

TASMANIA

**MINERAL RESOURCES DEVELOPMENT
AMENDMENT BILL 2006**

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MINERAL RESOURCES DEVELOPMENT AMENDMENT BILL 2006

*(Brought in by the Minister for Economic Development and
Resources, the Honourable Paul Anthony Lennon)*

A BILL FOR

An Act to amend the *Mineral Resources Development Act 1995*

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Mineral Resources Development Amendment Act 2006*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

In this Act, the *Mineral Resources Development Act 1995** is referred to as the Principal Act.

*No. 116 of 1995

Mineral Resources Development Amendment Act 2006
Act No. of

s. 4

4. Section 5 amended (Application of Act)

Section 5 of the Principal Act is amended as follows:

(a) by omitting subsection (2) and substituting the following subsection:

(2) Subject to subsection (3), this Act does not apply to the surface, or within 15 metres below the surface, of any land which is set apart or dedicated for any public purpose, other than as –

(a) a public reserve within the meaning of the *Crown Lands Act 1976*; or

(b) a State forest which is not a forest reserve under the *Forestry Act 1920*.

(b) by omitting paragraph (a) from subsection (3);

(c) by inserting in subsection (9) “and a public reserve within the meaning of the *Crown Lands Act 1976*” after “*Nature Conservation Act 2002*”.

5. Section 129 amended (Claims)

Section 129(1) of the Principal Act is amended by inserting “other than an appeal under this Act” after “section 128”.

6. Section 131 amended (Hearings and proceedings)

Section 131 of the Principal Act is amended by inserting after subsection (1) the following subsection:

- (1A) The Mining Tribunal is to hear and determine proceedings relating to an appeal under this Act –
- (a) by taking into account only the evidence and documents the Minister relied on when he or she made the decision under the Act to which the proceedings relate; or
 - (b) by way of a new hearing if both parties to the appeal agree.