

No. 114 of 1978

An Ordinance to amend the *Coal Ordinance*

[Assented to 9 November 1978]

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

1. This Ordinance may be cited as the *Coal Ordinance 1978*. Short title
2. The *Coal Ordinance* is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance
3. This Ordinance shall come into operation on the date on which the *Aboriginal Land Ordinance 1978* comes into operation.* Commencement
4. Section 3 of the Principal Ordinance is amended— Definitions
 - (a) by inserting before the definition of “Chief Warden” the following definition:

“ ‘Aboriginal land’ has the same meaning as in the *Aboriginal Land Rights (Northern Territory) Act 1976*,” and
 - (b) by inserting after the definition of “Chief Warden” the following definition:

“ ‘Land Council’ means an Aboriginal Land Council established under the *Aboriginal Land Rights (Northern Territory) Act 1976*,”.
5. (1) Section 5(3) of the Principal Ordinance is amended by omitting “form,” and substituting “form, subject to sub-section (5),”. Applications for licences to search for mineral oil and coal
- (2) Section 5 of the Principal Ordinance is amended by adding at the end thereof the following sub-sections:

“(5) The Minister shall not grant a licence in respect of Aboriginal land unless the Administrator has approved the grant and—

 - (a) the Land Council for the area in which the land is situated and the Minister for Aboriginal Affairs have consented in writing to the making of the grant; or
 - (b) the Governor-General has, by proclamation made pursuant to section 40 of the *Aboriginal Land Rights (Northern Territory) Act 1976*, declared that the national interest requires that the grant be made.

*The date fixed was 1 February 1979.

“(6) Where a person applies for a licence over Aboriginal land, he, or any person on his behalf, shall not enter into negotiations with a Land Council with respect to the application or the grant of a licence unless the applicant has received an offer in writing from the Minister of a licence over that land which offer is subject to subsequent compliance with Part IV of the *Aboriginal Land Rights (Northern Territory) Act 1976*.

“(7) If a person contravenes or fails to comply with sub-section (6), the Minister may, in his absolute discretion, refuse to grant a licence to that person, whether over the land the subject of the application referred to in sub-section (6) or otherwise.

“(8) Where the Minister has made an offer in writing to an applicant for a licence over an area of Aboriginal land which offer is subject to the subsequent compliance with Part IV of the *Aboriginal Land Rights (Northern Territory) Act 1976*, the Minister shall not make a further offer of a licence over that area of Aboriginal land to another person unless—

- (a) the original applicant has withdrawn his application;
- (b) the land is freed from the operation of the licence by surrender; or
- (c) the Minister is satisfied that negotiations between the applicant and the Land Council and the Minister for Aboriginal Affairs have taken place and the consent of the Land Council or that Minister, as the case may be, has been reasonably withheld.”.

Minister may
grant coal
leases

6. Section 19 of the Principal Ordinance is amended by omitting sub-sections (1) and (2) and substituting the following sub-sections:

“(1) Subject to this Ordinance, the Minister may grant a coal lease of any land for the purpose of mining coal.

“(2) Subject to this section, a person is not able to obtain a coal lease over Aboriginal land unless he is, or at the time of applying for the lease was, the holder of a licence over that land, and—

- (a) the Land Council for the area in which the land is situated and the Minister for Aboriginal Affairs have consented to the coal lease; or
- (b) the Governor-General has, by proclamation made pursuant to section 40 of the *Aboriginal Land Rights (Northern Territory) Act 1976*, declared that the national interest requires that the grant of a coal lease be made.

“(3) Where the Minister for Aboriginal Affairs and a Land Council, after considering proposals before it by an applicant for a licence in respect of Aboriginal land, being proposals for the exploration for coal on that land and the recovery of any coal found as a result of that exploration, have, for the purpose of section 5(5), consented to the grant of that licence, sub-section (2) does not apply to a later grant to the applicant or to his successor in title to the lease in respect of that land where that later grant is substantially in accordance with the proposals.”.