

# MCARTHUR RIVER PROJECT AMENDMENT (RATIFICATION OF MINING AUTHORITIES) ACT 2007 (NT)

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Act No 6 of 2007

Assented to 4 May 2007

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The *McArthur River Project Amendment (Ratification of Mining Authorities) Act 2007* (NT) ('the Act') amends the *McArthur River Project Agreement Ratification Act 1992* (Cth) ('*Ratification Act*'). The Act retrospectively validates Authorisations 0059-01 and 0059-02 granted by the Minister for Mines and Energy on 21 January 2003 and 13 October 2006, respectively.

The Act inserts a new section 4AB(1) which states that despite any law to the contrary Authorisations 0059-01 and 0059-02 are valid and effective. Section 4AB(1) authorises mining activity of any kind, including the conversion of the mine that forms part of the McArthur River Project from an underground into an open-cut mine.

Further, section 4AB(2) states that the Mining Management Plan for the McArthur River Project mine, purportedly approved by the Minister for Mines and Energy on 13 October 2006, is also valid and effective despite any law to the contrary, and was validly approved by the Minister on that date.

Subsection 4AB(3) provides for the operation of the new section 4AB both retrospectively and prospectively.

The Act also amends section 4B of the *Ratification Act* regarding compensation. The *Amendment Act* inserts a new section 4B, in which subsections (1) and (2) include references to 'relevant legislative or administrative act[s]' which may result in unjust acquisition of property, for which applications for compensation from the Territory Government can be made. Section 4B(6) defines 'relevant legislative or administrative act' to include the enactment of section 4AB; a grant effected by s 4A; a validation effected by section 3 of the *McArthur River Project Agreement Ratification Amendment Act 1993* (NT); or anything else done under the Act.

***This Act amends the McArthur River Project Agreement Ratification Act 1992 (Cth). The full text of the consolidated Act only is available online at: <<http://www.austlii.edu.au>>. This Act was enacted to override the decision in *Lansen & Ors v NT Minister for Mines and Energy & Ors [2007] NTSC 28*, on which there is a headnote in the Courts and Tribunal Decisions section of this volume of the AILR.***