

NORTHERN TERRITORY OF AUSTRALIA

MINING MANAGEMENT AMENDMENT REGULATIONS 2012

Subordinate Legislation No. 21 of 2012

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Subordinate Legislation No. 21 of 2012

Mining Management Amendment Regulations 2012

I, Sally Gordon Thomas, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Mining Management Act*.

Dated 22 May 2012

S. G. THOMAS
Administrator

By Her Honour's Command

P. R. HENDERSON
Chief Minister
acting for
Minister for Primary Industry, Fisheries and Resources

1 Citation

These Regulations may be cited as the *Mining Management Amendment Regulations 2012*.

2 Regulations amended

These Regulations amend the *Mining Management Regulations*.

3 Part 1 heading inserted

Before regulation 1

insert

Part 1 Preliminary matters

4 Regulation 2A inserted

After regulation 2

insert

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

5 Regulation 3 amended

(1) Regulation 3(1), penalty provision

omit, insert

Maximum Penalty: 20 penalty units.

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- (2) Regulation 3(2)
omit
determined
insert
approved
- (3) Regulation 3(2)(b)
omit
accidents
insert
environmental incidents
- (4) Regulation 3(2)(c) and (d)
omit
- (5) Regulation 3(3)
omit
a regulatory offence
insert
an offence of strict liability

6 Regulation 4 repealed

Regulation 4

repeal

7 Part 3 inserted

After regulation 5

insert

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;

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- (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.

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- (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
