

INDEX

A

- AMIC, 310
AMPLA submission, 50, 60, 61, 85
Abandonment, 197, 198, 200, 201, 202, 208, 209, 275
Aboriginal,
 Affairs Planning Authority (W.A.), 492, 510, 511
 Affairs Study Group of Tasmania, 493
 claimants, 502-504, 506, 508
 Community Council, 493
 customary law, 485, 494
 definition of term, 502, 503, 504, 524
 Development Commission, 486
 groups, standing, and, 108, 117
 land,
 identification of, 484-493, 500
 use of, 508-524
 N.T. laws, and, 511, 512
 See also ENTRY; LAND, COMPULSORY ACQUISITION; LEASE; LICENCE; ROADS; ROYALTY; TENEMENT
 Land Claims Bill (Vic.), 483, 490, 501, 503, 506, 508, 522
 Land Claims Tribunal (Vic.), 501, 502, 524
 Land Commission, 487, 504
 Land Commissioner, 486, 487, 488, 494, 495, 496, 497, 498, 499
 Land Council, 489, 490, 500, 503, 505, 507, 508, 512, 513, 514, 515, 516
 Land Fund Commission, 486
 land-holder, 504-506
 land rights claim, 493-502
 Land Rights Commission, 490, 494
 Lands Trust of N.S.W., 489, 504
 Lands Trust (W.A.), 492, 504, 510, 511
 lands trusts, 504, 505, 507, 512
 mining control, 508-524
 rights, 212, 338
 rights in land, nature of, 506-508
 Tasmanians, 493
 See also CONTINENTAL SHELF; LOCAL ABORIGINAL LAND COUNCIL; LAND, PRIVATE; REGIONAL ABORIGINAL LAND COUNCIL; SOVEREIGNTY; TAX, LAND; TOWN; TREATY; VICTORIAN ABORIGINAL AUTHORITY
Account of profits, 167, 172, 194
Accounting,
 equity, 283, 284, 285
 principles, 'generally accepted', 291
 Principles Board (U.S.), 283
 records, prescribed, 266
 standards, 283-284
 approved, 267
 international, 284
Standards Board of the Australian Accounting Research Foundation, 289
Standards Committee (U.K.), 283
Standards Review Board, 263, 267, 268
See also FINANCIAL ACCOUNTING STANDARDS; STATEMENT
Accounts, consolidated, 285
Acquiescence, 453
Acquisition of property by Commonwealth, 127
 possession, and, 237, 238
Acts of God, 344
Ad melius inquirendum, 95
Adaptation, 343-344, 360
Adjacent area beyond territorial sea, 13
Administrative action,
 meaning, 48
Administrative decisions,
 See DECISIONS
Administrative Appeals Tribunal, 39, 41, 50, 51, 53
Administrative Review Council, 51
Advance petroleum revenue tax, 305
Aerodrome, 196, 204-205
Agency, 161, 168, 175, 177, 180, 192
 theory, oil production, and, 299
Agreed Measures, 532, 540, 542, 551
Agreement,
 assignment and pledge, of, 290, 294
 completion guarantee, 290, 294
 equity subscription, 276
 evergreen, 333, 340
 Gentlemen's, 151, 153
 hardship, 387, 388
 implied, 251, 252
 informal, converted into easement, 451
 lease, 289
 loan, restricting covenants in, 258, 259, 279
 mining, stamp duty, and, 422
 not to partition, 251-252, 254
 off-take, 277
 perpetuity, in, 356
 prior, 414
 recapture, 262, 277
 resource development (W.A.), 10, 11
 sharefarming, 251
 solus, 334
 wind access, 448
See also, FARM-IN; FARMINEE; JOINT VENTURE; LICENCE; RETRENCHMENT

INDEX

- Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces, 1951, 548
 Air New Zealand Limited, 158
 Airspace, purchase of, 463, 466-468, 477
 Alaskan option, 490
 Alice Springs, 512
 American Arbitration Association, 347
 American Institute Committee on Accounting Procedures, 283
 Anangu Pitjantjatjaraku, 491, 505, 506, 507, 517, 518, 519, 520
 Ancient lights, doctrine of, 457
 Antarctic Marine Living Resources Convention, 539, 540, 541
 Antarctic Peninsula, 528
 Anthropologists, 495
 Appeal,
 Aboriginal Land Council, by, 500
 administrative decision, against, 49-50, 54, 113, 114
 Anangu Pitjantjatjaraku decision, against, 520
 assessment,
 registration fees, of, against, 413, 414
 stamp duty, of, against, 418
 resource rent tax, and, 315
 Warden's Court, from, 68-69, 76, 78, 81, 85-87, 88-92, 246-247
 wind access permit, and, 476
 Appropriation, prior, 469, 477, 478
 Appropriations, parliamentary, 132, 138, 144, 145, 149, 150
 Arbitration, 198, 333, 342, 343, 346-347, 348, 350, 362, 373, 381, 386, 387, 513, 514, 518, 520, 521, 522
 Arm's length, 161, 178, 189, 190, 302, 406, 411, 423
 Asbestos, 212
 Ashton Diamond Venture, 151
 Asprey Committee, 214, 215
 Assay plans, 200
 Asset value, 426
 Assets, disposal of, 197, 201, 203, 208
 income tax, and, 206-208, 214
 Assignment, 113, 235, 238, 240, 242, 245, 290, 294, 307, 335, 354, 409, 410, 411, 414, 419, 420, 439, 440
 Atomic Energy Commission, 136, 137
 Auditor,
 duty of care, of, 430
 report, 266, 430
 Aurukun, 492, 507, 510
 Australasian Institute of Mining and Metallurgy, 400, 403
 Australian Associated Stock Exchanges,
 listing, 182, 216, 295, 400, 408, 424
 rules, 425
 Australian Atomic Energy Commission, 130
 Australian Film Commission, 135, 136, 137
 Australian Labor Party,
 policy of mineral taxation, 296, 297
 Australian Law Reform Commission, 153
 Australian Petroleum Exploration Association, 306, 310
 Australian Shipping Board, 128, 129
 Authority to enter, 90
 Authority to prospect, 184, 235, 245, 419, 420, 421
 'Axminster' system of government, 118
- B**
- Bankruptcy, 214
 Bargain, 337, 343, 352, 374
 bad, 363, 366, 367
 Barrow Island, 300
 Bass Strait, 300, 301, 322, 433, 435
 Batchelor, 487
 Beeby, C., 525, 540
 draft I, 527, 540, 541, 542, 543, 546, 547, 548, 549, 550, 552, 553, 554
 draft II, 527, 540
 Bellingshausen Sea, 529
 Beneficial use, 469, 477, 478, 479
 Benefit, personal, undisclosed, 170
 Beverley, 99
 Bind the Commonwealth, 133, 137, 145
 Bind the Crown, 108, 137, 140, 155, 156, 158, 472, 474
 Bond against damage, 112, 114
 Bond rate, Commonwealth long term, 303, 314
 Borroloola claim, The, 488
 Borrowing,
 limitations on, imposed by covenant, 258, 259, 261
 Bougainville, 327
 Bounties, 6, 7, 30
 Bribes, 172
 'Brother's keeper', 160, 168
 Brunner, John, 211, 311
 Building regulations,
 See REGULATIONS, BUILDING
 Building societies, terminating, 204
 Buildings,
 architectural or historical interest, of, 106
 Business franchise, 18, 22, 23
 'Buying back the farm', 211
 Buy-out, 174
- C**
- CSR Limited, 258, 261
 Canada,
 Progressive Incremental Royalty (PIR), 297
 Cancellation, 94, 113, 116, 117, 118, 119, 209, 246, 383, 473, 541

INDEX

- Capital,
 - cost of, 314, 320, 321, 413
 - redemption, 220, 221
 - return of, 216, 217, 218, 219, 220, 253
 - risk, 400, 406
- Captain Cook, 485
- Care and maintenance, 196, 214
- Care, duty of, 157, 430
- Carry-back losses, 215
- Carry forward, 302, 303, 315
- Casey Station, 528
- Cash bidding,
 - offshore exploration, and, 298, 299, 314, 316, 412
- Cash flow, 257, 270, 271, 273, 275, 276, 277, 279, 282, 294, 297, 298, 302, 308, 310, 313, 316, 327, 332, 334, 335, 337, 339, 340, 384, 412, 413, 423, 427
 - See also* DISCOUNTED TAX FLOW
- Caveat, 84, 85, 205, 441, 464
- Central Borrowing Authorities, 148, 152-153
- Central Land Council, 512
- Certiorari*, 78, 87, 88, 89, 90, 92, 94, 95, 96, 108, 116, 122
- Chamber concept, 467, 468
- Change in obligation, 353, 364, 375, 376, 377, 379, 389
- Change of rules, 321
- Charter air services, 135, 137
- Chattels, 233, 239, 240
 - division of, 226, 227, 228, 229, 230, 232, 233, 239, 240, 242
 - interests of partners, as, 253
 - sale of, in lieu of division in kind, 228
- Chose in action, 240, 242
- Circumstances, changed, 268, 269
- Claim, mineral,
 - application for, 70, 71
- Coastal waters, 231
- Comalco, 156
- Commissions, 170
 - secret, 172
- Commodities, surrogate, 341, 342
- Common heritage of mankind, 525, 550, 552, 553
- Common Mining Code, 301, 307
- Commonwealth/State Financial Agreement 1927, 139, 140, 148, 149, 151, 152, 153
- Compensation, 64, 71, 83, 84, 99, 110, 112, 114, 120, 127, 142, 143, 167, 172, 201, 203, 205, 226, 234, 336, 348, 359, 469, 474, 475, 481, 485, 490, 501, 514, 523
- Conduct, standards of, 160, 161, 175
- Confidential relationship, 173
- Confidence,
 - abuse of, 160
 - breach of, 161, 166, 167, 179, 181, 187
 - duty of, 161, 162-167, 168, 171, 183, 186
 - equitable doctrine of, 45
 - information supplied in, 39
 - obligation of, 163
- Confidentiality,
 - breach of, 45
 - government participation, and, 150, law of, 162-167
- Conflict of Laws rules, 134
- Conservation, Antarctica, in, 527, 530, 552
- Conservation groups, 108
- Consideration,
 - licence fees, and, 411
 - obligation to disclose, 410
 - stamp duty, and, 416, 418, 420, 421, 422
 - wind access agreement, for, 448
- Consumer Price Index, 341
- Contiguous area, mining in, 184, 185
- Continental shelf,
 - Aboriginal claims and, 484
 - Antarctica, 528, 529, 551, 552
 - Australia, 98, 232, 484, 551
 - Bellingshausen, 550
 - Ross, 550
- Contract,
 - adhesion, of, 355
 - breach of, 102, 133, 145, 161, 162, 178, 179, 234, 239, 335, 346, 356, 392, 395, 396
 - certainty, 361, 365-368, 381
 - closing down project, and, 205-206, 208
 - commercial purpose of, 332
 - construction of, 352, 356, 357, 364, 365, 367, 368, 369, 370, 374, 375, 379, 382, 383, 385, 386, 391, 393, 395
 - fixed quantity, 340
 - freedom to, 344
 - informal, 105
 - Japanese law, 348, 358
 - requirements, 333, 334
 - sales, long term, 331, 332-360, 386
 - sanctity of, 344, 350, 353, 356, 361, 366, 367, 374
 - subject matter, 358-359, 394-395
 - take and pay, 333, 334-336
 - take or pay, 155, 313, 333, 334-336, 338, 341, 347
 - term, 378
 - trade, 362, 364, 366
 - uncertainty, 344, 382, 383
 - See also* FRUSTRATION; IMPLIED TERM; IMPOSSIBILITY; IMPRACTICABILITY; INTENTION
- Contracting with governments, 126, 127, 128, 138-147
 - borrowings, 148-150
 - New Zealand, 155-159
- Convention between the United States and Great Britain for Prevention of Smuggling Intoxicating Liquors, 1924, 548
- Convention on Contracts for the Inter-

INDEX

- national Sale of Goods (Vienna 1980),
379-380
- Convention on the Conservation of Antarctic
Marine Living Resources 1982, 525, 540,
541, 548, 549, 550
- Convention on the Conservation of Seals,
540
- Conveyance,
definition, 236, 240
inclusion of specified rights in, 450, 451
stamp duty on, 416, 417, 418, 419, 421, 422
- Cooper Basin, 258, 261, 312, 413
- Co-ownership, 168, 173, 227, 228, 240, 243,
244, 246, 248, 251, 253, 254
- Co-parcener, 226, 229
- Corporate opportunities, 192, 194
- Corporation,
foreign, 130
government (N.Z.), 157-159
statutory, 126, 128, 130, 131, 132, 133,
134-138, 158
- Cost,
closing down,
PRT, and, 304
RRT, and, 302, 314
estimate, 274, 275
overrun, 275, 276
historical, 280, 291
living, of, 465
wind energy, of, 433
- Costs, legal, 65, 69-70, 479
- Co-tenant, 247, 248, 249, 250, 251
- Covenant, restrictive, 437, 446, 447, 448,
462, 463, 464, 477, 480, 481, 508
acquisition of, 438-441, 466
- Cox Peninsula, 487
- Credit,
analysis, 273-276
assessment, 276-277
risk, 338
support, 271
worthiness, 255, 258, 259, 265, 277, 281
- Creditors, protection of, 217, 218, 219, 221
- Criterion of liability,
test for excise, 1, 5, 6, 7, 8, 9, 15, 16, 18,
20, 21, 22
- Cross-default, 222
- Crown,
judgment debts of, 145
prerogative powers of management, 93
presumptive immunity of, 137, 138
- Crown land, 490, 491, 492
alienated, 486, 488, 497
alienation of, 498
claimable, 489, 498, 500
definition of, 488
unalienated, 486, 492, 498
- Customs unions, European, 31
- D
- Damage, 195, 234
claims, private roads, and, 202
nuisance, and, 454, 456, 459, 461
special, 97
- Damages,
action in, 193, 335, 396, 399
claim for, 373
closing project, and, 200, 209, 210
exercise of discretion, and, 143, 157
liability for, 350, 380, 383, 385
liability of Minister for, 143
loss of amenity, for, 458
nuisance, for, 454, 459, 460, 462
quantum of, 74, 188
reduction in value of land, for, 458
right of wind access, and, 479
undertaking for, 122
- Darwin, 487
- Dealings,
authorities to prospect, in, 245
petroleum titles, in, 225, 240
tenements, in, 94, 113, 115, 408-423, 427
onshore, 416-423
- Debts, trade,
treated as loans?, 313
- Deceit, 168
- Decision(s),
administrative,
non-statutory judicial controls on, 94-98
reasons for, 36-42, 123, 124, 125, 519
review of, 41, 47-53, 54-62, 87, 115, 118,
121, 499, 500
defined (Vic.), 42
develop, to, 306, 316, 317-319
executive, adjudication on merits of, 123
exploration, investment, 306, 311, 320,
322, 327
non-statutory judicial controls on, 94-98
tribunals, of,
review of, 60
Wardens, of, 57
review of, 60-61, 79, 88-92
See also APPEAL
- Declaratory relief, 69, 78, 87, 88, 90, 91, 95,
97, 98, 107, 109, 115, 116, 117, 122, 123
- Deed of Grant in Trust, 483, 493, 507
- Deeming,
receipts, 311-312
- Default, 179, 180, 188, 198, 206, 222, 335,
346, 349, 350, 361, 363, 364
- Degree, 370-371
- Delhi Australia Fund, 258, 261
- Delhi International Oil Corporation, 258,
261, 413
- Delivery up, 77, 167
- Designated Authority, 307, 409, 410, 411,
412, 413, 414, 415
- Destruction, order for, 167

INDEX

Development Authority (Tas.) 152
 Diesel fuel rebates, 53
 Director of Aboriginal and Islander Affairs (Qld.), 493, 510
 Directors, 175, 193, 194, 217, 218, 220, 260, 266, 268
 interested, 181
 Disclosure,
 See GUARANTEE; INFORMATION, CONFIDENTIAL; INTEREST; LIABILITY
 Discounted Cash Flow, 310-314
 Discounts, 170
 Discovery, 65, 74
 Discovery rate for oil,
 decline in, 306, 324, 330
 Discrimination, 107, 211
 positive, 404
 taxation laws by, 17, 18, 19
 test for excise, 7, 8, 17, 20, 25, 26, 27
 Distributorships, 162
 Dividends, 217, 218, 219, 220, 221, 263, 277, 285, 290, 294
 Documents,
 exempt, 43, 44, 45, 46
 provision of, 42-47
 statutory definition of, 43
 Dreaming tracks, 496
 Drill ships, 315
 Dufek Intrusion, 528
 Duty,
 care, of, 157, 430
 duty, and, conflict of, 179, 181
 fidelity, of, 161
 interest, and conflict of, 160, 161, 162, 166, 167-173, 179, 181, 186, 189, 193, 194
 contracting out of, 172, 194
 loyalty, of, 190
 See also CONFIDENCE; FIDUCIARY

E

Earnings, unappropriated, 221
 Easement, 234, 237, 477, 480
 air, of, 442, 443, 444, 446, 452, 456, 457, 464, 466
 extinguishment of, 447
 implied, 448-451, 453
 imposed, 471, 473, 481
 in gross, 237
 included in,
 conveyance, 451
 definition of land, 230
 informal agreement converted into a, 451
 light, of, 443, 444, 447, 457, 478
 necessity, of, 449, 450
 negative, 446
 novel, 443, 445, 446, 452, 453, 456, 464
 positive, 446

prescriptive, 442, 446, 447, 448, 451-454, 457, 463, 465, 466, 478
 purchase of, 437
 quasi, 449
 renewable energy resource, 465
 solar access, of, 450, 465, 473
 wind access of, 442-447, 448, 449, 450, 452, 453, 459, 462, 465, 473, 474, 475, 477, 480, 481
 wind energy, 464, 465
 See also RIGHT
 Eastern Goldfields Region (W.A.), 202
 Eastern Queen Maud Land, 528
 Economic analysis, 273
 Economic Development Corporation (Vic.), 152
 Electricity, 196, 199, 202, 203, 208
 Ellsworth Mountains, 528
 Energy pricing, 156, 159
 Entrepreneurial roles,
 limited capacity of Commonwealth, 127, 129, 130, 132
 New Zealand government, 154
 Entry,
 Aboriginal land, on, 511, 512, 513, 518, 522
 See also AUTHORITY; LICENCE; PERMIT; RIGHT
 Environment, 94, 105, 106, 110, 117, 156, 196, 199, 204, 212, 214, 275, 306, 312, 338, 401, 404, 436, 472, 482, 509, 510, 521, 522, 526, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 541, 542, 543, 546, 552-553, 554
 Environmental impact study, 315, 543
 Equality money, 227, 251
 Estoppel, 105, 142
 Ethane, 312
 Evidence, 63-64, 65, 66, 67, 68, 69, 71-72, 75, 82, 351, 352, 381, 390, 412, 495, 501, 520
 Excise, duties of, 1-35
 definitions, 1, 4, 6, 7, 8, 24, 31
 production, on, 300, 301, 322, 431
 Exclusion clause, 346
 Excuse, 331, 336, 344, 345, 349, 358, 361, 362, 366, 372, 379, 384, 392, 393, 395, 398
 Exemption clause, 338, 344, 346-347
 Expeditions, notice of, 533, 534
 Expenditure conditions, 81, 82, 86
 Expertise, protection of, 181
 Exploitation,
 Antarctica, in, 525, 526, 528, 530, 531, 532, 533, 534, 535, 536, 539, 543, 546, 551, 553
 Exploration,
 Antarctica, in, 525, 530, 531, 532, 541, 546, 551, 553
 moratorium on, 534, 535, 539
 expenditure, 404, 406, 411, 425
 See also TAX, RESOURCE RENT, CALCULATING

INDEX

incentives for, 302
 requirement, 224
See also DECISION; PERMIT; RIGHT;
 SUBSIDY; TENEMENT; TITLES
 Export clause, 363
 Exports, encouragement of, 277

F

Factual matrix, 332, 351, 359, 369, 370, 371,
 373, 376, 377, 381, 391, 396
 Fair and reasonable man, 359, 360
 Fairness, 361, 365, 366, 368-374,
 Fairness and reasonableness, 400, 426, 427,
 428, 429, 431
 Farm-in, 240, 301, 307, 316, 404, 412, 414,
 416, 417, 418, 419, 421, 429
 Farminee, 410, 411, 412, 417, 418, 421
 Farm-out, 316, 416, 417
 Farmoutor, 418
 'Fast-tracked', 159
 Fault, 350, 375, 380
 Fauna, 106
 Fee for service, 32, 35
 Fees, registration, *ad valorem*, 408-416
 Fence, project of, 302, 303, 311
 Fettering discretion, 140, 141, 142, 143, 144,
 155
 Fettering powers of Crown, 93
 Fidelity, duty of, 161
 Fiduciary,
 duty, breach of, 160, 162, 172, 187, 193,
 195
 position, misuse of, 171, 172
 relationship, 177, 193, 194
 See also JOINT VENTURE
 rules, eight, 162
 Filchner Ice Shelf, 529
 Financial Accounting Standards, 288, 289,
 290
 Financial Accounting Standards Board
 (U.S.), 283
 Financing, project,
 convertible notes, 287
 equity participation, 277, 287
 export credit agencies, 277
 forward purchase, 261, 262, 308
 government incentives and grants, 277
 leasing, 263, 277, 283, 287-289
 accounting treatment of, 288
 leverage, 271
 limited recourse, 257, 258, 261, 262, 264,
 269, 271, 272, 308
 loan, 261, 262, 263, 270, 287, 302, 313, 321
 long term, fixed rate, 273, 277, 294
 non-loan, 261
 non-recourse, 260, 278
 preference shares, 263
 production payments, 262-263, 289-290
 requirements contract, 334

sales contract, 332
 short term, 277
 structuring, 257
 take or pay contract, 335
See also FUNDING
 Fine tuning, 305, 321
 Finnis River,
 claim, 488, 495
 Report, 487
 Flora, 106
Force majeure, 197, 198, 208, 273, 275, 336,
 344-345, 347, 348, 349, 362, 379, 382,
 383-386, 392-399
 Foreign exchange, 275, 279, 331, 342, 345,
 367
 gains, 313
 Foreign investment criteria, 427
 Foreseeability, 339, 348, 350, 358, 380,
 393-394, 430
 Forfeiture, 64, 68, 76, 78, 79, 81, 82, 83, 85,
 86, 89, 90, 91, 101, 112, 114, 116, 117, 188,
 222, 224, 225, 247
 Fortescue, 324
 Forward purchase,
 See FINANCING, PROJECT; TAX, IN-
 COME
 Framlingham, 490, 506
 Franchises, 162
 Frankfurter, Felix, 123
 Fraud, 37, 58, 252, 410
 Free riders, 547
 Friends of the Earth, 527
 Frustration, 144, 331, 339, 345, 346, 349-360,
 362, 363-388, 389, 390, 391, 394
 Funding,
 closing down project, and, 222
 limited recourse, 216, 222
 See also FINANCING, PROJECT

G

Gas,
 banking, 312
 flares, 312
 re-injection, 312
 Gearing, 258
 Gentlemen's Agreement, 151, 153
 Geologist, 400, 402
 George V Land, 528
 Gippsland Basin, 324, 527
 Give and take rule, 460
Glomar Challenger, 525, 528
 Gold,
 prospecting licence for, 80, 81
 Gondwanaland, 527
 Good faith, 162, 163, 169, 190, 193, 194, 348,
 358, 387, 399
 Good oilfield practice, 306, 307
 Gould, Dr., 527
 Government Development Authority (Qld.),
 152

INDEX

- Government Financing Authority (S.A.), 152
 Government Life Insurance Corporation (N.Z.), 158
 Grass roots exploration properties, valuation of, 400, 401-403, 408
 Greenfields Paper,
 See OUTLINE OF A 'GREENFIELDS' RESOURCE RENT TAX IN THE PETROLEUM SECTOR
 Greenfields project, 301
 Guarantee,
 cash flow, of, 335
 completion, of, 257, 258, 262, 263, 264, 265, 276, 290, 294
 debt, of, 259, 262, 263, 264, 265, 276
 disclosure of, 290
 Guidelines, valuation, 400, 403
 Gulf of Mexico, 529
- H
- Hardship, 110, 340, 345, 347-348, 355, 356, 362, 363, 367, 374, 381, 382, 386, 387-388, 392, 472
 Health, 306
 Helicopter Utilities Pty. Ltd., 137
 Heritage protection, 94
 High Court,
 House of Lords, differences, 363, 364, 374-378
 High-grading, 402, 407
 Hire purchase, 288
 Honeymoon, 99
 Horlick Mountains, 528
 Hortatory function, 369, 370
 Housing, 199, 203, 204, 208, 209, 314
 Hunt Committee
 See INQUIRY INTO ASPECTS OF THE MINING ACT (W.A.)
- I
- IAC Inquiry into the Mining Industry, 215
 Implied term, 192, 337, 341, 343, 350, 351-355, 359, 360, 362, 367, 380-382, 389-392
 Implied warranty, 373
 Impossibility, 331, 339, 349, 350, 351, 356, 357, 358, 361, 376, 377, 378-379
 Impracticability, 331, 356, 357, 374, 376, 378-379
 Inconvenience, 356, 363, 367
 Incorporeal interest, 225, 229, 230, 232, 237, 241, 242, 243, 253, 468
 indivisibility of, 243-245
 Indefeasibility, 440
 Indemnity clause, 346
 Indonesia, 299
 Inducement, 374
 Industrial relations, 208, 324
 Industries Assistance Commission, 297
 Inflation, 271, 275, 280, 283, 303, 336, 340, 356, 361, 391, 392
 Information,
 access to, 36-47, 179
 right of, 43, 44
 See also REVERSE FREEDOM OF INFORMATION
 acquisition of, 164, 165, 169, 194
 'in the character test', and, 165
 asset, as, 233
 confidential,
 disclosure of, 160, 161, 181, 182, 183, 187, 190
 manner of use, 194
 misuse of, 160, 167, 170, 176, 179, 181, 191, 193
 use of by former employees, 186
 See also OWNERSHIP
 concerning government operations, 46
 entitlement to, 164, 165
 exchange of, 532, 533, 534
 generated by operator, 180
 government resource bodies subject to FOI Act, 49
 inside, 191
 not in public domain, 161, 163, 166, 167, 182, 187
 obtained from joint venture, 191
 protection of, 181
 purpose of acquisition of, 163, 164, 165, 166
 refusal of access to, 46
 requirement to disclose, 168, 174, 193
 resource rent tax, on, 316, 330
 restricting flow of, 180
 right to, 417
 sensitive, 179
 government access to, 150
 sharing, 191
 suppression of, 174
 taxation, access to, 47
 use of, by fiduciary, 186, 187
 Infrastructure, 11, 33, 35, 151, 156, 196, 233, 302, 314, 332, 339, 358, 431
 Injunction, 59, 78, 85, 87, 88, 91, 95, 97, 100, 109, 115, 116, 122, 136, 137, 143, 166, 183, 239, 355, 359, 372, 373, 381, 390, 454, 457, 458, 460, 461, 479
 Inquiry into Aspects of the Mining Act (W.A.) (the Hunt Committee), 50, 60, 61, 62, 85
 Insolvency, 355
 Instant land rights, 499
 Insurance, 112, 153, 277
 recoveries, tax on, 313
 Intention, 139, 337, 352, 354, 356, 359, 360, 382, 439, 447, 451, 514
 Interest,
 capitalized, 290

INDEX

deemed, 290
 disclosure of, 170, 173
 national, 513, 522
 property, in, 417, 468-470
 protected, 456, 457, 459, 462
 unprotected, 456, 457, 458, 459
See also DUTY; LAND, INTEREST IN;
 LICENCE; PUBLIC; RIGHT;
 ROYALTY
 Interestedness, 178-181
 Interlocutory orders,
 review of, 69
 Interlocutory steps, 65, 72, 74
 International Chamber of Commerce, 347
 International Seabed Authority, 530, 546,
 550, 551, 552
 Interrogatories, 65, 66
 Investment allowance, 207
 Investigating Accountants Report, 428
 Iran, 299, 357

J

Jabiru, 315, 316, 324
 Japanese law, 348, 358
 Jimbilly, 235
 Joint Authority, 98, 111, 307, 409, 411, 414,
 415
 Joint Coal Board, 385
 Joint tenants, 226, 227, 229
 Joint venture,
 agreement, 224, 225, 251, 252, 264, 282,
 410
 closing project, and, 209
 compulsory acquisition, and, 188
 division of tangible assets, 242
 drafting agreements, 177-188
 fiduciary relationship, and, 161, 162, 164,
 165, 166, 167, 168, 173, 174, 176, 189,
 190, 191
 contracting out of, 190
 scope of, 184-186
 structure of, 286-287
 terminating agreement, 209
See also TRUST
 Judgments, enforcement of, 77
 Jurisdiction,
 lack of, 36, 58
 Justice, individualized, 369, 370

K

Khemlani, 148
 King Solomon, 225
 Kirk, Mr. Norman, 156
 'Know-how', 170
 Krill fishing, 531

L

Labour,
 completion of project, and, 275
 conditions of lease, 91
 Lake Manapouri, 156
 Lake Superior, 528
 Lake Tyers, 490, 506
 Lambert Graben, 529
 Land,
 compulsory acquisition of, 481, 507, 512,
 517
 definition of, 230, 468, 491
 freehold, closing resource project, and, 206
 interest in, 225, 226, 230, 232, 233, 234,
 236, 237, 238, 239, 240, 438, 488, 494,
 507
 partition of, 228
 private,
 Aboriginal land claims, and, 491
 defined, (W.A.), 11
 statutory mining titles over, 109, 110
 reserved, 113, 115
 sensitive or unusual use of, 458, 459, 460,
 461
 See also ABORIGINAL, LAND; CROWN
 LAND; PUBLIC LAND; TITLE;
 TRADITIONAL LAND
 Land Rights inquiry, (W.A.), 483, 492
 Law,
 error of, 36, 58, 88, 89, 90, 91, 92, 121, 500
 Japanese, 348, 358
 mistake of, 145
 Law Reform Commission of Western
 Australia, 50, 54, 87, 88
 Lease,
 Aboriginal land of, 518
 coal mining, 89
 duration of, 105, 106
 general purpose, 80, 81, 82
 long-term, 437
 mineral, application for, 70, 71
 mining, 80, 81, 82, 98, 102, 103, 142, 184,
 200, 419, 513
 miscellaneous, (salt), 104
 oil, 105, 167, 169, 191
 pastoral, 518
 perpetual, 245
 personal property, as, 233
 petroleum, 235, 241, 421
 valuation of, 422-423
 property, as, 233, 420, 421
 retention, 99
 stockpile area, 199, 201, 203
 termination of, 203, 309, 378
 See also FINANCING, PROJECT
 Leaseholds, 230, 232, 233, 234, 242, 247
 Leasing minerals policy, 298
 Lenders,
 sophistication of, 259, 265, 267, 273, 280
 three key requirements of, 274, 275

INDEX

- Lessee in equity, 104
 Letter,
 awareness, of, 264
 comfort, of, 264
 Levies, excise, 296, 297
 production, on, 300
 Liability,
 auditors, of, 430
 contingent, 257, 258, 259, 260, 261, 262,
 264, 265, 267, 268, 287, 290
 disclosure of, 255, 257, 258, 260, 261, 262,
 264, 265, 267, 268, 280, 281, 282, 283,
 285, 286, 287, 288, 290
 ability to borrow, and, 257, 258, 265
 disguised, 267
 guarantee, and, 258, 265
 limited, 286
 partnership, and, 287
 tortious, 430, 435
 Licence,
 aboriginal land, and, 518
 bare, 234, 237, 239
 contractual, 237, 239
 coupled with,
 agreement, an, 240-241
 grant, a, 240
 interest, an, 239
 duration of, 105
 enter, to,
 land, 237
 racecourse, 236
 exploitation, 534, 536, 544, 551
 exploration, 80, 81, 82, 416, 419, 522
 Antarctica, 525, 534, 535, 536, 544, 551
 property, as, 418
 value of, 418
 export, 385
 grazing, 488
 irrevocable, 240-241
 mere, 238, 424
 mining, 158, 159
 Antarctica, 526
 miscellaneous, 80, 81, 88, 89
 personal property, as, 233
 petroleum production, 98, 107, 158
 petroleum prospecting (N.Z.), 159
 production, 303, 413, 419
 prospecting, 79, 80, 81, 88, 89, 155
 Antarctica, 515, 529
 revocable, 142, 237, 239
 special prospecting, 81, 82, 89, 90
 statutory, 93, 488
 termination of, 203, 209
 transfer of, 409, 411, 413, 415
 transport, fee for, 19
 user, and, 453
 value of, 411, 412, 413, 422
 water-race, 246
 witness film, to, 236
 Licence fee,
 seen as tax, 8, 9, 14
 Licensing agreements, 162
 Limitation clause, 346
 Limitation of actions, 465, 466
 Liquidation, 198
 Liquidators, 175, 220
 Loan Council, 139, 153
 Local Aboriginal Land Council, 489, 499,
 503, 505, 516, 517
Locus standi, 95, 97, 110
 Logistics, 274, 401
 London Metals Exchange, 341
 Loss,
 amenity, of, damages for, 458
 mitigation of, 179
 Lost modern grant, doctrine of, 444, 451, 452
 Loyalty, duty of, 190
- M
- Makarrata, 503
 Malice, 461, 462
 Management ability, 275
 Management committee, 170, 173, 176, 179
 Management Scheme, Antarctica, 541, 542,
 547, 549, 550
Mandamus, 59, 78, 87, 90, 91, 94, 95, 96,
 100, 101, 102, 104, 105, 107, 111, 112, 115,
 118, 122, 143
 Market,
 informed, 431
 price, 430, 431
 value, 423, 426, 427
 Market out clause, 334
 Marketing, 312, 321, 322, 332, 333, 334, 344,
 358, 372, 377, 390, 401
 Marketing uncertainties, 272, 275, 321
 Marking out, 79, 90, 108
 Mary Kathleen Uranium Ltd., 137
 Matai Industries Limited, 156
 Maui field, 155
 Maximum efficient rate, 306, 307
 Meat Board (N.Z.), 158
 Methane, 312
 Meteorological survey, 438
 Middle East, 299
 Mineral Industry Consultants Association,
 400, 403, 407
 Mineral potential, Antarctica, of, 527-530
 Mineral regime, Antarctica,
 enforcement, 548-549
 negotiations for, 530-540
 Minerals, reservation to Crown, 507, 509,
 511
 Miner's Right, 79, 84, 103, 512
 Mines Act Amendment Bill 1983 (Vic.), 120
 Mining,
 encouragement of, 101, 102, 213, 401, 423

INDEX

- Mining (Amendment) Bill 1983 (N.S.W.), 113
 Mining operations,
 Aboriginal control of, 508-524
 defined, 53
 Mining rights, property as, 420
 Minister for Resources and Energy,
 Commonwealth legislation administered by, 47, 48
 Ministerial discretions,
 review of, 61, 62
 Ministry of Energy, N.Z., 154, 158, 159
 Misapprehension, 338
 Misrepresentation, 373, 374
 Mistake, 338, 349
 Mobil Oil Corporation of U.S.A., 154
 Monitoring programme, 217, 220, 221
 Moonie, 300
 Mornington Island, 492, 507, 510
 Mortgages, 204
- N
- N.S.W. Aboriginal Land Council, 489, 499, 505, 516
 Nansen Foundation, 530-534, 540
 National Centre for Alternative Technology, 433
 National Companies and Securities Commission (NCSC), 283, 424, 426
 National Energy Advisory Council, 434, 435
 National Energy Research, Development and Demonstration Council (NERDDC), 435
 National Interest, 513, 522
 Natural beauty, 106, 109, 110
 Natural justice, 36, 42, 57, 60, 111, 112, 117, 123, 124
 Natural resources, 515, 524
 Necessary and convenient clause, 135, 136
 Negligence, 200
 Negotiated land rights settlement, 491, 493, 505, 506
 New Delhi meeting of Non-Aligned Nations March 1983, 526
 'New' oil, 300, 301, 309, 322
 New Zealand Liquid Fuels Investment Limited, 154
 New Zealand Synthetic Fuels Corporation Limited, 154
 Ngaanatjara people, 505
Non haec in foedera veni, 349, 363
 North Sea, 304, 308, 529
 North West Shelf, 301, 311, 314, 412
 Northern Land Council, 487
 Northern Mining Corporation, 151
 Northern Territory Conservation Land Corporation, 488
 Nuclear energy, 433
 Nuisance, 110, 355, 372, 373, 381, 390, 443, 447, 453, 454, 480, 510
- action in, 435, 436, 455, 456, 458, 460, 462
 private, 454, 455-462, 479
 public, 454-455, 463, 470-471, 479
- O
- OPEC, 304
 Obligation, change in, 364
 Obligations, absolute, 361, 362, 365, 366, 367, 369, 386
 Obsolescence of product, 212
 Occupation, right of, 141, 142
 'Occupies the field',
 Commonwealth legislation, 34
 Off balance sheet,
 debt, 335
 meaning of term, 255, 257-258
 Officious bystander, 110, 354
 Officious taxpayer, 109
 Offshore Constitutional Settlement 1979, 98
 Off-take, 277
 Oil allowance, 305
 'Oil from Oodnadatta', 358
 Oklahoma Oil Field, 192
 'Old' oil, 300, 301, 309
 Ombudsmen, 47-49, 71
 Onerous, 107, 336, 355, 356, 364, 376, 380, 399
 Operator,
 removal of, 180
 reporting by, 180
 Opinion, questions for, 76-77, 85
 Ore reserve diagrams, 200
 Outline of a 'Greenfields' Resource Rent Tax in the Petroleum Sector (the Greenfields Paper), 296, 298, 300, 301, 302, 303, 306, 309, 310, 314, 315
 Overseas Investment Commission (N.Z.), 159
 Owner,
 dominant, 447, 452, 458, 473
 servient, 453, 473, 475
 See also TRADITIONAL OWNER
 Ownership,
 community, 301
 confidential information, of, 163, 164, 183, 184, 187
 foreign, 115
 minerals and petroleum, of, 11, 12, 13, 14, 35, 93, 126, 127, 225, 232, 296, 300, 431, 507, 508, 509, 511, 515, 516, 517, 523
 pipelines, of, 12
 projects, of, 260, 271, 284, 286
 resources, 17, 62
- P
- PRR,
 See Petroleum Rent Royalty
 PRT,
 See UNITED KINGDOM

INDEX

- Papua New Guinea, 303, 304, 327
 Additional Profits Tax, 297, 322
- Particulars, 65, 66, 67, 72, 74
- Partition,
 in kind, methods of, 245-247
 remedy, 225, 226-232
 writ of, 226
- Partnership, 161, 162, 168, 169, 171, 173,
 176, 181, 189, 190, 192, 224, 252-253, 279,
 282, 285, 286-287
- Patenting mineral claims, 525
- Pegging out, 103
- Penalties, 409, 410
- Pensacola Mountains, 528
- Performance, 335, 336, 339, 344, 345, 346,
 349, 350, 351, 357, 358, 362, 363, 366, 367,
 368, 370, 371, 373, 375, 377, 379, 380, 385,
 392, 393, 394, 395, 397
 specific, 105, 111, 142
- Permit,
 building, 471, 476
 development, Antarctica, 541, 542, 543
 enter, to, 68, 79, 88, 113
 exploration, 225, 232-233, 240, 299, 416,
 419, 522, 523
 Antarctica, 541, 543
 petroleum, valuation of, 422-423
 production, 232-233
 transfer of, 409, 411, 413, 415
 value of, 410, 411, 412, 413
 wind access, 463, 476-477, 480
- Person,
 affected, 36, 42, 60
 aggrieved, 36, 37, 59
- Petralgas Chemicals N.Z. Limited, 154
- Petroleum Act Amendment Bill 1983 (S.A.),
 119
- Petroleum Advisory Committee (S.A.), 119
- Petroleum and Minerals Company of
 Australia Pty. Ltd., 128
- Petroleum Corporation of New Zealand (Ex-
 ploration) Limited, 159
- Petroleum Corporation of New Zealand
 Limited (Petrocorp), 154, 155, 158, 159
- Petroleum prospect valuation, 404
- Petroleum Rent Royalty (PRR), 297
- Petroleum Revenue Tax (PRT) (UK), 297,
 304-305, 321
- Pipelines,
 N.Z., in, 159
- Pitjantjatjara people, 491, 493, 504, 505,
 517, 518, 520, 521
- Places, Commonwealth, 133
- Pleadings, 65, 66, 67, 73, 74
- Political uncertainties, 272, 273, 275, 279,
 331, 332, 338
- Pollution, 94, 109, 465, 510, 533
- Possession, 237, 238, 243
 exclusive, 234, 241, 243, 467
- Power,
 improper exercise of, 58
 produced by wind, 436
- Powers, Commonwealth of,
 corporations, 127, 130
 defence, 130, 131, 132
 duties of customs and excise, 127
 entrepreneurial roles, 127, 129, 130, 132
 executive, 127, 128, 129, 130
 external affairs, 127
 grants of financial assistance 127
 implied, incidental, 130, 132
 manufacture, to, 134, 135, 146
 prerogative, 128
 taxation, 3, 27, 127
 Territories, 130, 132
 trade and commerce, 127, 130, 131, 132
- Powers, division of, 129
- Practical effect, 2, 3, 4, 5, 6, 18, 22, 23, 27,
 29, 30
- Pragmatism, 369, 374, 412, 423, 485
- Precious stones,
 prospecting licence for, 80, 81
- Price review clause, 382, 386, 387
- Pricing formulae, 333, 337, 339, 340-343,
 344, 347, 357
- Pricing policy,
 indigenous crude oil, 297, 300, 301, 309,
 322
- Prior appropriation, 469, 477, 478
- Privacy, invasion of, 165, 457
- Private mine, 98
- Production,
 allocation of, 395, 396, 397
 licence area, 302, 303
 payments,
 See FINANCING, PROJECT
 rates, 306
 sharing, 299
- Profit à prendre*, 105, 107, 233, 234, 237, 241,
 242, 243, 244, 424
- Profits,
 undistributed, retention of, 216, 217, 218,
 219
 super, taxing of, 299
 unappropriated, 218
- Prohibition, 59, 78, 87, 88, 90, 94, 95, 96,
 97, 108, 109, 116, 122, 246, 247
- Project,
 boundaries, 302, 303, 311
 tax unit, as, 302
- Promises, 139, 141, 156, 157
- Proof, burden of, 68
- Property,
 225, 228, 229, 230, 233, 235, 236, 237, 238,
 239, 240, 242, 245, 417, 418, 420, 421,
 423, 468-470
 definition of, 230, 236, 418, 419, 420
 value of, 400, 423
 valuation principle, 423, 426
See also TRUST

INDEX

- Prospecting, Antarctica, 541
 Prospectivity, 303, 431
 Australia, for, 306, 322, 324-327
 Prospectus, 406, 428, 429, 430
 Prydz Bay Basin, 529
 Public,
 attitudes, 212
 good, 123, 144, 485
 interest, 100, 101, 107, 118, 192, 218, 455,
 463, 471, 472, 474, 475, 481, 482
 access to information, and, 39, 45
 land, meaning of, 490
 policy, 107, 165, 192, 427, 431, 465
 purpose, 489, 500, 502
 right, breach of, 97
 Purchase by persons occupying confidential
 positions, rule, 162, 173-174, 179, 180
 contracting out of, 174
 Purpose, legislation, of, 101
 Purpose of s.90 of the Constitution, 1, 2, 3,
 4, 6, 7, 23, 27, 29, 30, 34
- Q
- Quantum meruit*, 355, 373
Quo warranto, 95
- R
- Radio reception, 436, 458
 Rail freight, State,
 validity of, 20, 21, 33
 Railway, project, 199, 201, 210
 Railways Corporation (N.Z.), 158
 Ranger project, 513
 Rate of recovery, controls on, 105
 Ratios,
 balance sheet, 279, 291
 debt to equity, 257, 258, 259, 260, 261,
 265, 271
 financial, 272, 291
 liabilities to assets, 259, 261
 standard, 291
 Reasonable distribution, principle of,
 383-384
 Reasonableness, 369
 Receiver, appointed by warden, 85
 Rectification, 381
 Redundancy payments, 304
 Regional Aboriginal Land Council, 499, 503,
 505
 Regulations,
 Air Navigation, 204
 Banking (Foreign Exchange), 38
 building, 435, 437, 461, 475-476, 480
 Customs, 51
 Customs (Prohibited Exports), 385
 Excise, 52
 Petroleum 1978 (N.Z.), 159
 Planning Act (N.T.), 487
 Town Planning Act (N.T.), 487
 Treasury, 140
 Rehabilitation, 93, 105, 113, 114, 207, 214,
 216, 217, 219, 220, 221, 536
 See also RESTORATION, SITE, OF
 Relationship between tax and goods,
 direct, 2, 9
 proportionate, 6
 quantitative, 1, 3, 4, 5, 8, 15, 16, 17, 18,
 19, 20, 21, 22, 24, 25
 Relevant factors test,
 excise, for, 8
 Relics, 108
 Rent, 102, 103, 104, 211, 230, 247, 307, 378
 economic, 298, 321
 mineral, 298
 Rent-charge, 441
 Repeal of legislation,
 closure of project, and, 201, 209-210
 Repudiation, 197, 198, 208, 222, 239, 399
Res communis, 552
Res nullius, 544, 546, 553
 Research, 435, 532, 534, 542
 Reserve Bank (N.Z.), 159
 Reserve Bank of Australia, 342
 Resource rent,
 See ROYALTY; TAX
Restitutio in integrum, 172
 Restoration, site, of, 214, 215, 216, 221
 See also REHABILITATION
 Resumption of private land, 113, 115
 Retrenchment, 207
 agreements, 204, 208, 209
 Reverse freedom of information, 45, 46
 Right,
 coupled with an interest, 239
 cut and remove timber, to, 240
 earn an interest, to, 416, 418
 enter, to, 187, 237, 416, 431
 explore, to, 424-425, 513, 515
 trading in, 427, 431
 valuation of, 425, 427, 428, 430, 431,
 432
 flow of air to, 442, 443, 444, 445, 456, 457,
 459
 prescriptive, 444, 452
 forage, to, 495
 light, of, 443, 456, 457
 prescriptive, 444, 478
 mining, property as, 420
 novel, 456
 proprietary, distinguished from contrac-
 tual, 237
 public, 97
 renewal of, 111, 112, 424-425
 riparian, 509
 see a spectacle, to, 237
 sever crops, to, 239

INDEX

- solar access, of, 477, 478
 - solar energy, to use, 469
 - traditional, 501, 502
 - way, of, 446, 453
 - wind access, of, 442, 443, 445, 446, 449, 451, 452, 453, 456, 457, 458, 459, 462, 463, 464, 466, 468-470, 476, 477, 478, 479
 - See also* ABORIGINAL RIGHTS IN LAND: OCCUPATION; RADIO RECEPTION; TELEVISION RECEPTION; USER
 - Risk, 270, 271, 272, 273, 274, 275, 276, 277, 278, 289, 299, 300, 303, 315, 321, 322, 327, 331, 332, 333, 334, 335, 336-348, 350, 351, 355, 357, 362, 366, 368, 385, 386, 389, 392, 400, 402, 403, 404, 406, 427
 - aversion, 320, 321, 322, 327
 - Roads,
 - Aboriginal land, over, 512
 - private, 199, 202
 - Ross Ice Shelf, 525, 528, 529
 - Ross Sea, 525, 527, 528, 529, 535
 - Royalty, 247, 290, 341
 - Aboriginal land, and, 507, 516, 517, 522, 523
 - ad valorem*, 311
 - Antarctica, 525, 526, 541, 545, 546, 547, 550
 - distribution of benefits of, 549
 - Broken Hill, 151
 - changes in, 338
 - considerations, as, 406
 - defined, 10
 - distinguished from duty of excise, 14
 - equality money, and, 251
 - farming-out, and, 316
 - government, 431
 - gross, 10, 15, 16
 - interest, 405
 - Mining Act, 1978-1983 (W.A.), 11, 12
 - net, 10, 15, 16
 - offshore resources, 18
 - onshore resources, 18
 - overriding, 243, 250, 301, 308
 - Petroleum Act, 1967-1982 (W.A.), 12
 - petroleum rent, 297
 - Petroleum (Submerged Lands) Act, 1967-1982 (W.A.), 13, 14
 - production, 296, 300, 301, 304, 308, 311, 322
 - rate of, 109
 - resource development agreements (W.A.), 10, 11
 - resource rent, 16-17
 - resource rent tax, and, 299, 307, 308, 327
 - resources produced within a state, on, 33
 - shared between State and Commonwealth, 13
 - Spitzbergen Treaty, 545
 - statutory or contractual, 34-35
 - U.S.A. tax, and, 308
 - Rules of Arbitration, 347
- ### S
- Safeguard, 305
 - Safety, 19, 94, 200, 212, 214, 221, 283, 306, 437
 - Sale,
 - business, of, 422
 - compulsory, 174
 - in lieu of partition in kind, 248-251, 252
 - order by court for, 226, 227, 229, 242, 244, 245, 248-251, 252, 253
 - spot, 333, 361, 382
 - trust for, 227, 228
 - Scientific Committee on Antarctic Research, 535, 536
 - Seaman, Mr. P., 492
 - Secrecy,
 - contractual stipulation of, 163, 166
 - duty of confidence, and, 162, 163, 164, 166
 - Secrets, industrial, 534
 - See also* TRADE SECRETS
 - Securities Exchange Commission (U.S.), 283
 - Security,
 - abandoned shaft or hole, of, 199, 200
 - against damage, 112, 114
 - Select Committee of the Legislative Assembly (N.S.W.) First Report on Aboriginal Land Rights (1980), 485
 - Sequence of events,
 - closing a project, 208-209
 - Setback, 437, 476, 480
 - Severance, 107
 - Severance clause, 132
 - Shareholder, sponsor, as, 260
 - Shares, vendor, 411
 - Sharp practice, 338
 - Ship loading facilities, 199, 201, 202
 - Shipping Corporation of New Zealand Limited, 158
 - Shrimp Fishing Agreement 1975, U.S.A.-Brazil, 545-546
 - Site, 495, 496
 - sacred, 108, 512
 - Solar collector, 443, 469, 470, 471, 473, 475
 - Solar energy, 469
 - Solar Energy Research Unit, 434
 - Southern Ocean, 528, 529
 - Sovereignty,
 - Aboriginal, 484, 509, 521, 522
 - Australian community, of, 509
 - Crown claims of, 232, 484, 485
 - Antarctica, and, 525, 526, 527, 530, 532, 533, 536, 538, 539, 542, 543-544, 545, 546, 548, 549, 550, 551, 553, 554
 - Sovereignty Acknowledgement Principle, 485

INDEX

- Sponsor, objectives of, 272-273
 'Springboard' doctrine, 167
 Stamp duty, 235, 236
 exemption from, 415, 419
 onshore tenements, 416-423
 Standing, 44, 95, 96, 98, 108, 117, 118, 136, 137
 State Railways Commission (W.A.), 196
 Statement,
 Accounting Standards AAS 17 'Accounting for Leases', 263, 288, 289
 claim, of, 72
 reasons, of, 37, 38, 39, 40, 41, 42, 61
 Standard Accounting Practice, of (U.K.), 283
 Takeover, 425, 427, 429, 430
 States, boundaries of, 231
 Stealth, 453
 Step in process of,
 distribution, 1, 4, 6
 manufacture, 4, 6, 20, 32
 production, 1, 4, 5, 6, 7, 9, 14, 15, 16, 17, 19, 20, 21, 25, 32
 sale, 4
 Stockpile, 216, 219
 Strike, 82, 345, 394
 Structuring,
 ownership, of, 260-261, 271, 272, 284
 projects, of, 260-261, 272-278, 284-287
 Study, feasibility, predictive, 400
 Subsidy, exploration, 301, 302, 303, 309, 314, 315, 316, 320
 Substance, 4, 6, 7, 15, 17, 18, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 34, 281-282, 289, 295
 Substantial, 72, 73
 Suez Canal, 357, 371, 372
 Supplementary petroleum duty, 305
 Supply, substitute, 394
- T
- TAA, 135, 137
 Takeover Statement, 425, 427, 429, 430
 Target company, 425
 Tax,
 Antarctic mining on, 526, 541, 547, 550
 distribution of benefits of, 549
 benefits, 271, 273, 289, 291
 capital gains, 427
 carriage of goods, on, 2, 3
 cash flow based, 297, 298, 302, 308, 310-314, 316, 327
 corporation, 304, 431
 defined, 10
 discounted cash flow method, 310-314, 316
 distinguished from royalty, 10, 11, 12, 13, 14, 17
 distribution, on, 7, 21
 fee for a licence, as, 5, 14
 income, 431
 assessable income, 303
 capital expenditure, 212, 213, 221
 carrying on business, and, 212, 213, 214, 222
 company, 301, 322
 deduction, 212, 214, 215
 deferral of obligation, 288
 disposal of assets, and, 206-208
 forward purchase, and, 263
 insurance recoveries, on, 313
 leasing, and, 288
 production payments, on, 263
 restoration programme, and, 221, 222
 U.S.A., 308, 322
 winding up, and, 220
 land, 25
 payments to N.S.W. Aboriginal Land Council, from 489, 490
 nature of, 3, 4, 6, 30
 neutrality, ideal of, 298
 payroll, 25
 primary, 301, 304, 322
 production or goods, on, 4, 5, 6, 7, 8, 9, 14, 15, 16, 20, 21, 23, 30, 31, 32, 34
 resource rent, Commonwealth, 17, 18, 35, 211, 212
 calculating, 301-305, 308, 330, 310-316
 changes in, 338
 industry attitude to, 305-307, 320, 321, 322
 information on, 316, 330
 issues, 307-308
 object of, 296-298
 PRT, compared with, 304, 321
 proposals for, 298-304
 revenue neutral, as, 311, 320
 See also APPEAL
 sales, 21, 30, 431
 transfers of mining tenements on, 419, 431
 secondary, 301, 322
 step in production, manufacture, sale or distribution of goods, 4, 5, 6
 uniform, 28
 unit, project as, 302
 U.S.A., royalty, and, 308
 Taxation,
 closing down a mine, and, 211-215
 disguised, 431
 highest average rate, 431
 oil, of, in Australia, 300-301
 policy (N.Z.), 156
 Technological,
 analysis, 273, 274, 275
 change, 331, 336, 340, 342
 uncertainties, 272, 274
 Technology, transfer of, 533
 Television reception, 436, 458
 Temporary reserve, 90
 Tenants in common, 225, 226, 227, 229, 247, 249, 250, 252, 253

INDEX

- Tenement,
 compelling renewal of, 110-112
 dominant, 234, 237, 442, 444, 445, 446, 447, 449, 450, 473, 474, 475
 exploration, 419
 defined, 419
 valuation of, 428, 429
 meaning of term, 424
 mining,
 Aboriginal lands, and, 518, 519
 setting terms and conditions of, 105-108, 109
 production,
 compelling grant of, 98-102
 power to grant, 98-112
 preventing grant of, 108-110
 refusal of, 115
 quasi-dominant, 451
 quasi-servient, 449, 450, 451
 servient, 234, 237, 444, 445, 446, 447, 473, 474
See also DEALINGS; RIGHT, RENEWAL OF; TITLE
- Tenements, overlapping, 109
- Territorial sea, 13, 231
 adjacent area beyond, 13
 resources beyond, 18
 soil subjacent to, 98, 127
 State legislation, 415
- Three mile limit, 231, 232
- Threshold rate, 299, 302, 303, 309, 310, 314-316, 320, 327, 330
- Time limit for lodging documents, registration fees, and, 414-415
- Title,
 exploration, 224, 233, 234-241, 244
 valuation of, 431
 land, to, founded on possession, 238
 mining, statutory, 109, 110
 petroleum, 225
 divisibility of, 243-247
 legal nature of, 232-243
 production, 233, 235, 237, 240, 241-243
 tenement, and, 424
- Titles,
 agglomeration of, 420
 nature of, 420
 trafficking in, 427, 431
- Torrens land, 439, 440, 450, 451, 463, 473
- Torres Strait Islanders, 503
- Total Environment Centre, 473
- Towns, Aboriginal land rights, and, 486, 487, 499, 523
- Tracing, 172, 175
- Trade,
 export, 131
 Inter-State, 131, 132
 Intra-State, 132
 practices, 334
 restraint of, 177
 secret, 39, 45, 163, 164
See also INDUSTRIAL SECRETS
- Traditional,
 lands, 491, 494, 497, 498
 owners, 483, 488, 490, 494, 495, 496, 498, 499, 501, 502, 504, 505, 506, 514, 515, 517, 519, 524
 right, 501, 512
 use, 498, 512, 517
- Tranches, 300
- Transantarctic Mountains, 528
- Treasury Corporation (N.S.W.), 152
- Treaty,
 Aboriginal people and Australia, between, 490, 503
 Antarctic, 525-552, *passim*
 Antarctic Marine Living Resources, 538
 Concerning the Archipelago of Spitzbergen 1920, 544-545
 Minerals, 547, 548
 North American, 503
See also MAKARRATA
- Trespass, 235, 236, 239
- Trial, Wardens' Courts, in, 66-68, 74-75
- True and fair view, 266, 267, 268, 280-281, 282, 283, 285, 288
- Trust,
 abuse of position of, 194
 assets of joint venture held in, 285-286
 breach of, 175
 constructive, 161, 167, 168, 171, 172, 174, 175, 187, 194, 195
 joint venturers, and, 185, 186, 190
 misuse of position of, 169, 170-173, 174, 191, 193
 profiting from position of, 167, 169
 property, misuse of, 162, 174-175
 relationship, 193
 sale, for, 227, 228
 statutory, 226, 227, 228, 233
- Trust deed, 291
 borrowing in, 259, 279
 covenants in, 259
 restrictions, 269, 291
- Trustee, 175, 177, 178, 194, 227, 228
- Trustee companies, 285-286, 291
- Turbulence, wind, 437, 480
- Tyers, Lake, 490, 506

U

- Ultra vires* doctrine, 133, 134, 135, 136, 145, 146, 147, 153, 499, 520
- Unanimity, Antarctic Treaty, and, 542-543, 544
- Unconscientious conduct, 171
- Unconscionable, 335, 399
- Undertakings,
 completion, 264, 276
 maintain ownership, to, 276, 294

INDEX

- Undue influence, 179
 - Unit trust, 261
 - United Kingdom,
 - Petroleum Revenue Tax (PRT), 297, 304-305, 321
 - United Nations Commission on International Trade Law (UNCITRAL), 379
 - United Nations Convention on the Law of the Sea, 526, 530, 533, 546, 549, 550, 551, 552, 553
 - Unitization, 113, 115
 - Uplift, 305
 - Use,
 - beneficial, 469, 477, 478, 479
 - natural, 460
 - traditional, 498, 512, 517
 - unusual or unreasonable, 461
 - User, 451, 452, 453, 457, 478
 - sensitive, 459
 - statutory right of, 474, 475
 - User pays principle, 33
 - Utility, 361
 - Utopia Station, 486, 487
- V
- Valuation,
 - See* LEASE; LICENCE; PERMIT; PETROLEUM PROSPECT; PROPERTY; RIGHT; TENEMENT; TITLE
 - Veto, 542, 543, 547
 - Victorian Aboriginal Authority, 501, 523
 - View, uninterrupted, claim to, 458
 - Violence, 453
 - von Mueller, Baron F., 525
- W
- Walsh, Senator, 316
 - Warden,
 - acts and decisions of, distinguished from Warden's Court, 79, 85
 - appointment of, 78-79
 - defined (W.A.), 75, 79
 - determination, power of, 79, 81, 82, 90
 - discretion, and, 94
 - duty, objections, re, 142
 - functions of, 79-82, 83-85, 92
 - recommendation, power of, 79, 81, 82, 90
 - review of decisions of, 60-61, 79, 88-91
 - need for reform, 88, 92
 - See also* APPEAL
 - role of (Vic.), 118, 119
 - Warden's Court,
 - defined (W.A.), 75, 79
 - establishment of, 78-79
 - grant of mining lease, and (Qld.), 101
 - institution of proceedings, 64-70, 72-73, 79
 - judicial review of decisions, 91-92
 - jurisdiction, 66, 68, 71, 75-76, 82-83, 86, 89, 91, 92
 - practice, 63, 70-72
 - procedure, 63, 64, 65, 70-72
 - See also* APPEAL
 - Waste lands, 127
 - Water law, 469, 477, 478
 - Water resources, 199, 202
 - Weddell Sea, 525, 529, 535
 - Western Australia Mining Act Inquiry, 50, 60, 61, 62
 - Wholesale Price Index, 357
 - Wildcat wells, 316
 - Wind, access to, 436-482 *passim*
 - farms, 434
 - velocity, 436, 437, 471
 - Windfall revenues, 296, 297, 304
 - Winding up, 220
 - Work credits, 195
 - Work,
 - obligations, 224
 - World Energy Conference, 324
 - World park, Antarctica as, 527
 - Writing, need for, 251, 409
- Y
- Yungkutatjara people, 505