



MINING AMENDMENT ACT 1989

No. 21 of 1989

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SCHEDULE 1

AMENDMENTS OF PRINCIPAL ACT IN RELATION TO PENALTIES

AN ACT to amend the Mining Act 1929.

[Royal Assent 18 April 1989]

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—This Act may be cited as the *Mining Amendment Act* Short title.
1989.

Commencement. 2—This Act shall commence on the day on which it receives the Royal assent.

Principal Act. 3—In this Act, the *Mining Act 1929** is referred to as the Principal Act.

Amendment of section 6 of Principal Act (Power to apply provisions to reserves, &c., or to exempt lands from Act). 4—Section 6 of the Principal Act is amended by adding the following subsection after subsection (2):—

(3) A proclamation under subsection (1) (a), whether made before or after the commencement of the *Mining Amendment Act 1989*, applying this Act to any Crown land (being a public reserve that has been dedicated as a State forest pursuant to section 14 of the *Forestry Act 1920*) shall have, and shall be deemed always to have had, the effect of continuing in force as if uninterrupted the application of this Act as it applied in respect of all or any of that Crown land on the date on which that Crown land was so dedicated as a State forest.

Amendment of section 74 of Principal Act (Determination of compensation).

5—(1) Section 74 (1) of the Principal Act is amended by omitting “Such compensation as aforesaid shall be in respect of the estimated damage which may be caused to the land comprised in the lease or licence to be granted” and substituting “Compensation paid or secured in respect of a lease or licence (other than an exploration licence or a retention licence) shall be based on the amount of damage caused, or an estimate of the amount of damage which may be caused, to the land, buildings, or property comprised in the lease or licence”.

(2) Section 74 (2) of the Principal Act is amended by inserting “, lessee, or licensee” after “applicant”.

Amendments of Principal Act in relation to penalties.

6—The Principal Act is amended as set out in Schedule 1.

* 20 Geo. V No. 71. For this Act, as amended to 1968, see Appendix B to the Annual Volume of Statutes for 1970. Subsequently amended by No. 47 of 1970, Nos. 35 and 75 of 1973, No. 28 of 1976, No. 18 of 1978, No. 23 of 1979, No. 3 of 1981, Nos. 9, 10, 85, and 99 of 1982, No. 29 of 1984, No. 23 of 1986, and No. 56 of 1988.

SCHEDULE 1

Section 6

AMENDMENTS OF PRINCIPAL ACT IN RELATION TO PENALTIES

1. Section 6A (2)—

Omit “One hundred dollars and a daily penalty of ten dollars” and substitute “Fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

2. Section 79 (3)—

Omit “penalty not exceeding ten dollars” and substitute “fine not exceeding 5 penalty units”.

3. Section 102 (2)—

Omit “ten dollars or a sentence of imprisonment not exceeding seven days” and substitute “5 penalty units or imprisonment for a term not exceeding 14 days”.

4. Section 102 (3)—

Omit “seven” and substitute “14”.

5. Section 103 (3)—

Omit “penalty not exceeding one hundred dollars, and a further daily penalty not exceeding ten dollars,” and substitute “fine not exceeding 50 penalty units, and a further fine not exceeding 5 penalty units for each day during which the person continues to disobey the order,”.

6. Section 118 (1)—

Omit “Two hundred dollars” and substitute “Fine not exceeding 100 penalty units”.

7. Section 118 (2)—

Omit “One hundred dollars, and a further daily penalty of two dollars” and substitute “Fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 10 penalty units for each day during which the offence continues”.

8. Section 118 (3)—

Omit “One hundred dollars” and substitute “Fine not exceeding 50 penalty units”.

9. Section 118 (4)—

Omit “Forty dollars” and substitute “Fine not exceeding 20 penalty units”.

10. Section 118 (5)—

Omit “Forty dollars” and substitute “Fine not exceeding 20 penalty units”.

11. Section 118 (6)—

Omit “Ten dollars” and substitute “Fine not exceeding 10 penalty units”.

12. Section 132 (2) (*m*)—

Omit “penalty, not exceeding forty dollars,” and substitute “fine not exceeding 20 penalty units”.