

No. 20 of 1971

An Ordinance to amend the *Mining Ordinance 1939-1969*

[Reserved 10 July, 1970]

[Assented to 13 May, 1971]*

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

1.—(1.) This Ordinance may be cited as the *Mining Ordinance 1970*. Short title and citation

(2.) The *Mining Ordinance 1939-1969* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance as amended by this Ordinance may be cited as the *Mining Ordinance 1939-1970*.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.† Commencement

3. Section 6 of the Principal Ordinance is repealed and the following section inserted in its stead:—

“6. This Ordinance is divided into Parts, as follows:— Parts

Part I.—Preliminary (Sections 1-7).

Part II.—Administration (Sections 8-12).

Part III.—Gold-fields and Mineral Fields (Sections 13-16).

Part IV.—Miners' Rights (Sections 17-38).

Part IVA.—Exploration Licences (Sections 38A-38x).

Part IVB.—Mining Tenements on Aboriginal Reserves (Section 38y).

Part V.—Mining Leases.

Division 1.—Gold-mining Leases (Sections 39-44).

Division 2.—Mineral Leases (Sections 45-54).

Division 2A.—Special Mineral Leases (Sections 54A-54k).

* Notified in the *Northern Territory Government Gazette* No. 20 of 19 May, 1971, page 167.

† The date fixed was 4 October, 1971 (see *Northern Territory Government Gazette* No. 31 of 4 August, 1971, page 277).

Division 3.—Mining Leases on Reserves and Authorized Holdings (Sections 55-59).

Division 4.—Provisions Relating to Leases Generally (Sections 60-102).

Part VI.—Tribute Agreements (Sections 103-105R).

Part VII.—Mining on Private Land (Sections 106-140).

Part VIII.—General Provisions (Sections 141-173).

Part IX.—Administration of Justice (Sections 174-214).

Part X.—Regulations (Sections 215-216)."

Definitions

4. Section 7 of the Principal Ordinance is amended—
- (a) by inserting before the definition of "alluvial" the following definition:—
" 'aboriginal reserve' has the same meaning as the word 'reserve' has in the *Social Welfare Ordinance 1964-1967*;"
 - (b) by inserting in the definition of "crown land" after the words "land of the Crown" the words "or of the Commonwealth";
 - (c) by omitting from sub-paragraph (iii) of paragraph (e) of the definition of "crown land" the words "organic or inorganic phosphate or";
 - (d) by inserting after the definition of "earth" the following definition:—
" 'exploration licence' means an exploration licence granted under section 38B of this Ordinance;"
 - (e) by adding at the end of the definition of "reserve" the words "but does not include an aboriginal reserve".

Director of
Mines

5. Section 9 of the Principal Ordinance is amended—
- (a) by inserting in paragraph (c) of sub-section (2.), after the word "Territory", the words "or on leave"; and
 - (b) by omitting from sub-section (2.) the word "Minister" and inserting in its stead the word "Administrator".

Jurisdiction &c.,
of Chief Warden
and wardens

6. Section 10 of the Principal Ordinance is amended—
- (a) by inserting in sub-section (1.), after the word "him", the words ", and the jurisdiction conferred on wardens,"

- (b) by inserting in sub-section (1.), after the words "Chief Warden" (second occurring), the words "and of a person referred to as a warden,";
- (c) by inserting in paragraph (c) of sub-section (3.), after the word "Territory", the words "or on leave"; and
- (d) by omitting from sub-section (3.) the word "Minister" and inserting in its stead the word "Administrator".

7. Part IVA. of the Principal Ordinance is repealed and the following parts inserted in its stead:—

"PART IVA.—EXPLORATION LICENCES

"38A. In this Part, unless the contrary intention appears, Definitions
'owner', 'occupier' and 'private land' have the same meaning as in Part VII. of this Ordinance.

"38B.—(1.) Subject to this Ordinance, the Administrator may— Administrator
may grant or
renew
exploration licence

- (a) grant an exploration licence in respect of private land, crown land or land included in an aboriginal reserve; and
- (b) from time to time renew that exploration licence.

"(2.) An exploration licence granted under this section is subject to such conditions, if any, as are specified in the licence.

"(3.) An exploration licence that is renewed under this section is subject to such conditions, if any, as are specified in the instrument of renewal.

"(4.) Insofar as the area, or a discrete area, of an exploration licence is not bounded by—

- (a) the high water mark of the seashore;
- (b) the seaward limit, beyond which the Administrator has no power to grant an exploration licence; or
- (c) a boundary of land that is a reserve within the meaning of any provision of any Act or Ordinance,

that area shall be bounded by lines, each of which is—

- (d) a meridian, the distance of which from the meridian of Greenwich is a multiple of one minute of longitude; or
- (e) a parallel of latitude, the distance of which from the equator is a multiple of one minute of latitude,

and all except four of which are—

- (f) meridians, the distances of which from the meridian

Mining

of Greenwich are multiples of five minutes of longitude; or

(g) parallels of latitude, the distances of which from the equator are multiples of five minutes of latitude.

“(5.) An exploration licence cannot be granted over land in respect of which an exploration licence is already in force.

“(6.) An exploration licence shall not be granted in respect of land that is or includes private land unless the applicant first furnishes to the Administrator a security, in such form, from such person and in such amount as the Administrator determines, for the payment of any compensation that, under section thirty-eight Q of this Ordinance, he may become liable to pay.

“(7.) An exploration licence shall not be granted or renewed unless it contains a minimum expenditure or labour covenant.

“(8.) An exploration licence may be granted or renewed, as the case may be, for such term, not exceeding one year, as the Administrator thinks fit, provided that the total term of the licence, including renewals, does not exceed five years.

“(9.) An exploration licence shall not be granted—

(a) if the effect of granting it would be that the total area under exploration licences controlled by any one person, whether or not the control is enforceable, and whether the control is achieved by interests in various companies, by moral or other influence, by partnerships or other agreements, by collusion, by means of related companies or by any other means, however indirect, would exceed five thousand square miles.

Assent to
paragraph (b)
withheld

* * * * *

“(10.) The regulations may prescribe areas of land in which the maximum area in respect of which an exploration licence may be granted is less than the maximum area that would otherwise be permitted by this Ordinance and, where the regulations do so prescribe an area of land, they—

(a) shall prescribe the maximum area in respect of which an exploration licence may be granted in that area; and

(b) may prescribe a maximum number of exploration licences that may be held by any one person or group or class of persons in that area.

“(11.) An exploration licence shall not be renewed, except in the case of a first renewal, in respect of an area of land that is more than half the area held under the licence immediately after the last preceding renewal.

“(12.) For the period of twelve months after the date on which land ceases to be the subject of an exploration licence, the Administrator shall not receive an application for an exploration licence in respect of that land or any part of that land if the effect of granting the application would be that a person who was in a position to influence to a substantial degree, whether as a matter of right or otherwise and however indirectly, the control of the former licence would be in a position to influence to a substantial degree the control of the new licence.

“(13.) An exploration licence shall not be granted, but, subject to sub-section (14.) of this section, may be renewed, in respect of a divided area.

“(14.) An exploration licence shall not be renewed in respect of an area that is divided into more than three discrete areas.

“38C. Where an applicant for the grant or renewal of an exploration licence has not complied strictly with the provisions of this Ordinance and the regulations, the Administrator may grant or renew an exploration licence to him.

Strict compliance
not necessary

“38D.—(1.) Forthwith after the Administrator has granted or renewed an exploration licence, he shall cause to be published in the *Gazette* a notice setting out—

Gazetted of notice
of grant or
renewal of licence

- (a) the name of the holder of the exploration licence;
- (b) the number of the exploration licence;
- (c) the period for which the exploration licence has been granted or renewed, as the case may be, and the commencement date of that period; and
- (d) a description of the land in respect of which the exploration licence has been granted or renewed, as the case may be.

“(2.) Forthwith after land ceases to be the subject of an exploration licence, whether through expiry, surrender or cancellation, the Administrator shall cause to be published in the *Gazette* a notice setting out—

- (a) the number of the licence; and
- (b) a description of the land in respect of which the exploration licence has ceased to be in force.

“(3.) For the purposes of this section, the Administrator shall allot a number to each exploration licence.

Application for
grant or renewal
of exploration
licence

“38E.—(1.) An application for the grant or renewal of an exploration licence shall be made in writing in a form approved by the Administrator and—

- (a) shall be lodged at an office of the Director of Mines;
- (b) shall specify an address in the Northern Territory of Australia to which the Postmaster-General or his agents will deliver mail as the applicant's address for the service of notices;
- (c) shall specify the period in respect of which the application is made;
- (d) shall specify the land in respect of which the application is made;
- (e) shall be accompanied by particulars of—
 - (i) the proposals of the applicant for work and expenditure;
 - (ii) the technical qualifications of the applicant and his employees;
 - (iii) the technical advice available to the applicant; and
 - (iv) the financial resources of the applicant;
- (f) in the case of an application for the renewal of an exploration licence, shall, subject to the next succeeding sub-section, be lodged not less than one month before the date of expiration of the licence and shall be accompanied by particulars of—
 - (i) the work and expenditure already carried out; and
 - (ii) the results already obtained;
- (g) may contain any other matters that the applicant wishes the Administrator to consider;
- (h) shall be accompanied by the prescribed fee for the grant or the renewal, as the case may be, of an exploration licence in the terms of the application; and
- (i) in the case of an application for the grant of an exploration licence, shall be accompanied by an amount of money sufficient to cover the cost of advertising the application in accordance with this section.

“(2.) The Administrator may, for reasons that he thinks sufficient, receive an application for the renewal of an exploration licence less than one month before, but not in any case after, the date of expiration of the licence.

“(3.) An application for the grant of an exploration licence is ineffective insofar as it relates to land that—

(a) is the subject of an exploration licence on the date;
or

(b) was the subject of an exploration licence at any time within the twenty-eight days immediately preceding the date,

on which the application was lodged.

“(4.) The Administrator may, at any time after an application for the grant or renewal of an exploration licence is received, request the applicant to provide further information to assist the Administrator in his consideration of the application.

“(5.) Upon receipt of an application for the grant of an exploration licence, the Administrator shall either—

(a) reject the application; or

(b) advertise the application in a newspaper printed in the Northern Territory and at the office of the Director of Mines and, if the land in respect of which the application is made is or includes private land, give notice of the application, by post or otherwise, to the owner of that private land.

“(6.) An advertisement under the last preceding subsection shall—

(a) give the name of the applicant;

(b) specify the period in respect of which the application is made;

(c) specify the land in respect of which the application is made; and

(d) appoint a date, not being earlier than twenty-eight days after the advertisement is posted at the office of the Director of Mines and, if the land in respect of which the application is made is or includes private land, not being earlier than fourteen days after notice of the application is given to the owner of that private land, on or before which objections may be lodged against the grant of a licence.

“38F. The prescribed fee for the grant or the renewal, as the case may be, of an exploration licence is— Prescribed fee

$$\$ \left(2 \times \frac{T}{12} \times A \right)$$

where—

T is the number of months for which the licence is granted or renewed, as the case may be, if that number is a whole number, or, if that number is not a whole

number, the nearest whole number that is greater than that number; and

A is the number of square miles in the area in respect of which the licence is granted or renewed, as the case may be, if that number is a whole number, or, if that number is not a whole number, the nearest whole number that is greater than that number.

Objections to
grant of
exploration licence

“38G—(1.) Where an application for the grant of an exploration licence is advertised under section 38E, a person may, not later than the appointed date, lodge at the office of the Director of Mines an objection in writing against the grant of the licence, specifying the grounds of the objection.

“(2.) Where an objection is lodged under the last preceding sub-section, the Administrator—

(a) shall furnish particulars of the objection to the applicant and shall afford to the applicant an opportunity to submit a written answer to the objection; and

(b) may, at any time, request the person objecting to provide further information to assist the Administrator in his consideration of the objection.

Processing of
application for
grant of
exploration
licence

“38H.—(1.) In considering whether to grant an exploration licence, the Administrator—

(a) shall take into account any objections that have been lodged against the grant of that licence;

(b) may take into account any other applications that have been made for the grant of exploration licences in respect of some or all of the same land but shall take into account the priority of lodgment;

(c) shall consider whether, in his opinion, it is desirable that an exploration licence should be granted at all in respect of the land in respect of which the application is made;

(d) may consider whether the effect of granting the licence would be that a person or group of persons or class of persons could acquire, whether directly or indirectly, a greater interest in prospecting the mineral wealth of the Northern Territory than, in the opinion of the Administrator, is desirable;

(e) shall take into account the applicant's proposals for work and expenditure and, in particular, the extent to which, the degree to which and the purpose for which, the applicant will explore the whole of the land in respect of which he has applied for the grant of the licence;

- (f) shall take into account the applicant's ability to carry out his proposals for work and expenditure, having regard to all circumstances, including the number of other exploration licences held by the applicant;
- (g) shall take into account, in the case of an exploration licence in respect of land that is or is included in an aboriginal reserve, the interests, well-being and employment of aboriginals in the vicinity; and
- (h) shall take into account such other matters, if any, as in the opinion of the Administrator should be taken into account.

“(2.) The Administrator shall, if he grants the licence, grant it only in respect of so much of the land in respect of which the application is made as he thinks fit.

* * * * *

Assent to sub-sections (3), (4) and (5) withheld

“(6.) In considering whether to grant an exploration licence and in determining the conditions to which an exploration licence, if granted, is to be subject, the Administrator shall have regard to the desirability of minimising the disturbance to the environment, in particular by minimising—

- (a) the incidence of and the effects of soil erosion;
- (b) the disturbance of flora and fauna and other natural resources;
- (c) pollution of the earth, including the waters of the earth, and the atmosphere; and
- (d) interference with the use of the land by other persons.

“38I.—(1.) In considering whether to renew an exploration licence, the Administrator shall take into account—

- (a) the extent to which the holder from time to time of the licence has complied with the provisions of this Ordinance and the regulations and with the terms of the licence;
- (b) the applicant's proposals for work and expenditure and, in particular, the extent to which, the degree to which and the purpose for which, the applicant will explore the whole of the land in respect of which he has applied for the renewal;

Processing of application for renewal of exploration licence

(c) in the case of an application for the renewal of an exploration licence in respect of land that is or is included in an aboriginal reserve, the continued interests, well-being and employment of aboriginals in the vicinity; and

(d) such other matters, if any, as in the opinion of the Administrator should be taken into account.

“(2.) The Administrator may, if he is not prepared to renew an exploration licence in respect of the whole of the area applied for, renew it in respect of part only of that area.

“(3.) Where the Administrator proposes to renew an exploration licence in respect of part only of the area applied for, he shall give to the applicant an opportunity—

(a) to submit reasons why the licence should be renewed in respect of the whole of the area applied for; and

(b) to negotiate the area in respect of which the licence will be renewed.

“(4.) In determining the conditions to which an exploration licence, if renewed, is to be subject, the Administrator shall have regard to the desirability of minimising the disturbance to the environment, in particular by minimising—

(a) the incidence of and the effects of soil erosion;

(b) the disturbance of flora and fauna and other natural resources;

(c) pollution of the earth, including the waters of the earth, and the atmosphere; and

(d) interference with the use of the land by other persons.

Effective date
of renewal of
licence

“38J. A renewal of an exploration licence or a refusal to renew an exploration licence is not effective until fourteen days after notice of the renewal or refusal to renew, as the case may be, is served upon the applicant or is posted to the address specified on his application as his address for service of notices.

Continuation of
licence pending
renewal decision

“38K.—(1.) Where an application for the renewal of an exploration licence is duly made under this Ordinance and the term of the licence expires before the renewal or refusal to renew, as the case may be, becomes effective, the licence continues in force over the land in respect of which the application for renewal is made, notwithstanding anything elsewhere contained in this Ordinance, until the renewal or refusal to renew, as the case may be, becomes effective.

“(2.) Where, under the last preceding sub-section, an exploration licence continues in force after the expiration of the term of the licence and the licence is then renewed, the term of

the renewal shall be deemed to have commenced upon the expiration of the term of the licence.

“38L.—(1.) The Administrator shall, if he does not advertise an application for the grant of an exploration licence, refund to the applicant the money that was forwarded with the application to cover the cost of advertising it. Refund of application moneys

“(2.) The Administrator shall, if he does not grant or renew an exploration licence or if an applicant does not accept the grant or renewal of an exploration licence, refund to the applicant the fee that was forwarded with the application.

“(3.) The Administrator shall, if he grants or renews an exploration licence over some but not all of the land in respect of which the application was made, refund to the applicant the difference between the fee that was forwarded with the application and the prescribed fee for the grant or renewal, as the case may be, of the licence that was granted or renewed.

“38M.—(1.) An exploration licence, while it is in force, authorizes the person holding it, subject to this Ordinance and the regulations and in accordance with the conditions to which it is subject, to explore for gold and minerals, and to carry on such operations and execute such works as are necessary for that purpose, in the area in respect of which it is granted, but it does not authorize the recovery of gold or of a mineral. Rights conferred by exploration licence

“(2.) An exploration licence is subject to any mining tenement that was created before the application for the grant of the exploration licence was made.

“(3.) An exploration licence shall not be taken to confer on the holder a mining tenement over the area in respect of which the licence is granted.

“(4.) Subject to sub-section (6.) of this section, where land is the subject of an application for an exploration licence, a person shall not—

- (a) explore for gold or minerals on that land;
- (b) take possession of or mark off that land or any part of it; or
- (c) obtain a mining tenement in respect of that land or any part of it.

“(5.) Subject to the next succeeding sub-section, where land is the subject of an exploration licence, the holder of that exploration licence and the servants or agents of the holder of that exploration licence acting in the interests of the holder of that exploration licence have the exclusive right to—

- (a) explore for gold or minerals on that land;
- (b) take possession of or mark off that land or any part of it; or

(c) obtain a mining tenement in respect of that land or any part of it.

“(6.) Sub-section (4.) of this section does not limit the rights of any person under an exploration licence already in force in respect of the land or part of the land in respect of which an application for an exploration licence is made, and sub-sections (4.) and (5.) of this section do not limit—

(a) the rights of any person under or by virtue of a mining tenement, in respect of the land or part of the land in respect of which an exploration licence is held or an application for an exploration licence is made, being a mining tenement that was created before the application for the exploration licence was made;

(b) the rights of any person to obtain a business area, a market garden area or a residence area; or

(c) the rights of any person to explore for or to apply for a mineral lease to extract—

(i) sand, gravel or clay; or

(ii) stone that is appropriate for use as crushed rock,

being sand, gravel, clay or stone that is appropriate for use in construction or building, but, where a person exercises his right so to apply and he obtains a mineral lease, the mineral lease does not confer a right to mine for other minerals.

“(7.) For the purposes of the last preceding sub-section, the rights of a person under or by virtue of a mining tenement include the rights of a holder of a lease or claim to take up or use other mining tenements that are not leases or claims, for the purpose of working his tenement.

Entitlement to enter aboriginal reserve for purposes of exploration licence

“38N.—(1.) Where the Administrator grants or renews an exploration licence over land that is or is included in an aboriginal reserve, he shall, in respect of each person that he considers should be entitled to enter and remain, for the purposes of the exploration licence, on the aboriginal reserve or that part of the aboriginal reserve, as the case may be, that is the subject of the exploration licence, by instrument in writing under his hand, specify that person.

“(2.) Where the holder of an exploration licence referred to in the last preceding sub-section, in writing, notifies the Administrator of the name of a person whom the holder of the exploration licence desires be entitled to enter and remain, for the purposes of the exploration licence, on the aboriginal reserve or that part of the aboriginal reserve, as the case may be, that

is the subject of the exploration licence and requests the Administrator to do so, the Administrator may, by instrument in writing under his hand, specify that person.

“(3.) The Administrator may, of his own motion or upon receiving a request in writing from the holder of an exploration licence referred to in sub-section (1.) of this section for him to do so, by instrument in writing under his hand, revoke an instrument made under either of the last two preceding sub-sections in relation to the exploration licence.

“(4.) The Administrator shall cause a copy of an instrument made under any of the last three preceding sub-sections to be served upon—

- (a) the holder of the exploration licence to which the instrument relates; and
- (b) the person specified in the instrument or in an instrument revoked by the instrument, as the case may be.

“(5.) A person specified in an instrument made under sub-section (1.) or (2.) of this section and in force is authorized notwithstanding the *Social Welfare Ordinance 1964-1969* to enter and remain, for the purposes of the exploration licence to which the instrument relates, on the aboriginal reserve or that part of the aboriginal reserve, as the case may be, that is the subject of the exploration licence.

“380.—(1.) Subject to sub-section (9.) of this section, the holder of an exploration licence shall, upon the expiration, surrender or cancellation of the licence, lodge at the office of the Director of Mines a comprehensive review of activities during the whole term of the licence, giving full and accurate technical details of all work and expenditure under the licence and of all results obtained from exploration under the licence.

Licensee to
furnish
periodical
reports

Penalty: Five hundred dollars.

“(2.) Subject to sub-section (9.) of this section, the holder of an exploration licence shall, within three months of the end of each year during the term of the licence, lodge at the office of the Director of Mines a comprehensive review of activities during that year, giving full and accurate technical details of work and expenditure during that year and of the results, if any, obtained during that year.

Penalty: Five hundred dollars.

“(3.) Subject to sub-section (9.) of this section, the holder of an exploration licence shall, at the end of each period of three months during the term of the licence, lodge at the office of the Director of Mines a brief outline, in non-technical terms, of activities during that period, showing work and expenditure

during that period and results, if any, obtained during that period.

“(4.) A comprehensive review lodged under this section shall include—

- (a) all technical and non-technical reports and reviews completed or becoming available to the holder of the licence during the period reviewed and not previously lodged, including—
 - (i) reports on any geological, geophysical or geochemical survey or other prospecting; and
 - (ii) reports on any drilling; and
- (b) all relevant data, including copies of maps, logs and records, necessary to interpret it or necessary to interpret a report or review referred to in paragraph (a) of this sub-section.

“(5.) The Administrator may, under the terms of the exploration licence or from time to time, require the holder of an exploration licence—

- (a) to lodge further reviews;
- (b) to include in a report information or data within the possession or knowledge of the holder, additional to the information or data required under this section; or
- (c) to provide further factual information or data within the possession or knowledge of the holder concerning a review lodged under this section.

“(6.) The holder of an exploration licence shall comply with a requirement of the Administrator made under the last preceding sub-section.

Penalty: Five hundred dollars.

“(7.) Subject to the next succeeding sub-section, the Administrator shall, upon request, permit a member of the public to peruse a report or review that is lodged under this section and that contains information relating to land that is not, on the date on which the request is made, the subject of the exploration licence in respect of which the report or review was lodged.

“(8.) Where, under the last preceding sub-section, a member of the public requests access to a report or review that contains information relating to land that is still the subject of the exploration licence in respect of which the report or review was lodged—

- (a) the Administrator shall give to the holder of the exploration licence an opportunity of lodging a document containing all the information relating

to the land that is no longer the subject of the licence; and

- (b) if the holder of the licence lodges such a document within twenty-eight days, the Administrator shall make that document available and shall not make the report or review available.

“(9.) The Administrator may, if he thinks fit and subject to such conditions as he thinks fit, under the terms of the exploration licence or from time to time, exempt the holder of an exploration licence from the obligation to comply with the requirements, or some of the requirements, of this section.

“(10.) Where a person commits an offence by reason of his refusal or failure to do an act that he is required by or under this section to do—

- (a) that offence shall, for the purpose of the next succeeding paragraph, be deemed to continue so long as the person refuses or fails to do the act; and
- (b) if that person is convicted of the offence, then he commits a further offence on each day on which the offence is deemed to continue after the day on which he is so convicted and he is punishable in respect of each such further offence, upon conviction, by a fine not exceeding One hundred dollars.

“38P.—(1.) Subject to the next succeeding sub-section, the holder of an exploration licence shall, within six months of recovering a drill core or obtaining a cutting or a soil or rock sample from the land the subject of the licence, or within such further time as the Administrator may allow, deposit, as the case requires—

Drill cores, &c.,
to be deposited
for testing

- (a) not less than one quarter, cut longitudinally, of that core or cutting; or
- (b) a representative sample of that soil or rock sample, not less than one quarter of the full amount of the soil or rock sample,

for examination or testing, in good condition and identified in such a manner that the place from which it was taken can be exactly determined, at the office of the Director of Mines.

Penalty: Five hundred dollars.

“(2.) The Administrator may, if he thinks fit and subject to such conditions as he thinks fit, under the terms of the exploration licence or from time to time, exempt the holder of an exploration licence from the obligation to comply, either wholly or in part, with the requirements of the last preceding sub-section.

“(3.) During the term of an exploration licence the holder of the licence or a person thereto authorised by him has full and free access to a drill core, cutting or soil or rock sample from the land the subject of the licence that, under sub-section (1.) of this section, he has deposited with the Director of Mines and he may use that core, cutting or sample for such examination as he thinks fit.

“(4.) The Administrator shall, upon request, permit a member of the public to inspect a drill core, cutting or soil or rock sample that is lodged under this section and that was taken from land that is not, on the date on which the request is made, the subject of the exploration licence in respect of which it was lodged.

Compensation

“38Q.—(1.) Where the holder of an exploration licence or his servant or agent, acting under the licence, damages private land to which the exploration licence applies, or any improvements on such land, or causes a loss of the use or enjoyment of such land, the holder is liable to pay compensation to the owner or occupier or both, as the case requires, of the land in respect of the damage or loss.

“(2.) If the holder of the exploration licence and the owner or occupier, as the case requires, of the land agree as to the amount of the compensation, the amount of the compensation payable is the amount agreed upon and that amount may be sued for and recovered as a debt due to the owner or occupier of the land from the holder of the exploration licence.

“(3.) If the holder of the exploration licence and the owner or occupier, as the case requires, of the land fail, within a reasonable time to agree as to the amount of the compensation, the owner or occupier of the land may, upon a plaint in that behalf, apply to a warden’s court for an assessment of the amount of the compensation payable.

“(4.) The warden’s court has jurisdiction to assess the amount of the compensation and that amount when assessed is deemed to be a judgment of the warden’s court and as such is recoverable by the owner or occupier of the land or both, as the case requires, in the manner provided by this Ordinance, from the holder of the exploration licence.

“(5.) Where an amount of compensation has been determined in accordance with sub-section (2.) or (3.) of this section and the holder of the exploration licence has failed to pay the amount determined within thirty days of the agreement or the date of the assessment, as the case may be, the person entitled to the compensation may require the Administrator by notice in writing to proceed under the security furnished in accordance with sub-section (6.) of section thirty-eight B or sub-section (6.) of section thirty-eight U, as the case may be, of this Ordinance.

“(6.) Where the Administrator is so required to proceed under a security he shall demand and proceed to recover from the person who has furnished the security the amount of the compensation assessed or the amount of the security, whichever is the less, and upon that or any lesser amount being received by him shall pay the amount received to the person entitled to the compensation.

“(7.) A notice given to the Administrator under sub-section (5.) of this section does not prevent the person entitled to compensation from taking any other action to recover, or from receiving the amount of the compensation, but he is not entitled to receive more than the amount agreed upon or assessed as the case may be.

“38R.—(1.) The Administrator may, if he thinks fit, at any time and subject to such conditions as he thinks fit, at the request of the holder of an exploration licence—

Variation of conditions

- (a) vary;
- (b) suspend; or
- (c) exempt the holder from compliance with, a condition to which the licence is subject.

“(2.) A request made under the last preceding sub-section shall be in writing and shall be lodged at the office of the Director of Mines.

“38s.—(1.) The holder of an exploration licence may, at any time, lodge at the office of the Director of Mines a surrender of the licence as to all or some of the land in respect of which it is in force.

Surrender of exploration licence

“(2.) A surrender or a partial surrender of an exploration licence is effective from but not including the date on which it is lodged at the office of the Director of Mines.

“38T.—(1.) Where the holder of an exploration licence contravenes or does not comply with—

Cancellation of exploration licence

- (a) a condition to which the licence is subject;
- (b) a direction given to him under this Part by the Administrator; or
- (c) a provision of this Ordinance or of the regulations, the Administrator may cancel the licence.

“(2.) The Administrator shall not cancel an exploration licence unless he has—

- (a) given written notice to the holder of the licence of his intention to cancel the licence and of the grounds on which he intends to cancel it;

- (b) in the notice appointed a date, not being earlier than one month after the notice is served, on or before which the holder may submit any matters that he wishes the Administrator to consider; and
- (c) taken into account any submissions made by the holder within the time so allowed.

Transfers &c.,
of exploration
licences

“38U.—(1.) An instrument of transfer of an exploration licence, or any other instrument by which a legal or equitable interest in or affecting an existing or future exploration licence is or may be created, assigned, affected or dealt with, whether directly or indirectly, has no effect either at law or in equity unless it is in writing and until it has been approved by the Administrator.

“(2.) The holder of an exploration licence shall forthwith upon the execution of an instrument referred to in the last preceding sub-section, lodge the instrument and one duly executed copy of the instrument at the office of the Director of Mines for the Administrator’s approval.

Penalty: Five hundred dollars.

“(3.) An instrument lodged under the last preceding sub-section for the Administrator’s approval shall be accompanied by—

- (a) such particulars of—
 - (i) the technical qualifications of the parties executing the instrument and of their employees;
 - (ii) the technical advice available to the parties executing the instrument; and
 - (iii) the financial resources of the parties executing the instrument, as the holder of the exploration licence wishes the Administrator to consider;
- (b) such other information, if any, as the holder wishes the Administrator to consider; and
- (c) the prescribed fee.

“(4.) The Administrator may, at any time after an instrument is lodged under this section for his approval, request the holder of the exploration licence to provide further information to assist the Administrator in considering whether to approve the instrument.

“(5.) The Administrator shall not approve an instrument lodged under this section for his approval until he has considered—

- (a) whether the effect of approving the instrument could be that a person or group of persons or class of persons could acquire, whether directly or indirectly, a greater interest in the development of the Northern Territory than, in the opinion of the Administrator, is desirable;
- (b) whether the effect of approving the instrument would be that a person would acquire a substantial interest in exploration licences over more than five thousand square miles; and
- (c) in the case of an exploration licence in respect of land that is or is included in an aboriginal reserve, the interests, well-being and employment of aboriginals in the vicinity.

“(6.) The Administrator shall not approve the transfer of an exploration licence in respect of land that is or includes private land unless the transferee first furnishes to the Administrator a security, in such form, from such person and in such amount as the Administrator determines, for the payment of any compensation that, under section thirty-eight Q of this Ordinance, he may become liable to pay.

“(7.) Subject to the last two preceding sub-sections, the Administrator has an absolute discretion to approve or not to approve an instrument lodged under this section for his approval.

“(8.) An instrument that is lodged under sub-section (2.) of this section shall be retained by the Principal Registrar.

“(9.) A copy of an instrument that is lodged under sub-section (2.) of this section shall be returned to the person who lodges it.

“38v.—(1.) The Principal Registrar shall keep a Register of Exploration Licences and shall enter in it, in relation to each exploration licence that is granted—

Register of
Exploration
Licences

- (a) a copy of the instrument by which it is granted or a memorial of the grant;
- (b) a memorial of each renewal, variation of a condition, suspension of a condition, exemption from compliance with a condition, surrender, cancellation, devolution, transfer or other dealing; and
- (c) such other information as he thinks fit.

“(2.) Forthwith upon receipt of—

- (a) an application for a renewal of an exploration licence;
- (b) a request for a variation of, suspension of, or exemption from compliance with, a condition of an exploration licence;
- (c) evidence of devolution of an exploration licence; or
- (d) an instrument of surrender or transfer of an exploration licence or an instrument otherwise dealing with an exploration licence,

the Principal Registrar shall note on the instrument or a copy of the instrument the date and time of receipt of the instrument and, where two or more instruments relating to the same exploration licence are received simultaneously, the priority of the instruments for the purposes of registration.

“(3.) The Principal Registrar shall keep a journal and shall enter in it a memorial of each note made by him under the last preceding sub-section.

“(4.) For the purposes of sub-section (2.) of this section—

- (a) where the Principal Registrar receives two or more instruments relating to the same exploration licence simultaneously, he may require the holder of the licence to allot priorities to them for the purposes of registration; and
- (b) where the Principal Registrar is not permitted to retain the original of any instrument referred to in that sub-section, the person lodging the instrument shall also lodge a copy, certified as a true copy, of the instrument.

Inspection of
register

“38W.—(1.) The holder of an exploration licence or a person acting with his authority may—

- (a) upon payment of the prescribed fee, inspect the registered copy of his exploration licence, a memorial that is entered in the register in relation to his exploration licence and the instrument of which that memorial is a memorial; and
- (b) upon payment of the prescribed fee, obtain from the Principal Registrar a copy of, or an extract from, a page of an instrument or of the register that, under this section, he is permitted to inspect.

“(2.) The Principal Registrar shall—

- (a) permit a person, upon payment of the prescribed fee, to inspect such parts of the register as are

necessary to enable that person to ascertain, in relation to an exploration licence—

- (i) the name of the holder of that licence;
 - (ii) the land in respect of which that licence is held; and
 - (iii) the period in respect of which that licence is held; and
- (b) supply a person, upon payment of the prescribed fee, with a copy of, or an extract from, a part of the register that, under this sub-section, he is permitted to inspect.

“(3.) Subject to the last two preceding sub-sections and the next succeeding sub-section, the Principal Registrar may, but is not required to—

- (a) permit a person, upon payment of the prescribed fee, to inspect an entry in the register or a registered instrument; or
- (b) supply a person, upon payment of the prescribed fee, with a copy of, or an extract from, an entry in the register or a registered instrument.

“(4.) When acting under the last preceding sub-section, the Principal Registrar is subject to the directions of the Administrator.

“38x.—(1.) The Register of Exploration Licences, or a copy of or an extract from the register certified under the hand of the Principal Registrar, is evidence of a fact stated in the register. Evidentiary provisions

“(2.) For the purposes of the last preceding sub-section, judicial notice shall be taken of the signature of the Principal Registrar.

“PART IVB.—MINING TENEMENTS ON ABORIGINAL RESERVES

“38y.—(1.) A person other than the holder of an exploration licence over land that is or is included in an aboriginal reserve shall not take possession of, mark off or obtain a mining tenement over that land or any part of that land. Tenement to be granted only to holder of exploration licence

“(2.) A mining tenement over land included in an aboriginal reserve shall contain such covenants, terms and conditions relating to the employment and the protection of the interests and well-being of aboriginals as the Administrator thinks necessary.

“(3.) Subject to this Part, a mining tenement over land that is or is included in an aboriginal reserve may be obtained in the same manner and may be subject to the same conditions

as apply to and in relation to the application for and the grant of a gold-mining lease, a mineral lease or a special mineral lease, or the registration of a claim under the regulations, as the case may be, in respect of crown land.

“(4.) A mining tenement over land included in an aboriginal reserve is authority for the holder and a person employed by the holder to be on that part of the reserve which is within the boundaries of the tenement.”.

Special provisions
concerning
royalty on washed
bauxite

8. Section 50A of the Principal Ordinance is amended—

(a) by omitting from sub-section (1.) paragraphs (a) to (g) inclusive and inserting in their stead the following paragraphs:—

“(a) a mining lease of land that is not, and has not been at any time after the date of the commencement of the *Mining Ordinance* 1953, an aboriginal reserve or included in an aboriginal reserve; or

(b) a mining lease of, or a claim, registered under the regulations, in respect of, land that is, or at any time after the date of the commencement of the *Mining Ordinance* 1953 has been, an aboriginal reserve or included in an aboriginal reserve.”;

(b) by omitting from sub-section (2.) the word “dredging” (twice occurring);

(c) by omitting from sub-section (3.) the words “the lease or dredging claim” and inserting in their stead the words “a lease or claim specified in sub-section (1.) of this section”;

(d) by omitting from sub-section (4.) the words “the lease or dredging claim” and inserting in their stead the words “a lease or claim specified in sub-section (1.) of this section”;

(e) by omitting from sub-section (5.) the word “dredging” (wherever occurring);

(f) by omitting from sub-section (6.) the word “dredging” (first occurring);

(g) by omitting from paragraph (a) of sub-section (6.) the word and letter “or (b)”;

(h) by omitting from paragraph (b) of sub-section (6.) the words and letters “lease claim or dredging claim specified in paragraph (c), (d), (e),

(f) or (g)” and inserting in their stead the words and letter “lease or claim specified in paragraph (b)”;

(i) by omitting from sub-section (9.) the definition of “reserves”.

9. Section 50B of the Principal Ordinance is repealed and the following section inserted in its stead:—

“50B. Notwithstanding the provisions of sections forty-three and fifty of this Ordinance, but subject to section fifty A of this Ordinance, the lessee of a mining lease or a special mineral lease of, or the holder of a claim, registered under the regulations, in respect of, land that is, or at any time after the date of the commencement of the *Mining Ordinance* 1953 has been, an aboriginal reserve or included in an aboriginal reserve shall pay to the Commonwealth (in the case of the lessee of the mining lease or the special mineral lease, in lieu of the royalty (if any) that he would, but for the operation of this section, be liable to pay by virtue of section forty-three or fifty of this Ordinance, as the case may be, in respect of that mining lease or special mineral lease) a royalty calculated in the manner prescribed in and at twice the rate fixed by—

Royalty in respect of leases and claims on aboriginal reserves or former aboriginal reserves

- (a) in the case of a gold-mining lease—section forty-three of this Ordinance;
- (b) in the case of a mineral lease or a special mineral lease—section fifty of this Ordinance;
- (c) in the case of a dredging claim, registered under the regulations, for the mining of gold—section forty-three of this Ordinance as if the claim was a gold-mining lease granted over the land in respect of which the claim is registered; and
- (d) in the case of a claim, registered under the regulations, for the mining of a mineral or minerals—section fifty of this Ordinance as if the claim was a mineral lease granted over the land in respect of which the claim is registered for the mining of that mineral or minerals.”.

10. Section 52 of the Principal Ordinance is repealed and the following section inserted in its stead:—

“52.—(1.) Where, in the course of mining on land held under a mineral lease, gold is found associated or combined with any mineral but not in sufficient quantity, in the opinion of the Administrator, to make gold the most profitable product of the ore so mined and gold is recovered in the ore so mined, the lessee of the mineral lease shall pay to the Commonwealth

Royalty on gold found on mineral lease or claim

royalty on the gold as provided in and as calculated in the manner prescribed in section forty-three of this Ordinance and—

- (a) at the rate fixed by that section; or
- (b) if the land is, or at any time after the date of the commencement of the *Mining Ordinance* 1953 has been, an aboriginal reserve or included in an aboriginal reserve—at twice the rate fixed by that section, as if the mineral lease was a gold-mining lease.

“(2.) Where, in the course of mining on land in respect of which a claim for the mining of a mineral or minerals is registered under the regulations, gold is found associated or combined with any mineral but not in sufficient quantity, in the opinion of the Administrator, to make gold the most profitable product of the ore so mined and gold is recovered in the ore so mined, if the land is, or at any time after the date of the commencement of the *Mining Ordinance* 1953 has been, an aboriginal reserve or included in an aboriginal reserve, the holder of the claim shall pay to the Commonwealth royalty on the gold as provided in and calculated in the manner prescribed in, but at twice the rate fixed by, section forty-three of this Ordinance as if the claim was a gold-mining lease over the land.”.

Applications for special mineral leases

11. Section 54B of the Principal Ordinance is amended by omitting from sub-section (1.) the words “included in a reserve within the meaning of Part IVA. of this Ordinance” and inserting in their stead the words “that is, or is included in, an aboriginal reserve”.

Rent and royalty rates for special mineral leases

12. Section 54F of the Principal Ordinance is amended by omitting from paragraph (b) of sub-section (4.) the words “and fifty A” and inserting in their stead the words “, fifty A and fifty B”.

Right to cut timber for mining purposes

13. Section 151c of the Principal Ordinance is amended by omitting from paragraph (d) the words “a prospecting authority” and inserting in their stead the words “an exploration licence”.

Recovery of royalty

14. Section 167A of the Principal Ordinance is amended by omitting the words “and from the holder of a dredging claim, registered under the Regulations,” and inserting in their stead the words “or from the holder of a claim registered under the regulations”.

Obstructing officer appointed by Administrator

15. Section 168 of the Principal Ordinance is amended by omitting the words “either of the last two preceding sections” and inserting in their stead the words “section one hundred and sixty-six or one hundred and sixty-seven of this Ordinance”

16. After section 171 of the Principal Ordinance the following section is inserted:—

“171A. The Administrator may require any information furnished under or for the purposes of this Ordinance to be verified, by statutory declaration or otherwise, to the satisfaction of the Administrator.”

Statutory
declarations

17. After section 173 of the Principal Ordinance the following section is inserted:—

“173A.—(1.) Where, for the purposes of this Ordinance or the regulations, or for the purposes of an instrument under this Ordinance or the regulations, it is necessary to determine the position on the surface of the Earth of a point, line or area, that position shall be determined by reference to a spheroid having its centre at the centre of the Earth and a major (equatorial) radius of 6,378,160 metres and a flattening of $\frac{100}{29825}$ and by reference to the position of the Johnston Geodetic Station in the Northern Territory of Australia.

Points, &c., to
be ascertained
by reference to
Australian
Geodetic datum

“(2.) That station shall be taken to be situated at 133 degrees, 12 minutes and 30.0771 seconds of East Longitude and at 25 degrees, 56 minutes and 54.5515 seconds of South Latitude and to have a ground level of 571.2 metres about the spheroid referred to in the last preceding sub-section.”

18. Section 180 of the Principal Ordinance is amended by adding at the end thereof the following sub-section:—

“(2.) A warden’s court may, on the application of a person aggrieved by an error or omission in a register kept under this Ordinance, make such order as it thinks fit directing the rectification of that register.”

Jurisdiction of
warden

19. Section 215 of the Principal Ordinance is amended by omitting the words “The Administrator” and inserting in their stead the words “The Administrator in Council”.

Regulations

20. The Principal Ordinance is amended as set out in the Schedule to this Ordinance.

Amendments
in relation to
decimal currency

21.—(1.) Notwithstanding the repeal effected by section 7 of this Ordinance, a prospecting authority that was granted or renewed under the repealed provisions and that was in force immediately before the commencement of this Ordinance continues in force under those provisions as though this Ordinance had not been made, but such a prospecting authority may not be renewed.

Savings

(2.) Where the holder of a prospecting authority that is continued in force under the last preceding sub-section applies, before the expiration of the term of that prospecting authority, for an exploration licence over land in respect of which the prospecting authority was in force—

- (a) the Administrator shall, in considering whether to grant the exploration licence, give weight to the fact that the applicant has so held the prospecting authority; and
- (b) if an exploration licence is granted, the term of the prospecting authority shall not affect the total term for which the exploration licence, including renewals, may be held, but the Administrator shall take the term of the prospecting authority into account in considering whether to renew the exploration licence.

THE SCHEDULE

Section 20

AMENDMENTS OF THE PRINCIPAL ORDINANCE
IN RELATION TO DECIMAL CURRENCY

Provisions amended	Omit	Insert
Section 12	Two hundred pounds	Four hundred dollars
Section 18	Five shillings	Fifty cents
Section 25	One shilling	Ten cents
Section 29 (3.)	Five pounds	Ten dollars
Section 36 (3.)	two shillings and sixpence	Twenty-five cents
Section 43 (1.) (a)	Five shillings	Fifty cents
Section 43 (1.) (b)	One pound	Two dollars
Section 43 (2.)	Three pence in the pound	One and one-quarter cents in the dollar
Section 50 (1.)	Five shillings	Fifty cents
Section 50 (2.)	Three pence in the pound	One and one-quarter cents in the dollar
Section 50A (6.) (a)	Three pence in the pound	One and one-quarter cents in the dollar
Section 50A (6.) (b)	Six pence in the pound	Two and one-half cents in the dollar
Section 50A (7.)	Two hundred and fifty pounds (wherever occurring)	Five hundred dollars
	Two pounds (wherever occurring)	Four dollars
Section 51 (2.)	Two pounds	Four dollars
Section 73 (1.) (f)	Five hundred pounds	One thousand dollars
Section 74 (2.)	One pound	Two dollars
Section 84 (b) (ii)	Five thousand pounds	Ten thousand dollars
Section 84 (c)	One thousand five hundred pounds	Three thousand dollars
	Four thousand pounds	Eight thousand dollars
Section 85 (3.)	One hundred pounds	Two hundred dollars
Section 88 (2.)	Ten pounds	Twenty dollars
Section 90	Ten pounds	Twenty dollars
Section 93 (b)	Five hundred pounds	One thousand dollars
Section 104 (3.)	Fifty pounds	One hundred dollars
Section 150 (2.)	Fifty pounds	One hundred dollars
	Ten pounds	Twenty dollars

Provisions amended	Omit	Insert
Section 159 (1.)	ten pounds	Twenty dollars
Section 159 (2.)	One hundred pounds	Two hundred dollars
Section 160	Twenty pounds	Forty dollars
Section 161	Fifty pounds	One hundred dollars
Section 164	One hundred pounds	Two hundred dollars
Section 165	Fifty pounds	One hundred dollars
Section 168	One hundred pounds	Two hundred dollars
Section 170	Fifty pounds	One hundred dollars
Section 172	Fifty pounds	One hundred dollars
Section 184 (e)	Ten pounds	Twenty dollars
Section 198 (a)	Twenty pounds	Forty dollars
Section 199 (b)	Five pounds	Ten dollars
Section 207 (a)	Twenty pounds	Forty dollars
Section 214 (b)	two hundred pounds	Four hundred dollars
Section 215 (42)	Fifty pounds	One hundred dollars

