

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1982, No. 21 *

Regulations under the *Coal Act*

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Coal Act*.

Dated this 19th day of March, 1982.

E.E. JOHNSTON
Administrator

AMENDMENTS OF THE COAL REGULATIONS

1. DEFINITIONS

Regulation 2 of the *Coal Regulations* is amended by inserting after the definition of "Licensee" the following:

"'Secretary' means the departmental head of the department for the time being principally responsible under the Minister for the administration of the Act;".

2. LICENCES

Regulation 4 of the *Coal Regulations* is amended by omitting sub-regulation (2) and substituting the following:

"(2) Subject to sub-regulation (3), a licence is subject to the condition that the licensee shall comply, in prospecting for coal on the subject land during the term of the licence or during specified periods of that term, with the exploration programme approved by the Minister and specified in that licence.

* Notified in the *Northern Territory Government Gazette* on 26th March, 1982.

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"(3) Upon application by a licensee, the Minister may, in his discretion, by notice in writing given to the licensee, vary or suspend the exploration programme specified in the licence held by that licensee."

3. NEW REGULATIONS

The Coal Regulations are amended -

(a) by inserting after regulation 4 the following:

"4A. CONDITIONS TO WHICH LICENCES SUBJECT

"For the purposes of section 4(3) of the Act, a licence is granted subject to the conditions that the licensee shall -

- (a) for the purposes of exploring for coal, carry out -
 - (i) geological surveys;
 - (ii) geophysical surveys; or
 - (iii) subject to the approval in writing of the Minister, geochemical surveys,
or any combination of those surveys, on the subject land;
- (b) extract or remove from the subject land only such amount of ore, material or other substance as is reasonably necessary for sampling purposes;
- (c) not later than 28 days after confirmation of their discovery, report in writing to the Secretary all minerals of possible economic or scientific interest discovered on the subject land;
- (d) before carrying out an exploration programme involving substantial disturbance of the surface of the subject land, advise the Secretary, in writing, of the exploration programme, and comply with such directions as the Secretary considers appropriate for the protection of the environment in the carrying out of that exploration programme;
- (e) advise the Secretary, in writing, of the proposed location of a base camp on the subject land and the proposed method to be used in disposing of waste from the base camp, and comply with such directions as the Secretary considers appropriate in relation to the disposal of that waste;

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- (f) not erect a permanent building or facility on the subject land except with the approval in writing of the Secretary;
- (g) conduct his exploration programme and other activities in such a way as not to interfere with existing roads, railways, telephone or telegraph lines, power lines and cables, water pipelines or dams or reservoirs or gas, oil, slurry or tailings or the lawful activities or rights of any person on or in relation to land adjacent to the subject land;
- (h) where his activities within the subject land occasion damage or loss to a person's legal interest in the subject land, compensate that person;
- (j) carry out his exploration programme and other activities on the subject land in such a way as to cause as little disturbance as practicable to the environment, and comply with the reasonable written directions of the Secretary to take, within a specified time, such action as the Secretary considers appropriate to minimize that disturbance or make good any damage already caused by the licensee, including the rehabilitation of the disturbed surface of the land;
- (k) allow an inspector within the meaning of the *Mines Regulation Act* or the *Mines Safety Control Act* and any person authorized in writing for that purpose by the Secretary to enter the subject land at any time and examine the activities of the licensee; and
- (m) not interfere with land used as a yard, garden or orchard, or on which substantial improvements exist, except with the written consent of the owner or occupier, if any, of that land."; and
- (b) by inserting after regulation 20 the following:

"21. REPORT ON CEASING TO HOLD LICENCE

"(1) A person who was the holder of a licence shall, within 3 months immediately after he ceases to hold the licence, or such longer period as the Secretary allows, lodge at the office of the Secretary a comprehensive report in accordance with this section on the exploration programme and other activities carried out on the subject land, as comprised from time to time, during the period of the licence.

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"(2) The report referred to in sub-regulation (1) shall include all geological, geophysical and geochemical survey reports, and all drilling and other reports completed by or becoming available to the licensee, and all data, maps, logs and records associated with or necessary to interpret those reports.

"21A. ANNUAL REPORTS

"(1) A licensee shall, within one month after the expiration of each period of 12 months of his licence, or such longer period as the Secretary allows, lodge at the office of the Secretary a report in a form satisfactory to the Secretary on the exploration programme and other activities carried out on the subject land during that period.

"(2) The report referred to in sub-regulation (1) shall include all geological, geophysical and geochemical survey reports, and all drilling and other reports completed by or becoming available to the licensee in relation to his exploration programme and other activities on the subject land, and all data, maps, logs and records associated with or necessary to interpret those reports.

"21B. INSPECTION AND CONFIDENTIALITY OF REPORTS

"(1) A report furnished -

- (a) in pursuance of section 18 of the Act; or
- (b) in pursuance of regulation 21A,

shall be confidential while -

- (c) the licence; or
- (d) the application under section 19 of the Act for the grant of a lease,

in respect of the land to which it relates, remains in force or is neither granted or refused, but on that licence ceasing to be in force or that application being refused, the report shall be available for examination at the office of the Secretary by any person during normal office hours.

"(2) A report furnished in pursuance of regulation 21, other than such a report which relates to an area of land in respect of which -

- (a) a lease is in force; or

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- (b) an application under section 19 of the Act for the grant of a lease is in force and which application has not been refused,

may be examined at the office of the Secretary by any person during normal office hours.

"21C. CORE SAMPLES TO BE LODGED

"(1) As soon as practicable after he recovers a drill core or cutting from the subject land, a licensee shall, in writing, notify the Secretary that the core or cutting has been recovered and identify, to the satisfaction of the Secretary, the place on the subject land from which the core or cutting was taken.

"(2) Subject to sub-regulation (3), a drill core or cutting referred to in sub-regulation (1) shall not be disposed of by the licensee except with and in accordance with the written directions of the Secretary.

"(3) As soon as practicable after land from which a drill core or cutting referred to in sub-regulation (1) ceases to be on land the subject of a licence, or on land the subject of an application under section 19 of the Act for the grant of a lease, the person who was the licensee shall deposit with the Secretary that core or cutting, unless it has previously been disposed of in accordance with sub-regulation (2).

"(4) A drill core or cutting deposited under sub-regulation (3) with the Secretary may be examined by any person on request at the office of the Secretary or such other place as the Secretary thinks fit during normal office hours.

"(5) A drill core or cutting deposited with the Secretary or a person to be held on behalf of the Secretary in accordance with a direction under sub-regulation (2) may, while the land from which it was taken remains a licence area, or the subject of an application for the grant of a lease, be examined by a person only with the approval in writing of the licensee or applicant for the lease, as the case may be."

4. FAILURE TO KEEP AND PRODUCE RECORDS

Regulation 22 of the Coal Regulations is amended by omitting "40 dollars" and substituting "\$100".

