cancelled by the granting of the mineral lease.

63. MINERAL LEASES OVER ROADS

A mineral lease shall not be granted over land used as a road, other than a road constructed by the applicant for his own use, unless the applicant -

- (a) has constructed an alternative road over a route and to a standard acceptable to the Minister; or
- (b) has given to the Minister a written undertaking that he will construct such an alternative road within such period after the lease is granted as the Minister directs.

64. SECURITY FOR COMPLIANCE WITH ACT, &c.

Before granting a mineral lease under this Division, the Minister may require the applicant for the lease to lodge with the Minister a security in such form, for such amount and from such person as the Minister thinks fit, to secure the applicant's compliance with the provisions of this Act and the conditions to which the lease is to be subject.

65. COMPENSATION FOR REFUSAL OF GRANT OVER RETENTION LEASE

(1) Subject to sub-section (2), where the Minister refuses to grant a mineral lease in respect of an exploration retention lease area held by the applicant or any part of that area, he shall pay to the applicant such amount as he thinks reasonable to compensate the applicant for his exploration and development evaluation expenses in respect of the land to which the refusal relates while that land was held under the exploration retention lease, plus an amount calculated as prescribed as compensation for the loss of interest by the applicant on that amount.

- (2) A payment under sub-section (1) shall not be made where -

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- (a) the refusal referred to in that sub-section was because of the non-compliance of the applicant with any of the provisions of this Act or of a condition of the exploration retention lease, or for unsatisfactory performance in carrying out activities under the exploration retention lease; or
- (b) the Minister is unable, for reasons beyond his control, to grant the mineral lease.

66. CONDITIONS OF LEASE

Every mineral lease is, unless expressly waived, varied or suspended in writing by the Minister, subject to the condition that the lessee will -

- (a) subject to this Part, use the lease area continuously and exclusively for the purposes for which it is demised and carry out all work associated with those purposes with reasonable diligence and skill;
- (b) comply with all contractual arrangements entered into with the Territory relating to the mining and development of mineral deposits on the land and the processing of that mineral;
- (c) where there is any discharge of mine waste from the lessee's operations on the lease area -
 - (i) provide and maintain efficient settling dams, settling basins and other works for impounding and retaining that waste;
 - (ii) comply with all reasonable directions of an inspector in relation to the construction and maintenance of such dams, basins and works; and
 - (iii) treat, as directed by an inspector, that waste before the disposal thereof;
- (d) ensure that all industrial and domestic waste is properly disposed of in a manner approved by an inspector and comply with all reasonable directions of an inspector in relation to the disposal of that waste;
- (e) seek and consider such advice, and from such sources, if any, as the Secretary nominates, regarding steps that are reasonably likely to encourage and promote regeneration and development of vegetation on mined areas, and promote such regeneration and development in accordance with that advice within such time as the Secretary, in writing, directs;
- (f) where ground water on the lease area is to be used for human consumption, comply with such directions, if any, as the Secretary considers appropriate regarding the use of that water, and provide samples to the Secretary for analysis;

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- (g) carry out his mining and other activities on and in relation to the lease area in such a way as to interfere as little as possible with the rights of other occupiers of land in the vicinity of the lease area;
- (h) allow an inspector, and any person authorized in writing for that purpose by the Secretary, to enter on the lease area at any time and examine the activities of the lessee, or carry out scientific investigations, on the lease area;
- (j) not assign, sublet or part with possession of any part of the lease area or an interest in the lease without the written consent of the Minister; and
- (k) comply with the provisions of, and directions lawfully given under, this Act and all other laws in force in the Territory, in relation to his activities on and occupation of the lease area.

67. VARIATION AS TO MINERALS RECOVERABLE

The Minister may, on the written application of the lessee, vary a mineral lease by specifying additional minerals the mining of which is permitted on the lease area by the lessee, and on so varying the lease he may impose such further conditions, not inconsistent with conditions to which the lease is already subject, as he thinks fit in relation to that mining of those additional minerals.

68. APPLICATION FOR RENEWAL

(1) A lessee may, at any time before 6 months before the expiration of a mineral lease or such later time, not being later than that expiration, as the Minister allows, apply to the Minister for the renewal or further renewal of the lease.

(2) An application referred to in sub-section (1) shall be in writing and shall be lodged at the prescribed mining registrar's office and be accompanied by -

- (a) the prescribed rent for the first 12 months of the proposed renewed lease;
- (b) a comprehensive report of mining activities carried out during the term of the lease to the date of the application;
- (c) particulars of the lessee's proposals for continued mining or other operations on the lease area;
- (d) particulars of rehabilitation work undertaken by the lessee to the date of the application; and
- (e) particulars of the methods undertaken by the lessee to the date of the application to minimize disturbance to the environment.

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(3) Where the Minister is satisfied that the lessee has, during the current period of the lease, complied with all the provisions of this Act and the conditions to which the lease is subject, he shall grant an application under this section for such term, not exceeding 25 years, and may make that grant subject to such conditions in addition to or varying those to which the lease is already subject, as he thinks fit.

(4) The Minister shall not refuse to grant an application for the renewal of a mineral lease under this section except with the approval of the Administrator.

(5) Where an application for the renewal of a mineral lease has been made in accordance with this section, the lease shall be deemed to continue in force until that renewal is granted or refused, as the case may be.

69. RENT

A lessee shall pay to the mining registrar such rent in respect of his mineral lease, and in such manner, as is prescribed.

Division 3 - Surrender

70. SURRENDER

(1) Subject to this Division, a lessee may, at any time, having complied with all the conditions to which the lease is subject, surrender a mineral lease or part of the lease area to which it relates by lodging at the prescribed mining registrar's office written notice indicating the lease or the area, as the case may be, to be surrendered.

(2) A surrender under sub-section (1) is effective on and from the day after the day on which the notice referred to in that sub-section is lodged in accordance with that sub-section.

(3) Before a lessee surrenders under this sub-section part only of a lease area, he shall cause that area of the lease area proposed to be retained under the mineral lease to be surveyed in the prescribed manner by a licensed surveyor, within the meaning of the Licensed Surveyors Act, and provide the Minister with a copy of the Surveyor-General's certificate of survey issued under that Act.

Division 4 - Mineral Leases on Private Land

71. PROVISIONS ARE IN ADDITION

The provisions of this Division are in addition to, and do not derogate from, the other provisions of this Part relating to mineral leases.

72. APPROVAL OF OWNER REQUIRED IN RESPECT OF CERTAIN AREAS

A mineral lease shall not be granted in respect of private land -

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- (a) used as, or within a distance of 50 metres of, a yard, garden, orchard or cultivated field;
- (b) used as, or within a distance of 200 metres of, a cemetery or burial ground; or
- (c) within a distance of 200 metres of any natural or artificial accumulation or storage of water or the artificially constructed surface orifice from or through which water may be obtained, or any other substantial improvement on the land,

except with the approval in writing of the owner or trustees or persons otherwise in lawful occupation or control thereof, as the case may be.

73. COMPENSATION PAYABLE

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

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

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

74. MINISTER TO BE SATISFIED OF ARRANGEMENTS

(1) Subject to sub-section (2), the Minister shall not grant a mineral lease comprised of private land or partly of private land unless he is satisfied that negotiations have been conducted between the applicant and the owner and occupier of that land for the payment of compensation under section 73 and that payment has been made or an enforceable agreement for making the payment has been entered into.

(2) Where an applicant and the owner and occupier of private land comprised in a proposed mineral lease area have not been able to agree on the amount of compensation payable under section 73, 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 lease.

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75. COMPENSATION IN RESPECT OF ADJOINING LAND

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

(2) Where the lessee of the mineral lease and the owner and occupier of the land referred to in sub-section (1) cannot agree on the amount of compensation payable under that sub-section, he 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 sub-section (1), any amount of compensation already paid by the lessee of the mineral lease in respect of the injury or depreciation in value shall be taken into account.

76. INSPECTION OF UNDERGROUND WORKINGS

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

77. CONSENT TO USE OF WATER

The lessee of a mineral lease 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 lease area or remove any earth or rock therefrom.

78. STOCK ON LEASE AREA

Nothing in this Act gives the lessee of a mineral lease area 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 lease 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 lease area, unless that lease area or relevant part thereof is fenced.

Division 5 - Reports

79. REPORTS TO BE LODGED

A lessee of a mineral lease shall, within 3 months immediately after the expiration of each 12 months of his lease, and at such other times as the Minister, in writing, directs, lodge at the office of the Secretary a report outlining the activities carried out on the lease area during that period or, in the case where the making of such a

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report is directed by the Minister, since the commencement of the lease or the date of the next previous report under this section, whichever is the later, showing the mining and other work undertaken, the expenditure incurred, the production levels, if any, attained, and such other information as is prescribed.

80. REPORT ON CEASING TO HOLD LEASE

A person who was the holder of a mineral lease shall, within 3 months immediately after he ceases to be the lessee, or such longer period as the Secretary allows, lodge at the office of the Secretary a comprehensive report on the mining or other activities carried out on the lease area during the period of the lease.

Penalty: \$1,000.

Default penalty: \$500.

81. INSPECTION OF REPORTS

(1) A report required by section 79 to be lodged shall, unless disclosed with and in accordance with the written permission of the lessee, be confidential while the land to which it relates remains in the lease area in respect of which it was made, but, on that land ceasing to be in that lease area, shall be available for examination at the office of the Secretary by any person during normal office hours.

(2) A report required by section 80 to be lodged shall be available for examination at the office of the Secretary by any person during normal office hours.

PART VII - MINERAL CLAIMS

82. APPLICATION FOR CLAIM

(1) Subject to this Act, a miner may, at any time, apply to the Minister to be granted a mineral claim in respect of any Crown land.

(2) The area of land in respect of which an application for a mineral claim may be made shall not exceed 20 hectares.

83. FORM OF APPLICATION

An application for a mineral claim -

- (a) shall be lodged at the prescribed mining registrar's office;
- (b) shall include a description of the land to which the application relates;
- (c) shall include concise particulars of the applicant's proposals for initial work and expenditure on the land;
- (d) shall state the names and addresses of the owners and occupiers of land that will be, or is likely to be, affected by the grant of the proposed claim;

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- (e) shall state the number of shares into which the proposed claim is to be divided; and
- (f) shall be accompanied by an amount of money sufficient to cover the cost of advertising the application as required by this Act.

84. NOTICE TO BE GIVEN TO LAND-HOLDERS

The mining registrar shall serve written notice on the persons referred to in section 83(d) and such other persons (including the holders of exploration licences) as he thinks may be affected by the grant of a mineral claim, that an application has been made.

85. CONSIDERATION BY WARDEN

The provisions of sections 58 and 59, with the necessary changes, apply to and in relation to an application for a mineral claim under this Part as though that application were an application for a mineral lease under Part VI.

86. GRANT OF MINERAL CLAIM

Subject to sections 25(c) and 161, after considering the recommendations of the warden in relation to the application for a mineral claim, the Minister may, at his discretion, and on being satisfied that the applicant is not in breach of this Act or the Regulations, grant to the applicant for a term of 10 years a mineral claim in respect of the land to which the application relates.

87. POWER OF HOLDER

A mineral claim granted under this Part authorizes the holder thereof to -

- (a) carry out exploration for minerals on the claim area, and such operations and works as are reasonably necessary for that purpose including the removal from and treatment of tailings on the claim area;
- (b) carry out mining for minerals on the claim area, and such operations and works as are reasonably necessary for that purpose; and
- (c) surrender the claim at any time conditional on the grant to him of a mineral lease over all or part of the claim area.

88. RENT

The rent payable for a mineral claim and the times and manner of its payment shall be as prescribed.

89. CONDITIONS OF CLAIM

Every mineral claim is, unless expressly waived, varied or suspended in writing by the Minister, subject to the condition that its holder will, on or in relation to the claim area -

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- (a) use the claim area continuously and exclusively for the purposes for which it is granted;
- (b) within 28 days after confirmation of their discovery, report in writing to the Secretary all minerals of possible economic or scientific interest discovered on the claim area;
- (c) before carrying out any programme involving substantial disturbance of the surface of the claim area, advise the Secretary in writing of that proposed programme and comply with such directions as the Secretary considers appropriate for the protection of the environment in the carrying out of that programme;
- (d) not later than 14 days before commencing to mine any mineral deposits on the claim area advise the Secretary in writing of his intention so to mine those deposits, giving technical details of the proposed mining method and the expected production rates;
- (e) not erect any permanent building or facility on the claim area except with the written approval of the Secretary;
- (f) where ground water on the claim area is to be used for human consumption, comply with such directions, if any, as the Secretary considers appropriate regarding the use of that water, and provide samples to the Secretary for analysis;
- (g) allow an inspector, or any person authorized in writing for that purpose by the Secretary, to enter on the claim area at any time and examine the activities of the claim holder, or carry out scientific investigations, on the claim area; and
- (h) conduct his programmes and other activities in such a way as not to interfere with existing roads, railways, telephone or telegraph lines, power lines and cables, water pipelines or dams or reservoirs, or gas, oil, slurry, or tailings pipelines or storage containers, situated on the claim area, or the lawful activities or rights of any person on or in relation to land adjacent to the claim area.

90. APPLICATION FOR RENEWAL OR FURTHER RENEWAL

(1) The holder of a mineral claim may, at any time before 6 months before the expiration of the claim or such later time, being not later than that expiration, as the Minister allows, apply to the Minister for the renewal or further renewal of the claim.

(2) An application referred to in sub-section (1) shall be in writing lodged at the prescribed mining registrar's office and be accompanied by the prescribed rent for the first 12 months of the proposed renewed claim, details of the holder's exploration and mining activities on the claim area during the previous term of the claim, and such other information as the mining registrar may require.

(3) The Minister may grant an application under this section for such term, not exceeding 10 years, and subject to such conditions, in addition to or varying those to which the claim is already subject, as he thinks fit.

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(4) Where an application for the renewal of a mineral claim has been made in accordance with this section, the claim shall be deemed to continue in force until that renewal is granted or refused, as the case may be.

91. NOTICE TO CONVERT TO MINERAL LEASE

(1) The Minister may, at any time during the currency of a mineral claim, where he considers that actual mining is in progress or contemplated by the claim holder and that the mining operations or proposed mining operations are such that they should be controlled under a mineral lease, give to the holder written notice directing him to show cause, within the time specified in the notice, why the holder should not apply for a mineral lease in respect of the claim area or any part of it.

(2) If the holder of a mineral claim to whom a notice under sub-section (1) has been given does not, within the time specified in the notice, or such longer time as the Minister, in writing, before the expiration of that time allows, reply to the notice, or the Minister, on considering a holder's reply, is not satisfied that the holder should not apply for a mineral lease, the Minister shall give to the holder a further written notice directing him, within the time specified in the notice, to apply for a mineral lease in respect of the claim area or any part of it.

(3) Where the holder of a mineral claim to whom a notice of direction is given under sub-section (2) does not apply for a mineral lease in respect of the land specified in the notice within the time specified in the notice, the Minister may, in his discretion, cancel the mineral claim.

92. SURRENDER

(1) Subject to this Division, a claim holder may, at any time, having complied with all the conditions to which the claim is subject, surrender a mineral claim or part of the claim area to which it relates by lodging at the prescribed mining registrar's office a written notice indicating the claim or the area, as the case may be, to be surrendered.

(2) A surrender under sub-section (1) is effective on and from the day after the day on which the notice referred to in that sub-section is lodged in accordance with that sub-section.

93. REPORTS TO BE LODGED

A holder of a mineral claim shall, within 3 months immediately after the expiration of each 12 months of his claim, and at such other times as the Minister, in writing, directs, lodge at the office of the Secretary a report outlining the activities carried out on the claim area during that period or, in the case where the making of such a report is directed by the Minister, since the commencement of the mineral claim or the date of the next previous report under this section, whichever is the later, showing the mining and other work undertaken, the expenditure incurred, the production levels, if any, attained, and such other information as is prescribed.

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94. REPORT ON CEASING TO HOLD MINERAL CLAIM

A person who was the holder of a mineral claim shall, within 3 months immediately after he ceases to hold that claim, or such longer period as the Secretary allows, lodge at the office of the Secretary a comprehensive report on the mining and other activities carried out on the claim area during the period of the claim.

Penalty: \$1,000.

Default penalty: \$500.

95. INSPECTION OF REPORTS

(1) A report required by section 93 to be lodged shall, unless disclosed with and in accordance with the written permission of the holder of the mineral claim, be confidential while the land to which it relates remains in the claim area in respect of which it was made, but, on that land ceasing to be in that claim area, shall be available for examination at the office of the Secretary by any person during normal office hours.

(2) A report required by section 94 to be lodged shall be available for examination at the office of the Secretary by any person during normal office hours.

PART VIII - EXTRACTIVE MINERALS

Division 1 - Extractive Mineral Leases

96. APPLICATION FOR EXTRACTIVE MINERAL LEASE

(1) Subject to this Division, a miner may, at any time, apply to the Minister to be granted an extractive mineral lease in respect of any land.

(2) The area of land in respect of which an application for an extractive mineral lease may be made shall not exceed 100 hectares.

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

97. FORM OF APPLICATION

An application for an extractive mineral lease -

- (a) shall be lodged at the prescribed mining registrar's office;
- (b) shall include a description of the land to which the application relates;
- (c) shall indicate the extractive mineral or extractive minerals intended to be mined or the associated purposes for which the lease is sought;
- (d) shall be accompanied by particulars of -

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- (i) the technical qualifications of the applicant and his employees who will be associated with the mining development on the lease area;
 - (ii) the technical advice available to the applicant;
 - (iii) the financial resources of the applicant; and
 - (iv) the applicant's proposals for developing the extractive mineral deposits on the proposed lease area, or the alternative use proposed for the land in conjunction with mining of that extractive mineral, as the case may be;
- (e) shall state the number of shares into which the proposed lease is to be divided;
- (f) shall be accompanied by particulars of the applicant's proposals for progressive and final rehabilitation of the proposed lease area;
- (g) shall be accompanied by particulars of the applicant's proposals for protecting the environment on and in the vicinity of the proposed lease area;
- (h) shall state the names and addresses of the owners and occupiers of land that will be affected, or is likely to be affected, by the granting of the proposed lease; and
- (j) where the application relates to private land, shall be accompanied by the written consent of the owner of that land to the application being made.

98. OCCUPATION OF LAND PENDING DETERMINATION OF APPLICATION

Subject to section 104, where an application under section 97 has been lodged, the applicant shall not carry out any mining operation 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.

99. NOTICE TO AFFECTED PERSONS

The mining registrar shall serve written notice on the persons referred to in section 97(h) and such other persons (including the holders of exploration licences) as he thinks may be affected by the grant of the lease, that an application has been made.

100. CONSIDERATION BY WARDEN

The provisions of sections 58 and 59, with the necessary changes, apply to and in relation to an application for an extractive mineral lease under this Division as though that application were an application for a mineral lease under Part VI.

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101. GRANT OF LEASE

(1) Subject to sub-section (2) and section 161, after considering the recommendations of the warden in relation to the application for an extractive mineral lease, the Minister may, at his discretion, grant to the applicant, for a term of 10 years calculated from the first day of January preceding that grant, an extractive mineral lease -

- (a) for the mining of the extractive mineral or extractive minerals specified in the lease document;
- (b) for the erection of machinery, conveyor apparatus, plant, buildings or other structures to be used for and in connection with the -
 - (i) mining;
 - (ii) transporting;
 - (iii) treatment, processing or refining;
 - (iv) impounding and retaining of waste resulting from the mining, treatment, processing or refining; and
 - (v) stacking or storage,of the specified extractive mineral or extractive minerals or substances containing that mineral or those minerals;
- (c) for the boring or sinking for, or pumping or raising of, water to be used for or in connection with the mining or processing on an extractive mineral lease of a specified extractive mineral; and
- (d) for such other purposes in connection with the mining or processing on an extractive mineral lease of a specified extractive mineral or extractive minerals as the Minister thinks fit and specifies in the lease document.

(2) The granting of an extractive mineral lease for the purpose specified in sub-section (1)(a) authorizes the lessee to do on the lease area all or any of the things specified in sub-section (1)(b),(c) and (d) in connection with the extractive minerals specified in the lease document .

(3) An extractive mineral lease may be granted for any one or more of the purposes specified in or under sub-section (1)(b) to (d) inclusive.

102. CONDITIONS OF LEASE

An extractive mineral lease shall be subject to such conditions as the Minister determines and endorses on the lease document.

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103. APPLICATION FOR RENEWAL

(1) The holder of an extractive mineral lease may, at any time before 6 months before the expiration of the lease, or such later time, being not later than that expiration, as the Minister allows, apply to the Minister for the renewal or further renewal of the lease.

(2) An application referred to in sub-section (1) shall be in writing lodged at the prescribed mining registrar's office and be accompanied by the prescribed rent for the first 12 months of the proposed renewed lease, details of the lessee's mining and other activities on the lease area during the previous term of the lease and such other information as the mining registrar may require.

(3) The Minister may grant an application under this section for such term, not exceeding 10 years, and subject to such conditions in addition to or varying those to which the lease is already subject, as he thinks fit.

(4) Where an application for the renewal of an extractive mineral lease has been made in accordance with this section, the lease shall be deemed to continue in force until that renewal is granted or refused, as the case may be.

104. SURVEY OF LEASE AREA

(1) The Minister shall not grant an extractive mineral lease until the area of the proposed lease has been surveyed in the prescribed manner by a licensed surveyor within the meaning of the Licensed Surveyors Act and the lessee has provided to the Minister a copy of the Surveyor-General's certificate of survey issued under that Act.

(2) Where land the subject of an application for an extractive mineral lease is Crown land, the Minister may, by written notice to an applicant, indicate that the Minister intends to grant an extractive mineral lease to him when the land has been surveyed in accordance with sub-section (1) and, subject to such conditions as the Minister endorses on the notice, that notice is sufficient authority for the applicant to occupy the land and commence using it for the purpose for which the lease is sought, as though that lease had already been granted to him.

(3) The Minister may, at any time, withdraw the authority referred to in sub-section (2) and, upon his so doing, the applicant shall forthwith cease to carry out the activities being carried out by him in reliance on that authority.

105. SURRENDER

(1) Subject to this Division, a lessee may, at any time, having complied with all the conditions to which the lease is subject, surrender an extractive mineral lease or part of the lease area to which it relates by lodging at the prescribed mining registrar's office a written notice indicating the lease or the area, as the case may be, to be surrendered.

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(2) A surrender under sub-section (1) is effective on and from the day after the day on which the notice referred to in that sub-section is lodged in accordance with that sub-section.

(3) Before a lessee surrenders under this section part only of a lease area, he shall cause that part of the lease area proposed to be retained under the extractive minerals lease to be surveyed in the prescribed manner by a licensed surveyor within the meaning of the Licensed Surveyors Act, and provide the Minister with a copy of the Surveyor-General's certificate of survey issued under that Act.

Division 2 - Extractive Mineral Permits

106. DEFINITION

In this Division "extractive mineral" means sand, gravel or soil.

107. APPLICATION FOR EXTRACTIVE MINERAL PERMIT

(1) Subject to this Division, a miner may, at any time, apply to a mining registrar to be granted an extractive mineral permit in respect of any Crown land.

(2) The area in respect of which an application for an extractive mineral permit may be made shall not exceed 100 hectares.

108. FORM OF APPLICATION

An application for an extractive mineral permit shall -

- (a) be lodged at the prescribed mining registrar's office;
- (b) include a description of the land in respect of which the application is made;
- (c) state the extractive mineral or extractive minerals, and the amount of that extractive mineral or those extractive minerals, intended to be mined;
- (d) be accompanied by particulars of the financial resources of the applicant and the earthmoving equipment and plant available to him for working the proposed permit area;
- (e) state the applicant's proposals for working the extractive mineral deposits on the proposed permit area;
- (f) be accompanied by particulars of the applicant's proposals for progressive and final rehabilitation of the proposed permit area; and
- (g) state the use to which it is proposed to put the extractive mineral or extractive minerals to be extracted from the proposed permit area.

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109. OCCUPATION OF LAND PENDING DETERMINATION OF APPLICATION

Where an application under section 107 has been lodged, the applicant shall not carry out or continue to carry out any mining operation on the proposed permit area or use it for any purpose in preparation for mining, until the application is granted.

Penalty: \$10,000.

Default penalty: \$1,000.

110. NOTICE TO LAND-HOLDERS

Where land in respect of which an application is made is on a pastoral lease or pastoral homestead lease granted under the Crown Lands Act, the mining registrar shall, as soon as practicable after receiving the application, give to the lessee of that pastoral lease or pastoral homestead lease, as the case may be, written notice of the application having been made.

111. OBJECTIONS TO BE CONSIDERED

The mining registrar shall not grant, or refuse to grant, an extractive mineral permit until he has considered all objections against the grant lodged in accordance with this Act and the answers to those objections.

112. GRANT OF PERMIT

(1) Subject to sub-section (2), after considering the application and all objections and answers referred to in section 111, the mining registrar may, in his discretion, grant to the applicant, for such term not exceeding 12 months as the mining registrar thinks fit, an extractive mineral permit for the mining of the extractive mineral or extractive minerals specified in the permit document.

(2) An extractive mineral permit shall be subject to such conditions as the mining registrar determines and endorses on the permit document.

113. SECURITY FOR COMPLIANCE WITH ACT

Before granting an application under this Division, the mining registrar may require the applicant to lodge with him a security in such form, for such amount and from such persons as the mining registrar thinks fit, to secure his compliance with this Act and the conditions to which the permit is to be subject.

114. POWER OF PERMIT HOLDER

An extractive mineral permit authorizes the holder thereof, subject to the law in force in the Territory, and in accordance with the conditions to which it is subject, to mine on the permit area deposits of an extractive mineral or extractive minerals specified in the permit.

Mining

115. APPLICATION FOR RENEWAL

(1) The holder of an extractive mineral permit may, at any time before the expiration of the permit, apply to the mining registrar for the renewal of the permit.

(2) An application referred to in sub-section (1) shall be in writing lodged at the prescribed mining registrar's office and be accompanied by the prescribed rent for the renewal period, details of the holder's mining activities on the permit area during the previous term of the permit and such other information as the mining registrar may require.

(3) Subject to sub-section (4), the mining registrar may grant an application under this section for such period, not exceeding 12 months, and subject to such conditions in addition to or varying those to which the permit is already subject, as he thinks fit.

(4) The mining registrar shall not renew a permit under this section if the permit has already been renewed once.

(5) Where an application for the renewal of an extractive mineral permit has been made in accordance with this section, the permit shall continue in force until that renewal is granted or refused, as the case may be.

116. PERMIT NOT TRANSFERABLE, &c.

An extractive mineral permit granted under this Division is not transferable, shall not be available to satisfy a judgment of a court, and shall not devolve on the personal representative or trustee of its holder.

117. MINING REGISTRAR MAY CARRY OUT OBLIGATION OF HOLDER

Where a condition of an extractive mineral permit requires the holder of the permit to do any thing in relation to the permit area and the holder does not, within the time specified in the condition, or within such further time as the mining registrar, in writing, allows, do that thing, the mining registrar may enter on the permit area with such assistance as, and take whatever action, he considers necessary for doing that thing, and the costs incurred by him in so doing shall be a debt payable by the holder to the Territory, whether or not at the time that thing was done by the mining registrar the extractive mineral permit had been cancelled, had been surrendered or had expired.

118. CANCELLATION

The mining registrar may cancel an extractive mineral permit where its holder contravenes, or does not comply with, a condition to which the permit is subject.

Mining

119. SURRENDER

(1) The holder of an extractive mineral permit may, at any time, having complied with all the conditions to which it is subject, surrender the permit by lodging at the office of the mining registrar a written notice surrendering the permit.

(2) A surrender under sub-section (1) is effective on and from the day after the day on which the notice referred to in that sub-section is lodged in accordance with that sub-section.

120. APPLICATION FOR VARIATION OR SUSPENSION OF CONDITION

(1) The holder of an extractive mineral permit may apply in writing to the mining registrar for a variation or suspension of, or exemption from the need to comply with, a condition of his permit.

(2) An application under sub-section (1) shall be accompanied by the prescribed fee.

(3) On receiving an application referred to in sub-section (1), the mining registrar may, at his discretion, by written notice to the applicant, and subject to such conditions as the mining registrar thinks fit -

(a) vary;

(b) suspend for such period as is specified in the notice; or

(c) exempt the holder from the need to comply with,

a condition of the permit.

PART IX - TAILINGS LICENCES

121. REMOVAL OF TAILINGS

(1) Subject to sub-section (2), where a mining tenement is forfeited, cancelled, surrendered or expires and the former holder leaves upon the land comprised in the former tenement any tailings or other mining material and does not, within 3 months after the effective date of that forfeiture, cancellation, surrender or expiry, or such longer time as the Secretary allows, remove from the land or treat in a manner approved by the Secretary those tailings or that material, at the expiration of that 3 months or longer period, as the case may be, those tailings or that material shall become the property of the Crown.

(2) Sub-section (1) does not apply in relation to a mining tenement that is surrendered for the purpose of the holder thereof obtaining a new mining tenement in respect of the land.

Mining

122. APPLICATION FOR TAILINGS LICENCE

(1) Subject to sub-section (2), a miner may, at any time, apply to the Minister to be granted a tailings licence in respect of any tailings or other mining material referred to in section 121(1), other than tailings or other mining material situated on an exploration licence area or a mining tenement area or on land in respect of which there is a current application for an exploration licence or mining tenement.

(2) A miner shall not make an application under sub-section (1) unless he has first taken possession of the relevant tailings or other mining material by placing thereon a notice in the prescribed manner and form of his intention to apply for a tailings licence in respect of those tailings or that other mining material.

(3) A miner shall not take possession of tailings or other mining material on private land for the purposes of this section unless he has first obtained from the owner of that land the appropriate prescribed permit.

123. FORM OF APPLICATION

(1) An application for a tailings licence -

(a) shall be lodged at the prescribed mining registrar's office;

(b) shall include a description of the tailings or other mining material in respect of which the application is made;

(c) shall be accompanied by particulars of the financial resources of the applicant and the mining equipment and plant available to him for working the proposed licence area;

(d) shall state the applicant's proposals for working the tailings or mining material on the proposed licence area; and

(e) shall be accompanied by particulars of the applicant's proposals for progressive and final rehabilitation of the proposed licence area.

124. NOTICE TO LAND-HOLDER

(1) Where the tailings or other mining material in respect of which an application for a tailings licence is made are situated on private land, the mining registrar shall, as soon as practicable after receiving the application, give to the owner or occupier of that land written notice of the application having been made.

(2) The Minister shall not grant, or refuse to grant, a tailings licence until he has considered all objections against the grant lodged in accordance with this Act and the answers to those objections.

Mining

125. GRANT OF LICENCE

(1) Subject to sub-sections (2) and (3), after considering an application under section 122 and all objections lodged against the proposed grant and answers given in pursuance of this Act, the Minister may, at his discretion, grant to the applicant, for such period not exceeding 12 months as the Minister thinks fit, a tailings licence for the removal from or treatment on the land on which they are situated, the tailings or other mining material specified in the licence document.

(2) A tailings licence may be granted subject to such conditions, if any, as the Minister thinks fit, but every tailings licence shall be subject to the implied condition that -

(a) the licensee will, within one month after the grant, commence and thereafter during the term of the licence continue to -

(i) remove from; or

(ii) treat on,

the land on which they are situated, the tailings or other mining material the subject of the licence; and

(b) the licensee will pay the prescribed rent at the time and in the manner prescribed.

126. POWER OF LICENSEE

A tailings licence authorizes the holder thereof, subject to the law in force in the Territory, and in accordance with the conditions to which it is subject, to remove or treat the tailings or other mining material specified in the licence document from or on the licence area, and to claim and be given reasonable access thereto for that purpose.

127. APPLICATION FOR RENEWAL

(1) The holder of a tailings licence may, at any time before the expiration of the licence, apply to the Minister for the renewal of the licence.

(2) An application referred to in sub-section (1) shall be in writing lodged at the prescribed mining registrar's office and be accompanied by the prescribed rent for the renewal period, include details of the holder's activities in respect of the tailings or other mining materials, as the case may be, during the previous term of the licence and such other information as the mining registrar may require.

(3) The Minister may grant an application under this section for such term, not exceeding 12 months, and subject to such terms and conditions in addition to, or varying those to which the original licence was subject, as he thinks fit.

(4) Where an application for the renewal of a tailings licence has been made in accordance with this section, the licence shall continue in force until that renewal is granted or refused, as the case may be.

Mining

128. MINING TENEMENT MAY BE GRANTED

(1) Notwithstanding the grant or renewal of a tailings licence under this Part, the Minister may grant a mining tenement (other than an extractive mineral permit) over the land on which the tailings or other mining material to which the licence relates are situated.

(2) A mining tenement referred to in sub-section (1) shall be subject to the rights under this Part of the holder of the tailings licence.

129. CANCELLATION, SURRENDER, &c.

The provisions of sections 116 and 118 to 120 inclusive, with the necessary changes, apply to and in relation to a tailings licence under this Part as though it were an extractive mineral permit.

PART X - FOSSICKING AREAS

130. DEFINITIONS

In this Part, unless the contrary intention appears -

"fossicking area" means an area declared as a fossicking area under section 131;

"gemstone" and "semi-precious stone" have the meanings respectively prescribed for them.

131. FOSSICKING AREA

(1) Subject to this section, the Minister may, by notice in the Gazette, declare an area of Crown land that is not the subject of, or of an application for, an exploration licence or mining tenement as a fossicking area.

(2) A declaration referred to in sub-section (1) shall be subject to such conditions, if any, as the Minister thinks fit and publishes in the notice of declaration.

(3) The Minister shall not declare as a fossicking area an area comprised of land held under a pastoral lease or pastoral homestead lease within the meaning of the Crown Lands Act unless the Minister has given the lessee of that lease written notice of his intention to declare the fossicking area and has taken into account the comments, if any, of that lessee lodged with the Minister within 30 days after the notice was given to the lessee.

132. EXPLORATION LICENCE NOT TO BE GRANTED

The Minister shall not grant an exploration licence or mining tenement in respect of any land comprised in a fossicking area.

133. FOSSICKING

A miner may, subject to the conditions, if any, in the notice of declaration of a fossicking area, search for and remove from a fossicking area gold, gemstones or semi-precious stones.

Mining

134. MINISTER MAY PROHIBIT, &c., A PERSON

- (1) Where the Minister is satisfied that a person -
 - (a) has searched for on, or removed from, a fossicking area gold, gemstones or semi-precious stones in contravention of a condition to which that activity is subject under this Part; or
 - (b) has, without lawful excuse, prevented or attempted to prevent another person from entering a fossicking area or from fossicking in pursuance of a miner's right in accordance with the conditions imposed by or under this Part in respect of that area,

he may, by written notice served on that person, prohibit that person from entering a fossicking area for such period as the Minister thinks fit.

(2) A person who enters a fossicking area, fossicks on or removes from a fossicking area gold, gemstones, semi-precious stones or other mineral or material, or in any way acts in or in relation to a fossicking area, in contravention of a notice or condition of a notice under sub-section (1), is guilty of an offence.

Penalty: \$1,000.

Default penalty: \$250.

PART XI - EXPLORATION LICENCES AND MINING TENEMENTS IN RESPECT OF ABORIGINAL LAND

135. ADDITIONAL PROVISIONS

The provisions of this Part are in addition to, and do not derogate from, the other provisions of this Act relating to exploration licences or mining tenements.

136. GRANT OF MINING INTEREST

Subject to this Act and the Aboriginal Land Rights (Northern Territory) Act 1976 of the Commonwealth, a corporation, or a person who has attained the age of 15 years, may apply for and be granted a mining interest, as defined in the Aboriginal Land Rights (Northern Territory) Act 1976 of the Commonwealth, in respect of Aboriginal land.

137. NO NEGOTIATIONS WITHOUT CONSENT OF MINISTER

(1) A person shall not enter into negotiations with a Land Council for the consent of that Council to the grant to him of an exploration licence in respect of Aboriginal land -

- (a) unless he has first lodged with the Minister an application for an exploration licence in respect of that land; and
- (b) except with the consent of the Minister and in accordance with any conditions imposed by the Minister.

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(2) Where an application referred to in sub-section (1) is made, the Minister shall, as soon as practicable after receiving it, give written notice to the relevant Land Council that the application has been made, and shall not grant an exploration licence in respect of that land to any person other than the applicant, or consent under sub-section (1) to another person entering into negotiations referred to in that sub-section, unless he is satisfied that negotiations between the applicant and the Land Council and the Commonwealth Minister primarily responsible for the administration of the Aboriginal Land Rights (Northern Territory) Act of the Commonwealth have taken place and the consent of that Land Council or that Commonwealth Minister to the grant has been reasonably withheld, and a period of 12 months has elapsed since the consent of that Land Council or the Commonwealth Minister was first withheld.

(3) The Minister shall not grant an exploration licence in respect of Aboriginal land except with the approval of the Administrator.

138. NO GRANT WITHOUT APPROVAL OF ADMINISTRATOR

The Minister shall not grant an exploration retention lease in respect of Aboriginal land except with the approval of the Administrator.

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

(1) Subject to sub-section (2), a person shall not apply for or be granted a mineral lease in respect of Aboriginal land unless, at the time of the application for that lease he was the holder of an exploration licence or exploration retention lease in respect of that land.

(2) The provisions of sub-section (1) shall not apply to or in relation to -

- (a) a person who is, in relation to the land, a traditional Aboriginal owner within the meaning of the Aboriginal Land Rights (Northern Territory) Act of the Commonwealth;
- (b) a person who had made an application for a mineral lease over the land before it became Aboriginal land;
- (c) a person who made an application under the repealed Act for a mineral lease, gold mining lease or special mineral lease in respect of Aboriginal land which application, by virtue of section 191, is deemed to be an application for a mineral lease under this Act; or
- (d) the "Noranda Project Area" or "Pancontinental Project Area" described in the Regulations.

(3) The Minister shall not grant a mineral lease in respect of Aboriginal land except with the approval of the Administrator.

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140. NOTICE TO LAND COUNCIL

(1) As soon as practicable after he receives an application under Division 1 of Part VIII for an extractive mineral lease in respect of Aboriginal land, a mining registrar shall give written notice to the relevant Land Council that the application has been made.

(2) The Minister shall not grant an extractive mineral lease of Aboriginal land except with the approval of the Administrator.

PART XII - WARDENS AND WARDEN'S COURTS

141. ESTABLISHMENT OF COURTS

(1) There is hereby established a warden's court at each place in the Territory where there is or is subsequently located a prescribed mining registrar's office.

(2) The mining registrar at the place at which a warden's court is established shall be the clerk of that court.

142. CONSTITUTION OF COURT

A warden's court shall be constituted by a warden sitting alone.

143. PLACES OF SITTING

A warden's court shall sit at the place at which it is established and at such other places as the warden considers convenient for the hearing of a particular matter and, subject to this Act, at such times as the warden determines.

144. COURT OF RECORD

(1) A warden's court is a court of record and shall have an official seal.

(2) All summonses, orders, warrants and other process issued out of a warden's court shall be signed by a warden or by the clerk of the court with the authority of the warden.

145. JURISDICTION

A warden's court has jurisdiction to hear and determine actions, suits and other proceedings cognizable by a court of civil jurisdiction concerning -

- (a) the area, dimensions and boundaries of exploration licence areas and mining tenements;
- (b) the title to and ownership or possession of exploration licence areas and mining tenements;
- (c) questions or disputes relating to water or water rights;
- (d) encroachments or infringements of, or injuries to, mining tenements;

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- (e) the specific performance of contracts relating to exploration licences or mining tenements;
- (f) transfers and other dispositions of, or charges on, exploration licences or mining tenements;
- (g) encroachments on or injury to land by reason of mining, whether that land is held under a provision of this Act or otherwise;
- (h) encroachments on, injuries to, and the determination of all questions concerning, roads, tramways, railroads or fences constructed on land held or occupied under this Act or under any other law in force in the Territory relating to mining;
- (j) all questions and disputes relating to exploration licences, mining tenements or mining or to any matter in respect of which jurisdiction is conferred on a warden's court or warden by this Act or any other law in force in the Territory; and
- (k) the recovery of penalties for any breach of the provisions of this Act or the Regulations or any other law in force in the Territory in respect of which a warden or warden's court has jurisdiction.

146. PROCEEDINGS

- (1) Subject to this Act, proceedings before a warden's court -
 - (a) shall be commenced by plaint in the prescribed form and manner;
 - (b) shall be in open court; and
 - (c) may be adjourned from time to time or from place to place in such manner and on such terms, as to costs or otherwise, as the warden thinks fit.
- (2) In any proceeding before a warden's court -
 - (a) each defendant or respondent to the proceedings shall be summonsed by the mining registrar, in the prescribed form and manner, to attend and, in the absence of his attendance, the court may proceed to hear the plaint ex parte;
 - (b) witnesses shall be examined on oath or affirmation;
 - (c) the warden or clerk may administer an oath or take an affirmation;
 - (d) if any person, being duly summonsed to attend as a witness, fails to attend at the time and place named in the summons, refuses to be sworn or to make an affirmation, or refuses to answer any lawful question put to him, the warden may impose a penalty not exceeding \$100 on that person, unless reasonable cause is shown for that person's failure or refusal;

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- (e) the warden, upon such terms as to costs or otherwise as he thinks fit may, by order, grant time to any party for any purpose, add or strike out parties and generally do whatever he considers necessary for the purpose of effectively disposing of the matter before him according to the merits of the case; and
- (f) costs shall be at the discretion of the warden who may fix them or direct that they be taxed.

147. APPLICATION FOR DIRECTIONS

A mining registrar may apply to a warden's court for directions in relation to any matter within the jurisdiction of the warden's court.

148. POWERS OF COURT

At any stage of proceedings before a warden's court the warden may, of his own motion or on the application of a party, and subject to such terms, as to costs or otherwise, as he thinks fit -

- (a) order any person having possession, custody or control of any mineral, extractive mineral or other chattel to deposit it with such person, within such time and at such place as the warden names in the order, to be held pending the further order of the court;
- (b) cause all such minerals, extractive minerals or chattels to be valued;
- (c) cause all or any minerals, extractive minerals or chattels to be delivered up to be divided between the persons found by the court to be entitled to them;
- (d) order all such minerals, extractive minerals or chattels, or a sufficient part thereof, according to the amount at which they have been valued under this section, belonging to any party against whom an order has been made by the court for the payment of money to any other party, to be delivered to that other party in or in part satisfaction of that order;
- (e) order money deposited with the warden or a mining registrar to be held pending the further order of the court or a warden;
- (f) if default is made in complying with an order for the deposit, valuation or delivery of the minerals, extractive minerals or other chattels, cause them to be seized and held by an officer named in the order pending the further order of the court or a warden;
- (g) order any mining operation to be suspended until the further order of the court or a warden, or to be carried on by or under the direction and control of a person appointed by the court;

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- (h) if an order under paragraph (f) is made on the application of a party to the proceedings before the court, order that party to pay such reasonable compensation, if any, as the court directs to any other party who suffers damage by the operation of the order;
- (j) order a survey, plan or measurement of any land or mining tenement to be made by a licensed surveyor within the meaning of the Licensed Surveyors Act;
- (k) inspect any land, mine or mining tenement area, or order it to be inspected by a person named in the order, and take judicial notice of anything observed in the course of that inspection;
- (m) when making an order under this section, require such one or more of the parties named in the order to deposit with the court or a mining registrar such sum as the court considers reasonable in respect of the expenses of any person in the carrying out of that order; and
- (n) direct the manner in which an amount referred to in paragraph (m) shall be paid.

149. JUSTICE TO BE DONE

The court shall do justice between the parties to any proceedings before it and no such proceedings shall be dismissed or vitiated because of any informality, defect, misnomer or irregularity if, in the opinion of the court, justice has been so done, and the court has such powers as it considers necessary to ensure that end.

150. CONTEMPT

Subject to section 156, a warden's court has such powers relating to contempt of the court or a warden as has a Local Court under the Local Courts Act in relation to proceedings before it.

151. QUESTIONS RESERVED

At any stage of proceedings before it, the warden's court may reserve any question of law for the opinion of the Supreme Court, and with respect to a question so reserved -

- (a) the warden shall prepare a special case setting out the question and shall transfer the case to the Master of the Supreme Court;
- (b) the Master of the Supreme Court shall set the special case down for argument before a judge, and the judge's opinion on the special case shall, when given, be drawn up and be transmitted by the Master to the warden;
- (c) the cost of the proceedings shall be at the discretion of the Supreme Court;

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- (d) upon receipt of the opinion of the Supreme Court, the warden's court shall act in accordance therewith and, in the meantime, no judgment or order of the warden shall affect the question so reserved; and
- (e) when reserving a question, or at any time before acting on the opinion of the Supreme Court, the warden, on the application of a party to the proceedings, and on such terms as to costs or otherwise as he thinks fit, may make such order for an injunction or the appointment of a receiver, or for payment of money into court or for giving security for damages and costs, or otherwise, as he thinks fit.

152. ADDITIONAL POWERS

(1) In all matters within its jurisdiction, a warden's court shall have power to enforce contracts, award damages, appoint receivers, grant prohibitions, injunctions, attachment orders and charging orders, add, join, substitute or strike out parties, impose penalties, cause minerals, extractive minerals and other chattels to be restored to any person or place from which they have been improperly or unlawfully taken or removed, or to be deposited for safe custody with any person or in any place or to be summarily seized, summon witnesses, award costs and generally make such orders and give such judgments as it thinks fit.

(2) If, by reason of the exigencies of a particular case, it appears proper to a warden so to do, he may, on the application of a party to any proceedings before him, without notice to any other party, grant an interim injunction to be enforced for a period not exceeding 28 days, or until the injunction is sooner discharged.

153. DECISIONS TO BE ENFORCED

(1) Subject to this Act, every judgment, decision or order of a warden's court shall be carried out and enforced in the same manner as if it were a judgment or decision of a Local Court or Court of Summary Jurisdiction, as the case may be.

(2) Every warrant, order or other process of a warden's court may be served or executed and put into effect by a bailiff or other officer of the court or of a Local Court, without that bailiff or other officer being specifically named therein, or by any other person to whom it is, whether before or after issue, directed by any warden or clerk of the warden's court.

154. RECORDS TO BE KEPT

A minute of every judgment, conviction or order of a warden's court shall be entered in a register kept for that purpose by the clerk of the court and shall be given in the prescribed form by the court or a warden.

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155. POWERS OF THE SUPREME COURT

For the purpose of enabling a warden's court or warden more effectively to exercise the jurisdiction and powers conferred upon it or him by this Act, and to enforce obedience to judgments and orders, the warden's court and the warden shall respectively, where no other provision is made for that purpose, be deemed to have and may exercise all the powers of the Supreme Court or a judge.

156. DEFAULT IN COMPLYING WITH JUDGMENT, &c.

A person who defaults in complying with a judgment or order of a warden's court or in any way impedes or prevents compliance therewith, is guilty of an offence.

Penalty: \$1,000 or imprisonment for 6 months.

157. AFFIDAVITS

An affidavit to be used in any proceeding before a warden's court or a warden shall be sworn in the same manner as an affidavit to be used in any action before a Local Court.

158. COPIES OF JUDGMENTS, &c.

(1) A person may, on payment of the prescribed fee, obtain a copy of any judgment, order or decision of a warden's court or a warden.

(2) A document purporting to be a copy of a judgment, order or decision of a warden's court or warden or of any document filed by, or of an entry in a register kept by, a warden's court or a warden, and certified by the warden or the clerk of the court to be a true copy thereof, shall be admitted in all courts as conclusive evidence of that judgment, order or decision, document or entry, and the signature of the warden or clerk to such document shall be judicially noted.

159. APPEALS

An appeal shall lie to the Supreme Court from a decision of a warden's court or a warden in the same manner as an appeal against a decision of the Local Court or a Magistrate so lies.

PART XIII - GENERAL PROVISIONS RELATING TO MINING TENEMENTS, &c.

160. APPLICATION OF PART

The provisions of this Part apply to and in relation to the exploration licences, mining tenements and tailings licences to which they are expressed to relate to the extent that they are not inconsistent with specific provisions relating thereto contained elsewhere in this Act.

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161. LICENCE, &c., NOT TO BE GRANTED OVER MINING TENEMENT

Subject to this Act, an exploration licence, mining tenement or tailings licence shall not be granted in respect of an existing mining tenement area.

162. FORM OF APPLICATIONS

(1) An application for the grant of an exploration licence, mining tenement or tailings licence -

- (a) shall be in writing;
- (b) shall show an address in the Territory at which documents required or permitted by this Act to be served on the applicant may be so served;
- (c) shall show the residential address of the applicant or the address of his principal place of business;
- (d) shall be accompanied by a map that clearly indicates the area of land to which the application relates, including the boundaries of existing land holdings or geographical features;
- (e) shall state the period for which the licence or tenement, as the case may be, is sought;
- (f) shall be accompanied by the amount of the prescribed rent for the first 12 months of the term of the proposed licence or mining tenement;
- (g) where it is proposed that the licence or mining tenement be granted to 2 or more miners, shall state the proposed share of each in the licence or mining tenement; and
- (h) shall be accompanied by an amount of money sufficient to cover the cost of advertising the application.

(2) An applicant for the grant of an exploration licence or a mining tenement shall, at the request of the Secretary or mining registrar, as the case may be, with whom the application is required by this Act to be lodged, furnish such further information in relation to his application, or such evidence in support thereof, as that person may require.

(3) A person in whose office an application for the grant of an exploration licence, mining tenement or tailings licence may be lodged may allow an applicant such time as he considers reasonable to enable the applicant to obtain information required to be lodged in support of the application, and if the applicant obtains that information and lodges it with that person within the time so allowed, the application shall be treated, and shall be as valid and effective, as though it were lodged in its completed form at the time when it was first lodged.

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163. NOTICE OF APPLICATION

(1) As soon as practicable after an application for an exploration licence, a mining tenement (other than an exploration retention lease) or tailings licence is received in accordance with the provisions of this Act, the Secretary or mining registrar, as the case may be, with whom it is lodged shall cause to be published in a newspaper printed and circulated in the Territory or part of the Territory in which the relevant mineral field is situated, a notice showing -

- (a) the name of the applicant;
- (b) the type of title applied for;
- (c) the registration number, if any, of the application;
- (d) the period in respect of which the exploration licence, mining tenement or tailings licence is sought;
- (e) a description of the land in respect of which the application is made sufficient to enable an interested person to determine its location, or a map that clearly indicates the proposed area by reference to the boundaries of existing land holdings or geographical features; and
- (f) the date, not being earlier than 30 days after the publication of the notice, on or before which objections may be lodged against the grant of the exploration licence, mining tenement or tailings licence, as the case may be, and the office at which such objections may be lodged.

(2) Where a notice is published under this section, a person may, not later than the date referred to in sub-section (1)(f), lodge at the office specified in that notice a written objection against the grant of the exploration licence, mining tenement or tailings licence, as the case may be, stating the grounds on which his objection is made.

(3) Where an objection is lodged under sub-section (2), the applicant for the exploration licence, mining tenement or tailings licence shall be advised in writing by the person in whose office it is lodged of the objection and the grounds on which the objection is made.

(4) An applicant who is advised under sub-section (3) of an objection may, within 30 days after receiving the advice, submit to the Secretary or mining registrar with whom the application was lodged, a written answer to the objection.

164. PRIORITY IN CONSIDERING APPLICATIONS

(1) Subject to sub-section (2), where 2 or more applications are lodged under this Act for the grant of an exploration licence, mining tenement or tailings licence in respect of the same land, unless specific provision is made in this Act relating to the priority to be given, the applicant who first lodges his application shall receive priority in the consideration of his application.

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(2) Where 2 or more applications referred to in sub-section (1) are lodged on the same day, they have the same priority as each other.

165. NOTIFICATION OF GRANT

As soon as practicable after an exploration licence, tailings licence or mining tenement has been granted under this Act, there shall be published in the Gazette a notice specifying -

- (a) the type of title granted;
- (b) the name of the person to whom it is granted;
- (c) the registration number of the licence or tenement involved;
- (d) the period in respect of which the licence or tenement has been granted; and
- (e) a map that clearly indicates the licence or tenement area by reference to the boundaries of existing land holdings or geographical features.

166. GENERAL CONDITIONS

(1) All exploration licences and mining tenements are granted subject to the condition that the holder will -

- (a) carry out his exploration and mining programmes and other activities on the licence area or mining tenement area in such a way as to cause as little disturbance as practicable to the environment, and comply with the reasonable written directions of the Secretary to take, within a specified time, such action as the Secretary considers appropriate to minimize that disturbance or make good any damage already caused by the holder, including the rehabilitation of the disturbed surface area of the land;
- (b) allow an inspector and any person authorized in writing for that purpose by the Secretary to enter a licence area or mining tenement area at any time and examine the activities of the holder thereon;
- (c) comply with the law in force in the Territory relating to the lighting, use and control of fire;
- (d) comply with the law in force in the Territory relating to the control and use of water and to soil conservation;
- (e) not interfere with land used as a yard, garden or orchard, or on which substantial improvements exist, except with the written consent of the owner or occupier, if any, of that land;
- (f) pay the prescribed rent for the licence area or mining tenement area at the time and in the manner prescribed; and

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- (g) in respect of all minerals or extractive minerals obtained from a mineral lease area, extractive mineral lease area or extractive mineral permit area, pay royalties to the Crown at such times, at such rates, in such manner and subject to such conditions, as are prescribed,

and such other conditions, not inconsistent with this section or the specific provisions of this Act imposing conditions to which exploration licences or particular mining tenements are subject, as the person granting the exploration licence or mining tenement, as the case may be, thinks fit and endorses on the grant document.

(2) A condition endorsed on an exploration licence or mining tenement document (other than an extractive mineral permit) may provide for the approval of the Secretary to be obtained before a particular action is taken and for the Secretary to impose conditions on the taking of that action, and compliance with the conditions so imposed by the Secretary shall be a condition of that licence or mining tenement.

(3) Where a condition of an exploration licence or a mining tenement (other than an extractive mineral permit) requires the holder to do any thing in relation to the licence area or tenement area and the holder does not, within the time provided in the condition, or within such further time as the Secretary allows, do that thing, the Secretary or a person authorized by him may enter on the licence area or tenement area, as the case may be, with such assistance as, and take whatever action, he considers necessary for doing that thing, and the costs incurred by him in so doing shall be a debt due and payable by the holder to the Territory, whether or not at the time that the thing was done by the Secretary or that person, the exploration licence or mining tenement had been cancelled, forfeited, surrendered or had expired.

167. TENANTS IN COMMON

Where an exploration licence or mining tenement is granted to 2 or more miners, it shall be held by them as tenants in common -

- (a) in the shares specified in the exploration licence or mining tenement; or
- (b) where the exploration licence or mining tenement does not specify such shares, in equal shares.

168. SURRENDER IN EXCHANGE FOR ANOTHER MINING TENEMENT

(1) Nothing in this Act prevents the holder of a mining tenement from surrendering that mining tenement conditional upon his being granted another mining tenement, of the same or a different kind, in its stead.

(2) Where a mining tenement is not granted in substitution for a mining tenement surrendered as provided in sub-section (1), the original mining tenement shall, on the refusal of the grant of the substituted mining tenement sought, be restored to the holder for the remainder of its term, subject to the same conditions applicable to and in respect of it, as though it had never been surrendered as provided by that sub-section.

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169. NOTIFICATION OF LAND CEASING TO BE A MINING TENEMENT AREA, &c.

The Secretary shall cause to be published in the Gazette, as soon as practicable after he becomes aware or is satisfied that land has ceased, or will on a particular date cease, to be subject to an exploration licence or a mining tenement (other than an extractive mineral permit), a notice -

- (a) indicating the registration number of the relevant exploration licence, former exploration licence, mining tenement or former mining tenement, as the case may be;
- (b) showing a map that clearly indicates the area to which the cessation or intended cessation relates, by reference to the boundaries of existing land holdings or geographical features; and
- (c) indicating the date on which the land ceased or is to cease to be so subject.

170. REFUND OF RENT

(1) If an exploration licence or a mining tenement is not granted, there shall be refunded to the applicant for the grant the amount of the prescribed rent paid by him at the time of lodging the application, less the prescribed amount to cover administrative costs.

(2) If an exploration licence or a mining tenement is granted in respect of part only of the land applied for, there shall be refunded to the applicant the difference between the amount of the rent paid by him at the time of lodging his application and the first 12 months rent for the land in respect of which the exploration licence or mining tenement is granted.

171. CANCELLATION, &c.

(1) Subject to this section, the Minister may cancel an exploration licence or may forfeit a mining tenement (other than an extractive mineral permit) where the holder of the licence or mining tenement contravenes or does not comply with -

- (a) a condition to which the licence or tenement is or is deemed to be subject;
- (b) a direction given by the Secretary under this Act or the Regulations, or under a condition of the licence or tenement; or
- (c) a provision of this Act or the Regulations relating to that licence or tenement.

(2) The Minister shall not cancel or forfeit an exploration licence or a mining tenement under sub-section (1) unless he has first -

- (a) given to the holder written notice of his intention so to do, indicating the grounds for his proposed action;

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(b) specified in that notice a date, not being earlier than 30 days after the service of that notice on the holder, on or before which the holder may submit to the Minister any matter that he wishes the Minister to consider before deciding whether to cancel or forfeit the licence or tenement; and

(c) considered any matter referred to him by the holder in pursuance of paragraph (b).

(3) Where the Minister cancels or forfeits an exploration licence or a mining tenement under this section, he shall forthwith give written notice of that action to the holder thereof and cause a copy of that notice to be published in the Gazette.

(4) A cancellation or forfeiture referred to in sub-section (3) shall be of no effect until the expiration of 14 days after the publication in the Gazette of the notice referred to in that sub-section.

(5) Where a notice under sub-section (2) is served on the holder of an exploration licence or an exploration retention lease, and before the decision under that sub-section by the Minister is made or the 14 days period referred to in sub-section (3) has expired, whichever is the later, the Minister shall not grant to the holder of the exploration licence or exploration retention lease a mining tenement in respect of any part of the licence or lease area.

172. APPLICATIONS FOR VARIATION, &c.

(1) The holder of an exploration licence or a mining tenement (other than an extractive mineral permit) may apply in writing to the Minister for a waiver, variation or suspension of, or exemption from the need to comply with, a condition of his exploration licence or mining tenement.

(2) An application referred to in sub-section (1) shall be lodged with the Secretary in respect of an exploration licence, or at the prescribed mining registrar's office in respect of a mining tenement, and be accompanied by the prescribed fee.

(3) On receiving an application referred to in sub-section (1), the Minister may, in his discretion, by notice in writing to the holder of the licence or tenement, and subject to such conditions as the Minister thinks fit -

(a) waive;

(b) vary;

(c) suspend for such period as is specified in the notice; or

(d) exempt the holder from the need to comply with,

a condition of the exploration licence or mining tenement.

173. DEALINGS WITH INTEREST

(1) Subject to this section -

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- (a) an exploration licence, or an interest in an exploration licence, may be sold, transferred or otherwise encumbered (otherwise than by mortgage) or disposed of; and
- (b) a mining tenement (other than an extractive mineral permit), or an interest in such a mining tenement, may be sold, transferred, mortgaged or otherwise encumbered or disposed of.

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

- (a) with the approval of the Minister;
- (b) in the prescribed manner; and
- (c) by an instrument in writing signed by the person creating, assigning or otherwise dealing with the interest lodged in the prescribed manner for registration, and accompanied by the prescribed registration fee.

(3) The Minister shall not approve the transfer of an exploration licence or of a mining tenement (other than an extractive mineral permit) under this section, or of an interest in such a licence or tenement, in respect of a licence or tenement area comprised of private land or partly of private land unless the proposed transferee has lodged with the Minister such security as the Minister thinks sufficient for the payment of compensation that, under this Act, the holder of the licence or tenement may become liable to pay.

(4) Subject to this section, a transfer of an exploration licence or of a mining tenement (other than an extractive mineral permit), or of an interest in such a licence or tenement, shall not be effective so as to give a person other than the holder of a miner's right an interest in the exploration licence or mining tenement.

(5) Where the holder of an exploration licence or a mining tenement (other than an extractive mineral permit) intends to transfer or to transfer an interest in that licence or tenement to another person or otherwise deal with the licence or tenement so that another person obtains an interest in it, he shall lodge at the prescribed mining registrar's office, for consideration by the Minister -

- (a) the instrument by which it is proposed to transfer or create that interest;
- (b) where the licence or tenement, or the interest, proposed to be transferred or otherwise dealt with entitles or requires the proposed transferee or other person, as the case may be, to carry out exploration or mining activities on the licence area or mining tenement area -
 - (i) particulars of the technical qualifications of the proposed transferee or other person and his employees;

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- (ii) particulars of the technical advice available to the proposed transferee or other person; and
- (iii) particulars of the financial resources of the proposed transferee or other person; and
- (e) such further or other particulars as the Minister may require.

(6) Where the holder of an exploration licence or a mining tenement (other than an extractive mineral permit), or of an interest therein, dies or becomes bankrupt, that licence, tenement or interest therein shall devolve on his personal representative or trustee, as the case may be, who shall have in respect thereof the same powers to sell, transfer, encumber or otherwise dispose of it as had the holder of the licence, tenement or interest immediately before his death or bankruptcy.

(7) An exploration licence or a mining tenement (other than an extractive mineral permit), or an interest in such a licence or tenement, is available to satisfy a judgment of a court, and any officer of the court empowered or directed by the court so to do has the same power to sell, transfer or otherwise dispose of that licence, tenement or interest as had the holder immediately before the judgment.

(8) Subject to this section, a mortgagee may foreclose on a mortgage of a mining tenement (other than an extractive mineral permit) and enter into possession of, and otherwise deal with, the tenement area in accordance with the terms of the mortgage.

(9) Subject to sub-section (10), a personal representative or trustee referred to in sub-section (6), or mortgagee referred to in sub-section (8), is not required to obtain or hold a miner's right in order to hold or deal with the licence, tenement or interest.

(10) Where a personal representative or trustee referred to in sub-section (6), or mortgagee referred to in sub-section (8), intends, or is directed, to carry out exploration, mining or other work under the exploration licence or mining tenement or hold the licence or tenement or interest for more than 6 months, he shall, before carrying out those conditions or the expiration of that period, as the case may be, obtain a miner's right or the Minister's exemption from the requirement to hold a miner's right.

Penalty: \$1,000.

(11) The Minister may, on receiving an application for an exemption referred to in sub-section (10), exempt the applicant for such period, and subject to such conditions, as he thinks fit, from the requirement to hold a miner's right.

174. CAVEATS

- (1) For the purposes of this section, "prescribed office" means -
 - (a) in the case of an exploration licence or exploration retention lease - the office of the Secretary; and

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(b) in the case of a mineral lease, mineral claim or extractive mineral lease - the prescribed mining registrar's office.

(2) A person claiming an interest in an exploration licence or a mining tenement (other than an extractive mineral permit) may, on payment of the prescribed fee, lodge in the prescribed form at the prescribed office, a caveat forbidding the registration of any dealing with that licence or tenement after the lodging of the caveat.

(3) A caveat referred to in sub-section (2) shall state the name of the caveator and an address in the Territory at which he may be served with a notice under this section, and shall be signed by the caveator or his agent.

(4) Subject to this section, a caveat lodged under sub-section (2) shall be effective on and from the time it is received at the prescribed office.

(5) On the receipt of a caveat under this section, the Secretary or mining registrar, as the case may be, shall notify the holder of the relevant exploration licence or mining tenement by registered letter sent to the holder's address for the service of notices under sub-section (3) that the caveat has been lodged.

(6) The holder in respect of whose exploration licence or mining tenement a caveat is lodged under this section may apply to a warden for a summons ordering the caveator to appear before the warden to show cause why the caveat should not be removed from the register, and the warden, on being satisfied that the caveator has been served with the summons may, after hearing the evidence, if any, in support of the application, make such order as he thinks fit.

(7) No instrument purporting to deal with an exploration licence or mining tenement or interest in an exploration licence or mining tenement shall be registered while a caveat remains in force in respect of that licence or tenement, but upon receiving an application for the registration of such a dealing there shall be served by post on the caveator at his address for service of notices under sub-section (3), a notice that an application for the registration of such a dealing has been made, and the caveat shall lapse on the expiration of 30 days after that notice is served upon the caveator.

(8) Where a notice under sub-section (6) has been served on a caveator, he may lodge, in the prescribed form at the prescribed office, a notice of continuation of his caveat and that caveat shall remain in force in respect of all purported dealings with the exploration licence or mining tenement, as the case may be, except that in respect of which the notice under sub-section (6) was given, and the Secretary or mining registrar, as the case may be, shall record the notice of continuation accordingly.

(9) A caveator may, at any time, by notice in the prescribed form lodged at the prescribed office, withdraw his caveat under this section.

(10) A caveat having lapsed or been withdrawn under this section shall not be renewed by or on behalf of the same person in respect of the same interest, except by leave of a warden.

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PART XIV - MISCELLANEOUS

175. PRESCRIBED SUBSTANCES UNDER THE ATOMIC ENERGY ACT

(1) Subject to sub-section (2), but notwithstanding anything elsewhere contained in this Act or the Regulations, in respect of a prescribed substance within the meaning of the Atomic Energy Act 1953 of the Commonwealth, the Minister -

- (a) shall exercise his powers in accordance with, and give effect to, the advice of the Minister of the Commonwealth for the time being administering section 41 of that Act; and
- (b) shall not exercise his powers otherwise than in accordance with such advice.

(2) Sub-section (1) does not operate to prevent the Minister from acting without advice, or to require the Minister to take or give effect to advice, in relation to a matter arising under Part IV.

176. LAND IN A PARK OR RESERVE

(1) The Minister shall not grant an exploration licence, exploration retention lease or mineral lease in respect of land forming 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) the written approval of the Minister for the time being charged with the administration of the land, or of the trustees or other persons in whose control and management the land is vested, has first been obtained; and
- (c) the Administrator has approved of the proposed grant and the terms and conditions subject to which it is to be granted.

(2) Where an exploration licence, exploration retention lease or mineral lease is granted under this Act in respect of any land referred to in sub-section (1), a condition referred to in section 11(7) of the National Parks and Wildlife Conservation Act 1975 of the Commonwealth or 18(4) of the Territory Parks and Wildlife Conservation Act, whichever is applicable, shall be deemed to be a condition of the licence or lease, as the case may be.

177. COMPENSATION FOR DAMAGE TO PARK OR RESERVE

(1) Where the holder of an exploration licence or mineral lease, or his servant or agent, causes damage to the land in a park or reserve or to any improvements on that land -

- (a) in the case of the holder of an exploration licence or his servant or agent - in excess of that reasonably necessary for the purposes of carrying out the exploration activities permitted by that licence to be carried out; and

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- (b) in the case of the holder of a mineral lease or his servant or agent - not being comprised in the lease,

that holder of the exploration licence or mineral lease, as the case may be, shall pay to the trustees of the park or reserve or, where there are not trustees appointed, to the Territory or the Commonwealth, as the case may be, compensation for that damage and any loss arising therefrom, in accordance with this section.

(2) Where the amount of compensation payable under this section cannot be agreed upon between the person to whom it is required to be paid and the holder of the exploration licence or mineral lease, as the case may be, the amount payable shall be as assessed by the Minister and, subject to sub-section (3), shall become due and payable 30 days after notice of the Minister's assessment of the amount has been given to the person required to pay the amount.

(3) A person aggrieved by an assessment by the Minister under sub-section (2) may apply to the Supreme Court for the Minister's assessment to be reviewed and the Supreme Court, after informing itself of the facts in such manner as it thinks fit, may confirm the assessment of the Minister or substitute for that assessment such assessment of the amount of compensation payable as it thinks fit.

(4) An application under sub-section (3) acts as a stay of a person's obligation to pay compensation under this section until the decision of the Supreme Court is made known or such later time as the Court orders.

178. RESERVATION OF LAND FROM OCCUPATION

(1) Subject to sub-section (2), the Minister may, by notice in the Gazette, in relation to any land that is not occupied under an exploration licence or mining tenement -

- (a) reserve that land from occupation under this Act; or
- (b) prohibit the recovery of any mineral or extractive mineral on or from that land,

for such period, and subject to such conditions, as he thinks fit.

(2) Subject to sub-section (4), the Minister may, in respect of any land reserved from occupation under sub-section (1), authorize -

- (a) a statutory corporation; or
- (b) a person who has entered into a contract with the Territory relating to the exploration or development of deposits of a particular mineral or extractive mineral,

to occupy that land or part of that land for exploration or mining purposes for such period, and on such conditions, as the Minister thinks fit and a person or statutory corporation so authorized may occupy that land accordingly.

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(3) All minerals and extractive minerals recovered from any land reserved under sub-section (1) otherwise than in accordance with an authorization under sub-section (2), remain the property of the Crown.

(4) The Minister shall not cancel a reservation under sub-section (1) of any land that has been reserved for the protection of sites of historical interest or historical remains, or authorize under sub-section (2) the occupation of such land, except with the approval of the Administrator.

179. RIGHT OF ACCESS

(1) Where, by or under this Act, a person is given the right to occupy any land under an exploration licence, mining tenement or a tailings licence, that person shall have for himself, his employees and his agents, a right of access to that land by the shortest practicable route to a road, within the meaning of the Control of Roads Act, a railway line, the sea or a waterway, and for the purpose of marking out a right of way in the prescribed manner and of performing whatever work is reasonably necessary for the construction of the right of way, may enter on any land with machinery, equipment and workmen.

(2) Where any land (other than Crown land) over which a right of way is constructed in pursuance of sub-section (1) is injured or depreciated in value by or as a result of the right of way, the owner and occupier of the land shall be entitled to be paid compensation by the holder of the exploration licence, mining tenement or tailings licence, as the case may be, for their respective loss or damage thereby sustained.

(3) Where an amount of compensation payable under sub-section (2) cannot be agreed on, the person claiming the right of way or the owner or occupier of the land, as the case may be, may refer the question to a warden who shall determine the amount, if any, so payable.

(4) A person shall not, except in accordance with a law in force in the Territory, interfere with a right of access given under this section.

Penalty: \$1,000.

Default penalty: \$500.

180. REMOVAL OF TIMBER, &c.

(1) Subject to this section, the holder of a mining tenement may cut and remove from the mining tenement or from any Crown land, for purposes relating to mining on that mining tenement, any timber.

(2) The holder of a mining tenement comprised of Crown land shall not cut or remove timber on or from the land, otherwise than in connection with his mining operations on that land, except with the permission, in writing, of the Minister.

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(3) Sub-section (1) does not apply to or in relation to land within 3 kilometres of a homestead, outstation or watering place on land held under a pastoral lease or pastoral homestead lease under the Crown Lands Act, or in relation to land which the Minister, by notice in the Gazette, declares to be land in respect of which sub-section (1) does not apply.

181. ERECTION OF WORKS, &c.

(1) The Minister may, upon the written application of a person, authorize that person to enter on any mining tenement area for the purpose of erecting on or across that mining tenement area overhead electricity lines or constructing a tramway and the authorization of the Minister so given shall empower that person to do all that is reasonably necessary on that mining tenement area for that purpose and for the purpose of repairing, altering and maintaining those electricity lines or that tramway so erected or constructed.

(2) An authorization under sub-section (1) shall be subject to such terms and conditions as are prescribed or are imposed by the Minister.

(3) A person, not being so authorized by or under any other law in force in the Territory by the Minister under this section or by the holder of a mining tenement, who enters on a mining tenement area, and erects or constructs, or who causes to be erected or constructed, overhead electricity lines or a tramway, or erects or constructs or causes to be erected or constructed such overhead electricity lines or a tramway otherwise than in accordance with the provisions of any law or authority in pursuance of which he purports to act, is guilty of an offence.

Penalty: \$5,000.

Default penalty: \$500.

182. CONSTRUCTION OF ROADS, &c.

(1) Subject to sub-section (2), the Minister may, upon the written application of a person, authorize that person to enter on a mining tenement area or exploration licence area for the purpose of constructing or laying on, under or across that area a road, rail, drain or water, gas, oil, slurry or tailings pipe, and the authorization of the Minister so given shall empower that person to do all that is reasonably necessary on that mining tenement area or exploration licence area for that purpose and for the purpose of repairing, altering and maintaining that road, rail, drain or water, gas, oil, slurry or tailings pipe so constructed or laid.

(2) The Minister shall not grant an authorization under sub-section (1) unless he is satisfied that, not later than 30 days before the application for that authorization, the applicant had given written notice to the holder of the mining tenement or exploration licence of his intention to apply and published a notice of that intention in a newspaper circulating in the area in which the mining tenement area or exploration licence area is situated.

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(3) An authorization under sub-section (1) shall be subject to such terms and conditions as are prescribed or are imposed by the Minister.

(4) A person not being so authorized by or under any other law in force in the Territory, by the Minister under this section or by the holder of the mining tenement or exploration licence, who enters on a mining tenement area or exploration licence area and constructs or lays, or who causes to be constructed or laid on a mining tenement area or exploration licence area, a road, rail, drain or water, gas, oil, slurry or tailings pipe, or constructs or lays, or causes to be constructed or laid, such road, rail, drain or water, gas, oil, slurry or tailings pipe otherwise than in accordance with the provisions of any law or authority under which he purports to act, is guilty of an offence.

Penalty: \$5,000.

Default penalty: \$500.

183. COMPENSATION FOR WORKS

The holder of a mining tenement who suffers damage, injury or loss as a result of a person erecting, constructing or laying on, over, through or under the mining tenement area any overhead electricity lines, or a tramway, road, rail, drain or water, gas, oil, slurry or tailings pipe is entitled to receive from the person erecting, constructing or laying them 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 of the mining tenement as a debt due and payable.

184. COMPENSATION TO PASTORAL LESSEES

(1) Where the holder of an exploration licence or mining tenement, or his servant or agent, causes damage to land comprised in a pastoral lease or pastoral homestead lease under the Crown Lands Act, or to any improvements on that land -

(a) in the case of the holder of an exploration licence or his servant or agent - in excess of that reasonably necessary for the purposes of carrying out the exploration activities permitted by that licence to be carried out; and

(b) in the case of the holder of a mining tenement or his servant or agent - not being land or improvements on land the subject of the mining tenement,

that holder of the exploration licence or mining tenement, as the case may be, shall pay to the lessee compensation for that damage and any loss arising therefrom, in accordance with this section.

(2) Where the amount of compensation payable under this section cannot be agreed upon between the pastoral lessee and the holder of the exploration licence or mining tenement, as the case may be, the amount payable shall be as determined by a warden and on being so determined may be recovered by the lessee as a debt due and payable.

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185. REMOVAL OF EQUIPMENT, &c.

(1) Subject to sub-section (2), where an exploration licence or a mining tenement is cancelled, forfeited or surrendered, or expires, the person who was, immediately before that cancellation, forfeiture, surrender or expiration, the holder of that licence or tenement, as the case may be, shall within 3 months thereafter or such longer period as the Minister allows, remove or cause to be removed from the former licence area or mining tenement area all plant, machinery, engines and other equipment (other than timber used in or for supporting a shaft, drive, gallery or adit) and for that purpose he may re-enter the land with such assistance as, and do what, is reasonably necessary as though he were still the holder of that exploration licence or mining tenement.

(2) If the Minister is satisfied that particular plant, machinery, engines or other equipment referred to in sub-section (1) is or are of historical or educational value, he may permit the former holder of the exploration licence or mining tenement to leave it or them on the land, and upon that former holder agreeing in writing with the Minister to do so, that plant, machinery, engines or other equipment, as the case may be, becomes the property of the Territory.

(3) Subject to sub-section (1), if, within the time referred to in that sub-section, the relevant plant, machinery, engines and other equipment is not removed, the Secretary shall, by written notice served on the former holder of that licence or tenement, as the case may be, direct that person to show cause within the time specified in the notice, being not less than 14 days after the service of that notice, why the plant, machinery, engines and other equipment should not be sold or removed.

(4) Subject to sub-section (5), if, within the time specified in a notice under sub-section (3), the person on whom the notice is served has not shown cause to the satisfaction of the Secretary why the plant, machinery, engines and other equipment should not be sold or removed, the Secretary may cause it to be sold by public auction and the purchaser shall acquire good title thereto and have the right, within a reasonable time, to enter on the land and remove it, but if it or any part of it, having been offered at public auction for purchase by the highest bidder, is not sold, it becomes the property of the Territory.

(5) An auction sale referred to in sub-section (4) shall not be held until 7 days after notice of intention to hold it has been published in a newspaper circulated in the area in which the relevant land is situated.

(6) The money received by the Secretary from a sale under this section, after the deduction of expenses of the sale and any amount owing to the Territory or any other person under this Act by the former holder of the exploration licence or mining tenement, as the case may be, shall be paid to that former holder.

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186. APPOINTMENT OF LIQUIDATORS, &c.

Where a provisional liquidator, liquidator, official liquidator, official manager, receiver or receiver and manager is appointed in respect of a corporation that holds an exploration licence, mining tenement or tailings licence, that person shall, within 30 days after being appointed, or such longer period as the Secretary allows, give written notice of his appointment to the Secretary.

Penalty: \$200.

187. VERIFICATION OF INFORMATION

The Minister may require information furnished to him under this Act to be verified in such manner as he thinks fit.

188. SERVICE OF DOCUMENTS

(1) Subject to sub-section (2), a document required by or under this Act to be served on a person may, unless the contrary intention appears, be served -

- (a) on that person personally;
- (b) by post; or
- (c) by leaving it with a person apparently of or above the age of 16 years at the first-mentioned person's usual or last known place of abode or business.

(2) Where a document is required by or under this Act to be served on a person whose name or present address is not known to the person required to serve the document, it may be served, with the approval of the Secretary, by publishing it in a newspaper circulated in the Territory, on not less than 3 occasions, the intervals between each being not less than 7 days.

189. CORRUPTION

A person shall not, with intent to deceive, mislead, cheat or defraud any person -

- (a) as to the payable nature of mining at any place -
 - (i) deposit any mineral or mineral ore; or
 - (ii) hold out as originating from that place any mineral ore that does not so originate; or
- (b) as to the value of a sample lodged with a person for the interpretation of the mineral content of that sample - mingle or cause to be mingled with that sample any mineral or substance.

Penalty: \$10,000 or imprisonment for 12 months.

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190. NO EXPLORATION, &c., EXCEPT IN ACCORDANCE WITH LAW

(1) A person shall not explore for or mine minerals or extractive minerals in the Territory otherwise than in accordance with the provisions of this Act or other law in force in the Territory.

Penalty: \$10,000.

Default penalty: \$2,000.

(2) All minerals, extractive minerals and substances containing minerals mined on or removed from land otherwise than in accordance with the provisions of this Act or other law in force in the Territory, are the property of the Territory.

191. SAVINGS AND TRANSITIONAL

(1) Where a miner's right was granted under the repealed Act and was in force immediately before the commencement of this Act, it shall continue in force as a miner's right under this Act for the remainder of the term for which it was issued under the repealed Act.

(2) Where an exploration licence granted under the repealed Act was in force immediately before the commencement of this Act -

- (a) it continues in force, unless sooner surrendered or cancelled, until the expiration of a period of 6 years calculated from the date on which it was originally granted under the repealed Act, as though this Act had not come into operation; and
- (b) in respect of the licence area as comprised immediately before the commencement of this Act, the holder has the same rights in relation to the obtaining of an exploration retention lease, mineral lease or mineral claim under this Act as has the holder of an exploration licence granted under this Act.

(3) Subject to sub-section (4), an application for an exploration licence that had been made under the repealed Act and had not been processed before the commencement of this Act may, at the election of the applicant made within 60 days after the commencement of this Act, be processed as an application for an exploration licence under this Act as though it were an application made under this Act on the commencement of this Act, but shall otherwise lapse.

(4) An application referred to in sub-section (3) shall be deemed to be an application made only in respect of the whole blocks, within the meaning of Part IV, comprised in the area described in the application and be an application for the grant of an exploration licence for a period of 6 years.

(5) Where a mineral lease or gold mining lease (other than a mineral lease or gold mining lease in respect of Aboriginal land) was granted or approved under the repealed Act and that lease or approval, as the case may be, was in force immediately before the commencement of this Act, it shall be deemed to be -

- (a) in the case of a lease - a mineral lease granted under Part VI and -

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(i) subject to sub-section (6) and paragraph (b), be held on the same conditions as those applicable to the mineral lease or gold mining lease, as the case may be, under the repealed Act; and

(ii) on the expiration of the term of the lease, may be renewed in accordance with the provisions of Part VI,

for the remainder of the term for which the mineral lease or gold mining lease was granted under the repealed Act; and

(b) in the case of an approval for a lease - an authority under section 61(2) to occupy and use that land as though it were Crown land and the Minister had, on the commencement of this Act, given written notice under that section containing the same conditions as those applicable to the occupation of the land immediately before the commencement of this Act.

(6) A mineral lease, gold mining lease or approval deemed under sub-section (5) to be a mineral lease or authority to occupy under this Act is subject, from the commencement of this Act, to the provisions of this Act relating to the payment of rent and royalties in respect of a mineral lease or such authority, as the case may be, and such amounts shall be apportioned from the commencement of this Act unless otherwise provided in the Regulations.

(7) An application for a mineral lease or gold mining lease made under the repealed Act that had not been processed before the commencement of this Act may, at the election of the applicant made within 60 days after the commencement of this Act, be processed under this Act as though it were an application under this Act for a mineral lease or a mineral claim made on the commencement of this Act, and any requirement of a provision of the repealed Act that had been met at that date relating to that application shall be deemed to be the equivalent requirement, if any, of this Act relating to the processing of an application for the grant of a mineral lease or mineral claim, as the case may be, under this Act.

(8) An application for a renewal of a mineral lease or gold mining lease (other than a mineral lease or gold mining lease in respect of Aboriginal land) made under the repealed Act that had not been processed before the commencement of this Act shall be processed under this Act as though it were an application made under this Act for a renewal of a mineral lease, and any requirement of a provision of the repealed Act that had been met at that date relating to that application shall be deemed to be the equivalent requirement, if any, of this Act relating to the processing of an application for the grant of a mineral lease under this Act.

(9) Subject to sub-sections (10) and (11), where immediately before the commencement of this Act there was in force a mineral lease or gold mining lease granted under the repealed Act in respect of Aboriginal land, that mineral lease or gold mining lease, as the case may be, shall continue in force as though this Act had not come into operation.

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(10) On or in relation to the expiration of a mineral lease or gold mining lease referred to in sub-section (9), the provisions of this Act relating to the renewal of a mineral lease shall apply as though the mineral lease or gold mining lease referred to were a mineral lease granted under this Act.

(11) A mineral lease or gold mining lease continued in force by virtue of sub-section (9) is subject to the provisions of this Act relating to the payment of rent and royalties, as though it were a mineral lease of Aboriginal land granted under this Act, and such payments shall be apportioned from the commencement of this Act unless otherwise provided in the Regulations.

(12) Subject to sub-sections (13) and (14), where immediately before the commencement of this Act there was in force a special mineral lease granted under the repealed Act, that lease shall continue in force as though this Act had not come into operation.

(13) On or in relation to the expiration of a special mineral lease referred to in sub-section (12), the provisions of this Act relating to the renewal of a mineral lease shall apply as though the special mineral lease referred to were a mineral lease granted under this Act.

(14) A special mineral lease continued in force by virtue of sub-section (12) is subject to the provisions of this Act relating to the payment of rent and royalties, as though it were a mineral lease granted under this Act, and such payments shall be apportioned from the commencement of this Act unless otherwise provided in the Regulations.

(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 be processed under this Act as though it were an application under this Act for a mineral lease made on the commencement of this Act, and any requirement of a provision of the repealed Act that had been met at that date relating to that application shall be deemed to be the equivalent requirement, if any, of this Act relating to the processing of an application for the grant of a mineral lease under this Act.

(16) Subject to sub-section (17), where immediately before the commencement of this Act there was in force a mineral claim or dredging claim granted under the repealed Act, that claim shall continue in force for a period of 12 months after the commencement of this Act as though this Act had not come into operation.

(17) At any time within the period of 12 months after the commencement of this Act, where land continues to be occupied under a mineral claim or dredging claim continued in force by virtue of sub-section (16), the holder of that claim may apply under section 82 of this Act for the grant of a mineral claim in substitution therefor, and upon so applying shall be entitled to the grant of that mineral claim.

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(18) An application for a mineral claim or dredging claim made under the repealed Act that had not been processed before the commencement of this Act shall be processed under this Act as though it were an application under this Act for a mineral claim made on the commencement of this Act, and any requirement of a provision of the repealed Act that had been met at that date relating to that application shall be deemed to be the equivalent requirement, if any, of this Act relating to the processing of an application for the grant of a mineral claim.

(19) Where, immediately before the commencement of this Act, a miner was in lawful occupation of an area of land under the repealed Act as -

- (a) a prospecting area;
- (b) a residence or business area;
- (c) a machinery area;
- (d) a tailings area;
- (e) a washing area;
- (f) a market garden area; or
- (g) a quarrying area,

he may continue to occupy that land under that title subject to the same terms and conditions as then applying, as though this Act had not come into operation.

(20) Where, immediately before the commencement of this Act, a miner was entitled to take, use, sell or dispose of water under the repealed Act as -

- (a) a stream water right;
- (b) a lagoon, lake, spring or swamp water right;
- (c) a watershed or stormwater right;
- (d) a dam, tank or reservoir water right;
- (e) a subterranean water right; or
- (f) a race or pipe track water right,

he shall continue to be entitled to take, use, sell or dispose of water in pursuance of that right, subject to the same terms and conditions as then applying, as though this Act had not come into operation.

(21) Where, immediately before the commencement of this Act, there was in force under section 99 of the repealed Act a licence granted under the repealed Act in respect of any tailings or other mining material, that licence shall be deemed to be a licence granted under section 125 of this Act, at the same time and on the same terms and conditions on and under which it was granted under the repealed Act.

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(22) Where, immediately before the commencement of this Act, there was in force -

(a) a reservation of land under section 147 or 147A of the repealed Act; or

(b) an authorization under section 147(4) or 147B(1) of the repealed Act,

that reservation or authorization shall, on the commencement of this Act, be deemed to be a reservation of land under section 178(1), or an authorization made under section 178(2), as the case may be, of this Act, at the same time and on the same terms and conditions on and under which they were respectively made under sections 147, 147A or 147B of the repealed Act.

(23) Each register or record kept, registration or record made, certificate or instrument issued, permit, permission, authority, notice or information given or return made, for any purpose, under the repealed Act and in force or effect immediately before the commencement of this Act, shall continue in force and have effect as if kept, made, issued or given under this Act.

(24) An interest, whether legal or equitable, created before the commencement of this Act in relation to a mining tenement, exploration licence, lease or title granted or issued under the repealed Act and in force immediately before the commencement of this Act, shall continue to have the same force and effect after the commencement of this Act as it had before that commencement.

(25) Subject to sub-section (26) any compensation assessed, agreed upon or paid for any purpose under the repealed Act shall be deemed to have been assessed, agreed upon or paid, as the case may be, under this Act, and any liability to pay such compensation shall be enforced under this Act and be recoverable in accordance with its provisions.

(26) Nothing in this Act shall be construed as conferring on a person a right to compensation in respect of any thing done or omitted to be done, or in respect of any damage suffered, before the commencement of this Act if that person would not have been entitled under the repealed Act to compensation in respect of that thing or damage.

(27) A warden, mining registrar and the principal registrar appointed under the repealed Act and holding office immediately before the commencement of this Act shall, on the commencement of this Act, be deemed to have been appointed under this Act as a warden, a mining registrar or the principal registrar, as the case may be.

(28) Notwithstanding the repeals effected by section 3, any title granted under The Northern Territory Mining Act 1903 of the State of South Australia in its application to the Territory, and in force immediately before the commencement of this Act, shall continue in force as though this Act had not come into operation.

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(29) Notwithstanding the repeals effected by section 3, the provisions of section 35 of the repealed Act continue to apply to and in relation to a miner who, immediately before the commencement of this Act, held land under a miner's right issued under the repealed Act and who was then in actual occupation of that land for residence or business purposes within the meaning of that section, in relation to his continued occupation of that land for those purposes.

192. REGULATIONS

(1) The Administrator may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed, for carrying out or giving effect to this Act.

(2) Without limiting the generality of sub-section (1), the Regulations may provide for -

- (a) determining the dimensions, boundaries, form, position and extent of classes of mining tenements and of tailings licences, and their subsequent adjustment;
- (b) determining the manner in which miners desirous of applying for a class of mining tenements or a tailings licence shall mark out the proposed tenement or licence area and the requirements to be complied with by such miners in relation thereto;
- (c) the forms of classes of mining tenements, licences, permits, certificates, notices, orders, miner's rights or other documents granted, issued or used under or for the purposes of this Act;
- (d) the keeping of registers and the registration and mode of effecting registration of mining tenements, exploration licences or tailings licences, any share or interest therein or transfer, assignment or sublease thereof and any encumbrance thereon, and the registration and mode of effecting or obtaining the registration of any such mining tenement, exploration licence, tailings licence, share, interest, encumbrance, transfer, assignment or sublease in the case of death, bankruptcy or liquidation, or of the sale under a mortgage, or decree, judgment or order of the court;
- (e) the inspection of registers kept under this Act and the Regulations;
- (f) the manner in which applications for variation, suspension or exemption in relation to the conditions of an exploration licence and mining tenement may be applied for, granted and registered;
- (g) the manner in which compensation for the refusal of an application by the holder of an exploration retention lease for a mineral lease shall be ascertained and paid;
- (h) the manner in which mining tenements are to be surveyed;

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- (j) the annual rent to be paid in respect of the grant of an exploration licence;
- (k) the annual rent to be paid in respect of the grant or renewal of any class of mining tenement and the manner in and times at which payments shall be made;
- (m) the fees payable for -
 - (i) the grant and issue of a miner's right;
 - (ii) the issuing of duplicate copies of lost miner's rights;
 - (iii) the grant of a tailings licence and the renewal of such a licence;
 - (iv) the registration of transfers and other dealings or encumbrances affecting an exploration licence or mining tenement, or a share or interest therein;
 - (v) the registration of a caveat;
 - (vi) the application for a variation, suspension or exemption affecting a condition of an exploration licence or a mining tenement; and
 - (vii) the application for transmission of an interest in an exploration licence or mining tenement through death or bankruptcy;
- (n) the royalties to be paid in respect of minerals or extractive minerals obtained from land the subject of a mineral lease, extractive mineral lease or extractive mineral permit, including -
 - (i) the rate;
 - (ii) the manner and times of payment;
 - (iii) the method of calculation of payment;
 - (iv) the assessment of royalties;
 - (v) the collection of assessed royalties;
 - (vi) securing the payment of royalties;
 - (vii) the keeping of records and books of account in relation to minerals or extractive minerals obtained from the land;
 - (viii) the furnishing of returns and records; and
 - (ix) the inspection of, and the taking of extracts from, records or books kept, including the prescribing of persons who may carry out such inspections;
- (p) the fees and costs of proceedings in the warden's court;

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- (q) the procedure and practice of warden's courts;
 - (r) the production and other statistical returns to be furnished by owners and managers of mines;
 - (s) the powers and duties of wardens, mining registrars, surveyors, inspectors, officers, bailiffs and assistants appointed or deemed to have been appointed under this Act;
 - (t) the manner of doing or performing any thing by this Act required to be done or performed;
 - (u) determining and enforcing the distance at which shafts and other mine workings are to be kept from public and private roads, ways and passages and from private land, dwellings and other buildings and improvements; and
 - (v) the mode in which the rights, privileges and interests of the holders of exploration licences and mining tenements may be exercised or enjoyed, and for limiting, qualifying or restricting the exercise and enjoyment of those rights, privileges and interests, and generally for the protection of such holders in the exercise and enjoyment of their rights, privileges and interests.
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SCHEDULE

Section 3

Number and Year	Short Title
9 of 1939	<u>Mining Ordinance</u> 1939
15 of 1940	<u>Mining Ordinance</u> 1940
6 of 1942	<u>Mining Ordinance</u> 1942
1 of 1945	<u>Mining Ordinance</u> 1945
9 of 1947	<u>Mining Ordinance</u> 1947
6 of 1952	<u>Mining Ordinance</u> 1952
6 of 1953	<u>Mining Ordinance</u> 1953
19 of 1953	<u>Mining Ordinance</u> (No. 2) 1953
22 of 1953	<u>Mining Ordinance</u> (No. 3) 1953
2 of 1955	<u>Mining Ordinance</u> 1954
24 of 1955	<u>Mining Ordinance</u> 1955
23 of 1956	<u>Mining Ordinance</u> 1956
19 of 1957	<u>Mining Ordinance</u> 1957
38 of 1957	<u>Mining Ordinance</u> (No. 2) 1957
10 of 1958	<u>Mining Ordinance</u> 1958
11 of 1958	<u>Mining Ordinance</u> (No. 2) 1958
11 of 1960	<u>Mining Ordinance</u> 1960
25 of 1962	<u>Mining Ordinance</u> 1962
49 of 1962	<u>Mining Ordinance</u> (No. 2) 1962
8 of 1965	<u>Mining Ordinance</u> 1964
20 of 1964	<u>Mining Ordinance</u> (No. 2) 1964
32 of 1964	<u>Mining Ordinance</u> (No. 3) 1964
29 of 1965	<u>Mining Ordinance</u> 1965
24 of 1966	<u>Mining Ordinance</u> 1966
39 of 1967	<u>Mining Ordinance</u> 1967
10 of 1969	<u>Mining Ordinance</u> 1969
48 of 1970	<u>Mining Ordinance</u> (No. 2) 1970
20 of 1971	<u>Mining Ordinance</u> 1970
39 of 1971	<u>Mining Ordinance</u> 1971
51 of 1971	<u>Mining Ordinance</u> (No. 2) 1971
59 of 1972	<u>Mining Ordinance</u> 1972
55 of 1976	<u>Mining Ordinance</u> 1976
34 of 1977	<u>Mining Ordinance</u> 1977
9 of 1978	<u>Mining Ordinance</u> 1978
62 of 1978	<u>Mining Ordinance</u> (No. 2) 1978
111 of 1978	<u>Mining Ordinance</u> (No. 3) 1978
3 of 1979	<u>Mining Act</u> (No. 4) 1978
8 of 1979	<u>Mining Act</u> (No. 5) 1978
27 of 1979	<u>Mining Act</u> 1979.

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