

TASMANIA

**MINERAL RESOURCES DEVELOPMENT
AMENDMENT BILL 2017**

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MINERAL RESOURCES DEVELOPMENT AMENDMENT BILL 2017

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
19 September 2017

*(Brought in by the Minister for Resources, the Honourable
Guy Barnett)*

A BILL FOR

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

Be it enacted by Her 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:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Mineral Resources Development Amendment Act 2017*.

2. Commencement

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

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**PART 2 – MINERAL RESOURCES DEVELOPMENT
ACT 1995 AMENDED**

3. Principal Act

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

4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by omitting the definition of *annual report guidelines*;
- (b) by omitting “section 199” from paragraph (c) of the definition of *atomic substance* and substituting “section 200”;
- (c) by inserting the following definitions after the definition of *field development plan*:

forest road has the same meaning as in the *Forest Management Act 2013*;

forestry right has the same meaning as in the *Forestry Rights Registration Act 1990*;
- (d) by omitting “Division 1” from the definition of *register* and substituting “Division 5”;

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- (e) by inserting the following definition after the definition of *retention licence*:

reporting guidelines means guidelines issued under section 204A for the preparation of mineral tenement reports and returns by licensees or lessees;

- (f) by inserting “or licence” after “program” in paragraph (b) of the definition of *security deposit*.

5. Section 5 amended (Application of Act)

Section 5 of the Principal Act is amended as follows:

- (a) by inserting the following subsection after subsection (4):

(4A) A person must not explore, undertake mining on, or remove minerals from, any area of land in contravention of an order under subsection (4).

- (b) by inserting in subsection (6)(a) “or on future potential production forest land within the meaning of the *Forestry (Rebuilding the Forest Industry) Act 2014*” after “in a State forest”;
- (c) by omitting from subsection (6)(a) “any roads in the State forest” and substituting

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“a forest road for providing access to a State forest”;

- (d) by inserting in subsection (6)(b) “carried out by the Crown” after “minerals”.

6. Section 8 substituted

Section 8 of the Principal Act is repealed and the following section is substituted:

8. Director, Registrar and inspectors

- (1) The Minister may appoint a State Service officer or State Service employee to be the Director of Mines.
- (2) The Director may appoint –
 - (a) a person to be the Registrar of Mines; and
 - (b) persons to be inspectors.
- (3) A person who holds the position of Director, Registrar or an inspector, may hold that position in conjunction with State Service employment.
- (4) The Director may authorise a person employed in the Department to perform the functions and exercise the powers of the Registrar.
- (5) A person who, immediately before the commencement of the *Mineral Resources Development Amendment Act*

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2017, held the position of Director, Registrar or an inspector continues to hold that position on the same terms and conditions.

7. Section 15 amended (Objection to exploration licence)

Section 15(1) of the Principal Act is amended by inserting “, or who is the holder of a mineral tenement in respect of such land,” after “(b)”.

8. Section 17A amended (When application for licence may be granted or refused)

Section 17A(1) of the Principal Act is amended by inserting after paragraph (d) the following paragraph:

- (da) has provided a copy of the applicant’s current public liability insurance policy; and

9. Section 28 amended (Annual report)

Section 28(2) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “annual report” and substituting “reporting”;
- (b) by omitting from paragraph (e) “annual report” and substituting “reporting”.

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10. Section 28AA inserted

After section 28 of the Principal Act, the following section is inserted in Division 2:

28AA. Final report

- (1) Within 3 months after the expiration, surrender or revocation of a licence, the licensee must submit to the Director a report (a *final report*) in relation to the period of the licence.
- (2) The final report is to –
 - (a) be in accordance with the reporting guidelines; and
 - (b) contain any other matter relating to the licence that is specified in the reporting guidelines, or by the Director by notice in writing to the licensee, as being required to be contained in the report.

11. Section 28A amended (Returns)

Section 28A of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “, if requested by the Director by notice in writing,” after “licensee”;
- (b) by inserting in subsection (3)(d) “, in the reporting guidelines” after “form”;

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- (c) by omitting from subsection (3)(d) “lessee” and substituting “licensee”.

12. Section 34 amended (Revocation of exploration licence)

Section 34(7)(a) of the Principal Act is amended by omitting “publication of a notice under subsection (5)” and substituting “the licensee is notified under subsection (3) or a notice is published under subsection (5), whichever is earlier”.

13. Section 40 amended (Objection to special exploration licence)

Section 40(1) of the Principal Act is amended by inserting “, or who is the holder of a mineral tenement in respect of such land,” after “section 39”.

14. Section 41A amended (When Minister may grant application)

Section 41A(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (b) “granted.” and substituting “granted; and”;
- (b) by inserting the following paragraph after paragraph (b):

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- (c) has provided a copy of the applicant's current public liability insurance policy.

15. Section 43B amended (Annual report)

Section 43B(3) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “annual report” and substituting “reporting”;
- (b) by omitting from paragraph (e) “annual report” and substituting “reporting”.

16. Section 43BA inserted

After section 43B of the Principal Act, the following section is inserted in Division 2:

43BA. Final report

- (1) Within 3 months after the expiration, surrender or revocation of a licence, the licensee must submit to the Director a report (a *final report*) in relation to the period of the licence.
- (2) The final report is to –
 - (a) be in accordance with the reporting guidelines; and
 - (b) contain any other matter relating to the licence that is specified in the reporting guidelines, or by the

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Director by notice in writing to the licensee, as being required to be contained in the report.

17. Section 43C amended (Returns)

Section 43C of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “, if requested by the Director by notice in writing,” after “licensee”;
- (b) by inserting in subsection (3)(d) “, in the reporting guidelines” after “form”.

18. Section 46 amended (Revocation of special exploration licence)

Section 46(7)(a) of the Principal Act is amended by omitting “publication of a notice under subsection (5)” and substituting “the licensee is notified under subsection (3) or a notice is published under subsection (5), whichever is earlier”.

19. Section 51 amended (Objection to retention licence)

Section 51(1) of the Principal Act is amended by inserting “, or who is the holder of a mineral tenement in respect of such land,” after “(b)”.

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20. Section 53 amended (Granting application for retention licence)

Section 53(2) of the Principal Act is amended by inserting after paragraph (c) the following paragraph:

- (ca) the applicant has provided a copy of the applicant's current public liability insurance policy; and

21. Section 60A amended (Annual report)

Section 60A(3) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) "annual report" and substituting "reporting";
- (b) by omitting from paragraph (e) "annual report" and substituting "reporting".

22. Section 60AAB inserted

After section 60A of the Principal Act, the following section is inserted in Division 2:

60AAB. Final report

- (1) Within 3 months after the expiration, surrender or revocation of a licence, the licensee must submit to the Director a report (a *final report*) in relation to the period of the licence.
- (2) The final report is to –

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-
- (a) be in accordance with the reporting guidelines; and
 - (b) contain any other matter relating to the licence that is specified in the reporting guidelines, or by the Director by notice in writing to the licensee, as being required to be contained in the report.

23. Section 60AB amended (Returns)

Section 60AB of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “, if requested by the Director by notice in writing,” after “licensee”;
- (b) by inserting in subsection (3)(d) “, in the reporting guidelines” after “form”.

24. Section 66 amended (Revocation of retention licence)

Section 66(7)(a) of the Principal Act is amended by omitting “publication of a notice under subsection (5)” and substituting “the licensee is notified under subsection (3) or a notice is published under subsection (5), whichever is earlier”.

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25. Section 67E amended (Objection to production licence)

Section 67E(1) of the Principal Act is amended by inserting “, or who is the holder of a mineral tenement in respect of such land,” after “section 67D(2)(b)”.

26. Section 67I amended (When Minister may grant application)

Section 67I(1) of the Principal Act is amended by inserting after paragraph (d) the following paragraph:

- (da) has provided a copy of the applicant’s current public liability insurance policy; and

27. Section 67R amended (Annual report)

Section 67R(3)(f) of the Principal Act is amended by omitting “annual report” and substituting “reporting”.

28. Section 67RA inserted

After section 67R of the Principal Act, the following section is inserted in Division 2:

67RA. Final report

- (1) Within 3 months after the expiration, surrender or revocation of a licence, the licensee must submit to the Director a

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report (a *final report*) in relation to the period of the licence.

(2) The final report is to –

- (a) be in accordance with the reporting guidelines; and
- (b) contain any other matter relating to the licence that is specified in the reporting guidelines, or by the Director by notice in writing to the licensee, as being required to be contained in the report.

29. Section 67S amended (Returns)

Section 67S(3)(c) of the Principal Act is amended by inserting “, in the reporting guidelines” after “form”.

30. Section 68 amended (Notice to apply for mining lease)

Section 68(4) of the Principal Act is amended by omitting “section 75(3)” and substituting “section 78A”.

31. Section 76 amended (Objections to mining lease)

Section 76(1) of the Principal Act is amended by inserting “, or who is the holder of a mineral tenement in respect of that area,” after “sought”.

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Part 2 – Mineral Resources Development Act 1995 Amended

32. Section 78A amended (When Minister may grant application)

Section 78A(1) of the Principal Act is amended by omitting paragraph (f) and substituting the following paragraph:

- (f) has provided a copy of the applicant's current public liability insurance policy; and

33. Section 80 amended (Conditions of mining lease)

Section 80 of the Principal Act is amended by inserting after subsection (3) the following subsection:

- (3A) The Minister may vary the mineral category or categories to which the lease relates by rescinding, adding, substituting or amending a category or categories.

34. Section 84 amended (Authority of mining lease)

Section 84(1)(c) of the Principal Act is amended by omitting “with the owner or occupier of that land” and substituting “in respect of that land or the Mining Tribunal has made a determination under section 150”.

35. Section 87 amended (Returns)

Section 87 of the Principal Act is amended as follows:

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- (a) by omitting from subsection (1) “licensee” and substituting “lessee”;
- (b) by inserting in subsection (3)(c) “, in the reporting guidelines” after “form”.

36. Section 87A amended (Annual report)

Section 87A(4)(e) of the Principal Act is amended by omitting “annual report” and substituting “reporting”.

37. Section 87B inserted

After section 87A of the Principal Act, the following section is inserted in Division 2:

87B. Final report

- (1) The Director, by notice served on a lessee, may require the lessee to submit to the Director, within 3 months after the expiration, surrender or revocation of a lease, a report (a *final report*) in relation to the period of the lease.
- (2) The final report is to –
 - (a) be in accordance with the reporting guidelines; and
 - (b) contain any other matter relating to the lease that is specified in the reporting guidelines, or by the Director by notice in writing to

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Part 2 – Mineral Resources Development Act 1995 Amended

the lessee, as being required to be
contained in the report.

38. Section 102A amended (Royalty rebate)

Section 102A(2) of the Principal Act is amended by inserting “or in accordance with a prescribed method” after “rate”.

39. Section 113 amended (Term of prospecting licence and group prospecting licence)

Section 113 of the Principal Act is amended by omitting “one year” and substituting “5 years”.

40. Section 144 amended (Compensation for compensable loss)

Section 144(1) of the Principal Act is amended by inserting “or a holder of a forestry right” after “land”.

41. Section 145 amended (Compensation agreement for compensable loss)

Section 145 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “A licensee or lessee” and substituting “The holder of a mineral tenement or an applicant for a mineral tenement”;
- (b) by inserting in subsection (1) “or a holder of a forestry right” after “land”;

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(c) by inserting the following subsection after subsection (2):

(3) A compensation agreement under subsection (1) entered into by the holder of a mineral tenement or an applicant for a mineral tenement, and an owner or occupier of land, and in force under that subsection, is binding on a subsequent owner or occupier of the land.

42. Section 147 amended (Compensation for damage to improvements)

Section 147(2) of the Principal Act is amended by inserting “or a holder of a forestry right” after “Crown licensee”.

43. Section 148 amended (Compensation agreement for damage to improvement)

Section 148(1) of the Principal Act is amended by inserting “or a holder of a forestry right” after “Crown licensee”.

44. Section 150 amended (Determination of compensation)

Section 150(1) of the Principal Act is amended by inserting “a holder of a forestry right,” after “licensee,”.

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Part 2 – Mineral Resources Development Act 1995 Amended

45. Section 196A inserted

After section 196 of the Principal Act, the following section is inserted in Division 6:

196A. Variation of security deposit

The Minister may, at any time and on more than one occasion, increase or decrease the size of a security deposit required under this Act by such amount as the Minister considers appropriate having regard to the purpose of the security deposit and such of the matters referred to in section 196 as are relevant.

46. Section 197 amended (Refund of security deposit)

Section 197 of the Principal Act is amended by inserting after subsection (1) the following subsection:

(1A) The Minister may refund all or part of any security deposit if the Minister considers it appropriate.

47. Section 198 amended (Forfeiture of security deposit)

Section 198 of the Principal Act is amended by inserting after paragraph (a) the following paragraph:

(ab) if the licensee or lessee fails to provide an annual report or final report within the required period; or

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48. Section 204A amended (Reporting guidelines)

Section 204A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “annual reports” and substituting “mineral tenement reports and returns”;
- (b) by omitting from subsection (2)(a) “annual reports” and substituting “mineral tenement reports and returns”;
- (c) by omitting from subsection (2)(b) “annual reports” and substituting “mineral tenement reports and returns”.

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Part 3 – Forest Management Act 2013 Amended

PART 3 – FOREST MANAGEMENT ACT 2013
AMENDED

49. Principal Act

In this Part, the *Forest Management Act 2013** is referred to as the Principal Act.

50. Schedule 3 amended (Certain forest reserves declared to be reserved land under *Nature Conservation Act 2002*)

Clause 6 of Schedule 3 to the Principal Act is amended as follows:

(a) by omitting

Alma Tier Forest Reserve	5096	287	CA	Alma Tier Conservation Area	No
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from the table and substituting the following item:

Alma Tier Forest Reserve	5096	287	CA	Alma Tier Conservation Area	
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(b) by omitting

Dismal Swamp Forest Reserve	5095	310	RR	Dismal Swamp Regional Reserve	No
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from the table and substituting the
following item:

Dismal Swamp Forest Reserve	5095	310	RR	Dismal Swamp Regional Reserve
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(c) by omitting

Lake Pieman Forest Reserve	5094	1,008	RR	Lake Pieman Regional Reserve	No
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from the table and substituting the
following item:

Lake Pieman Forest Reserve	5094	1,008	RR	Lake Pieman Regional Reserve
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Part 4 – Repeal of Act

PART 4 – REPEAL OF ACT

51. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.