

THE NORTHERN TERRITORY OF AUSTRALIA

No. 3 of 1979

AN ACT

To amend the Mining Act.

[Assented to 3 January 1979]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. This Act may be cited as the Mining Act (No. 4) 1978.

Short title

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

Principal Act

3. Section 7 of the Principal Act is amended by inserting in the definition of "minerals", after "includes", the words "prescribed substances within the meaning of the Atomic Energy Act 1953 of the Commonwealth".

4. After section 7 of the Principal Act the following section is inserted:

"7A.(1) Subject to sub-section (2), but notwithstanding anything elsewhere contained in this Act or the Regulations made thereunder, in respect of a prescribed substance within the meaning of the Atomic Energy Act 1953 of the Commonwealth, the Minister -

Uranium

(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 IVA."

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mining leases

5. Section 43 of the Principal Act is amended -

- (a) by inserting in sub-section (2), after "Territory", the words ", in respect of gold and minerals other than prescribed substances,";
- (b) by inserting in sub-section (3), after "substance", the words ", other than a prescribed substance,";
- (c) by inserting in sub-sections (5)(a)(i), (7)(a), (8)(a) and (9)(a)(i), after "substances" (first occurring), the words ", other than prescribed substances,";
- (d) by omitting sub-sections (15) and (16) and substituting the following sub-sections:

"(15) The lessee of a gold-mining lease is liable to pay royalty to the Commonwealth, in the manner provided in this Act, on the value of any prescribed substance obtained from land comprised in the lease at such rate, on such amount and calculated in such manner as is specified in the lease and approved by the Commonwealth Minister for the time being administering section 41 of the Atomic Energy Act 1953 of the Commonwealth.

"(16) Subject to this Act, all matters relating to the lodging of royalty returns and to the assessment, payment and recovery of royalty, on the value of any prescribed substance obtained from land comprised in a gold-mining lease shall be specified in the lease.

"(16A) A person holding office under this Act may, in accordance with the terms and conditions of a gold-mining lease -

- (a) receive an amount of money in respect of royalty;
- (b) assess royalty; and
- (c) exercise other powers and perform other functions in relation to the assessment and collection of royalty,

on the value of prescribed substances obtained from land comprised in that lease.

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"(16B) Where the Northern Territory receives an amount of money in respect of royalty on the value of any prescribed substance obtained from land comprised in a gold-mining lease, it shall, if the royalty has not already been assessed, hold that money until the royalty is assessed and pay to the Commonwealth the amount of the royalty, when assessed."; and

- (e) by inserting in sub-section (17), after the definition of "buyer, the following definition:

"'prescribed substance' means a prescribed substance within the meaning of the Atomic Energy Act 1953 of the Commonwealth;"

6. Section 44 of the Principal Act is amended by inserting after the words "for gold and other minerals" the words ", other than prescribed substances within the meaning of the Atomic Energy Act 1953 of the Commonwealth,".

Lessee to
have exclusive
right of
mining

7. Section 50 of the Principal Act is amended -

- (a) by inserting in sub-section (2), after "Territory", the words ", in respect of gold and minerals other than prescribed substances,";

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- (b) by inserting in sub-section (3), after "substance", the words ", other than a prescribed substance,";

- (c) by inserting in sub-sections (5)(a)(i), (7)(a), (8)(a) and (9)(a)(i), after "substances" (first occurring), the words ", other than prescribed substances,";

- (d) by omitting sub-sections (15) and (16) and substituting the following sub-sections:

"(15) The lessee of a mineral lease is liable to pay royalty to the Commonwealth, in the manner provided in this Act, on the value of any prescribed substance obtained from land comprised in the lease at such rate, on such amount and calculated in such manner as is specified in the lease and approved by the Commonwealth Minister for the time being administering section 41 of the Atomic Energy Act 1953 of the Commonwealth.

"(16) Subject to this Act, all matters relating to the lodging of royalty returns and to the assess-

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ment, payment and recovery of royalty, on the value of any prescribed substance obtained from land comprised in a mineral lease shall be specified in the lease.

"(16A) A person holding office under this Act may, in accordance with the terms and conditions of a mineral lease -

- (a) receive an amount of money in respect of royalty;
- (b) assess royalty; and
- (c) exercise other powers and perform other functions in relation to the assessment and collection of royalty,

on the value of prescribed substances obtained from land comprised in that lease.

"(16B) Where the Northern Territory receives an amount of money in respect of royalty on the value of any prescribed substance obtained from land comprised in a mineral lease, it shall, if the royalty has not already been assessed, hold that money until the royalty is assessed and pay to the Commonwealth the amount of the royalty, when assessed."; and

(e) by inserting in sub-section (17), after the definition of "buyer", the following definition:

"'prescribed substance' means a prescribed substance within the meaning of the Atomic Energy Act 1953 of the Commonwealth;"

Royalty in respect of leases and claims on aboriginal reserves, &c. 8. Section 50B of the Principal Act is amended by inserting after "Territory" the words ", in respect of gold and minerals other than prescribed substances within the meaning of the Atomic Energy Act 1953 of the Commonwealth,".

Special mineral lease to contain terms, conditions, &c. 9. Section 54E of the Principal Act is amended by omitting "A special mineral lease" and substituting "Subject to section 54F, a special mineral lease".

Rent and royalty rates for special mineral leases 10. Section 54F of the Principal Act is amended -
(a) by omitting from sub-section (1) "The rate" and substituting "Subject to sub-section (1A), the rate";
(b) by inserting after sub-section (1) the following sub-section:

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"(1A) In respect of a special mineral lease granted in respect of a prescribed substance, within the meaning of the Atomic Energy Act 1953 of the Commonwealth, the lessee is liable to pay royalty to the Commonwealth on the value of prescribed substances within the meaning of that Act obtained from land comprised in the lease at such rate, on such amount and calculated in such manner as is specified in the lease and approved by the Commonwealth Minister for the time being administering section 41 of that Act."; and

(c) by adding at the end thereof the following sub-section:

"(5) In respect of royalties payable under, and royalty returns in respect of, a special mineral lease granted in respect of a prescribed substance, within the meaning of the Atomic Energy Act 1953 of the Commonwealth, the provisions of section 50 apply as if the special mineral lease were a mineral lease."

11. Section 147A(1B)(b) of the Principal Act is amended by omitting "Territory" and substituting "Commonwealth".

Minister may reserve land from occupation

12. Section 167 of the Principal Act is amended by inserting after the words "the Territory" the words "or, in the case of a substance that is a prescribed substance within the meaning of the Atomic Energy Act 1953 of the Commonwealth, the Commonwealth".

Seizing gold or minerals on non-payment of royalties

13. Section 167A of the Principal Act is amended by inserting after the words "the Territory" the words "or, in the case of a substance that is a prescribed substance within the meaning of the Atomic Energy Act 1953 of the Commonwealth the Commonwealth".

Commonwealth may sue for royalty

