

MINERALS (ACQUISITION) ORDINANCE 1953-1954.*

1475

An Ordinance to provide for the Acquisition by the Crown of certain Minerals, and for other purposes.

1. This Ordinance may be cited as the *Minerals (Acquisition) Ordinance 1953-1954*.*

Short title.
Short title amended;
No. 17, 1938,
s. 4.

2. In this Ordinance, "minerals" includes all mineral substances, gold, silver, copper, tin and other metals, ores or other substances containing metals or minerals, and gems, precious stones, coal, shale, mineral oils and valuable earths and substances.

Definition.

3. All minerals existing in their natural condition, or in a deposit of waste material obtained from any underground or surface working, on or below the surface of any land in the Territory, not being minerals, which, immediately before the commencement of this Ordinance, were the property of the Crown or of the Commonwealth, are, by force of this Ordinance, acquired by, and vested absolutely in, the Crown in right of the Commonwealth.

Acquisition of certain minerals.

4.—(1.) Subject to this section, the Commonwealth is liable to pay to a person who had a right, title or interest in any minerals acquired by the last preceding section such compensation as is agreed on between the Commonwealth and that person or is determined by action by that person against the Commonwealth in the Supreme Court of the Territory.

Compensation for acquisition of minerals.

(2.) A person is not entitled to compensation under this section in respect of minerals of any nature on or below the surface of any land unless, on or before the thirty-first day of December, One thousand nine hundred and fifty-four, he lodges

Amended by No. 9, 1954, s. 3.

* The *Minerals (Acquisition) Ordinance 1953-1954* comprises the *Minerals (Acquisition) Ordinance 1953* as amended. Particulars of the Principal Ordinance and of the amending Ordinance are set out in the following table:—

Ordinance.	Number and Year.	Date of Notification of Governor-General's Assent in N. T. Government Gazette.	Date of Assent by Administrator.	Date of Commencement.
<i>Minerals (Acquisition) Ordinance 1953</i>	No. 5, 1953	22nd April, 1953	..	22nd April, 1953
<i>Minerals (Acquisition) Ordinance 1954</i>	No. 9, 1954	..	8th December, 1954	(See Note below)

Note.—Section 2 of the *Minerals (Acquisition) Ordinance 1954* reads as follows:—
"2. This Ordinance shall be deemed to have come into operation on the twenty-third day of April, One thousand nine hundred and fifty-three."

with the Administrator a claim in writing for compensation in respect of minerals of that nature on or below the surface of that land, specifying the land in relation to which the claim is made, the nature of the minerals in respect of which compensation is claimed, the nature of his right, title or interest in the minerals, the amount of compensation claimed, and his address in the Territory for service.

(3.) If, at any time after a person has lodged a claim under this section, the Administrator serves on that person a notice in writing that he is satisfied that no agreement, or no further agreement, can be reached in respect of the claim, an action by that person against the Commonwealth under this section for compensation in respect of any minerals of a nature specified in the claim, on or below the surface of the land referred to in the claim, shall not be instituted later than one month after service of that notice.

(4.) Where an action has been instituted under this section in the Supreme Court of the Territory, and, upon application by the Commonwealth for an order under this sub-section, the Court is not satisfied that the person claiming compensation is diligently prosecuting the action, the Court may dismiss the action for want of prosecution.

(5.) Where an action brought by a person in relation to minerals of any nature on or below the surface of any land is dismissed under the last preceding sub-section, no further action by that person under this section lies in relation to minerals of that nature on or below the surface of that land.

(6.) No appeal lies from the decision of the Supreme Court of the Territory in an action under this section.

(7.) A notice by the Administrator for the purposes of this section may be served on the claimant by post at his address in the Territory for service set out in the claim lodged with the Administrator.

5.—(1.) Where a claim for compensation has been lodged under the last preceding section in relation to minerals on or below the surface of any land, the Administrator may, for the purpose of ascertaining the existence, nature and extent of any such minerals, by writing under his hand, authorize a person to—

- (a) enter on the land;
- (b) make observations and tests, or carry on experimental mining operations; and
- (c) extract and remove samples of minerals.

(2.) A person shall not obstruct or hinder a person in the exercise of powers conferred by an authority under this section.

Penalty: Five hundred pounds.

(3.) The Commonwealth is liable to pay to a person who suffers loss or damage by reason of the exercise of powers under this section such compensation as is agreed on between the Commonwealth and that person or is determined by action by that person against the Commonwealth in a court of competent jurisdiction.
