

NORTHERN TERRITORY OF AUSTRALIA

MINING MANAGEMENT REGULATIONS

As in force at 30 May 2012

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NORTHERN TERRITORY OF AUSTRALIA

This reprint shows the Regulations as in force at 30 May 2012. Any amendments that commence after that date are not included.

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 to provide monthly reports

- (1) Not later than 14 days after the end of each month, the operator for a mining site must provide to the Chief Executive Officer a report relating to the mining site in accordance with subregulation (2).

Maximum Penalty: 20 penalty units.

- (2) A monthly report is to be in a form approved by the Chief Executive Officer and is to contain the following information in respect of the preceding month:
 - (a) the total number of persons (including contractors and subcontractors) employed or working on the mining site and the total number of hours worked by those persons;
 - (b) all serious environmental incidents that have occurred on the mining site;
- (3) An offence against subregulation (1) 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 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.

Schedule Infringement notice offences and prescribed amounts

regulation 6

Provision	Penalty units
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(1)	4

ENDNOTES

1**KEY**

Key to abbreviations

amd = amended
 app = appendix
 bl = by-law
 ch = Chapter
 cl = clause
 div = Division
 exp = expires/expired
 f = forms
 Gaz = Gazette
 hdg = heading
 ins = inserted
 lt = long title
 nc = not commenced

od = order
 om = omitted
 pt = Part
 r = regulation/rule
 rem = remainder
 renum = renumbered
 rep = repealed
 s = section
 sch = Schedule
 sdiv = Subdivision
 SL = Subordinate Legislation
 sub = substituted

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 Gaz 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 (Gaz G38, 21 September 2011, p 4)

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

Notified	30 May 2012
Commenced	30 May 2012

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
r 4	amd Act No. 28, 2011, s 5
	rep No. 21, 2012, s 6
pt 3 hdg	ins No. 21, 2012, s 7
rr 6 – 11	ins No. 21, 2012, s 7
sch	ins No. 21, 2012, s 7