

THE NORTHERN TERRITORY OF AUSTRALIA

No. 113 of 1978

AN ORDINANCE

To amend the Petroleum (Prospecting and Mining) Ordinance

[Assented to 9 November 1978]

BE it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

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| 1. This Ordinance may be cited as the <u>Petroleum (Prospecting and Mining) Ordinance</u> 1978. | Short title |
| 2. The <u>Petroleum (Prospecting and Mining) Ordinance</u> is in this Ordinance referred to as the Principal Ordinance. | Principal Ordinance |
| 3. This Ordinance shall come into operation on the date on which which the <u>Aboriginal Land Ordinance</u> 1978 comes into operation. | Commencement |
| 4. Section 4 of the Principal Ordinance is amended - | Definitions |
| (a) by inserting before the definition of "arbitration" the following definition:

"'Aboriginal land' has the same meaning as Aboriginal land under the <u>Aboriginal Land Rights (Northern Territory) Act 1976</u> "; and | |
| (b) by inserting in the definition of "private land" after "means land" the words ", other than Aboriginal land,". | |
| 5. Section 11(1) of the Principal Ordinance is amended by inserting after "applies," the words "or Aboriginal land,". | Power to acquire or resume land |
| 6. Section 12(1) of the Principal Ordinance is amended by inserting after "whether that land is" the words "Aboriginal land,". | Issue, &c., of permits, licences and leases |
| 7. Section 21 of the Principal Ordinance is amended by adding at the end thereof the following sub-sections: | Issue of permits |
| "(4) The Minister shall not issue a permit to a person in respect of Aboriginal land unless the Administrator has approved the issue and - | |
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Petroleum (Prospecting and Mining)

(a) the Land Council for the area in which the land is situated and the Minister for Aboriginal Affairs have consented in writing to the issue of the permit; or

(b) the Governor-General has, by proclamation made pursuant to section 40 of the Aboriginal Land Rights (Northern Territory) Act 1976, declared that the national interest requires that the permit be issued.

"(5) Where a person applies for a permit over Aboriginal land, he, or any person on his behalf, shall not enter into negotiations with a Land Council with respect to the application unless the applicant has received an offer in writing from the Minister of a permit over that land which offer is subject to subsequent compliance with Part IV of the Aboriginal Land Rights (Northern Territory) Act 1976.

"(6) If a person, to whom sub-section (5) applies, fails to comply with any requirement of sub-section (5), the Minister may, in his absolute discretion, refuse to issue a permit to that person, whether over the land the subject of the application referred to in sub-section (5) or otherwise.

"(7) Where the Minister has made an offer in writing to an applicant for a permit over an area of Aboriginal land which offer is subject to the subsequent compliance with Part IV of the Aboriginal Land Rights (Northern Territory) Act 1976, the Minister shall not make a further offer of a permit over that area of Aboriginal land to another person unless -

- (a) the original applicant has withdrawn his application;
- (b) the land is freed from the operation of the permit by surrender; or
- (c) the Minister is satisfied that negotiations between the applicant and the Land Council and the Minister for Aboriginal Affairs have taken place and the consent of the Land Council or that Minister, as the case may be, has been reasonably withheld."

Authority to enter on land to make a geological investigation

8. Section 28 of the Principal Ordinance is amended by inserting after sub-section (1) the following sub-section:

"(1A) An authority does not authorize entry on to Aboriginal land without a permit under the Aboriginal Land Ordinance 1978."

Grant of leases

9. Section 46 of the Principal Ordinance is amended by adding at the end thereof the following sub-sections:

"(4) Subject to this section, a person is not able to obtain a lease over Aboriginal land unless he is, or at the time of applying for the lease was, the holder of a permit over that land and -

- (a) the Land Council for the area in which the land is situated and the Minister for Aboriginal Affairs have consented to the lease; or
- (b) the Governor-General has, by proclamation made pursuant

to section 40 of the Aboriginal Land Rights (Northern Territory) Act 1976, declared that the national interest requires that the grant of a lease be made.

"(5) Where the Minister for Aboriginal Affairs and a Land Council, after considering proposals before it by an applicant for a permit in respect of Aboriginal land, being proposals for the exploration for petroleum on that land and the recovery of any petroleum found as a result of that exploration, have, for the purpose of section 21(4), consented to the issue of that permit, sub-section (4) does not apply to a later grant to the applicant or to his successor in title to the lease in respect of that land where that later grant is substantially in accordance with the proposals.

"(6) Sub-section (4) does not apply to or in relation to an application for a lease lodged before 4 June 1976 by a person who, at the time of lodging the application, was the holder of a permit in respect of the land in respect of which the lease had been applied for.

"(7) If the lands, or a part of the lands, described in Schedule 2 of the Mining Ordinance, being the Ranger Project Area and the Eastern Areas of Groote Eylandt respectively, become Aboriginal land, sub-section (4) shall not apply in relation to those lands or any part thereof."

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