ATOMIC ENERGY AMENDMENT BILL (No. 2) 1978

Date Introduced: 16 November 1978
House: House of Representatives
Presented by: Rt. Hon. J.D. Anthony, M.P.,
Minister for Trade and Resources

Purpose

To provide security of tenure, subject to appropriate controls, for the holders of a mining authority at Ranger.

Background

The Atomic Energy Act 1953 (Principal Act) enables the Australian Atomic Energy Commission to participate with Peko Mines Ltd. and the Electrolytic Zinc Company of Australasia Ltd. as joint venturers to develop uranium ore deposits in the Ranger Project Area. An authority to mine is to be issued under s.41 of the Principal Act. During the course of working out legally binding agreements to implement the Memorandum of Understanding of October 1975 relating to mining at Ranger, the Ranger Joint Venturers have indicated that s.41 of the Principal Act does not provide them with adequate security of tenure for mining on a commercial basis.

The Bill seeks to provide the Ranger Joint Venturers with security of tenure and to specify the circumstances under which leases may be terminated, revoked, varied, assigned, and renewed, similar to those which apply under normal State and Northern Territory mining laws. Further, the Bill takes account of requirements for mining in relation to the Aboriginal Land Rights (Northern Territory) Act 1976 and the recent agreement with the Northern Land Council (NLC) in respect of Ranger.

Main Provisions

Clause 4 inserts a new sub-section 2A into s.41 to specify that an authority to mine issued under s.41 remains in force for the period for which it was granted unless terminated earlier in accordance with its own provisions or revoked under new provisions of clauses 5 and 6 of the Bill.
Clause 5 inserts new s.41A and s.41B which specify conditions of tenure, and authorise the assignment of an interest in an authority, respectively.

Section 41A sets out the only conditions for the revocation or variation of a mining authority by the Minister. Sub-section (3) ensures that the Minister cannot revoke an authority unless conditions and restrictions relating to rehabilitation of a mining area have been observed. Sub-section (4) enables the Minister, subject to certain notification conditions given in sub-section (5), to prohibit or suspend mining. He may do this in the event of a breach of conditions or restrictions by an authority holder.

Section 41B authorises assignment of an interest in an authority subject to consent of the Minister.

Clause 6 inserts a new s.41C into the Act to provide for the renewal of an authority granted in relation to the Ranger Project Area. Only one renewal is provided for (sub-section 41C(1)), and the existing NLC Agreement must be extended or a new agreement entered into before a new authority becomes effective (sub-sections 41C(2) and (3)). The new authority is subject to such conditions and restrictions as will, to the Minister's satisfaction, ensure the rehabilitation of the area of operations, similar to the requirement of the earlier authority (sub-section 41C(4)).