



NORTHERN TERRITORY OF AUSTRALIA

Regulations 1999, No. 14*

Regulations under the *Mining Amendment Act (No. 2) 1998*

I, NEIL RAYMOND CONN, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Mining Amendment Act (No. 2) 1998* as amended by the *Lands and Mining (Miscellaneous Amendments) Act 1998*.

Dated 20 April 1999.

N R CONN
Administrator

By His Honour's Command

T D BALDWIN
Minister for Industries and Business
acting for and on behalf of the Chief Minister

* Notified in the *Northern Territory Government Gazette* on 20 April 1999.

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AMENDMENTS OF MINING AMENDMENT REGULATIONS

1. Principal Regulations

The Mining Amendment Regulations (1999, No. 11) are in these Regulations referred to as the Principal Regulations.

2. Transitional provision: applications lodged after 1 October 1998

Regulation 16 of the Principal Regulations is amended –

- (a) by omitting from subregulation (1) "This section" and substituting "This regulation";
- (b) by inserting after subregulation (1) the following:

"(1A) Where this regulation applies, the Secretary may notify the applicant in writing that the applicant is required –

- (a) to provide the information referred to in section 140D of the Principal Act; and
- (b) to serve written notice of the making of the application on the persons referred to in that section,

within 14 days after receiving the notice or within the further time allowed in writing by the Secretary.;"

- (c) by omitting from regulation (2) "being notified in writing by the Secretary that the information is required" and substituting "receiving the notice referred to in subregulation (1A)";
- (d) by omitting from subregulation (3) "subsection (2)" and substituting "subregulation (2)"; and
- (e) by omitting subregulation (4) and substituting the following:

"(4) The Minister or an applicant is to be taken to have complied with section 140E(1) of the Principal Act as amended by these Regulations if the Minister or applicant (as the case requires) serves written notice of the making of the application on the persons referred to in section 140D(a), (b) and (c) of that Act within –

- (a) in the case of the Minister – 28 days after being advised by the Secretary that the information referred to in subregulation (2) has been received from the applicant; or

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- (b) in the case of the applicant – 14 days after receiving the notice referred to in subregulation (1A) or within the further time allowed in writing by the Secretary.

"(5) Where this regulation applies, the notification event referred to in section 140E of the *Mining Act* is to be taken to be –

- (a) for the purposes of a notice to be served by the Minister – the day on which the Secretary advises the Minister under subregulation (4) that the information referred to in subregulation (2) has been received from the applicant; or
- (b) for the purposes of a notice to be served by an applicant – the day on which the applicant receives the notice referred to in subregulation (1A)."

3. Transitional: applications pending before determination under section 43A(1)(b) of Native Title Act comes into force

Regulation 17 of the Principal Regulations is amended –

- (a) by omitting from subregulation (1) "This section" and substituting "This regulation";
- (b) by inserting after subregulation (5) the following:

"(5A) For the purposes of section 163(5) of the Principal Act as amended by these Regulations, the date to be specified in the notice is the date that is 21 days after the day on which the Secretary advises the applicant that the persons referred to in section 140D(a), (b) and (c) are to be served."; and

- (c) by omitting from subregulation (8) "this section" and substituting "this regulation".

4. Repeal and substitution

Regulation 19 of the Principal Regulations is repealed and the following substituted:

"19. Amendment of *Mining Amendment Act (No. 2) 1998*

"Section 23 of the *Mining Amendment Act (No. 2) 1998* as amended by the *Lands and Mining (Miscellaneous Amendments) Act 1998* is amended –

- (a) by omitting from subsection (1) 'as amended by this Act';
- (b) by inserting after subsection (1) the following:

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(1A) Where this section applies, the Secretary may notify the applicant in writing that the applicant is required –

- (a) to provide the information referred to in section 140D of the Principal Act; and
- (b) to serve written notice of the making of the application on the persons referred to in that section,

within 14 days after receiving the notice or within the further time allowed in writing by the Secretary.;

- (c) by omitting from subsection (2) 'as amended by this Act';
- (d) by omitting from subsection (2) 'being notified in writing by the Secretary that the information is required' and substituting 'receiving the notice referred to in subsection (1A)';
- (e) by inserting after subsection (2) the following:

(2A) The information provided by an applicant under subsection (2) is to be current as at the date on which the applicant receives the notice referred to in subsection (1A).;

- (f) by omitting from subsection (3) 'as amended by this Act';
- (g) by omitting from subsection (3)(b) 'being advised in writing by the Secretary that those persons are to be served' and substituting 'receiving the notice referred to in subsection (1A)'; and
- (h) by adding at the end the following:

(4) Where this section applies, the notification event referred to in section 140E of the Principal Act is to be taken to be –

- (a) for the purposes of a notice to be served by the Minister – the day on which the Secretary advises the Minister under subsection (3) that the information referred to in subsection (2) has been received from the applicant; or
- (b) for the purposes of a notice to be served by an applicant – the day on which the applicant receives the notice referred to in subsection (1A).

(5) In this section, "Principal Act" means the *Mining Act* as amended by this Act, the *Mining Amendment Regulations (1998, No. 43)*, the *Lands and Mining (Miscellaneous Amendments) Act 1998*, the *Lands and Mining*

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(Miscellaneous Amendments) Act 1999 and the Mining Amendment Regulations
(1999, No, 11).".
