

NATURAL RESOURCES AND MINES LEGISLATION AMENDMENT BILL 2002

AMENDMENT AGREED TO IN COMMITTEE

1 At page 10, after line 4—

insert—

‘PART 3A—AMENDMENT OF MINERAL RESOURCES ACT 1989

‘18A Act amended in pt 3A

‘This part amends the *Mineral Resources Act 1989*.

‘18B Amendment of s 416 (Rights independent of this Act preserved)

‘Section 416, ‘282 and 317’—

omit, insert—

‘282, 317 and 418B’.

‘18C Insertion of new ss 418A and 418B

‘Part 11—

insert—

‘418A Validation of granting of mining lease 1978

‘(1) This section applies to mining lease 1978.

‘(2) The mining lease is taken to be, and always to have been, validly granted under section 234.

‘(3) The land comprised in the mining lease is taken to exclude, and always to have excluded, the parts of Crinum Creek, within the boundaries of the mining lease, as shown on RP 805034 and RP 615398.

‘(4) The surface area comprised in the mining lease is taken to include, and always to have included, the surface area of the land (other than the land described as lot 6 on RP 806552) that, under subsection (3), is comprised in the mining lease.

‘(5) To remove any doubt, it is declared that nothing in this section affects an agreement, or determination by the tribunal, made under this Act before the commencement of this section about compensation payable by the holder of the mining lease for the surface area of any land being included in the mining lease.

**‘418B Provisions about compensation for owners of lots 65 and 66
on RP 909055**

‘(1) This section applies to—

- (a) lot 65 on RP 909055 (“**lot 65**”), part of the surface area of which, under section 418A, is taken to be, and always to have been, included in mining lease 1978; and
- (b) lot 66 on RP 909055 (“**lot 66**”) part of which is comprised in mining lease 1978.

‘(2) The holder of the mining lease must pay compensation to the owner of lot 65.

‘(3) The compensation amount and the terms on which it is payable must be—

- (a) the subject of an agreement between the holder and the owner; or
- (b) decided by the tribunal under section 281 as if it were compensation referred to in section 279.

‘(4) This Act¹ applies as if the agreement mentioned in subsection (3)(a) were an agreement mentioned in section 279(1)(a).

‘(5) No compensation is payable by the holder of the mining lease to the owner of lot 66.

‘(6) Subsection (5) applies despite section 416² and the *Property Law Act 1974*.’.

1 See, for example, sections 279(3) and (4) and 281.

2 Section 416 (Rights independent of this Act preserved)