

NORTHERN TERRITORY OF AUSTRALIA

LEGACY MINES REMEDIATION REGULATIONS 2024

Subordinate Legislation No. 10 of 2024

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Schedule Infringement notice offences and prescribed amounts



NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 10 of 2024

Legacy Mines Remediation Regulations 2024

I, Hugh Crosby Heggie, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Legacy Mines Remediation Act 2023*.

M. J. MONAGHAN
Minister for Mining

H. C. HEGGIE
Administrator

Date of making: 11 June 2024

Part 1 Preliminary matters

1 Title

These Regulations may be cited as the *Legacy Mines Remediation Regulations 2024*.

2 Commencement

These Regulations commence on the commencement of the *Legacy Mines Remediation Act 2023*.

3 Definitions

In these Regulations:

infringement notice, for Part 5, see regulation 12.

infringement notice offence, for Part 5, see regulation 11(1).

mineral title, see section 11(1) of the *Mineral Titles Act 2010*.

prescribed amount, for Part 5, see regulation 11(2).

registered owner, see section 4 of the *Land Title Act 2000*.

title holder, see section 8 of the *Mineral Titles Act 2010*.

Part 2 Mining remediation levy

4 Amount of levy payable

- (1) The amount of levy payable for a financial year is calculated by reference to the amount of mining security provided by the mining operator that is held under the *Environment Protection Act 2019* on 1 July of that year.
- (2) As soon as practicable after the first day of each financial year, the Minister must give the mining operator for a mining site written notice of the amount of levy payable for that financial year.
- (3) If an environmental (mining) licence is granted to a mining operator of a mining site during a financial year:
 - (a) the amount of levy payable by the mining operator for that financial year is calculated on a pro rata basis by reference to the amount of security the mining operator must provide on the grant of the environmental (mining) licence; and

- (b) the Minister must give the mining operator a written notice of the amount of levy payable.

5 Payment of levy by instalments

- (1) The Minister may, on written application by the mining 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 of that financial year.

Part 3 Reserved legacy mine sites

6 Criteria for declaring reserved legacy mine site

For section 14(1)(a) of the Act, the criteria are all of the following:

- (a) there is environmental harm, or an unacceptable risk of environmental harm, on or related to a proposed reserved legacy mine site;
- (b) one or more remediation activities are needed to remediate the environmental harm or reduce the risk of environmental harm;
- (c) the time and cost involved in carrying out the remediation activities on the proposed reserved legacy mine site warrants the reservation.

7 Procedure before declaring reserved legacy mine site

- (1) For section 14(1)(b) of the Act, before the Minister declares a legacy mine site to be a reserved legacy mine site, the Minister must:
 - (a) publish a notice of the proposal to declare a reserved legacy mine site on the Agency's website for 28 days; and
 - (b) give a copy of the notice to each of the following:
 - (i) the registered owner of the land on which the proposed reserved legacy mine site is located;

- (ii) the title holder of a mineral title that is on the land on which the proposed reserved legacy mine site is located.
- (2) A notice under subregulation (1) must include the following:
 - (a) a description of the land on which the proposed reserved legacy mine site is located, including the spatial coordinates of the site;
 - (b) the name of the proposed reserved legacy mine site, if any;
 - (c) the reason for the proposed reservation;
 - (d) the proposed remediation activities to be carried out on the proposed reserved legacy mine site;
 - (e) an invitation for persons to make submissions in relation to the proposed declaration of the reserved legacy mine site within the period specified in the notice (which must be at least 28 days after the publication or giving of the notice);
 - (f) a statement that the form of a submission under subregulation (e) may be in writing or by audio or video recording;
 - (g) the address where submissions may be given to the Minister.
- (3) The Minister must consider any submissions received within the period mentioned in subregulation (2)(e) before declaring the reserved legacy mine site.

8 Declaration of reserved legacy mine site

- (1) For section 14(2)(a) of the Act, the declaration of a reserved legacy mine site must include the following:
 - (a) a description of the land on which the reserved legacy mine site is located, including the spatial coordinates of the site;
 - (b) the name of the reserved legacy mine site, if any;
 - (c) the reason for the reservation;
 - (d) the proposed remediation activities to be carried out on the reserved legacy mine site;
 - (e) the date on which the reservation takes effect.

- (2) The Minister must give a copy of the declaration to:
- (a) the registered owner of the land on which the reserved legacy mine site is located; and
 - (b) the title holder of a mineral title that is on the land on which the reserved legacy mine site is located.

9 Register of reserved legacy mine sites

For section 15(1) and (3) of the Act, an entry in the register of reserved legacy mine sites must include the following information in relation to each reserved legacy mine site:

- (a) a description of the land on which the reserved legacy mine site is located, including the spatial coordinates of the site;
- (b) the name of the reserved legacy mine site, if any;
- (c) the reason for the reservation;
- (d) the date on which the reservation took effect.

Part 4 Authorisations to carry out remediation activities

10 Notices

For section 16(5) of the Act, a notice must include the following:

- (a) the name and contact details of the authorised person;
- (b) the name and contact details of the individual who will be in charge of carrying out the authorised remediation activities;
- (c) the nature of the authorised remediation activities to be carried out on the land or premises;
- (d) the intended start date, and an estimate of the duration, of the authorised remediation activities;
- (e) a map of the land on which the authorised remediation activities are to be carried out, clearly indicating its location and boundaries;
- (f) details of the proposed place of entry on to the land.

Part 5 Infringement notice offences

11 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.

12 When infringement notice may be given

If a legacy mines remediation officer believes on reasonable grounds that a person has committed an infringement notice offence, the officer may give an ***infringement notice*** to the person.

13 Contents of infringement notice

- (1) The infringement notice must specify the following:
 - (a) the name and address of the person to whom it is issued, if known;
 - (b) the date the infringement notice is given to the person;
 - (c) the date and time of the infringement notice offence and the place at which the infringement notice offence occurred;
 - (d) a description of the offence;
 - (e) the prescribed amount payable for the offence;
 - (f) the enforcement agency to which 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 to have the offence dealt with by a court by:
 - (i) completing a statement of election and giving it to the specified enforcement agency; and
 - (ii) not paying the prescribed amount;

- (c) if the *Fines and Penalties (Recovery) Act 2001* applies to the infringement notice offence – enforcement action may be taken under that Act if the person does nothing in response to the notice.
- (3) The infringement notice must include an appropriate form for making the statement of election mentioned in subregulation (2)(b)(i).

14 Electronic payment and payment by cheque

- (1) If the person uses electronic means to pay the prescribed amount, payment is not effected until the amount is credited to the payee's bank account.
- (2) If the person tenders a cheque in payment of the prescribed amount, payment is not effected unless the cheque is cleared on first presentation.

15 Expiation of offence

If the prescribed amount for the infringement notice offence is paid in accordance with the infringement notice, the alleged offence is expiated and no further proceedings can be taken in relation to the offence.

16 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.

17 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) 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
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regulation 11

Provision of Act	Prescribed amount in penalty units
section 24(5)	2
section 26(4)	10
section 28(2)	5