

Regulations under the *Mining Ordinance*

I, JOHN ARMSTRONG ENGLAND, the Administrator of the Northern Territory of Australia, having received the advice of the Executive Council, hereby make the following Regulations under the *Mining Ordinance*.

Dated this fourth day of July, 1977.

J. A. ENGLAND
Administrator

AMENDMENT OF THE MINING REGULATIONS

The Mining Regulations are amended by inserting in Division 11 of Part VI before regulation 193 the following regulation:

"192A. A mining lease approved, granted or renewed pursuant to the Ordinance after the date of commencement of this regulation shall be deemed to contain the following covenants, conditions and provisions: ^{Implied covenants}

- (a) the lessee, in using the demised land, shall not do anything that—
 - (i) shall increase the risk of soil erosion more than is necessary, in the use of that land for mining purposes;
 - (ii) shall have a more injurious effect on plant and animal life than is necessary in the use of that land for mining purposes;
 - (iii) shall disturb other natural resources in or on that land which disturbance is not necessary to the use of that land for mining purposes;
 - (iv) shall pollute the air, earth's surface and waters which pollution is not necessary to the use of that land for mining purposes; and
 - (v) shall create more noise than is necessary in the use of that land for mining purposes;
- (b) if the Administrator is satisfied that the lessee has not complied with paragraph (a), he may, by notice in writing, direct the lessee to take such action as the Administrator shall in that notice specify to restore, rectify or minimize the damage done by the lessee's breach of that provision;
- (c) if the lessee fails to comply with a direction received by him pursuant to paragraph (b), the Administrator—
 - (i) may rescind the lease and cause the action specified in the direction to be taken; or

* Notified in the *Northern Territory Government Gazette* on 8 July, 1977.

- (ii) may, without rescinding the lease, cause the action specified in the direction to be taken,
and the cost of taking that action shall be a debt due to the Commonwealth by the lessee recoverable in a court of competent jurisdiction;
- (d) if the Administrator, by notice in writing, requires the lessee so to do, the lessee shall, before the termination of the lease or within such further time as the Administrator may allow, do all such things as are necessary to restore the surface of the demised land to a condition which is satisfactory to the Administrator;
- (e) the Administrator may, under paragraph (d), require the lessee to take the advice of persons nominated by the Administrator with regard to the regeneration and redevelopment of plant life on the areas of land which have been used by the lessee, whereupon the lessee shall—
 - (i) seek the advice suggested; and
 - (ii) act on advice so as to do all things necessary to regenerate and redevelop plant life in the areas affected;
- (f) after mining has ceased on the demised land the lessee shall ensure that all domestic or industrial refuse on the land is—
 - (i) buried;
 - (ii) removed; or
 - (iii) otherwise disposed of,
 within such time and in such manner as the Administrator may stipulate by notice in writing;
- (g) the lessee shall ensure that all plant, equipment and buildings on the demised land are removed within such time, after mining has ceased on the land, as the Administrator may stipulate by notice in writing;
- (h) if the lessee satisfies the Administrator that any plant, equipment or building on the demised land has historical or educational value, the Administrator—
 - (i) may exempt the lessee from compliance with paragraph (g) with respect to that plant, equipment or building; and
 - (ii) may require the lessee to restore that plant, equipment or building to a condition which is satisfactory to the Administrator; and
- (i) if the lessee fails to comply with the requirements of the Administrator under paragraphs (d) to (h) inclusive, within the time allowed, the Administrator may, without giving further notice to the lessee, cause the required action to be taken and the cost of taking that action shall be a debt due to the Commonwealth by the lessee recoverable in a court of competent jurisdiction.”.