

THE NORTHERN TERRITORY OF AUSTRALIA

No. 62 of 1978

AN ORDINANCE

To amend the Mining Ordinance

[Assented to 1 July 1978]

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

1. This Ordinance may be cited as the Mining Ordinance (No. 2) 1978.

Short
title

2. The Mining Ordinance is in this Ordinance referred to as the Principal Ordinance.

Principal
Ordinance

3. After section 73 of the Principal Ordinance the following sections are inserted:

"73A. (1) The Minister may, before approval, grant or renewal of a lease, enter into a contractual arrangement with the lessee of a mining lease regarding -

Contractual
arrange-
ments
between
lessee
and
Minister

(a) the development of the mineral deposits in or on the demised land;

(b) the conduct of mining operations on the demised land; and

(c) the concentrating or other processing of minerals obtained from the demised land.

"(2) The lessee of a mining lease shall comply with a contractual arrangement entered into pursuant to sub-section (1).

"73B. (1) Subject to this section, the lessee of a mining lease, in using the demised land for mining purposes shall not do anything that unnecessarily or excessively, having regard to the purpose of the lease -

Environ-
mental
protection
during
mining
operations

(a) increases the risk of soil erosion;

(b) injures plant or animal life;

Mining (No. 2)

- (c) disturbs other natural resources in or on the land;
- (d) pollutes the air or the earth's surface or waters;
- (e) creates noise; or
- (f) otherwise damages the environment.

"(2) Where any discharge of waste, whether in solid, liquid or gaseous form, results from using the demised land, the lessee of a mining lease shall -

- (a) provide and maintain settling dams, settling basins and other works for impounding and retaining mine waste; and
- (b) except in such cases and subject to such conditions as the Minister may, by notice in writing, specify, from time to time, do all such things as are necessary to prevent waste or debris from obstructing, damaging or interfering with the sea, a watercourse, lake or reservoir, or land adjacent to the sea, a watercourse, lake or reservoir.

"(3) If the Minister is satisfied that the lessee of a mining lease has contravened or is likely to contravene sub-section (1) or (2), he may, by notice in writing, direct, from time to time, the lessee to take, or to refrain from taking, a specified action to rectify or minimise the damage done by the contravention or to ensure that a contravention will not occur.

"(4) The Minister's powers under sub-section (3) include power to give a direction with respect to -

- (a) the manner of construction and maintenance, and the stabilization, of settling dams, settling basins and other works;
- (b) the treatment of waste prior to its disposal;
- (c) the level and type of contaminants which may be released into the environment and the method of such release;
- (d) the use of explosives; and

- (e) the time within which an action shall be taken.

"73C. (1) If the Minister, by notice in writing, requires the lessee of a mining lease so to do, the lessee shall, before the termination of the lease or within such further time as the Minister may allow, do all such things as are necessary to restore the surface of the demised land to a condition which is satisfactory to the Minister.

Restoration
of land
after
mining

"(2) The Minister may, for the purposes of sub-section (1), require the lessee to take the advice of a person nominated by the Minister with regard to the regeneration and redevelopment of plant life on the areas of land which have been used by the lessee.

"(3) Before the expiration of a mining lease, the lessee shall ensure that all plant, equipment, buildings and refuse on the land is removed or otherwise disposed of to the satisfaction of the Minister.

"(4) If the lessee of a mining lease satisfies the Minister that any plant, equipment or building on the demised land has historical or educational value, the Minister may permit the lessee to leave it on the land, and may require the lessee to restore it to a condition which is satisfactory to the Minister.

"73D. (1) If the lessee of a mining lease contravenes or fails to comply with section 73A or with a direction, notice or requirement given under section 73B(3) or 73C, the Minister may, after giving to the lessee notice of intention to do so -

Remedies
for breach
of sections
73A
73B(3) and
73C

- (a) cancel the lease;
- (b) cause the required action to be taken -
 - (i) without cancelling the lease;
 - (ii) in addition to cancelling the lease; or
 - (iii) after termination of the lease; or
- (c) impose a fine -
 - (i) not exceeding \$10,000; and
 - (ii) for each day during which the contravention or failure to comply continues, not exceeding \$2,000,

either as an alternative or in addition to action under paragraph (a) or (b).

"(2) The cost of taking the required action pursuant to sub-section (1)(b) shall be a debt due to the Territory by the lessee, recoverable in a court of competent jurisdiction."

4. Section 87A(2) of the Principal Ordinance is amended by omitting "and from the Australian Atomic Energy Commission constituted under the Atomic Energy Act 1953".

5. The amendments to the Principal Ordinance effected by section 3 apply to the lessee of a mining lease which is approved, granted or renewed after the date of commencement of this Ordinance.
