

# **NORTHERN TERRITORY OF AUSTRALIA**

## **MINING MANAGEMENT REGULATIONS**

As in force at 1 October 2013

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 October 2013

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## MINING MANAGEMENT REGULATIONS

### Regulations under the *Mining Management Act*

#### Part 1 Preliminary matters

##### 1 Citation

These Regulations may be cited as the *Mining Management Regulations*.

##### 2 Commencement

These Regulations come into operation on the commencement of the *Mining Management Act 2001*.

##### 2A Definitions

In these Regulations:

***infringement notice***, see regulation 7.

***infringement notice offence***, see regulation 6(1).

***prescribed amount***, see regulation 6(2).

***reasonably believes*** means believes on reasonable grounds.

#### Part 2 Reports and release of information

##### 3 Operator may be required to report

- (1) The Chief Executive Officer may give the operator for a mining site a notice requiring the operator to give the Chief Executive Officer information relating to mining activities that are being carried out, or have been carried out, on the site.
- (2) The information must be given within the period specified in the notice and in the form approved by the Chief Executive Officer.

- (3) Without limiting subregulation (1), the information required may relate to any of the following:
- (a) compliance with environmental obligations, including:
    - (i) statistics about workers on the mining site; and
    - (ii) competencies of the workers on the site; and
    - (iii) the transfer, storage and use of hazardous materials on the site; and
    - (iv) standards of construction of infrastructure on the site;
  - (b) the occurrence of environmental incidents and serious environmental incidents during a period specified in the notice, including:
    - (i) the number of occurrences; and
    - (ii) a brief description of the incidents; and
    - (ii) the remedial actions taken following the incidents.
- (4) An operator given a notice under subregulation (1) must comply with the notice.
- Maximum penalty      20 penalty units.
- (5) An offence against subregulation (4) is an offence of strict liability.

## **5 Release of information**

The Minister may authorise or require a person to release information obtained in the administration of the Act if the Minister determines that:

- (a) the release of the information will assist in promoting the objects of the Act; or
- (b) it is necessary in the circumstances that the information be released.

## **Part 2A Levy and Fund**

### **5A Amount of levy payable**

- (1) As soon as practicable after the first day of each financial year, the Minister must give the operator for a mining site written notice of the amount of levy payable for that financial year.
- (2) The amount of levy payable for a financial year is calculated by reference to the amount of security provided by the operator that is held by (or for) the Agency on 1 July of that year.
- (3) Despite subregulations (1) and (2), if an Authorisation is granted to an operator of a mining site during a financial year:
  - (a) the amount of levy payable by the operator for that financial year is calculated on a pro rata basis by reference to the amount of security the operator must provide on the grant of the Authorisation; and
  - (b) the Minister must give the operator a written notice of the amount of levy payable.
- (4) In addition, if the Minister varies an Authorisation under section 101(2) of the Act, the amount of levy payable by the operator in relation to the current financial year is calculated by reference to the amount of security provided by the operator that is held by (or for) the Agency on the day on which this regulation commences.

### **5B Payment of levy by instalments**

- (1) The Minister may, on written application by the operator for a mining site, approve the payment of a levy in instalments during the financial year for which the levy is payable.
- (2) An approval under subregulation (1) must be in writing and specify:
  - (a) the date on or before which the operator must pay each instalment; and
  - (b) the amount of each instalment.
- (3) The Minister must ensure that the approval requires payment of the final instalment no later than 15 June.

**5C Information relating to Fund in annual report**

The annual report of the Agency mentioned in section 28 of the *Public Sector Employment and Management Act* must contain the following information relating to the Fund:

- (a) the specific purposes for which money has been paid out;
- (b) the activities carried out for those purposes.

**Part 3 Infringement notice offences****6 Infringement notice offence and prescribed amount payable**

- (1) An ***infringement notice offence*** is an offence against a provision specified in the Schedule.
- (2) The ***prescribed amount*** for an infringement notice offence is the amount equal to the monetary value of the number of penalty units specified for the offence in the Schedule.

**7 When infringement notice may be given**

If a mining officer reasonably believes a person has committed an infringement notice offence, the mining officer may give a notice (an ***infringement notice***) to the person.

**8 Contents of infringement notice**

- (1) The infringement notice must specify the following:
  - (a) the name and address of the person, if known;
  - (b) the date the infringement notice is given to the person;
  - (c) the date, time and place of the infringement notice offence;
  - (d) a description of the offence;
  - (e) the prescribed amount payable for the offence;
  - (f) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act*, to whom the prescribed amount is payable.

- (2) The infringement notice must include a statement to the effect of the following:
- (a) the person may expiate the infringement notice offence and avoid any further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after the notice is given;
  - (b) the person may elect under section 21 of the *Fines and Penalties (Recovery) Act* to have the matter dealt with by a court instead of under that Act by completing a statement of election and giving it to the specified enforcement agency;
  - (c) if the person does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act*, including (but not limited to) action for the following:
    - (i) suspending the person's licence to drive;
    - (ii) seizing personal property of the person;
    - (iii) deducting an amount from the person's wages or salary;
    - (iv) registering a statutory charge on land owned by the person;
    - (v) making a community work order for the person and imprisonment of the person if the person breaches the order.
- (3) Also, the infringement notice must include an appropriate form for making the statement of election mentioned in subregulation (2)(b).

## **9 Payment by cheque**

If the person tenders a cheque in payment of the prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on first presentation.

## **10 Withdrawal of infringement notice**

- (1) The Chief Executive Officer may withdraw the infringement notice by written notice given to the person.
- (2) The notice must be given:
- (a) within 28 days after the infringement notice is given to the person; and

- (b) before payment of the prescribed amount.

## **11                      Application of Part**

- (1) This Part does not prejudice or affect the start or continuation of proceedings for an infringement notice offence for which an infringement notice has been given unless the offence is expiated.
- (2) Also, this Part does not:
  - (a) require an infringement notice to be given; or
  - (b) affect the liability of a person to be prosecuted in a court for an offence for which an infringement notice has not been given; or
  - (c) prevent more than one infringement notice for the same offence being given to a person.
- (3) If more than one infringement notice for the same offence has been given to a person, the person may expiate the offence by paying the prescribed amount in accordance with any of the notices.

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**Schedule      Infringement notice offences and prescribed amounts**

regulation 6

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<b>Provision</b>	<b>Penalty units</b>
section 10(4) of Act	4
section 10(5) of Act	4
section 29(1) of Act	10
section 29(2) of Act	5
section 31(3) of Act	10
section 33(1) of Act	10
section 42(1) of Act	4
section 45(2) of Act	4
section 60(3) of Act	4
section 62(2) of Act	10
regulation 3(4)	4

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## ENDNOTES

### 1 KEY

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

### 2 LIST OF LEGISLATION

#### ***Mining Management Regulations (SL No. 50, 2001)***

Notified	12 December 2001
Commenced	1 January 2002 (r 2, s 2 <i>Mining Management Act 2001</i> (Act No. 43, 2001) and <i>Gaz</i> G46, 21 November 2001, p 2)

#### ***Penalties Amendment (Children and Families, Health and Primary Industry, Fisheries and Resources) Act 2011 (Act No. 28, 2011)***

Assent date	31 August 2011
Commenced	21 September 2011 ( <i>Gaz</i> G38, 21 September 2011, p 4)

#### ***Mining Management Amendment Regulations 2012 (SL No. 21, 2012)***

Notified	30 May 2012
Commenced	30 May 2012

#### ***Mining Management Amendment Regulations 2013 (SL No. 35, 2013)***

Notified	1 October 2013
Commenced	1 October 2013 (r 2, s 2 <i>Mining Management Amendment Act 2013</i> (Act No. 22) and <i>Gazette</i> G39, 25 September 2013, p 4)

### 3 LIST OF AMENDMENTS

pt 1 hdg	ins No. 21, 2012, s 3
r 2A	ins No. 21, 2012, s 4
pt 2 hdg	ins No. 21, 2012, s 4
r 3	amd Act No. 28, 2011, s 5; No. 21, 2012, s 5 sub No. 35, 2013, r 4
r 4	amd Act No. 28, 2011, s 5 rep No. 21, 2012, s 6
pt 2A hdg	ins No. 35, 2013, r 5
rr 5A – 5C	ins No. 35, 2013, r 5
pt 3 hdg	ins No. 21, 2012, s 7
rr 6 – 11	ins No. 21, 2012, s 7

## ENDNOTES

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sch                    ins No. 21, 2012, s 7  
                          amd No. 35, 2013, s 6