

a result, the number of tonnes of saleable coal referred to in “t” is the same as that of the coal that is the subject of the claim referred to in “r”. It was noted however, that this result will not necessarily be the same in other cases. The figure “r” would then be the royalty actually paid by BHP to the claimant in respect of the run of mine coal.

The Court of Appeal set aside the orders of the Supreme Court, quashed the determination of the Tribunal and ordered the Tribunal to decide afresh the orders to be made on the claimant’s appeal in conformity with the Court’s decisions concerning the way in which “r” and “t” should be applied.

The Court also raised the question of its jurisdiction in this matter, referring to *Craig v. the State of South Australia* (1995) 184 CLR 163 and s 69 of the *Supreme Court Act*, which provides that the Supreme Court’s jurisdiction includes jurisdiction to quash a determination made on the basis of an error of law appearing on the face of the record of the proceedings. The face of the record includes the reasons expressed by a tribunal for its decision. As neither party wished to argue against the Court’s jurisdiction, the Court accepted the position as agreed by counsel and made the orders.

NORTHERN TERRITORY

MINING AMENDMENT ACT 1999*

The *Mining Amendment Bill* 1999 (commented on briefly at (1999) 18 AMPLJ 211) was passed with amendments by the Legislative Assembly and commenced 4 December 1999.

APPLICATION FOR MINERAL LEASE – NOTICE – ENVIRONMENTAL OBJECTION – GUIDELINES FOR HEARING BY WARDEN AND RECOMMENDATION*

Darwin Dolomite Pty Ltd v Top End Native Plant Society

(Warden's Court, Darwin, 11 June 1999)

The Warden considered an application for a mineral claim over part of a recreation reserve on the outskirts of the Darwin area. Under the *Mining Act* the Warden must consider an application and hear objections in open court and thereafter make a recommendation to the Minister as to whether the application should be granted.

Of interest are the comments made by the Warden as to the Warden's role, the matters to be taken into account and the procedural issues arising in the process.

In the course of the reasons for determination the Warden, Mr Bradley CM:

* Christopher Knott, Cridlands, Darwin.