

NORTHERN TERRITORY OF AUSTRALIA

MINING MANAGEMENT AMENDMENT REGULATIONS 2013

Subordinate Legislation No. 35 of 2013

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 35 of 2013*

Mining Management Amendment Regulations 2013

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 24 September 2013

Administrator

By Her Honour's Command

Minister for Health
acting for
Minister for Mines and Energy

* Notified in the *Northern Territory Government Gazette* on 1 October 2013.

1 Citation

These Regulations may be cited as the *Mining Management Amendment Regulations 2013*.

2 Commencement

These Regulations commence on the commencement of the *Mining Management Amendment Act 2013*.

3 Regulations amended

These Regulations amend the *Mining Management Regulations*.

4 Regulation 3 replaced

Regulation 3

repeal, insert

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

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- (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 Part 2A inserted

After regulation 5 in Part 2

insert

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.

6 Schedule amended

Schedule

omit

regulation 3(1)

insert

regulation 3(4)